

Minutes of the County Commissioners of Worcester County, Maryland

September 20, 2016

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

Following a motion by Commissioner Bertino, seconded by Commissioner Church, the Commissioners unanimously voted to meet in closed session at 9:30 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (3), and (7) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: making an offer of employment to Ja 'Tyra Heath and Angela Morris as Correctional Officer Trainees at the Jail, and Dave Sharp and James Pilchard as Investigators for the State's Attorney's Office; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their September 6, 2016 open and closed session meeting as presented.

The Commissioners met with Maryland Department of Transportation (MDOT) officials, including Deputy Secretary Jim Ports, Jr., State Highway Administration (SHA) Director Greg Johnson, Office of Planning and Preliminary Engineering Director Greg Slater and District Engineer Donnie Drewer who will be retiring this year, Maryland Transit Administration (MTA) Administrator Paul Comfort, MTA Local Transit Planning and Program Development Director Dennis Simpson and Support Director Beth Kreider, Maryland Aviation Administration Regional Aviation Assistant Director Ashish Solanki, A.A.E.; and Motor Vehicle Administration (MVA) Branch Operations and Compliance Director Richard Norman to discuss the draft FY17 - FY22 Maryland Consolidated Transportation Program (CTP), as part of the MDOT/SHA Annual Capital Program Tour Meeting.

Deputy Secretary Ports thanked the Commissioners for meeting with them and provided an update on the \$14.4 billion transportation budget over the next six years for transit, highways,

MVA facilities, the Helen Delich Bentley Port of Baltimore, and the Baltimore/Washington International (BWI) Thurgood Marshall Airport. He stated that Governor Larry Hogan allocated \$1.99 billion in the Maryland Transportation Authority budget for additional investments in Maryland's toll roads and bridges. He stated that the Port of Baltimore is number one in the nation for autos and roll on/roll off machinery and will host the first big container ship from Evergreen to come through the newly expanded Panama Canal. At BWI Airport, he highlighted steadily growing passenger traffic, with new airlines and service to new domestic and international markets. In 2015, BWI set a new all-time annual record for passenger traffic, with nearly 24 million passengers, and has seen strong growth continue in 2016 with 12 straight monthly passenger records from June 2015 to June 2016. Deputy Secretary Ports stated that MDOT has made great progress on Governor Larry Hogan's commitment to fix the 69 structurally-deficient State bridges, with 15 having already been completed and open to traffic, another 15 currently under construction, and another 25 are now funded for construction. He outlined key updates on the transportation investments, noting that there are more construction projects underway now than in Maryland's history, with 1,073 projects totaling \$7.9 billion across MDOT from investments in MVA, transit, highways and toll facilities to key projects at the Helen Delich Bentley Port of Baltimore and BWI Airport. In addition to these projects, he announced inclusion of several projects to be completed in Worcester County within the next six years, including \$61.4 million for Phase 4 of the U.S. Rt. 113 dualization project from north of MD Rt. 365 to Five Mile Branch Road. MDOT further proposes \$8.4 million in support of Ocean City Transit. Other major projects planned in Worcester County include the U.S. Rt. 13 Bridge in Pocomoke, a study of the U.S. Rt. 50 Bridge into Ocean City, and MD Rt. 589 dualization near Ocean Pines. He advised that the State has invested \$9.4 million to construct the new Shore Transit facility in Salisbury to date, and will invest another \$1.5 million in Phase III of the project in FY18, in addition to another \$3.4 million for other vehicles and equipment. Deputy Secretary Ports also told the county that it is eligible for \$153,000 in FY17 Regional Aviation grant funding for improvements at the Ocean City Municipal Airport, among other grant programs for transportation-related projects.

Deputy Secretary Ports pointed out that there are currently \$75 billion in transportation needs and \$14.4 billion to fund them, and urged the Commissioners to be sure their projects are ranked in priority to include a mix of short-term and long-term plans. In closing, he thanked the Commissioners for their support to oppose Chapter 36 - House Bill 1013 - Maryland Open Transportation Investment Decision Act of 2016, which would require transportation projects to be approved on a project-based scoring system to evaluate, score, and rank certain major capital projects for inclusion in the Consolidated Transportation Program, a process that would be extremely cost-prohibitive and based in part on area populations, thus negatively impacting rural counties in Maryland. He stated that Chapter 36 is scheduled to be implemented next fall, unless corrective legislation is enacted. Therefore, he urged the Commissioners to continue to oppose Chapter 36 at the State level.

