

Minutes of the County Commissioners of Worcester County, Maryland

February 19, 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

The Commissioners attended a ribbon cutting at 9:00 a.m. at the Board of Education (BOE) in Newark, Maryland for the new display honoring the history of this site as the location of the former Worcester High School, which served African American students until 1970 when all Worcester County schools were integrated.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, with Commissioner Bunting momentarily absent, the Commissioners unanimously voted to meet in closed session at 9:41 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 Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: receiving an update on applications for Economic Development Director; reviewing personnel matters in the Sheriff's Office and State's Attorney's Office; receiving legal advice from counsel; and performing administrative functions, including: employee medical leave update; reviewing potential board appointments; finalizing itinerary for Bond Rating Agency visit February 24-26, 2019; receiving the draft Worcester County Strategic Planning Work Session - Project Report.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 10:09 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 open and closed session minutes of their February 5, 2019 meeting as presented.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved two out-of-state

travel requests as follows. Kelly Rados, Special Events & Marketing Coordinator for Recreation and Parks, will attend the National Association of Sports Commission (NASC) Symposium from May 6-9, 2019 in Knoxville, Tennessee at a cost of \$1,275 for registration, flights, lodging and meals. Mr. Perlozzo will attend the S.P.O.R.T.S. Relationship Conference from September 9-12, 2019 in Panama City Beach, Florida at a cost of \$2,890 for registration, flights, lodging and meals. Mr. Perlozzo stated that the two conferences are valuable tools in gaining exposure for Worcester County and booking tournaments. In addition, both Ocean City and Wicomico County officials will be in attendance at both conferences representing Team Maryland and the Mid-Atlantic Amateur Sports Alliance (MAASA). Mr. Perlozzo advised that attendance at the NASC last year resulted in Recreation and Parks attracting three national events to the County, including a fast-pitch softball tournament and the Spartan Race, which is planned for October 5, 2019. He stated that, instead of continuing to send two staff members to one event, he proposed splitting them up between NASC and S.P.O.R.T.S. to increase their opportunities to attract new sports events to Worcester County.

Pursuant to recommendations from Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, with Commissioner Church recusing himself due to a potential conflict of interest, the Commissioners unanimously awarded the low bids for the Diakonia shelter renovation project to N.R. Harrison of Salisbury, Maryland in the amount of \$17,400 for the paving portion of the project, and Palmer's Appliances of Berlin, Maryland in the amount of \$1,598 for the commercial laundry appliances portion of the project. The Commissioners further agreed to rebid the remaining portions of the project, as no further competitive bids were received.

Pursuant to the request of Ms. Reynolds and upon a motion by Commissioner Mitrecic, with Commissioner Church recusing himself due to a potential conflict of interest, the Commissioners unanimously authorized Commission President Purnell to sign a letter of support for an application from Diakonia for a Support Services for Veterans Families program grant from the U.S. Department of Veterans Affairs.

Pursuant to the recommendation of Information Technology Director Brian Jones and upon a motion by Commissioner Bunting, the Commissioners unanimously awarded the best bid for performing Broadband Feasibility Study in the County to Columbia Telecommunications Corporation (CTC) of Kensington, Maryland at a total cost of \$60,000. Mr. Jones explained that CTC is among the most qualified of the seven organizations to bid on this project, has significant experience handling this type of work in Maryland, and comes highly recommended by the Governor's Office of Rural Broadband. Commissioner Elder thanked Mr. Jones for his efforts in putting this project together.

Upon a subsequent motion by Commissioner Bunting, the Commissioners further authorized staff to apply to the Governor's Office of Rural Broadband for a grant to cover up to 50% of the total cost of the feasibility study, which could reduce the cost to the County to \$30,000.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the proposal from

J. W. Salm Engineering, Inc. at a total cost of \$3,435 for engineering services to assist the Kitts Branch Board of Viewers to review and provide the Commissioners with recommendations concerning the proposal from Phil Houck, owner of property located in Berlin and identified on Tax Map 25 as Parcel 460, to relocate the Kitts Branch Tax Ditch, so that he may obtain the necessary regulatory permits to develop a commercial warehouse facility on his property. Mr. Mitchell stated that Mr. Houck will be responsible for covering this cost.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review and discuss a revised Building Permit Application form and a draft Single-Family Home Residential Fire Sprinkler Waiver form, which they had requested at their meeting on January 22, 2019 to allow property owners to opt out of the State requirement to install fire sprinklers in all new single-family homes. The Commissioners also reviewed a draft letter to the State advising of the effective date the new opt-out provision would take effect and seeking State comment on the opt-out waiver.

