

Minutes of the County Commissioners of Worcester County, Maryland

June 1, 2021

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 Nordstrom, seconded by Commissioner Purnell, 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 Higgins, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included hiring Jacob Taylor as a grounds worker II in the Public Works Maintenance Division and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:11 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 Kenneth Elligson of Spence Baptist Church in Snow Hill and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the May 11, 2021 open and closed budget work session minutes as amended, the May 18, 2021 open session minutes as amended and closed session minutes as presented, and the May 18, 2021 open budget work session minutes as presented.

The commissioners presented retirement commendations to the following individuals for their years of dedicated service to Worcester County: Worcester County Jail Captain Bruce Bunting (40 years) and State's Attorney's Office Assistant V Lorraine Mack (15 years).

The commissioners presented commendations to representatives from the Berlin Fire Company (BFC), Bishopville Volunteer Fire Department, Showell Volunteer Fire Department, and Willards Volunteer Fire Company for responding to reports of a house fire on Donaway Road and the crucial role each department played in saving lives. They also honored BFC Chief

RJ Rhode and Ocean City Volunteer Fire Company Associate Member Bob Rhode who saved the life of a female occupant trapped in the house by performing a window rescue.

The commissioners presented a proclamation to Department of Social Services Administrative Assistant Tracy Lynch and other staff members recognizing June 2021 as Elder Abuse Awareness Month and June 15 as Elder Abuse Awareness Day in Worcester County.

Upon a motion by Commissioner Nordstrom, the commissioners unanimously approved as a consent agenda item numbers 2-10 as follows: scheduling a public hearing to consider eight applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY22; approving Emergency Number Systems Board (ENSB) project no. 21-290 for \$926.40 for 911 headset battery replacements, project no. 21-235 for \$8,341 to train and certify communications, project no. 21-241 for \$10,000 to train and certify five supervisors, and project no. 21-275 for \$598 for National Emergency Numbers Association training and certification; approving updates to the Fair Housing and Equal Opportunity Plan, Citizen Participation Plan, Section 3 Plan, and Minority Business Plan, as required for the County to qualify as a recipient for Community Development Block Grants (CDBG); scheduling a public hearing for July 6, 2021 on the progress of Worcester County's current CDBG Housing Rehabilitation Grant; authorizing Commission President Mitrecic to sign a Certificate of Satisfaction, authorizing the removal of the County's lien against a property owned by Leon Charles Foreman; and awarding the low bid from 2 Kuz Waste & Septic Services, LLC of \$10,900 to replace a septic system and rehabilitate a house in the Berlin area.

In follow up to Commissioner Bertino's May 11, 2021 request, Library Director Jennifer Ranck provided background on a \$1,000 Beanstalk Black Voices microgrant to administer the "Read Woke" Teen Reading Challenge program, with funds to be used to provide two \$500 prizes to those ages 13-18 who will be entered into a drawing by reading books from different topic areas and attending a monthly discussion group. Ms. Ranck stated that the grant is not funded by the Black Lives Matter (BLM) organization, though the Black Voices website includes this phrase, "in solidarity with the Black Lives Matter movement."

Commissioner Bertino stated that he supports the inclusion of the books that are being promoted on the teen challenge reading list and stressed that his concern is limited specifically to the acceptance of the grant from Beanstalk, as it is a politically-motivated organization, that the group's website clearly identifies with the political BLM organization, and the library should not accept grants from any political organization. In response to a question by Commissioner Bertino, Ms. Ranck stated that the Board of Library Trustees gave her the discretion to apply for various grants. She noted that the library is nonpartisan, and she opted to apply for the grant through Beanstalk, which is not affiliated with any political organization, because of the ease of filing for the grant, because it meets with the mission and objectives of the library, and in particular because of the opportunities it provides for teens to delve into current events.

Commissioner Nordstrom stated that the books being promoted through the teen reading program delve into issues concerning underserved communities and unheard voices, and Beanstalk appears to be a worthy organization that promotes books that spur youth to read and become active in the local libraries. In response to a question by Commissioner Nordstrom, Ms. Ranck stated that Worcester County was one of 39 jurisdictions to be awarded a Beanstalk grant.

She explained that this particular grant is so attractive because of an interview children's book illustrator Brian Collier gave on C-SPAN that he had chosen his career in part to rectify the shortage of children of color in the books that he read when growing up. She noted that, when you are a librarian in the business of building programs and collections, you hold onto something like that because you want your collection to hold diverse thoughts and to be inclusive. She concluded that this program promotes fiction books that give a voice to underserved voices, and reiterated that participation in the teen reading challenge is completely voluntary.