Commissioner Bertino publicly thanked Mr. Drewer for his assistance to develop a walking path across MD Rt. 589, as well as his help on numerous other occasions in recent years.

Commissioner Mitrecic expressed concern that Worcester County projects do not reflect the Town of Ocean City's priority project to dualize MD Rt. 90 before renovating the U.S. Rt. 50 Bridge. He stated that it is vital that this project be completed in a timely fashion to provide safe

ingress and egress to and from the island.

Commissioner Bunting recognized Ocean City Mayor Rick Meehan.

Mayor Meehan stated that on Sunday, July 31, a sink hole opened up on MD Rt. 90, at the same time an accident occurred on the U.S. Rt. 50 Bridge, which created a dangerous situation because it prohibited emergency vehicles from leaving or returning to the island to address medical emergencies. He pointed out that the last three storms, Hurricanes Irene and Sandy, and Winter Storm Jonas, flooded the foot of the U.S. Rt. 50 Bridge, making that bridge impassible and created a dangerous situation. He stated that the Town of Ocean City's priority project is to repair and dualize MD Rt. 90. He thanked MDOT and SHA for all their efforts to improve safety on Coastal Highway and expressed his hope that they could all continue to work together to address this additional need, inquiring as to the next step to get the project on track. Deputy Secretary Ports stated that the next step would be to add MD Rt. 90 to the County's priority letter to ensure that MDOT understood the project is a major priority.

Delegate Mary Beth Carozza recognized Governor Hogan for his commitment to continue funding the U.S. Rt. 113 dualization project, which has been the County's number one priority for many years. She also recognized Mr. Slater and Mr. Drewer for their assistance in resolving private property owners' concerns regarding the acquisition of right-of-way (ROW) for the project. She confirmed her commitment to continue working with State lawmakers to opposed Chapter 36.

Delegate Charles Otto thanked SHA officials, and Mr. Drewer in particular, for repairing the U.S. Rt. 13 Bridge in Pocomoke and cleaning and beautifying the medians on U.S. Rt. 50 from Wicomico County to the bay. He suggested that at least another lane leaving Ocean City on MD Rt. 90 should be considered. He thanked MDOT officials for the grant opportunity that is available to help fund projects at the Ocean City Municipal Airport, and he requested MDOT officials make it a priority to provide grant funds to help fund the Wicomico Regional Airport expansion project to enable jet traffic. Mr. Solanki advised that they are working with the Federal Aviation Administration (FAA) to meet the requirements for this project, to secure substantial federal funding.

Senator Jim Mathias recognized the outstanding teamwork between local and state agencies to continue dualizing U.S. Rt. 113 and to complete renovations on the U.S. Rt. 13 bridge in Pocomoke. In response to a question from Senator Mathias, Mr. Slater confirmed that lights will be installed on the bridge in the near future. Senator Mathias also expressed support for a new Chesapeake Bay Bridge crossing, the MD Rt. 589 project, the MD Rt. 90 project, and bike lanes in West Ocean City. He concluded that he is very pleased with the work Governor Hogan is doing throughout the State and the local area.

Commissioner Lockfaw thanked all who were involved in rebuilding the Pocomoke bridge, and he wished Mr. Drewer well in his retirement. In response to a question by Commissioner Lockfaw, Mr. Slater said the lights should be installed on the bridge by next summer at the latest.

Commissioner Church praised Mr. Drewer as one of the best public servants he's ever had the privilege of working with, noting that Mr. Drewer could be counted on to answer questions at all hours, and he consistently addressed local government concerns in an expedient manner. Following much discussion, the Commissioners thanked MDOT officials for meeting with them.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Bunting to sign Addendum No. 1 to the terms of the Memorandum of Agreement Between the Maryland Department of the Environment (MDE) and the County Commissioners of Worcester County for a no-cost extension to the Coastal Bays Watershed Plan Memorandum of Agreement from December 31, 2016 to March 31, 2017. Mr. Mitchell explained that the Coastal Bays Watershed Plan was originally approved by the Commissioners at their October 6, 2015 meeting, and this plan utilizes the prior Watershed Restoration Area Strategies (WRAS) and other local restoration efforts and achievements as the basis for planning future restoration projects to meet the necessary nutrient reductions in the established Total Maximum Daily Load (TMDL) limit for the Coastal Bays and its sub-watersheds. Mr. Mitchell stated that, once it is complete, the plan will be used to garner Environmental Protection Area (EPA) approval and allow the County and its local partners the chance to seek future Section 319 grants for implementation projects aimed at reducing nutrient loadings to the Coastal Bays. He concluded that the County has received a draft of the plan, staff has provided suggestions and additions, and will be receiving a second draft that will be discussed with the County's local partners prior to seeking public feedback on the plan and ultimately approval by the County Commissioners.

