

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

October 17, 2023

Anthony W. Bertino, Jr., president  
Madison J. Bunting, Jr., vice president  
Caryn G. Abbott  
Theodore J. Elder  
Eric J. Fiori  
Joseph M. Mitrecic  
Diana Purnell

Following a motion by Commissioner Abbott, seconded by Commissioner Bunting, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) 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 Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, State's Attorney Kris Heiser, Sheriff Matt Crisafulli, and Chief Deputy Nate Passwaters. Topics discussed and actions taken included the following: discussing school security.

Following a motion by Commissioner Abbott, seconded by Commissioner Fiori, the commissioners unanimously voted to adjourn their closed session at 10:57 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Reverend 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 open and closed session minutes of their October 3, 2023 meeting as presented.

The commissioners presented a proclamation recognizing October 23-27, 2023 as Economic Development Week to Tourism and Economic Development Director Melanie Pursel and other economic development professionals from across the County.

Upon a motion by Commissioner Fiori, the commissioners unanimously approved by consent agenda item numbers 2-6 as follows: a Rural Legacy Area (RLA) Grant Agreement for \$761,761 in funding for the Dividing Creek RLA; bid specifications for a consulting firm to update the County's Comprehensive Plan; Three Year Salt Utilization Agreement with the State Highway Administration; the low bid for corrugated metal and plastic pipe from Lane Enterprises, Inc., including the purchase of additional quantities, for \$112,200.30; and the

contract from TrojanUV for the purchase of replacement ultraviolet disinfection equipment for \$209,530.

Chief Administrative Officer Weston Young informed those in attendance that, while completing an internal review of the Capital Improvement Plan (CIP) that the Board of Education (BOE) submitted to Worcester County Government (WCG) recently, Deputy Chief Administrative Officer Candace Savage discovered that the plan included no notation or reference to State funding for the Buckingham Elementary School (BES) replacement project. She then contacted BOE officials, who confirmed they have known since February 2023 that the State will not allocate any funds for the design or construction of a new BES. Immediately thereafter, County staff informed the commissioners of their findings. Commissioner Fiori reiterated that the commissioners recognize the need and are committed to building a new BES; however, they cannot do so at this time with no State funding. Commissioner Bertino stated that there were multiple opportunities for certain BOE executive staff members to inform the elected members of the BOE of the situation, but failed to do so. He concurred that the commissioners remain committed to the project, but that all the partners must work together to determine how to move forward.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously voted to pause the new BES construction project and send a letter to Governor Wes Moore requesting his support for State funding to complete the project.

Pursuant to the request of Snow Hill Town Manager Rick Pollitt, Jr. and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the Termination of Promissory Note and Preferred Mortgage between the County and Town of Snow Hill. This will allow the town to sell the Black-Eyed Susan riverboat, terminate the mortgage, and executes a Confessed Judgement Note securing the balance of the \$300,000 debt the town owes to the County.

The commissioners conducted a public hearing on Rezoning Case No. 444 for an application submitted by Hugh Cropper, IV on behalf of Black Water Relics, LLC, property owner, which seeks to rezone approximately 1.79 acres of land located to the east side of Market Street, and more specifically identified on Tax Map 63 as Parcels 89 and 106, from A-1 Agricultural 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 (DRP) Deputy Director Matthew Laick reviewed the history of uses on the property and stated that the premise of the rezoning application is based on a mistake. He further advised that the Planning Commission concurred that it had been a mistake to rezone the property to A-1 and, therefore, gave a favorable recommendation to the requested rezoning.

Commissioner Bertino opened the floor to receive public comment.

Mr. Cropper concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well. He reviewed the history of the property, its 27 years of consistent commercial use, and stated it had been a mistake to downzone the property, which has never been in agricultural use and is completely covered by a building and an asphalt parking lot. He further noted that Planning Commission member and former DRP Deputy Director Phyllis Wimbrow, who wrote the zoning map in 1992, voted that it had been a mistake to zone the property A-2.

Amy Kelly, owner of the property, discussed her plans to open an antique store in the existing building and asked the commissioners to approve her request to rezone the property.

