

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

January 22, 2019

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

Following a motion by Commissioner Mitrecic, 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), (7), and (8) 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 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 Kristin Heiser, State's Attorney. Topics discussed and actions taken included: hiring Matthew Swistak, Joseph Sinclair, Jr., and Norman Edwards as Correctional Officer Trainees and extending the temporary promotion of George Schoepf from Corporal to Sergeant within the County Jail; posting to fill vacancies for a Maintenance Worker I for the Water & Wastewater Division and a Vehicle & Equipment Mechanic III for the Roads Division of Public Works, and a Welcome Center Greeter for Tourism; reviewing personnel matters in the State's Attorney's office; discussing pending litigation; receiving legal advice from counsel; and performing administrative functions, including: discussing recent inspections at the County Jail; employee medical leave update; receiving FY19 monthly financial update; discussing potential board appointments; and commissioning a formal opinion from the Sewer Committee on a request for sewer service from the Mystic Harbour Sanitary Service Area (SSA).

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 10:01 a.m.

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 minutes of their January 8, 2019 open session as presented and closed session as amended, and their January 15, 2019 work session as amended.

The Commissioners received objections and other public comments on the proposed disposal of a surplus 1985 Ford/Peirce fire engine, previously donated to the County by the

Ocean Pines Volunteer Fire Department (OPVFD) and no longer in use by the County, by returning it to the OPVFD. There being no objections, upon a motion by Commissioner Bertino, the Commissioners unanimously declared the vehicle to be surplus property and agreed to return it to the OPVFD.

Pursuant to the written request of Sheriff Matt Crisafulli and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to execute online the acceptance of the FY19 State Highway Safety Office Traffic Safety Grant of \$1,999.50, which is to be used for traffic enforcement initiatives during FY19.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the State Homeland Security Program 2018 Sub-Recipient Grant Agreement administered by the Maryland Emergency Management Agency (MEMA) for the Department of Homeland Security awarding Worcester County Emergency Services a total of \$74,651.35 to provide two-year matching funds toward the Emergency Services Director's salary from October 1, 2017 through September 30, 2019.

Pursuant to the recommendation of Budget Officer Kathy White in response to the written request of Social Services Director Roberta Baldwin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved reallocating \$3,000 of a \$15,000 FY19 County grant to Social Services to help fund the Senior Assistance Program. Mary Beth Quillen, Assistant Director of Administration within Social Services, advised that these additional funds will help cover the needs of 50 additional seniors this fiscal year.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Elder, the Commissioners unanimously approved a one-year subscription to TransUnion Risk and Alternative Data Solutions, Inc. to assist with property research for 2019 at a total contract cost of \$900. Mr. Thompson explained that the County does not have an adequate system in place to research and locate previous owners whose properties were sold in prior tax sales, and the TransUnion subscription will be a valuable tool the County can utilize in-house to locate these individuals. He concluded that funding is available within the FY19 budget for this expense. In response to a question by Commissioner Nordstrom, Mr. Thompson advised that TransUnion will help the County identify owners or previous owners of properties along with their mailing addresses to notify them of any number of potential issues, including outstanding tax bills, properties going to tax sale, and nuisance properties. He stated that the County has worked with TransUnion on a number of recent cases with great success, noting that the subscription cost will pay for itself many times over.

The Commissioners met with Warden Donna Bounds to discuss the Correct Care Solutions FY20 Medical Services Contract at the Jail, which includes nursing staff adjustments, at a total cost of \$1,346,974.70. These adjustments include transitioning a Registered Nurse to Director of Nursing to provide additional administrative support and medical care coverage; provide an evening Registered Nurse for 24 hours a week; and increase the hours of one Administrative Assistant by an additional four hours per week. Warden Bounds advised that the total increase for FY19 would be approximately \$963.33 per month for the Nursing Director to