Pursuant to the request of Mr. Mitchell and the written request of both the Maryland Coastal Bays Program (MCBP) and the Lower Shore Land Trust (LSLT) and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized the Department of Environmental Programs to provide a letter of support to the MCBP and the LSLT for in-kind services to be provided by County staff in support of a grant application under the Chesapeake Bay Trust Watershed Assistance grant program for a Conservation, Restoration and Communication Plan in support of the Coastal Bays Watershed Plan currently under preparation. Mr. Mitchell stated that the hourly commitment provided by County staff would be for work activities they are already performing, as part of the soon-to-be-completed Coastal Bays Watershed Plan and would not require any cash outlay from the County. He concluded that this outreach and coordination will assist the local effort by identifying and prioritizing potential restoration and conservation opportunities within the watersheds of the Coastal Bays.

Pursuant to the recommendation of Budget Accountant Kim Watts and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the filing of a State Aid for Police Protection Fund application for FY18 from the Governor's Office of Crime Control and Prevention, with funds to be used exclusively to provide adequate police protection. Ms. Watts advised that the application states that Worcester County would like to be considered for FY18 grant funding, but that does not guarantee the amount of funding that will be allocated to the County.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Church, the Commissioners unanimously approved FY16 Year-End Budget Transfers totaling \$365,205, which include \$174,419 to be included in the encumbrance request. Ms. Whited explained that the Year End Budget Transfers are a housekeeping measure included

in the annual audit process, whereby budgeted funds are redirected to cover unanticipated expenses in other line items.

Pursuant to the request of Public Works Deputy Director John Ross and upon a motion by Commissioner Elder, the Commissioners unanimously approved the Request for Proposals (RFP) for design of the Newark Spray Irrigation project, to be funded using a combination of Maryland Department of the Environment (MDE) grant and low interest loan funds.

Pursuant to the request of Mr. Ross and upon a motion by Commissioner Purnell, the Commissioners unanimously approved bid specifications for the purchase of treatment plant chemicals for use within the Water and Wastewater Division of Public Works. Mr. Ross explained that individual bids will be accepted for each chemical to secure the best pricing, as opposed to a combined bid.

Pursuant to the request of Mr. Ross and upon a motion by Commissioner Elder, the Commissioners unanimously waived the standard bid process and accepted the proposal from Kershner Environmental Technologies, LLC of Owings Mills, Maryland for the purchase of three, new submersible mixers with hoists for installation at the Ocean Pines Wastewater Treatment Plant (WWTP) at a total cost of \$43,050. Mr. Ross explained that the same mixer was installed in treatment unit four 10 years ago and has performed well. He, therefore, plans to replace three or four mixers each year until all 13 mixers are replaced.

Pursuant to the recommendation of County Engineer Bill Bradshaw and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for demolition and disposal of structures at 110 North Washington Street in Snow Hill to Miller's Land Services, Inc. of Princess Anne, Maryland at a total cost of \$18,525. Mr. Bradshaw advised that Miller's Land Service did not acknowledge Addendum 1 or provide references with their original bid, but that they subsequently provided assurance that Addendum 1 is included in the base bid, and they have provided commendable service to Worcester County previously. The Commissioners agreed to waive that technicality. In response to a question by Commissioner Bertino, Assistant Chief Administrative Officer Kelly Shannahan stated that the Commissioners have the right to waive such technicalities, which in his opinion would not damage the integrity of the bidding process.

Commissioner Church recused himself from discussions on the Longview Solar Projects and left the meeting due to a potential conflict of interests.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted the Findings of Fact and Resolution No. 16-23 approving the Step 1 Concept Plan for Longview Solar Utility Scale Solar Project - Heron Project - on Libertytown Road.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Resolution No. 16-24 approving the Step 1 Concept Plan for Longview Solar Utility Scale Solar Project - Seabeach

Project - on Public Landing Road.

