

Minutes of the County Commissioners of Worcester County, Maryland

September 1, 2020

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

Following a motion by Commissioner Bertino, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting 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 Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and Emergency Services Director Billy Birch. Topics discussed and actions taken included: hiring Derek Jarmon as a Recreation Program Manager III for Recreation and Parks, Cynthia Marrufo as an Emergency Communications Specialist Trainee and Danielle Miller and Vincent Esposito as Emergency Communications Specialist II's for Emergency Services, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Bertino, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 9:46 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Dale Brown of the Community Church at Ocean Pines and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the August 18, 2020 open session minutes as presented and closed session minutes as amended.

The Commissioners presented a proclamation recognizing September as Suicide Prevention Month to Susan Schwarten of the Governor's Commission on Suicide Prevention, Jesse Klump Memorial Fund Board President Kim Klump, and Health Department Planning, Quality and Core Services Director Jennifer LaMade, and Health Department staff members, which highlights special events that will take place during September, as part of the public awareness campaign, including the *Out of Darkness Experience to Prevent Suicide* on September 26, to continue the conversation about suicide prevention. To learn the warning signs and risk factors for suicide, please visit <http://worcesterhealth.org>.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Ruth Waters to the Tourism Advisory Committee for a four-year term expiring December 31, 2023.

The Commissioners met with Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development, to review a report on the first round of the Workforce Back to Business COVID-19 Assistance Grant Program, which awarded roughly \$1.25 million out of \$2.18 million in CARES Act funding to 205 small businesses in Worcester County. Mr. Perlozzo then recommended moving forward with round two of the grant program, which includes the following three components: roughly \$510,000 for individuals grants of \$2,500 to farmers and small business owners, including sole proprietors; \$250,000 for workforce funding, based on the re-engineering of the STEM program to reflect the skilled trades, agriculture, and tourism (STAT) workforce needs in the County; and \$250,000 for advertising to promote tourism and specific offerings in each of the towns to foster continued and future economic growth, with said funds to be administered by County Tourism and split equally among the towns, with a focus on direct marketing, data collection, and analysis.

In response to a question by Commissioner Bertino, Mr. Perlozzo confirmed that the proposal before the Commissioners does not include increasing the budget for the STEM program. He stated that his staff evaluated and re-engineered the STEM program to focus on STAT to address local workforce needs. He further confirmed that CARES Act funds may be used for workforce development training.

In response to concerns raised by Commissioner Nordstrom, Mr. Perlozzo reviewed the number of applicants by zip code that were awarded grant funds through the Workforce Back to Business COVID-19 Assistance Grant Program. In response to concerns by Commissioner Bunting that relatively few grants were awarded to south-end businesses, Mr. Perlozzo stated that County staff ran advertising campaigns across social, radio, and print media and worked closely with town managers, chambers of commerce, and other business leaders to promote the grant program in the south-end of the County.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the CARES Act grant funding report and the proposal for round two of the Workforce Back to Business COVID-19 Assistance Grant Program, with the provision that the advertising budget of \$250,000 must be weighted heavily toward the south end of the County.

Pursuant to the request of Sheriff Matthew Crisafulli and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the Memorandum of Understanding between the United States Attorney's Office for the District of Columbia, the Metropolitan Police Department of Washington D.C., and the Worcester County Sheriff's Office (WCSO), allowing the WCSO to take part in the U.S. Presidential Inauguration from January 17-21, 2021.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the Mutual Aid Agreement between the Worcester County Jail and the Mayor and City Council of

the Town of Ocean City, authorizing the Jail to assist the Ocean City Police Department (OCPD) with transportation needs from September 24-26, 2020, during an anticipated pop-up H2O event. The Jail will provide three transportation vans and one officer for each van, to assist with the transportation of arrestees. Transportation will take place in eight-hour shifts from 1800 hours to 0200 hours each evening. Warden Bounds advised that one sworn law enforcement officer from either the OCPD or the WCSO will be designated to ride in each van.

In response to comments by Commissioner Mitrecic, Sheriff Crisafulli advised that most local agencies require new recruits to enter into three-to-five-year training contracts, and though the WCSO does not currently have such a contract, he felt this could be a benefit to his office and agreed to look into the feasibility of developing such a contract and discuss with the Commissioners in the future.

Upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved as a consent agenda the housekeeping agenda item numbers 6-11 from Emergency Services Director Billy Birch as follows: a project to be funded by the Emergency Number Systems Board (ENSB) in the amount of \$7,470 to purchase 30 computer tablets loaded with Priority Dispatch protocol software, containing the standards-based processing of 911 call taking protocols in the event that network computers are not functional; reimbursement to the County of \$2,485 from ENSB for emergency dispatch protocol recertification fees for dispatchers; a project to be reimbursed by ENSB of \$25,200 for licensing fees for Priority Dispatch protocol software, providing national standards-based processing of 911 calls; out-of-state travel for Electronic Services Installer Robert Rhode to attend Federal Signal Training Academy for emergency notification sirens at University Park in Matteson, Illinois from November 15-21, 2020 at an estimated cost of \$5,732 for travel, training, lodging, and meals; the purchase of 40 LIFEPAK CR2 Defibrillators, with 40 electrode pads from Stryker Medical of Chicago, Illinois at a cost of \$56,820 at a 50/50 cost share between the Maryland Emergency Management Agency (MEMA) and the County; and the FY20 Sub-Recipient Agreement between MEMA and Worcester County for pass-through funding from the Department of Homeland Security in the form of an Emergency Management Performance Grant – COVID-19 Supplemental of \$21,224.56.