The Commissioners agreed that the decision whether to install fire sprinklers in single-family homes should be left to the homeowner and not mandated by State law, as requiring these systems in a rural county, like Worcester County, where public water supplies are limited, costs individuals building homes thousands of extra dollars in construction costs. These extra costs can prevent a first-time home buyer from purchasing a new home and negatively impact the County's economy, as neighboring states, Virginia and Delaware, do not have a fire sprinkler mandate. The Commissioners further agreed to establish an effective date of July 1, 2019 for the opt-out provision, after which the property owner building a new, single-family home may decide for themselves if they want to install such a system. Mr. Tudor suggested that the County could effectuate this change by having a check-off box on the building permit application for a residential sprinkler system waiver accompanied by a Single-Family Home Residential Fire Sprinkler Waiver form to be completed by the property owner, builder and applicant for a permit for a new single-family home.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a letter to Norman C. Wang, RA, the Building Codes Administration Director for the Division of Labor and Industry within the Maryland Department of Labor, Licensing and Regulation advising of the Commissioners' intent to institute a revised Building Permit Application form and a Single-Family Home Residential Fire Sprinkler Waiver form, which would allow property owners to opt out of the State requirement to install fire sprinklers in all new single-family homes effective July 1, 2019 and seeking State comment on their proposal on or before May 1, 2019.

The Commissioners reviewed and discussed outstanding board appointments.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to submit the name and resume of Martha Bennet of Berlin to Governor Larry J. Hogan for his consideration and appointment to the Worcester County Property Tax Assessment Appeal Board, which currently has one vacancy for a regular member and one vacancy for an alternate member.

The Commissioners conducted a public hearing to receive public comment on a petition submitted by Attorney Hugh Cropper, on behalf of Silver Fox, LLC and Burbage Melson, Inc., property owners, and Sina Companies, LLC, contract purchaser to expand the Greater Ocean

Pines Sanitary Service Area (SSA) to provide service for the proposed Atlantic General Hospital (AGH) Outpatient Center for potable water and sewer service from the Ocean Pines Sanitary Service Area (SSA). Mr. Mitchell advised that the property is located on the east side of MD Rt. 589 (Racetrack Road), north and east of its intersection with Gum Point Road and more specifically identified on Tax Map 21 as Parcel 66, Lots A and B. Mr. Mitchell stated that the expansion would include the purchase of 34 equivalent dwelling units (EDUs) for potable water and sewer service from the Ocean Pines SSA to serve the proposed 98,964-square-foot outpatient center, which according to the applicant's engineer, John Salm, will have no in-patient surgery, hospital beds, institutional beds, laboratory, dialysis, or swimming pool for physical therapy. He advised that the Planning Commission found the planning amendment to be consistent with the Comprehensive Plan, and staff found the application to meet the criteria established in Section PW 5-305 of the Public Works Article of the County Code.

Commissioner Purnell opened the floor to receive public comment.

Mr. Cropper requested the staff report and packet pertaining to the subject property be entered into evidence. He reviewed the proposed project and clarified that, though the outpatient center will not include inpatient surgery, it will provide up to two operating rooms for outpatient surgery. Mr. Cropper also noted that the site plan entered into evidence is for Lot 66A, and all 34 EDUs are to be allocated to this site. He explained that the proposal before them today does not include a site plan for Lot 66B, at this time, and the number of EDUs for that lot is yet to be determined.

In response to questions by Mr. Cropper, Mr. Mitchell confirmed that the Planning Commission and County staff found the project to be feasible from both an engineering and a financial standpoint.

Engineer Stacey Hart of Snow Hill reviewed plans to run a force main on MD Rt. 589 from the Ocean Pines SSA to provide sewer service to the proposed outpatient center.

AGH representatives Toni Keiser and Kim Justice confirmed that AGH is in support of the applicant on the application being considered today.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the request to expand the Ocean Pines Sanitary Service Area (SSA) to add the subject properties, on which Lot A is proposed for development of the AGH Outpatient Center with potable water and sewer service from the Ocean Pines SSA as presented, and agreed to sign the resolution at their next meeting on March 5, 2019.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review staff's recommendation to reject the two bids submitted to purchase the former Department of Liquor Control (DLC) warehouse in Snow Hill and to discuss other options to dispose of this property. Mr. Shannahan advised that the property was advertised for sale "as is and with all faults" at an asking price of \$990,000, in accordance with the recent appraisal. He advised that the County still owes a mortgage on this property of approximately \$444,000, and the two bids received were for \$9,000 to \$12,000 per acre from A-1 Mini Storage to purchase the vacant land only and for \$75,000 from ZST Rentals, Inc. both of which are substantially less than the asking price and will not even cover what the County owes on the property.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously rejected both bids and agreed to list the property for sale with a commercial real estate agent. In response