bring the total monthly compensation to \$103,043.38. She stated that the additional medical staff is needed, as the Jail sees an average of 72 inmates per day. In response to a question by Commissioner Nordstrom, Warden Bounds stated that the State recently implemented additional requirements for providing chronic care clinics, and all inmates must be evaluated by medical staff upon intake and release from the Jail. She stated that in 2018, this department answered 26,332 service calls, and all inmates who place a sick call must be seen within 24 hours, with nurses seeing 20-25 inmates per shift. In response to a question by Commissioner Mitrecic, Warden Bounds advised that the Jail averaged 325 inmates per day in 2018, and 25% of those individuals receive medical services per day. In response to a question by Commissioner Elder, Warden Bounds advised that under the current Immigration and Customs Enforcement (ICE) contract, the Jail may detain up to 200 ICE detainees per day if space is available, and during the past weekend the Jail housed 182 ICE detainees, 12 of whom were deported today. She stated that the ICE detainees housed at the Jail are considered to be high-level detainees. In response to a question by Commissioner Church, Warden Bounds confirmed that the County received \$87.11 per day per ICE detainee. In response to an additional question by Commissioner Mitrecic, Warden Bounds confirmed that the County has not issued a request for proposals (RFP) for these medical services, for which the contract began in 2011.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the revised contract for medical services as presented, once the formal contract has been revised and approved by the County Attorney.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Purnell to sign the revised Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Bradley Byron Hauck (Seller) and the County Commissioners of Worcester County, Maryland (Buyer), with FY17 Coastal Bays RLA funds to cover the cost of an easement on approximately 78.43 acres of land located at 3102 Snow Hill Road and identified on Tax Map 79 as Parcel 70. This property, which serves as a buffer to the Spring Hill Branch Creek, is to be purchased at a cost of \$2,046.41 per acre for a total cost of \$160,500. Mr. Mitchell stated that this agreement was previously approved by the Commissioners on November 21, 2017 for 70.396 acres in the deed; however, a subsequent boundary survey revealed that the actual total was 78.43. Mr. Mitchell stated that, since the actual acreage total was a difference of more than 10%, a second round of appraisals was required for the new area. He further advised that the property has a potential of five subdivision rights; however, the RLA limits development to one accessory dwelling. In response to a question by Commissioner Bunting regarding whether the inclusion of the unconnected eight-acre section added to the RLA meets the program goals, Natural Resources Planner V Katherine Munson stated that a State Highway Administration (SHA) right-of-way divided the property, and it is consistent with Maryland Department of Natural Resources (DNR) policy to include this separate section. In response to a question by Commissioner Nordstrom, Mr. Mitchell confirmed that there is no cost to the County for the RLA easement.

The Commissioners met with Development Review and Permitting Director Ed Tudor and Fire Marshal Jeff McMahan to review and discuss the requirement of State law to provide automatic fire sprinkler systems in all new dwellings in Maryland in response to the

Commissioners' desire to allow for an opt-out of these requirements for new homes. Mr. Tudor stated that, pursuant to Subsection 12-505(a) of the Public Safety Article of the Annotated Code of Maryland, each local jurisdiction is required to adopt the most current version of the International Building Codes (Code) no later than 12 months after the codes are adopted by the State. Mr. Tudor cautioned that State law further provides that local jurisdictions may not adopt local amendments that weaken the energy conservation and efficiency provisions, the automatic fire sprinkler system requirements, or the wind design and wind-borne debris provisions of the Code. He advised that the 2009 edition of the Code required that automatic fire sprinkler systems be installed in all dwellings built after January 1, 2011. When the State adopted the 2012 edition of the Code, local jurisdictions were allowed to opt out of the sprinkler requirement for stick built and manufactured homes, but the opt-out provision was subsequently eliminated by State law with the adoption of the 2015 edition of the Code. Mr. Tudor stated that Allegany County, which he understands is operating under the 2009 edition of the Code, appears to be in violation of the State law for not enforcing the sprinkler requirement and for not adopting the 2015 edition of the Code. He advised that County staff currently enforce the sprinkler requirement, and the County will be in direct violation of State law if they cease to do so. Furthermore, such action could affect the County's Insurance Services Office (ISO) rating, which provides information to the insurance industry regarding fire and building codes, which is used by insurers to set homeowner insurance rates. He confirmed that single-family dwelling permits have steadily increased each year since the sprinkler requirement became effective, and it is staff's opinion that residential fire sprinklers are an important part of fire safety, along with smoke and carbon monoxide detectors, as more homes are being constructed with lightweight manufactured wood products that have much different burn characteristics than solid wood materials, and fires tend to spread much faster in today's popular open floor plans, while furnishings made of plastics and composite materials burn faster and generate more smoke and toxic fumes. He stated that not only does an un-sprinkled home place firefighters at greater risk when they enter to rescue inhabitants, suppress fire, or save family pets or belongings, it also places a greater burden on public services. Therefore, it is the joint staff opinion that Worcester County should not ignore the requirements of the State law and regulations relative to this issue. In the event that the Commissioners feel that this requirement is worthy of modification, he suggested the Commissioners urge the Eastern Shore Delegation to introduce State legislation to address their concerns.