In response to a question by Commissioner Bertino, Mr. Birch confirmed that representatives from Smith Planning and Design, LLC, the County's consultants for the Hazard Mitigation and Resilience Plan update are scheduled to attend the Commissioners' September 15, 2020 meeting to address concerns raised by the Commissioners about certain plan updates.

Environmental Programs Director Bob Mitchell and Kevin Smith, the new Executive Director of the Maryland Coastal Bays Program (MCBP), briefed the Commissioners on details regarding the virtual MCBP Policy Committee Meeting on October 15, 2020 and provided an overview of MCBP operations and initiatives to protect, preserve, and enhance water quality in the Maryland coastal bays and how anticipated State funding cuts may impact certain programs. In response to a question by Commissioner Mitrecic, Mr. Smith advised that the meeting is open to the public.

Pursuant to the written recommendation of Public Works Director John Tustin, as presented by Deputy Director John Ross, and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the turnover documents for the Vander Hackett

Enterprises sewer line extension along Gum Point Road in the Ocean Pines Sanitary Service Area (SSA).

Pursuant to the written recommendation of Mr. Tustin and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized staff to submit a United States Department of Agriculture (USDA) application to secure funding for the Lewis Road sewer extension project.

Commissioner Bertino thanked Mr. Ross and his staff for their work to re-establish water service to Ocean Pines after a Comcast contractor drilled a hole in a 10-inch water line. In response to further concerns raised by Commissioner Bertino, Mr. Ross advised that in this incident the contractor did not follow required procedures. However, since County staff began corresponding with and billing Comcast for certain damages within Ocean Pines, overall, the organization's performance has improved significantly. Assistant Finance Officer Jessica Wilson advised that County staff have billed Comcast \$94,000 for manpower, equipment, materials, and location services, which resulted from damages caused by this organization and/or its contractors in Ocean Pines. She stated that this bill does not include costs for another \$10,000 in manpower costs incurred during the past three months or the costs incurred when the water line was cut. County Attorney Roscoe Leslie agreed to provide status reports regarding the billing of damages incurred by Comcast through to the completion of this project in Ocean Pines.

Commissioner Elder temporarily left the meeting.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss his recommendation to reject the sole bid received from Scrimgeour's Farm All, LLC of Stockton, Maryland of \$24,900 for the deconstruction and repurposing of building materials of the building located at 2618 Snow Hill Road, which is the subject of Nuisance Abatement Order 20-1, and to rebid the project as a standard demolition project. Mr. Tudor stated that the bid submitted by Mr. Scrimgeour does not meet the terms of the notice to bidders and request for proposals, so he called Mr. Scrimgeour who advised that he had not read the bid specifications closely. Then on August 12, Mr. Scrimgeour emailed Mr. Tudor and requested that his bid be retracted in the event that he is not able to use his excavator and his best efforts to recycle and repurpose the materials, as he felt it unlikely that there was any demand for yellow pine. Mr. Tudor noted that another contractor read the bid specifications closely, opted not to submit a bid for the deconstruction and repurposing, but expressed interest in submitting a bid if the Commissioners opt to rebid this as a standard demolition project.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 5-1, with Commissioner Bunting voting in opposition, to reject the project bid and to rebid the project as a standard demolition project.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 425 for October 6, 2020. This application was submitted by Attorney Hugh Cropper, IV, on behalf of Daniel and Jana Hope, and seeks to rezone approximately 54.7 acres of land located on the southerly side of Nassawango Road, west of MD Rt. 12 and northwest of Snow Hill, and more

specifically identified on Tax Map 70 as Parcel 18, Parcel B, from RP – Resource Protection to A-1 Agricultural District. Mr. Tudor advised that the application received a favorable recommendation from the Planning Commission, subject to retaining the wetlands adjacent to the Pocumoke River within the RP District designation.

Commissioner Elder returned to the meeting.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on September 15, 2020 to obtain public comment on a Community Development Block Grant (CDBG) application for funds that may be awarded to the County during round two of the federal CARES Act. Ms. Reynolds advised that any funds awarded would be used to provide for emergency rental assistance for County residents through Diakonia, the County's sub-recipient for this grant.

Commissioner Bertino thanked Ms. Reynolds for her efforts to secure computers for the Worcester County Developmental Center.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 20-25, granting a six-month extension to the deadline to pay annual equivalent dwelling unit (EDU) deposits in the Mystic Harbour Sanitary Service Area (SSA) due to the COVID-19 emergency, upon request by an owner or an owner's representative.