Land Surveyor Greg Wilkins stated that the property, which is not suitable for any A-1 use, and C-2 is a more appropriate zoning, as the property is identified in a growth area south of town.

Chris McCabe of Coastal Compliance Solutions discussed the prior commercial uses on the property, stated that there are no tidal wetlands on the property, and agreed that C-2 zoning would be a more appropriate use of the property.

Snow Hill Town Manager Rick Pollitt stated the town's enthusiastic support of this rezoning request and explained that this change would help to support the town's economic development goals. He concluded that there would be no better way to celebrate Economic Development Week than to rezone the property to C-2 to allow for the opening of a new opportunity for economic development for the town and the entire area.

Former Sheriff Chuck Martin reviewed the commercial history of the property dating back to the early 1920s, and he asked the commissioners to support the requested rezoning.

Mandy Gladden of the Snow Hill Chamber of Commerce advised that the chamber unanimously supports the proposed rezoning, noting that it would generate new jobs, stimulate economic growth, and result in increased revenues that the town could use to fund various infrastructure projects.

In response to a question by Commissioner Bertino, DRP Director Jennifer Keener reviewed the list of permitted uses within the C-2 District, including retail, office, and warehousing. In response to a question by Commissioner Bunting, Ms. Keener reviewed the permitted uses within the A-1 District, which include but are not limited to feed mills, processing plants, livestock, commercial repair, seafood, agricultural equipment, roadside stands, saw mills, agricultural tourism, assisted living facilities, and daycares. She noted, however, that the proposed use for this property would require commercial zoning.

There being no further public comments, Commissioner Bertino closed the floor.

Following some discussion, a motion by Commissioner Mitrecic to approve the request to rezone the property from A-1 to C-2 failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

The commissioners recessed for five minutes.

The commissioners conducted a public hearing to receive public input on the proposed revisions to the County Commissioner Election Districts, pursuant to Section 2-102 of the Worcester County Government Article. Ms. Keener reviewed the draft maps and discussed population changes. She also advised that the draft maps are available for viewing electronically at [www.co.worcester.md.us](http://www.co.worcester.md.us), and the public comment period will remain open until November 14, 2023. She encouraged all residents to review these interactive maps online and invited them to schedule appointments to meet with DRP staff or talk with them by phone if they have any questions.

In response to a question by Commissioner Mitrecic, Ms. Keener stated that there is a deviation of about 5% between the Ocean City District and the average district population. She explained that there can be no more than a 10% deviation between districts.

Commissioner Bertino opened the floor to receive public comment.

In response to questions by Elections Director Patti Jackson, Ms. Keener confirmed that the County did not redistrict in 2021, when State and federal districts changed, as County staff had waited to receive revised Census data, which became available in 2022, and to acquire new mapping software, which was approved for purchase in April 2023. Ms. Jackson explained that the candidacy filing deadline is February 9 for those running for seats on the Board of Education in Districts 2, 3, and 5 in the 2024 General Election. She stated that the candidates could file for a seat in one district and then be disqualified if he or she is no longer identified as residing in that district after the commissioners adopt the final maps. Commissioner Mitrecic confirmed that the commissioners certainly do not want to redistrict someone out of a seat now or in the future. In response to concerns by the commissioners, Ms. Keener agreed to provide a status update on the maps at their second meeting in November. Commissioner Bunting noted that writing a legal description of these districts is going to be a very time-consuming process. Ms. Keener concurred and noted that they do not know at this time how much the maps will change based on public input. Ms. Jackson thanked Ms. Keener for keeping her in the loop on this process.

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

Following some discussion, the commissioners thanked Ms. Keener and her staff for their work on this vital project.