Commissioner Church returned to the meeting.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 404 for October 18, 2016. This application was submitted by Attorney Hugh Cropper, IV on behalf of Sun TRS Fort Whaley, LLC, for an amendment to the Official Zoning Maps to rezone approximately 28 acres of land located on the southerly side of U.S. Rt. 50 at the easterly side of Dale Road, at the junction of U.S. Rt. 50 and MD Rt. 610 from C-2 General Commercial District to A-2 Agricultural District. Mr. Tudor advised that the application received a favorable recommendation from the County Planning Commission.

The Commissioners reviewed various pending board appointments.

Upon a nomination by Commissioner Mitrecic, the Commissioners unanimously agreed to appoint Michael Donnelly to the Local Development Council for the Ocean Downs Casino for a four-year term expiring December 31, 2019 to replace Todd Ferrante whose term expired.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to discuss an offer from Mohamad "Mike" Ramadan, owner of Gold Coast Beer and Wine, located in the Gold Coast Mall at 112th Street in Ocean City, to purchase the inventory in the Shore Spirits Retail Liquor Store at the Gold Coast Mall, subject to approval by the License Commissioners for a Class "A" beer/wine/liquor license with the application to be acknowledged by the County Commissioners. Mr. Shannahan stated that the County originally intended to package the store at the Gold Coast Mall with the store at 16th Street in Ocean City in the recent Request for Proposals (RFP). However, the landlord was not inclined to extend the County's lease at the Gold Coast site beyond the December 31, 2016 lease expiration and had instead agreed to enter into a long-term lease for that site with Mr. Ramadan who plans to submit an application for a new Class "A" beer/wine/liquor license by the September 19, 2016 deadline for the Board of License Commissioners' next meeting on October 19, 2016 to sell liquor at this location in addition to beer and wine. Mr. Shannahan pointed out that State law prohibits such licenses within 10 blocks of an existing County-owned liquor store; however, Liquor License Administrator April Payne has agreed to accept the application contingent upon a letter of acknowledgment from the County. Furthermore, staff have spoken with Mark Cropper, Mr. Ramadan's attorney, who advised that his client has offered to purchase the remaining inventory (except non-alcoholic beverages) at the Gold Coast Mall store at the County's actual cost, plus a 10% mark-up, plus additional inventory up to a total cost of \$300,000, including the 10% mark-up. He concluded that staff has reviewed the offer and recommends accepting it contingent upon a formal approved contract of sale between Mr. Ramadan and the County prior to the October 19, 2016 Board of License Commissioners' meeting.

Commissioner Mitrecic expressed concern that the County's proposed letter of acknowledgement appears to support one Class "A" beer/wine/liquor license applicant over others that may be planning to apply for a Class "A" beer/wine/liquor license to open a store within that general area after the County-owned store closes in December. He pointed out that if Mr. Ramadan succeeds in opening a liquor store at the Gold Coast Mall with the Commissioners'

support it may prohibit others from being able to secure a license nearby.

In response to a question by Commissioner Bunting, County Attorney Maureen Howarth advised that the County has no say in who the landlord chooses to award a lease at the Gold Coast Mall, and County staff solicited an offer from Mr. Ramadan solely because he is the lessor the landlord has chosen to occupy the site once the County's lease ends in December. Commissioner Bunting stated that if the County does not accept the offer, they will be left with no deal. In response to a question by Commissioner Elder, Ms. Howarth advised that the Request for Proposals (RFP) for the store at 16th Street went out to a list of interested bidders and was advertised in area newspapers, thus making known the County's intentions to sublease the liquor stores and sell the assets. In response to a question by Commissioner Bertino, Ms. Howarth advised that she would need to check with the Comptroller's Office to see if the County can bulk transfer liquor to anyone else. In response to a question by Commissioner Church, Ms. Howarth confirmed that the County had received a letter from a realtor who indicated that he had a client who was interested in purchasing all of the County stores, warehouse and select inventory, and they had been added to the bidders list for the 16th Street sublease RFP.

Following much discussion, a motion by Commissioner Bertino to accept the proposal as presented failed, with Commissioners Bertino, Bunting, and Purnell voting in favor of the motion and Commissioners Church, Elder, Lockfaw and Mitrecic voting in opposition. Following further discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to postpone further discussion on the matter until their next meeting on October 4, 2016.