The Commissioners recessed for 10 minutes.

The Commissioners conducted a public hearing on Rezoning Case No. 423 for an application submitted by Attorney Hugh Cropper, IV, on behalf of Antique Woodwork, Inc. (owned by John S. Collins) and Francis Scott Key (FSK) Motel, LLC, which seeks to rezone approximately two acres of land located on the easterly side of Elm Street, to the south of U.S. Rt. 50 and north of Old Bridge Road in West Ocean City, and more specifically identified on Tax Map 27 as Parcels 200, 201 (which are developed with uses associated with Mr. Collin's woodworking company), and Parcels 203, 204, 207, and 577 (which are developed with cottages associated with the FSK), from R-3 Multi-Family District to C-2 General Commercial District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting Deputy Director Phyllis Wimbrow reviewed the application, which received a favorable recommendation from the Planning Commission. Ms. Wimbrow stated that all of the parcels were rezoned from B-2 General Business District to R-3 during the 1992 comprehensive rezoning. She noted that the properties directly to the north and east are zoned C-2, while those to the south and west are zoned R-3, and these zoning classifications were maintained in the 2009 comprehensive rezoning. She stated that, according to the application for rezoning, the applicants' claims as the basis for their rezoning request were that there was a mistake in the existing zoning as well as a change in the character of the neighborhood since the 2009 comprehensive rezoning, as the expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP) and resultant availability of additional sewer EDUs, which has allowed the intensification of development in West Ocean City, particularly

commercial uses along the U.S. Rt. 50 corridor. She then entered the Planning Commission's Findings of Fact into the record and stated that the properties have been used for commercial purposes for many years prior to the 2009 comprehensive rezoning. Furthermore, the Planning Commission concluded that there has also been a change in the character of the neighborhood, as evidenced by Rezoning Case Nos. 397 and 416, the increased availability of sewer EDUs due to the expansion of the Mystic Harbour WWTP, and the resultant intensification of commercial uses in WOC. Therefore, the Planning Commission found that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and would give the petitioned properties a zoning classification consistent with their longtime commercial uses.

Commissioner Mitreic opened the floor to receive public comment.

Mr. Cropper reviewed the zoning history of the properties. He concurred with the Planning Commission's findings that it was a mistake to rezone the properties from B-2 to R-3, albeit a good-faith mistake, and that there has also been a change in the character of the neighborhood since the 2009 comprehensive rezoning. He advised that Mr. Collins has operated a woodworking shop for many years and was not aware that his property was downzoned. Mr. Cropper then asked the Commissioners to accept the findings of the Planning Commission as his own.

FSK Manager Heather Bruning of Ocean City advised that the cottages on Parcels 203, 204, 207, and 577 are part of motel operations, and guests are permitted to use all motel amenities. Furthermore, there is no line of demarcation between the motel and cottage properties.

Land Planner Bob Hand of Bishopville advised that this property is listed in the commercial land use category in the Comprehensive Land Use Map, so it was a mistake to rezone all six properties R-3. He stated that the properties should have been rezoned C-2 to be consistent with the FSK and the Rambler Motel, which abuts the property to the north.

Francis Price of Snow Hill, the manager of residential properties located at 9901, 9903, 9905, and 9909 Elm Street, stated that she does not oppose the requested rezoning. However, she disagreed with the assertion that there has been a change in the character of the neighborhood from residential to commercial use. Furthermore, she stated that public water is not available, and therefore additional commercial development should not be encouraged in the area.

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

Upon a motion by Commissioner Church, the Commissioners tentatively accepted the Planning Commission's Findings of Fact as their own and approved the rezoning of Parcels 200, 201, 203, 204, 207, and 577 from R-3 Multi-Family District to C-2 General Commercial District.

Pursuant to the request of Superintendent of Schools Lou Taylor and upon a motion by Commissioner Bertino, the Commissioners unanimously approved inter-category budget transfers totaling \$957,110 from Instructional Salaries (\$577,110), Textbooks and Classroom Supplies (\$50,000), and Operation of Plant (\$330,000) to offset overages in Administration (\$72,710), Instructional Support (\$102,93), Student Transportation (\$269,143), Maintenance of Plant (\$46,461), and Fixed Charges (\$465,858) for the fiscal year ending June 30, 2020 due to an increase in software costs, additional bus routes for Worcester Technical High School, rising costs to repair heating, ventilation, and air conditioning (HVAC) equipment and other systems, higher than budgeted tuition reimbursement costs for employees, and a realignment in a special education grant.

Upon a motion by Commissioner Bertino, the Commissioners agreed to schedule a work session to discuss all that may be entailed with adding a Casino Entertainment District as an overlay district in the Zoning and Subdivision Control Article and to establish such a use as a permitted use in the A-2 Agricultural District. The Commissioners further agreed to postpone the public hearing on this matter from September 15 to October 6, 2020.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 15, 2020.