In response to a question by Commissioner Bunting, Mr. Tudor confirmed that the County received a flurry of building permit applications prior to the sprinkler requirement going into effect locally. Mr. McMahon stated that members of local fire companies were split on whether or not to support an opt-out clause for fire sprinkler requirements when this issue was last discussed several years ago. Commissioner Elder stated that it is extreme to require fire sprinklers to be installed in all new construction in rural areas where the additional costs make it cost-prohibitive for many to buy a new home. In response to a question by Commissioner Mitrecic, Mr. Tudor confirmed that the County does not require the installation of fire sprinklers for minor home renovations.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously instructed staff to prepare a revised permit application for their review on February 19, 2019, which would allow an opt-out clause to the fire sprinkler requirements for new single-family homes and which would require signatures by the owner and

builder requesting to opt out of these requirements. In addition, the purchaser of the single-family home would also be required to sign and acknowledge the opt-out clause, which would then be recorded with the deed when transferred. Upon the Commissioners' review and approval of the revised permit application, the Commissioners plan to then forward the revised application to the State, advising them of the proposed effective date of this new permit application and requesting their comments prior to the effective date.

In response to a question by Commissioner Church, County Attorney Maureen Howarth stated that, regardless of whether the Commissioners adopt a revised permit application, the law is still the law. In response to a question by Mr. Tudor, the Commissioners confirmed that the installation of fire sprinkler systems would still be mandatory for two-family dwellings.

Mr. Mitchell met with the Commissioners to recommend providing FY19 Maryland Agricultural Land Preservation Foundation (MALPF) matching funds that are equal to 9% of the Agricultural Land Transfer Tax (ALTT) collected annually by the County. Mr. Mitchell advised that Worcester County's certification entitles the County to retain 75% instead of 33% of the ALTT. Mr. Mitchell stated that the minimum County match is \$14,385.14, and the County could choose to supplement that figure with an additional match using encumbered Agricultural Preservation Funds, which would then entitle the County to receive more than a 50% return on this investment, with matching funds from the State that would perhaps allow the County to purchase one to two additional easements in this funding cycle. Therefore, he recommended the Commissioners agree to provide the minimum contribution and also provide a supplemental contribution in the amount of \$50,000 in encumbered Agricultural Preservation Funds to be applied toward this program.

In response to questions by Commissioner Nordstrom, Mr. Mitchell stated that the County has identified priority preservation areas within the Comprehensive Plan, but due to State funding constraints, has fallen behind on the goal to protect an additional 800 acres identified in Priority Preservation Areas (PPAs) each year, and this additional money would likely allow the County to protect one additional property per year.

In response to a question by Commissioner Bunting, Mr. Mitchell stated that the \$50,000 would be drawn from \$360,000 in encumbered agricultural preservation funds set aside for the purpose of protecting agricultural lands, in cooperation with the Statewide program. Commissioner Elder opposed the use of taxpayer dollars to fund easements that are not available for public use and that offer incentives only to those he deemed as already being land rich. In response to a question by Commissioner Elder, Ms. Munson stated that less than 30% of lands within the County are protected, noting that roughly 8,000 acres have been protected in perpetuity under this program and 12,000 under the RLA program.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve a County match of \$64,385.14.

The Commissioners met in legislative session to conduct public hearings on bills providing bond authorization to finance public projects. Also in attendance were Finance Officer Phil Thompson and Bond Counsel Bob Doory of Miles and Stockbridge, and his associates, Luisella McBride and Fabian Walters, Jr. Mr. Thompson gave an overview of the bills, and Mr. Doory reviewed the bond process.