Commissioner Purnell concurred that she had seen only a few books that included children of color, and she was glad to see the library offering a program that promotes authors of diverse backgrounds. She agreed that the library should not be promoting politics, but that the teen reading challenge is not politically based. She stated that the commissioners should not put the library director on the stand to justify her decision to accept this grant or to tell her what she can and cannot put on library shelves.

Commissioner Elder expressed concerns regarding the political nature of the BLM organization. Commissioner Bunting confirmed that Ms. Ranck does a great job running the libraries, and he is not opposed to any of the books included on the Beanstack reading list. He did note, however, that in this specific case he felt that it was an error to accept this grant solely because the Beanstack mission statement reads that the organization is "in solidarity with the Black Lives Matter movement," a political organization.

Commissioner Mitrecic stated that the library board authorizes Ms. Ranck to apply for grants, each of the libraries provides space for political organizations to meet and host candidate forums, and any program that gets kids reading is a good thing for the community and for the youth. He noted that the teen reading challenge has caused no disruptions, and the only drawback is that too few of the youth are participating in the program.

Following some discussion, the commissioners thanked Ms. Ranck for meeting with them.

The commissioners conducted a public hearing on Rezoning Case No. 429 for an application submitted by Hugh Cropper, IV on behalf of property owner Daniel Strickland Hope to rezone approximately 129.28 acre of land located to the southerly side of Nassawango Road, west of MD Rt. 12, and more specifically identified on Tax Map 70 as Parcel 18 - Parcel A, from RP Resource Protection District to A-1 Agricultural District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearings for Rezoning Cases Nos. 429 and 430. Development Review and Permitting Deputy Director (DRP) Jennifer Keener reviewed the application, which received a favorable recommendation from the County Planning Commission. She advised that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. She then entered the Planning Commission's Findings of Fact into the record and stated that the petitioned area, which had been zoned A-1 and a small waterfront area zoned C-1 Conservation District since the 1960s, was rezoned to RP during the 2009 comprehensive rezoning. She further stated that the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the comprehensive plan, on the condition that the portion of the petitioned area formerly zoned C-1 and located adjacent to the Pocomoke River be retained in the RP District.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper stated that the property is a multi-generational, sustainable, working farm and should be rezoned A-1 to restore the protections and flexibility needed for it to continue operating as a farm and retain the existing timber operation. He concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well.

Environmental Consultant Chris McCabe advised that it had been a mistake to rezone the property from A-1 to RP due to historic land uses, and he concurred with the Planning Commission's findings.

Land Surveyor Frank Lynch, Jr. stated that it had been a mistake to downzone the property from A-1 to RP, where agriculture and minor subdivisions are special exception uses.

Mr. Hope stated that his family purchased the farm in the 1920s and has been using the property for agriculture and timber ever since, so it was a mistake to downzone the property.

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

Upon a motion by Commissioner Bunting, the commissioners conceptually adopted the Planning Commission's Findings of Fact as their own and approved the rezoning from RP District to A-1, on the condition that the portion of the petitioned area formerly zoned C-1 and located adjacent to the Pocomoke River be retained in the RP District.

The commissioners conducted a public hearing on Rezoning Case No. 430 for an application submitted by Hugh Cropper, IV on behalf of Cellar House Farms, Limited Partnership, which seeks to rezone approximately 385.5 acre of land located to on the southerly side of Cellar House Road, northeast of Whitesburg Road, and more specifically identified on Tax Map 69, Parcels 25 and 27, from RP Resource Protection District to A-1 Agricultural District. Ms. Keener reviewed the application, which received a favorable recommendation from the County Planning Commission, with the condition that the portion of the petitioned area designated in the Green Infrastructure Land Use Category be retained in the RP District. She then stated that the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. She then entered the Planning Commission's Findings of Fact into the record and stated that the petitioned area, which had been zoned A-1 since the 1960s, was rezoned to RP during the 2009 comprehensive rezoning, and the Planning Commission had concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper stated that the petitioned area has a rich history, with the oldest house on the Pocomoke River, and a working, sustainable farm, that it was a mistake to downzone the farm to RP, and that rezoning the property to A-1 would provide the owners with the ability to create a minor subdivision for lots for the family. He concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well.

Robert Graham, the Cellar House Farms second principal, reviewed the history of this working farm, noting that he was not aware of the rezoning of his property until recently, and they cannot sustain the property if it remains under the RP District designation.

Environmental Consultant Chris McCabe concurred that it had been a mistake to rezone the property to RP, noting that the site has been in use as a working farm for almost 300 years, that its uses are more compatible with agriculture than resource protections, and all of the other

farms in the area are zoned A-1.