The Commissioners adjourned for lunch.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 16-5 (Public Health - Skin Penetrating Body Adornment), which was introduced by Commissioner Mitrecic on August 16, 2016. Development Review and Permitting Director Ed Tudor reviewed the bill, which would add two new subsections to Section PH 1-107, which would prohibit any body piercer or employee of a body piercing studio from soliciting business off the premises of any body piercing establishment and also prohibit the payment of referral fees to any individual or establishment for the referral of potential clients. Furthermore, it would modify the requirements for certain documentation before the piercing of a minor, by relaxing the standards for proof of parental status by requiring written proof of parental status by affidavit, as opposed to the current requirement to provide written proof under oath, including photo identification of the parent proving parental status. Mr. Tudor pointed to written comments from Health Officer Debbie Goeller that express concern that these regulations on soliciting business and referral fees are more of a zoning regulation than a health regulation, as well as strong concern with regard to eliminating the requirement for notarized proof of parentage and the parent's photo identification.

Commissioner Bunting opened the floor to receive public comment.

Brian Peter Cosby, attorney for Dan Troriano, owner of Dimensions in Ocean City, read from Section PH 1-107 of the Zoning Code that pertains to Skin Penetrating Body Adornment and advised that the proposed amendment would add two needed protections. First, it would

prohibit off-premises advertising or solicitation for any body piercing establishment, something that is rampant in Ocean City at this time. It would also make it easier for patrons under age 18 to have piercings done while they are on vacation in Ocean City by eliminating the notary requirement, without relaxing the requirement to provide some form of proof of parental approval. Mr. Cosby advised that currently there are unlicensed establishments on the boardwalk that have signs in their shops advertising body piercing. However, when customers go into these establishments and pay for the procedures they are then directed to another location off the boardwalk to have the procedure completed. He stated that these boardwalk businesses are acting as fronts for body piercing establishments that may or may not be licensed, signing them up, taking their money and then directing them to other establishments, and in some cases these clients are minors who could be taken advantage of or violated because there is no tracking system in place to account for the customers they serve. He stated that the proposed amendment clearly prohibits fee referral, fee splitting and signs, and he requested that the Health Department step up enforcement of the new Code requirement if it is passed. With regard to the notary requirement, Mr. Cosby stated that the proposed amendment eliminates a burdensome step that is not needed to establish parental approval, as a notary does nothing more than act as a witness to documents that body piercing stores still must require of underage clients.

Mr. Troriano of Ocean City stated that at least 20 shops on the boardwalk advertise body piercing for other businesses, and 50 to 60 individuals per day come into his shop with maps in the summer and advise him that they paid for body piercing on the boardwalk and were given the maps to locate the stores where they are to have the piercing done. He stated that it robs him of potential clients and jeopardizes the safety of unsuspecting customers who may be headed to an unlicensed establishment to get pierced, establishments that often photograph the girls during the procedure. With regard to the notary requirement, he stated that Worcester County is the only county on the shore with this requirement, and he frequently redirects parents and their children to his shops in Salisbury and Delaware to get pierced because there's nowhere around for them to find a notary on weekends. He stated that eliminating the notary requirement was not required to boost his revenue, but would just make it easier for his clients to get what they want. He confirmed that, even without the notary, underage clients must come in with a parent or show proof of parental consent.

In response to a question by Commissioner Bunting, Mr. Troriano stated that his store policy is not to pierce inebriated clients. Instead, they are encouraged to return the next day when they are sober. In response to a question by Commissioner Bertino, Mr. Tudor stated that the County Code prohibits off-premises advertising in unincorporated areas of the County, and if off-premises advertising occurred in West Ocean City his staff could enforce said Code, but that, since these establishments are in Ocean City, they fall under the Ocean City Zoning Ordinance. Commissioner Mitrecic confirmed that there is a longstanding issue with unlicensed shops in Ocean City performing body piercings, with boardwalk stores taking clients' cash and sending them to off premises locations. He stated that this is not a zoning issue, but an enforcement issue, as Ocean City does not permit off premises advertising of any kind.

In response to a question by Commissioner Elder, Mr. Cosby stated that he is unaware of any enforcement of off-premises advertising being taken by the Health Department, and he confirmed that his client has been unable to convince the Town of Ocean City to enforce its own law prohibiting off premises advertising.