The Commissioners conducted a public hearing on Bill 18-8 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 within four years from the date this bill becomes effective, in an amount not exceeding \$38 million to provide financing for a portion of the cost of construction and equipping a new Showell Elementary School (SES).

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Bill 18-8 as presented.

The Commissioners conducted a public hearing on Bill 18-9 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 within four years from the date this bill becomes effective, in an amount not exceeding \$1.4 million to provide financing for installation of a new turf athletic field and track at Stephen Decatur High School (SDHS).

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Bertino voting in opposition, to adopt Bill 18-9 as presented.

The Commissioners conducted a public hearing on Bill 18-10 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 within four years from the date this bill becomes effective, in an amount not exceeding \$3,328,000 to provide financing for the completion of Central Landfill Site Cell No. 5 construction.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Bill 18-10 as presented.

Commissioner Purnell closed the legislative session.

The Commissioners met with Mr. Thompson and Mr. Tudor to discuss staff's findings regarding steps that could be taken to initiate a Countywide room tax and rental license program and to discuss the success of similar programs already in effect in Talbot County and Ocean City.

Mr. Tudor stated that Talbot County has a very specific code section dealing solely with short-term rentals (STRs), which utilizes software developed by Bear Cloud Software at a cost of \$1,250 per month for a total annual cost of \$15,000, to identify STRs and assist the County in licensing, enforcement, tax collection, and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash, and excess numbers of renters. Mr. Tudor stated that Talbot County began using the software in August, 2018, and rental license applications can only be filed during the months of July, August, January, and

February, according to their law, so they have not had sufficient time to evaluate the efficacy of the software.

Mr. Thompson stated that the County collects room tax on behalf of the Town of Ocean City, which in spring 2018 mailed approximately 30,000 letters to remind property owners about the town's property rental license program and to encourage compliance. He advised that the letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue.

Mr. Tudor stated that the County does not have a rental license requirement, but rather a requirement in the Taxation and Revenue Article known as a Tourism Permit, which is required for any structure rented or capable of being rented to four or more persons for less than six months. A separate section of the County Code requires the payment of a Hotel Rental Tax (Room Tax) on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Mr. Tudor explained that under the current County Code, the number of combinations of lengths of stay and number of persons can quickly become very confusing, and he cited specific instances in which renting to three people would violate the Zoning Ordinance if the homes were located in the A-1, A-2, E-1, V-1, R-1, R-2, and R-3 Zoning Districts. He noted that, due to the way the County's various codes are written today, it may be counterproductive to hire a software consultant or even send letters to all of the County property owners to increase enforcement or raise awareness of the Tourist Permit and Room Tax requirements until staff can remove all the inconsistencies in the various Codes. He stated that the first step would be to begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of rooms or borders to perhaps as many as four or more persons. Then, the Tourist Permit should be repealed and replaced with a comprehensive rental license requirement, which simply put would require anyone renting a property, regardless of the term, to have a rental license. Mr. Tudor stated that the Room Tax provisions concerning the length of stay could remain as is or be revised to a different length of stay at the Commissioners' discretion. However, there needs to be very clear guidance pertaining to the licensing component, specifically whether the Commissioners wish to address nuisance issues and public safety as part of the rental license; basic safety inspections of rental properties for such things as smoke detectors and required means of egress; an established minimum square footage requirement for sleeping rooms (as Ocean City requires) to avoid overcrowding in these rental units; and increased parking beyond the current Zoning Ordinance standard of two parking spaces per single-family dwelling when the house is used for short-term rentals. He stated that perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign, thus saving the County the cost of the software firm initially. He stated that additional staff will be necessary to implement any changes to the existing law, and the number and classification of the staff will be dependent upon the components of the licensing program.

Commissioner Mitrecic made a motion to direct staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals.

Commissioner Bunting stated that any doubts he had initially about instituting this Countywide program were removed after he saw on the internet where one individual owns eight to nine houses in a single subdivision and rents those properties weekly throughout the summer

months. Commissioner Bertino stated that homeowners should have the right to rent their properties, without government using it as a new means of reaching into their pockets. In response to a question by Commissioner Church, Mr. Tudor stated that the proposed program would require extensive revisions to the County Code, but with guidance from the Commissioners, staff could develop a framework for their consideration by spring 2019.