to a question by Commissioner Bertino, Commissioner Church stated that the property is unique, but he believes it will eventually sell.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Attorney Hugh Cropper on behalf of ES Adkins and Company for allocation of 15 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve the former Island Oasis restaurant, located south of the Ocean City Airport on the east side of Lewis Road, the west side of Stephen Decatur Highway (MD Rt. 611), north of Assateague Road (MD Rt. 376), and directly across from Frontier Town Campground. The property is zoned C-2 General Business District and is designated S-1 (sewer service within two years) in the County Water and Sewerage Plan, but that designation does not guarantee any service or obligate the provision of services in that time frame. Mr. Shannahan stated that the property lies within the Landings SSA where it has a current allocation of 8 EDUs of sewer service to be provided by the Landings Wastewater Treatment Plant (WWTP), which would be sufficient to serve an 80-seat restaurant. The property also lies in an overlay zone within the Mystic Harbour SSA in Area 2 - Airport and South of Airport, East of Rt. 611, but was not planned for service from the Mystic Harbour SSA. Mr. Shannahan reviewed the background regarding the Mystic Harbour WWTP expansion and EDU allocation table. He then stated that there are 32 EDUs reserved for existing developed properties to replace septic systems as follows: Vacant or Multi-Lot properties (2), Assateague Greens Executive Golf Course (6), Bethany United Methodist Church (5), and Single Family Dwellings (19). He pointed out that the Lewis Road sewer extension project, which is planned to be served by the Landings WWTP, is the Commissioners' top Strategic Plan priority, and by eliminating service to the 8 EDUs planned for the subject property, the cost per EDU to serve the remaining properties in the Lewis Road sewer extension project will increase from approximately \$28,000 per EDU to approximately \$32,000 per EDU. This would cause the Lewis Road service area to suffer financially due to lost revenues and a reduction of the customer base needed to support the expansion project.

In response to a question by Commissioner Purnell, Environmental Programs Director Bob Mitchell stated that the original allocation of EDUs to reserve treatment capacity in the Landings WWTP were provided without cost to the Lewis Road area property owners. Commissioner Purnell stated that she could not support the request, as it could jeopardize the Lewis Road sewer extension project and make it financially burdensome to Lewis Road property owners.

Commissioner Bunting stated that he saw no negative effects on granting the request, as it would result in an additional eight EDUs being turned over to the County at the Landings. In response to a question by Commissioner Bunting regarding whether the Commissioners could approve this request by allocating a portion of the EDUs from the north area of the Mystic Harbour SSA, County Attorney Maureen Howarth advised that doing so would require the Commissioners to amend the EDU Allocation Table in the Water and Sewerage Plan. In response to an additional question by Commissioner Bunting regarding which category to award EDUs from for this project, Mr. Mitchell recommended the Vacant or Multi-Lot Properties category, not the Single Family Dwellings category, which is designated to transfer properties currently served by private septic to public sewer. In response to a question by Commissioner Bertino, Mr. Shannahan confirmed that allocating EDUs from the Mystic Harbour SSA to serve

the subject property would negatively effect the Lewis Road sewer extension project, as there would be fewer customers to share the infrastructure cost and result in a higher cost per EDU for each of the remaining customers. He specified that the cost of \$1.76 million to provide the infrastructure to extend services to those properties on Lewis Road must be paid equally by the owners of the 63 EDUs who would benefit from that sewer. By removing eight EDUs from the Lewis Road sewer extension project, the project would then have to be paid equally by the owners of only 55 EDUs.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 5-2, with Commissioners Bertino and Purnell voting in opposition, to approve Option 2 for 15 EDUs of sewer service to be allocated from Area 2 (South) of the Mystic Harbour SSA to serve the ES Adkins and Company property, with 14 EDUs from the Commercial Infill South of the Airport category and one EDU from the Vacant or Multi-Lot Properties category.

Upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to send a letter to Acting Secretary of the Interior David Bernhardt advising that the Commissioners oppose offshore drilling and seismic airgun blasting in the waters off the Delmarva Coast and specifically in the vicinity of Ocean City and Assateague Island State and National Parks and to seek his support to remove the Mid-Atlantic Planning Area from consideration in the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program and to deny any seismic airgun surveys for oil and gas off the Delmarva coast.

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