Land Surveyor Frank Lynch, Jr. noted that his statements in Rezoning Case No. 429 apply to this case as well, and noted that the timber management and agricultural activities on this property are more closely aligned with the A-1 District; therefore, it had been a mistake to rezone the property to RP.

John Graham stated that he has owned this farm for 35 years, he would like to see the A-1 District zoning preserved for use by future generations, and he agreed that the A-1 zoning is more compatible with the uses on this farm.

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

Upon a motion by Commissioner Bunting, the commissioners conceptually adopting the Planning Commission's Findings of Fact as their own and approved the rezoning from RP District to A-1, based on a mistake in the existing zoning.

The commissioners conducted a public hearing on the proposed \$13.1 million FY22 Water and Wastewater Enterprise Fund operating budgets, assessments, user charges, and other charges for each of the 11 Sanitary Service Areas (SSA) and sub-areas operated by the Worcester County Department of Public Works, Water & Wastewater (W&WW) Division. Enterprise Fund Controller Michelle Carmean reviewed the proposed budgets for the County's various service areas, noting that there are no proposed changes. She advised that, in addition to user fees, a debt service assessment is levied to repay bonds and loans for capital improvements to the water and sewer infrastructure that is financed by the County, and all assessments are based per equivalent dwelling unit (EDU), with debt service charges in the Mystic Harbour, Ocean Pines, Newark, Riddle Farm, and Snug Harbour service areas or sub-areas. She then thanked the Water and Sewer Advisory Boards from Ocean Pines, Mystic Harbour, and West Ocean City for their review and recommendations on their respective SSA budgets.

Commissioner Mitrecic opened the public hearing.

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

Upon a motion by Commissioner Bertino, the commissioners conceptually approved the proposed FY22 W&WW Enterprise Fund operating budgets, assessments, user charges, and other charges, and agreed to adopt the formal resolution at their next meeting on June 15, 2021.

The commissioners conducted a public hearing on the Solid Waste Enterprise Fund FY22 Requested Operating Budget of \$3,423,424 for the Central Landfill in Newark (this budget does not represent operating costs for the homeowner convenience centers and Recycling, which were previously transferred from the Solid Waste Enterprise Fund to the General Fund). Ms. Carmean stated that this budget includes maintaining all of the existing rates.

Commissioner Mitrecic opened the public hearing.

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

Upon a motion by Commissioner Bertino, the commissioners conceptually approved the proposed FY22 Solid Waste Enterprise Fund operating budget and agreed to adopt the formal resolution at their next meeting on June 15, 2021.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the Maintenance of Effort

(MOE) Certification Statement for FY22 of \$96,341,968, which represents an increase of \$2,349,829 over the current FY21 MOE. The original MOE budget estimate was \$2,349,804 or \$25 short and has now been corrected.

Pursuant to the request of Environmental Programs Director Robert Mitchell and upon a motion by Commissioner Bertino, the commissioners authorized Commission President Mitrećic to sign the Allocation Agreement between the County Commissioners of Worcester County, Maryland and Coastal Ventures Properties, LLC (owner), for the Palmer Gillis Medical Office property for the allocation of 12 equivalent dwelling units (EDUs).

Mr. Mitchell stated that County staff will monitor the metered flow data for the next 24 months and make any additional EDU capacity adjustments at the end of that time period. In response to a question by Commissioner Bertino, Mr. Mitchell stated that, if the daily sewer flow over three consecutive days exceeds the EDU allocation, the owner will be responsible for these charges, and any unpaid amounts could result in these charges being added to the property tax bill or result in the discontinuation of sewer service to the property until the additional usage fees are paid.

Chief Administrative Officer Harold Higgins introduced Dallas Baker, the new Public Works director. Mr. Baker reviewed a request from Mario Hernandez, vice-president of RedSpeed Maryland, LLC, to install speed cameras in two locations within the Old Virginia right-of-way (ROW) adjacent to Pocomoke High School (PHS). He then recommended approving the request with the stipulation that the County not be held responsible for damaging any unidentified or improperly identified RedSpeed structures or wiring during normal County maintenance of the ROWs.

In response to a question by Commissioner Elder, Mr. Baker stated that the speed cameras would be owned by RedSpeed in conjunction with Pocomoke City, and both entities would receive the proceeds from the fees generated by the cameras.

Upon a motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Bertino voting in opposition, to approve the RedSpeed with the stipulations identified by staff.

Commissioner Nordstrom stated that at his request the commissioners had voted last year to open certain roads in Pocomoke, including Old Virginia Road, to thru truck traffic. However, he has been contacted by a number of constituents who are concerned that this change has resulted in unsafe conditions, as many of these vehicles are too large to navigate the narrow County roads, forcing other drivers off the roads and onto the shoulders or into ditches. Mr. Baker agreed to look into the matter and report his findings and recommendations to the commissioners at a future meeting.