The commissioners met with Paul Ellington of State and Local Advisors to discuss legislative priorities for the 2024 Maryland General Assembly, which will convene in Annapolis January 10-April 8, 2024. He touched on changes in Annapolis, the priorities of newly-elected Governor Wes Moore, and anticipated State agency changes. He noted that Maryland Department of the Environment has indicated that their plans for the next few years, which are to be released in the next few weeks, which will include a climate component. He stated such changes seem to disproportionately impact the Eastern Shore, and the County will need to push back against any overreach by MDE. He then reviewed County and Eastern Shore concerns, including the following: Kirwan Commission; the education wealth formula, which impact State contributions for school operating budgets and school construction funding, specifically the Buckingham Elementary School (BES) replacement project; new State juvenile justice laws that prohibit law enforcement from interrogating and prosecuting juveniles; transportation funding; the need for a juvenile mental health facility on the Eastern Shore; support for a bill to be introduced that would allow for a tax free accidental death benefit for volunteer fire fighters; State and federal grant opportunities to help fund the \$1.7 million cost for a fire training center in Newark, and other issues. He highlighted the need for a dedicated dredging vehicle for this region, and he suggest the commissioners issue a letter requesting the U.S. Army Corp of Engineers add a dedicated dredge for use in the Chesapeake and Atlantic Coastal Bays. Commissioner Mitrecic advised that Ocean City officials are seeking support for legislation that would make it possible for the Town of Ocean City to offer an in-house fire training program. He requested Mr. Ellington keep the commissioners informed if the bill is introduced and what the commissioners can do to support it.

Commissioner Bertino requested Mr. Ellington work with the commissioners to secure State funding for the BES replacement project. Commissioner Purnell stressed the need for a juvenile mental health facility on the Eastern Shore and asked Mr. Ellington to keep the commissioners informed on what they can do to support such a project. Mr. Ellington stated that

Wicomico and Somerset Counties are already on board, and he will seek the support of the other counties on the Eastern Shore for this needed facility.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to send a letter to the Code Home Rule counties on the Eastern Shore and to the Eastern Shore Delegation seeking their support for enabling legislation to increase the hotel room tax by up to one penny.

Following further discussion and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter of request for a dedicated dredging vessel for the Chesapeake and Atlantic Coastal Bays.

Pursuant to the request of Warden Fulton Holland and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved an over-expenditure in the FY23 Building Site Expenses for Heating Fuel Oil costs of \$44,571.04 and an anticipated over-expenditure for FY23 of \$59,128 in that same category.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the request for proposals for the construction manager at risk services for the new Pocomoke Branch Library.

Pursuant to the request of Mr. Rice and upon a motion by Commissioner Abbott, the commissioners unanimously approved bid specifications for renovation of a basketball court at Pocomoke Middle School.

Finance Officer Phil Thompson reviewed the recent Other Post Employment Benefits (OPEB) valuation update, noting that the FY23 Valuation had a net liability decrease of \$13.74 million or 10% from June 30, 2022 for the combined General Government and Board of Education. He stated that this is a milestone in County funding efforts for OPEB, which began 20 years ago, and he encouraged the commissioners to continue OPEB funding as planned, with future funding strategies to be included in the upcoming FY25 budget work sessions.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Mitrecic, the commissioners unanimously agreed to appoint Charlie Murphy to the Housing Review Board.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint Laura Morrison to the Commission for Women (CFW).

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to appoint Crystal Bell, Judith Giffon, and Jeanine Jerscheid to the CFW.

Following a motion by Commissioner Abbot, seconded by Commissioner Fiori, the commissioners unanimously voted to meet in closed session at 1:06 p.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 Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public

Information Officer Kim Moses, Human Resources Director Stacey Norton, Human Resources Deputy Director Pat Walls, Library Director Jennifer Ranck, and Library Board member Nancy Howard. Topics discussed and actions taken included the following: receiving a personnel update, hiring Gerald Jeffra, III as an office assistant VI in Circuit Court, and Jesse Burroughs as a plant operator trainee within the Water and Wastewater Division; promoting Brandon Mason from recycle worker III within the Solid Waste Division to correctional officer trainee within the County Jail and Katie Vieira from emergency management specialist to emergency preparedness manager within Emergency Services; receiving legal advice from counsel; and performing administrative functions, including discussing library operations and the monthly financial update.

The commissioners answered questions from the press, after which they adjourned to meet again on November 7, 2023.