Commissioner Church stated that he has received calls from concerned constituents regarding rental properties limited to eight occupants that have housed upwards of 25 people, and a defined rental license program would help assure some much-needed accountability. Therefore he is very much in favor of the proposed program. Commissioner Nordstrom concurred, and he pointed out that private rentals, which currently pay no taxes or licensing fees, compete with area hotels that are paying taxes and licensing fees. In response to a question by Commissioner Elder, Mr. Tudor advised that the County could develop a room tax and rental licensing program that takes into account the different rates that could be assessed between short-term and long-term rentals.

Following some discussion and upon a vote on the motion by Commissioner Mitrecic, the Commissioners voted 5-1-1, with Commissioner Bertino voting in opposition and Commissioner Elder abstaining due to a conflict of interests, for staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals for their consideration in April 2019.

Emergency Services Director Billy Birch, Assistant Director James Hamilton, and Federal Engineering (FE) Senior Consultant Adam Nelson provided the Commissioners with a P25 radio system update and acceptance recommendation. Mr. Birch advised that Emergency Services continues to work with Harris Corporation on completion, acceptance, and next steps for the P25 radio system, noting that the County is in agreement with the findings of the County's consultant, FE, on the system and are working toward implementation of their recommendations. He reviewed an amendment to the Harris purchase agreement, which removes the decommissioning of the Enhanced Digital Access Communication System (EDACS), as well as labor for the installation of software updates to select mobile radios in exchange for credit of \$36,000, for an updated total agreement price of \$5,304,175.16. He stated that, upon execution of this amendment and completion of the punch list items, the initial contract will be fulfilled and final payment issued.

Mr. Nelson reviewed a PowerPoint presentation outlining FE's assessment of the radio system performance issues. Mr. Nelson explained that many of the issues, which were identified before the County hired FE to assist, have been resolved by Harris. However, remaining recommended actions for optimization of the P25 radio system include the following: installing an omnidirectional antenna at Central Site Lane to address poor coverage in the Newark area; establishing a comprehensive problem reporting system amongst radio users; having Harris modify the illegal carrier threshold to address interference issues; continuing to monitor interference issues; and preparing for possible re-banding if interference persists.

Commissioner Bertino stated that he could not approve the proposed amendment or accept the system until Harris officials were in attendance to answer the Commissioners' questions. The Commissioners concurred. Commissioner Bertino further questioned whether Harris has truly fulfilled the requirements of their agreement when buildings, such as the fire

house and the Developmental Center in Newark, are experiencing radio interference issues. Mr. Hamilton explained that there may be dense metal buildings in the County such as these that will only be able to receive radio coverage by installing signal extenders. Mr. Nelson explained that radio contracts are set up with coverage tolerances. Mr. Shannahan stated that the County's contract with Harris established a 95% coverage tolerance, which appears to have been met. Mr. Hamilton further explained that the County's contract with Harris called out certain critical public buildings for testing, which did not include the Developmental Center building. In response to a question by Commissioner Elder, Mr. Nelson stated that there have been no interference issues reported in the Whaleyville area in at least five months. Following much discussion, the Commissioners thanked Mr. Nelson for his report and agreed to meet with Harris officials at a future meeting to discuss the proposed sixth amendment to the contract and system acceptance. Mr. Nelson agreed to attend the meeting with Harris at the Commissioners' request. The Commissioners recessed for five minutes.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Wetland Enhancement Project at the Ilia Fehrer Nature Preserve (the former Adkins property on Ayres Creek) as presented. Work on the project will be constructed by the Maryland Department of Natural Resources (DNR) and managed by the Maryland Coastal Bays Program (MCBP).

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 19-4, adopting revisions to the 2017 County Land Preservation Parks and Recreation Plan. Revisions were completed to satisfy DNR Program Open Space (POS) minimum requirements for the current amount of recreational facilities available in the County to ensure the County will continue to qualify for POS funds with a reimbursement rate of 90% State and 10% County for the development of future recreation projects. Mr. Mitchell reviewed the changes, which include additional fields used at the public schools and private schools and other related plan changes. Mr. Mitchell advised that the Planning Commission unanimously recommended adopting the revised draft.