Pursuant to the request of Public Works Deputy Director John Ross and upon a motion by Commissioner Nordstrom, the commissioners unanimously accepted the low proposal of \$11,399 from EA Engineering, Science, and Technology for evaluation services associated with preparing an application to increase the water allocation for the Ocean Pines Sanitary Service Area (SSA). In response to a question by Commissioner Bertino, Mr. Ross stated that, although the pumping and treatment systems are adequate, the permitted allocation is too low based on the

increased demand generated by the rising number of new customers in the past few years. He stated that the County is capable of pumping far more water out of the ground wells than the permit reflects.

Pursuant to the request of Mr. Ross and upon a motion by Commissioner Nordstrom, the commissioners unanimously accepted the proposal of \$6,270 from J.W. Salm to prepare bid documents and services during bid award and construction for the Gum Point Road sewer line extension project.

Pursuant to the recommendation of Mr. Ross in response to the written request of Attorney Peter Buas, on behalf of Ross Lee Kendall, and upon a motion by Commissioner Church, the commissioners unanimously approved the proposed quitclaim deed between the County Commissioners (Grantors) and Mr. Kendall (Grantee), for the portion of the 40-foot unimproved platted road known as Bay Shore Drive within Bay Shore Acres in West Ocean City. Mr. Ross stated that there are no plans to improve this paper street, and Mr. Kendall has agreed to grant the County an easement for the existing sewer line.

In response to the request of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Nordstrom, the commissioners voted 5-2, with Commissioners Bunting and Elder voting in opposition, to approve bid specifications for the demolition of the structure located at 5641 George Island Landing Road and more specifically identified on Tax Map 86 as Parcel 44. On October 6, 2020, the commissioners declared the structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance, and ordered the abatement of the nuisance by removing the structure if it is not repaired. Mr. Tudor stated that since that time the County sent two letters to the property owner. The first letter was returned undeliverable, the second was sent to a Middle River mailing address and was signed for; however, the owner has not requested a hearing and has made no attempt to abate the nuisance.

Chief Administrative Officer Harold Higgins reviewed a memo from the Tourism and Economic Development group to add Worcester County in a similar fashion to House Bill 801 Public Safety – Buildings Used for Agritourism. Mr. Higgins stated that this bill if adopted would add Worcester County to the list of counties where an existing agricultural building used for agritourism is not considered a change of occupancy that would require a building permit under certain circumstances, and generally relating to buildings used for agritourism in the County.

In response to questions by Commissioner Bertino, Mr. Tudor stated that this legislation is needed to increase capacity limits up to 200 occupants. However, he stated that it is his professional opinion that a similar amendment is needed to the Public Land Use Article to define weddings as an agritourism use. In response to concerns raised by Commissioner Bunting, Mr. Tudor confirmed that this is not a time-sensitive request, as these actions would not be considered prior to the 2022 session of the Maryland General Assembly.

Following some discussion and upon a motion by Commissioner Elder, the commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to add Worcester County to HB 801 and to request to amend the Public Land Use Article to include

weddings in the definition of agritourism.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Elder, the commissioners unanimously agreed to waive the standard bid process and piggyback on a Baltimore City contract with Carousel Industries to complete Emergency Number Systems Board (ENSB) project no. 21-224 to refresh the 911 phone systems and to include a five-year support and services contract for the County's two 911 centers, Maryland State Police Barrack in Berlin, Berlin Police Department, Ocean City Public Safety building, Ocean Pines Police Department, and Pocomoke Police Department.

Chief Administrative Officer Harold Higgins reviewed the final proposed FY22 Operating Budget, noting that Section 4-201 of the County Government Article of the Code of Public Local Laws of Worcester County requires that the commissioners by resolution adopt an expense budget and tax rates on or before the first Tuesday in June. He then advised that the FY22 budget, which the commissioners balanced and conceptually approved following their May 18, 2021 budget work session, includes revenues for FY22 totaling \$216,509,211 and maintains the current real property tax rate of \$0.845 per \$100 of assessed value and the local income tax rate of 2.25%.

Upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the FY22 Board of Education (BOE) budget of \$109,471,577 as presented.

Upon a motion by Commissioner Nordstrom, the commissioners voted 5-2, with Commissioners Bunting and Elder voting in opposition, to adopt the FY22 General Fund Operating Budget as presented.

The commissioners answered questions from the press, after which they adjourned to meet again on June 15, 2021.