Health Officer Debbie Goeller confirmed that Health Department staff investigate all complaints they receive regarding unlicensed establishments performing body piercing, and this is the first she's heard of establishments photographing underage girls, and any such reports should be reported to and investigated by law enforcement. With regard to the notary requirement, she stated that former County Attorney Ed Hammond wrote the existing law and had advised at the time that the notary requirement was necessary; however, she would not object to removing the notary requirement. County Attorney Maureen Howarth requested time to study Mr. Hammond's opinion on the matter prior to the Commissioners taking any action to relax the notary requirement.

Commissioner Elder left the meeting.

Ruben Martinez of Berlin also urged the Commissioners to eliminate the notary requirement, stating that he operates a licensed body piercing shop, and his clients are often frustrated to learn that they must leave his shop to go have their proof of parental permission notarized. He stated that eliminating the notary step would in no way relax the parental proof of permission that exists now.

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

Following much discussion, the Commissioners took no action on Bill 16-5.

Commissioner Bunting closed the legislative session.

The Commissioners recessed for five minutes.

The Commissioners met with Board of Education (BOE) President Jonathan Cook, Superintendent of Schools Dr. Jerry Wilson and Architect Brad Hastings, AIA, LEED AP and Vice President of Becker Morgan, to review the Showell Elementary School (SES) Replacement School Conceptual Plans and Cost Estimate and to request \$1.6 million to complete the Schematic Design, Design Development, and Construction Documents required by the State of Maryland Public School Construction Program (PSCP). Dr. Wilson reviewed the BOE process for replacing this school, including public meetings with Community stakeholders and Commissioners Bertino, Bunting and Elder who served on a committee that helped them through the conceptual design process. He advised that the plans before the Commissioners reduced the originally-proposed school size by 10,000 square feet, from 105,333 square feet to 94,866 square feet, which reduced estimated construction costs by \$6.3 million.

Mr. Hastings reviewed a PowerPoint presentation that included the history, design process, committees, conceptual design schedule, design opportunities, area summary, conceptual site and floor plans, independent cost estimates, and design/construction schedule moving forward. These plans include constructing a 94,866-square-foot SES at an estimated cost of \$45,967,959, with a State and County cost share for construction of \$7,539,000 and \$38,428,959, respectively.

Commissioner Bunting thanked BOE officials for allowing the Commissioners to be part of the planning process. He pointed out that these costs exceed the total allocated budget to construct a new, 90,000-square-foot SES at a total project cost of \$37,181,000 that was approved by the Commissioners on October 6, 2015, and if the plans are approved as presented the Commissioners will be responsible for identifying an additional \$8,786,959 to fund the project. Commissioner Bunting also expressed concern that the non-construction costs had escalated

from \$7 million to nearly \$10 million under the current estimate. Mr. Hastings confirmed that there are opportunities to reduce the non-construction costs, including construction management fees and commissioning costs. In response to a question by Commissioner Bunting, Dr. Wilson stated that BOE officials were able to shave 14% off construction costs by reducing the proposed square footage of the facility. He further stated that, since the Commissioners' established budget allows for construction costs of \$37.2 million, with State funding of \$7 million, the County would only be required to fund \$39 million for the project.

In response to a question by Commissioner Mitrecic, Dr. Wilson confirmed that the proposed school design does not include the space needed for all day pre-kindergarten if the State begins requiring that in the future. BOE Facilities Planner Joe Price stated that if the project comes in under budget they could use the additional funds to construct the additional classrooms needed to meet that possible mandate. In response to a question by Commissioner Bertino, Dr. Wilson confirmed that all public elementary schools in the County and throughout the State would be required to provide space for all-day pre-kindergarten classes if mandated by the State Department of Education to provide this service.

A motion by Commissioner Mitrecic to approve the Conceptual Plans and Cost Estimate to replace the SES as presented and move forward with architectural planning failed, with Commissioners Church, Lockfaw, and Mitrecic voting in favor of the motion and Commissioners Bertino, Bunting and Purnell voting in opposition.

Commissioner Bertino stated that he is excited about this project, but felt that the Commissioners should postpone taking action on the request until their next meeting on October 4, 2016, so Commissioner Elder could take part in the discussion. A motion by Commissioner Bertino to revisit this issue at their October 4 meeting failed, with Commissioners Bertino, Bunting, and Purnell voting in favor of the motion and Commissioners Church, Lockfaw and Mitrecic voting in opposition.

The Commissioners answered questions from the press, after which they adjourned to meet again on October 4, 2016.