The Commissioners met with Mr. Mitchell to schedule a public hearing on a Sanitary Service Area (SSA) expansion application submitted by Attorney Hugh Cropper, IV, on behalf of Burbage/Melson, Inc (applicant), Silver Fox, LLC (property owner), and Sina Companies, LLC (contract purchaser), to expand the Ocean Pines Sanitary Service Area (SSA) to serve approximately 98,964 square feet of medical office space for an Atlantic General Hospital (AGH) outpatient center to be located on the east side of MD Rt. 589 (Racetrack Road), south of the southern entrance to Ocean Pines and more specifically identified on Tax Map 21 as Parcel 66, Lots A and B. Mr. Mitchell stated that the proposed outpatient medical center is expected to utilize 34 equivalent dwelling units (EDUs) of water and sewer capacity from the Ocean Pines Wastewater Treatment Plant (WWTP), and the Planning Commission found the planning amendment to be consistent with the Comprehensive Plan, and the amendment was approved by the Commissioners pending the approval of the SSA expansion.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on February 19, 2019 to receive public comment on the proposed expansion of the Ocean Pines SSA for the AGH outpatient center.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Paul Carlotta of Assateague Island Farm, LLC for allocation of six equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve an existing roadside stand and a proposed restaurant associated with a proposed farm brewery on a 17-acre parcel located on the east side of Stephen Decatur Highway (MD Rt. 611) south of the Ocean City Airport and more specifically identified on Tax Map 33 as Parcel 29. Mr. Shannahan advised that the property is currently zoned A-2 Agricultural District and is designated S-3 (designated for sewer services within 6-10 years) in the County Water and Sewerage Plan, though this does not guarantee any service or obligate the provision of services in that time frame. He stated that if the EDU allocation request is approved, the existing septic system would be required to be abandoned and properly filled, and while the applicant would like to keep the recently-installed well for agricultural use and for the brewing process, he would be required to connect to the public system for potable water supply for domestic service to the roadside stand and restaurant. Mr. Shannahan advised that, to prevent introduction of high-strength processing wastewater to the Mystic Harbour sewer system from the brewery operation, only domestic-strength wastewater from the roadside stand and restaurant should be permitted to be discharged from this property. He explained that brewery waste has been reported to be 30 to 50 times the strength of domestic waste with respect to Biochemical Oxygen Demand (BOD) and could jeopardize operations if introduced to the Mystic Harbour Wastewater Treatment Plant (WWTP). He further stated that the proposed use of agricultural and brewery wastewater on the farm will require State approval. Mr. Shannahan advised that 52 remaining EDUs are available in Area 2 (south of the airport) as follows: 20 EDUs - Commercial Infill (new development); 2 EDUs - Vacant or Multi-Lot Properties (to replace septic); 6 EDUs - Assateague Greens Executive Golf Course (to replace septic); 5 EDUs - Church (to replace septic); and 19 EDUs - Single Family Dwellings (to replace septic). He advised that the Sewer Committee recommended that any approval be contingent upon the following 11 conditions: subdivision of the property within six months; approval from the State for exemption to land apply food processing wastewater; adequate storage of wastewater when land application is not permitted; composting to meet State requirements; installation of a grease trap for the restaurant; separate plumbing for the roadside stand/restaurant and for the brewery/farm operation; approved nutrient management plan for the farm; installation of sampling station to test raw sewage from the restaurant sewer lateral; engineering report to confirm proposed improvements; amendment to the Water and Sewer Plan from S-3 to S-1 (reflecting service within 2 years); and a deadline of December 31, 2019 to meet the above conditions.

In response to a question by Commissioner Bunting, County Attorney Maureen Howarth explained the reason for requiring the property to be subdivided is that under the current County Code the County does not permit private and public services on the same property, and an individual is required to connect to public water and sewer if it is available; however, in this instance the County would allow the owner to continue using his private well if the brewery and farm operation were subdivided from the roadside stand and restaurant to be served by public water and sewer. Mr. Shannahan stated that a subdivision plat is required for this project to be sure there is a clear separation of waste from the brewery, which will be served by septic, and the

roadside stand and restaurant, which will receive public services from the Mystic Harbour SSA. In response to follow-up questions by Commissioner Bunting, Environmental Programs Director Bob Mitchell advised that the Maryland Department of the Environment (MDE) will require the applicant to provide a wastewater sample to complete a Nutrient Management Plan and obtain an exemption. Public Works Deputy Director John Ross advised that requiring an engineering report is the most effective way to assure that the proposed systems will work and that the brewery waste is disposed of apart from the restaurant and roadside stand, as it will best identify how many gallons of waste will be generated by the brewery and where that waste can be sprayed on the farm property.

In response to an additional question by Commissioner Bunting, Mr. Mitchell stated that the applicant probably will not be able to meet the December 31, 2019 deadline, given that the equipment needed to complete the project will not be available until summer 2019, and for that reason staff would support extending the deadline to December 31, 2020.

After much discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously approved Option 1, as outlined by the Sewer Committee, to allocate 6 EDUs of sewer service from Area 2 (South) of the Mystic Harbour SSA to serve the Assateague Island Farm, LLC property, with EDU's allocated from the Commercial Infill category, and subject to the 11 above conditions of approval and modifying the deadline to meet all of the above conditions from December 31, 2019 to December 31, 2020.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the Deed of Assignment of Sewer Service by the County Commissioners in their capacity as the governing body of the Ocean Pines SSA, which formally assigns 27 EDUs from the Ocean Pines SSA to Ocean Enterprise 589 LLC (Ocean Downs), as outlined in a Memorandum of Understanding (MOU) approved by the Commissioners on September 17, 2013, which authorizes the purchase of 27 EDUs per year for 10 years by Ocean Downs from the Ocean Pines SSA. The Commissioners further agreed to amend the Deed of Assignment to reflect the date of the agreement and to revise the cost to add future capital improvement fees.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino the Commissioners unanimously agreed to extend the County's two-year contract with Atlantic Pumping of Bishopville, Maryland for an additional year through January 31, 2020 for the rental and service of portable restrooms for Part A - Boat Landings, Solid Waster Homeowner's Convenience Centers, and the County Firing Range for the Maintenance Division of Public Works at a total cost of \$4,032.00 and for Part B - passive and active recreational parks for Recreation and Parks at a total cost of \$16,692.00 for a grand total annual cost of \$20,724.00.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to exercise the option to extend the County's contract with Delmarva Custom Spraying, Inc. of Bivalve, Maryland for an additional three years for providing pest control services at 42 County facilities at a cost of \$18 per month, per facility for a total annual cost of \$9,072 through March 31, 2022.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the

Commissioners unanimously accepted the offer from Mr. Meticulous Cleaning Services, Inc. of Salisbury, Maryland to extend the current contract for custodial services for County office buildings at the current prices on a month-to-month basis, while the County rebids these services.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously tabled item no. 17 pending the completion of changes requested by County Attorney Maureen Howarth to the proposed Project Partnership Agreement (PPA) between the U.S. Army Corps of Engineers (COE) and the Maryland Department of Natural Resources (DNR), and Worcester County, Maryland for Ocean City Harbor and Inlet Navigation Improvements at the Ocean City Inlet.

Pursuant to the request of Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the following three documents to secure State matching funds for the Ocean City Harbor and Inlet Navigation Improvements at the Ocean City Inlet: Maryland Department of Natural Resources (DNR) Chesapeake and Coastal Services (CCS) Center for Waterway Improvement & Infrastructure Application for FY19 Waterway Improvement Fund Grant for State contribution towards the 50/50 match for these improvements; DNR Waterway Improvement Fund Grant Agreement, awarding grant funds of \$300,000 for FY19; and DNR Center for Waterway Improvement and Infrastructure request for reimbursement.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously increased the privately-owned vehicle mileage reimbursement rate for County employees from \$0.505 to \$0.58 per mile traveled on County business effective February 1, 2019 to reflect the recent State of Maryland and Internal Revenue Service (IRS) standard mileage rate increases.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Matt Gordon to the Local Development Council (LDC) for the Ocean Downs Casino for a four-year term expiring December 31, 2022.

Upon nominations by Commissioner Church, the Commissioners unanimously agreed to appoint Elizabeth Rodier to the Commission for Women for a three-year term expiring December 31, 2021, to replace Michelle Bankert whose term expired; and to reappoint Roberta Baldwin, as the local Social Services member, and Melissa Banks, as the public health nurse, to the Adult Public Guardianship Board for additional three-year terms each expiring December 31, 2021.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Tom Babcock and appoint George Solyak, to replace Betty McDermott whose term expired, to the Agricultural Reconciliation Board for four-year terms each expiring December 31, 2022.

Upon a nomination by the Worcester County Farm Bureau and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to appoint Dean Ennis to the Agricultural Reconciliation Board for a four-year term expiring December 31, 2022.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Dr. Kenneth Widra, as the psychiatrist member, to the Adult Public Guardianship

Board for a three-year term expiring December 31, 2021 to fill the vacant position created by the resignation of Dr. Dia Arpon.

In follow-up to a prior request from the Commissioners to recognize long-term volunteers serving on County boards, pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to recognize these volunteers at their meeting on April 2, 2019, and at that time to issue a proclamation declaring April 7-13 as Volunteer Appreciation Week in Worcester County. Commendations are to be issued to each County board member who has served at least 10 years, or six years in the case of the Commission for Women since their members are term limited (in accordance with their bylaws) and may only serve a maximum of two consecutive 3-year terms. Each year thereafter on their first meeting in April to coincide with Volunteer Appreciation Week, the Commissioners will continue to recognize long-term volunteer board members each year on their 10-year, 15-year, 20-year and 25-year anniversaries.

Ms. Howarth met with the Commissioners to discuss officially designating representatives from among them who have completed training in accordance with the requirements of the Open Meetings Act. Ms. Howarth advised that public bodies that conduct closed meetings must designate staff and Commission members for training. Upon recommendations by Ms. Howarth and upon a motion by Commissioner Elder, the Commissioners unanimously designated Ms. Howarth and Mr. Shannahan as the County employee designees and Commission President Diana Purnell and Vice President Joe Mitrecic as the Commissioner designees, as these individuals have all completed the Open Meetings Act training.

Ms. Howarth advised that Calvert Crossland and Verizon officials contacted her to request an opportunity to perform a publicly-advertised balloon test at the Ocean Pines Wastewater Treatment Plant (WWTP) to display the height of a proposed tower at that site and to host one or more community meetings in Ocean Pines to discuss proposed cell phone coverage. On December 4, 2018 the Commissioners voted not to sign the Land Lease Agreement between the County Commissioners (Lessor) and Calvert Crossland, LLC (Lessee) for a tower at the Ocean Pines WWTP and not to look at this site for the location of a tower. Ms. Howarth advised that Verizon officials noted that the proposed balloon test will allow the community to observe the simulation of any visual impact and allow Calvert and Verizon to create photo simulations of the tower.

Commissioner Bunting stated that the Commissioners, acting on behalf of residents who have clearly stated they oppose erecting a tower at this location, voted not to permit this site to be used now or in the future for a tower. Therefore, he could not support the requested balloon test. He further noted that Verizon does not need approval from the Commissioners to host a public meeting in Ocean Pines, and if they do he will attend the meeting as a taxpayer. He stated that there appear to be other suitable tower sites in the vicinity. Commissioner Bertino concurred. In response to a question by Commissioner Bertino, Mr. Shannahan confirmed that the communications tower at the Mystic Harbour WWTP sits on County-owned property.

Commissioner Nordstrom stated that he saw no harm in conducting a balloon test, as it does not obligate the Commissioners to allow the tower.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Nordstrom voting in opposition, to deny the request from Verizon and Calvert Crosslands to conduct a balloon test at the Ocean Pines WWTP.

Upon a motion by Commissioner Church, the Commissioners unanimously agreed to allocate funds to cover the cost of one meal at the Coast Guard Station in Ocean City for 37 federal employees at that station, who are currently being furloughed, at a cost of \$20 per staff member for a total cost of \$740.

The Commissioners answered questions from the press, after which they adjourned to meet again on February 5, 2019.