

Minutes of the County Commissioners of Worcester County, Maryland

December 17, 2024

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

Following a motion by Commissioner Fiori, seconded by Commissioner Mitrecic, 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, and Human Resources Director Stacey Norton, and Enterprise Fund Controller Quinn Dittrich. Topics discussed and actions taken included the following: a personnel update, hiring Wendy Serrano as a customer service specialist, Willie Jackson, Jr. as a landfill operator II, Jakayla Jones as an office assistant IV, and Darius Williams, Jonathan Kent, Tevin Smith, and Kimberly Hayes as correctional officer trainees; receiving legal advice from counsel; and performing administrative functions, including changing the promotional requirements for communications specialist II's in Emergency Services; reviewing the FY25 monthly financial update; and discussing potential board appointments.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Fiori, the commissioners unanimously voted to adjourn their closed session at 10:00 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Elder called the meeting to order, and following a morning prayer by Reverend Dale Brown of the Community Church of 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 December 3, 2024 meeting as presented.

The commissioners presented a years-of-service commendation to Construction Supervisor Mike McCabe who is retiring following 37 years of service to the Water and Wastewater Division.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously approved by consent agenda item numbers 2-7 as follows: filing the FY26 State Aid for Police Protection Fund grant application; purchasing a replacement tank mixer for the Ocean Pines Wastewater

Treatment Plant from Hill's for \$112,625; contracting with Modern Controls to replace the HVAC system at the Ocean City Senior Center for \$255,705; contracting with George, Miles & Buhr for engineering services to replace the boat ramp at the George Island Landing for \$26,400; purchasing two truck bed slide-in units from Iconic Elements, Inc for \$31,470; and extending the ground lease for an antenna located at County property in Berlin.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bertino, the commissioners unanimously approved a contract with Peninsula Water Conditioning to install sediment filters on private household water systems in Newark at a cost of \$325 per home for a total cost not to exceed \$58,000.

Pursuant to the request of Procurement Officer Nick Rice and Mr. Baker and upon a motion by Commissioner Abbott, the commissioners unanimously approved a contract with Garland/DBS, Inc. to replace the roof at the Worcester County Government Center at a total cost of \$1,584,588. In response to questions by Commissioner Bertino, Mr. Baker stated that the original project cost came in over budget, so those involved in the original project value engineered certain components, which reduced the overall cost, but resulted in the elimination of items that should not have been removed. Mr. Rice stated that safeguards are included in the contract that will allow the County to hold the contractor accountable if there are any issues with the roof.

The commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review a text amendment application submitted by John Viola, general manager of the Ocean Pines Association (OPA) to amend ZS 1-324(c)(9) as it pertains to internal community sign provisions within an established community or subdivision.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned text amendment and agreed to schedule a public hearing on the draft bill.

The commissioners met with Ms. Keener to review a text amendment resubmitted by Jonathan Anders to add a special exception use in the A-1 Agricultural District to allow private, noncommercial buildings for the storage of personal property. Ms. Keener advised that the language in the draft bill mirrors the bill that received a favorable recommendation from the Planning Commission and was introduced by the commissioners; however, the motion to adopt the draft bill failed for lack of a second following a public hearing on June 18, 2024.

Following some discussion, Commissioners Fiori and Mitrecic introduced the aforementioned text amendment and agreed to schedule a public hearing on the draft bill.

The commissioners conducted a public hearing on Bill 24-08 (Zoning – Detached Accessory Buildings and Off-Street Parking in Campground Subdivisions), which was introduced by Commissioner Fiori on August 6, 2024 and would amend campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements for campsites in a campground subdivision. Ms. Keener stated that today's hearing is the continuation of the September 3, 2024 public hearing. After that public hearing, the commissioners tabled a decision on Bill 24-8 to provide them with additional time to consider

new information brought forward by several residents during the hearing. She then explained that, based on testimony given during the first hearing and feedback from the commissioners, County staff had amended the bill to remove the parking modifications and propose a three-foot separation distance between buildings, rather than zero. This legislation would apply to White Horse Park and Assateague Pointe, the only two campground subdivisions in the County.

In response to a question by Commissioner Bunting, Ms. Keener advised that the Planning Commission originally gave the bill an unfavorable recommendation.

Commissioner Elder opened the floor to receive public comment.

Tracy Barnhardt of Spindrift Lane stated that fire concerns have been addressed, and she urged the commissioners to reduce parking requirements to one parking spot per campsite to allow the gazebo or shade canopy. Commissioner Fiori addressed issues pertaining to access for fire trucks and setbacks and noted that many seniors are seeking sun safety options to enjoy their vacation homes.

In response to questions by Commissioner Bertino, Ms. Keener stated that campground subdivision roads have different requirements than typical County roads, and fire vehicles could not travel down these roads if there were cars parked in the public right of way. Fire Marshal Matt Owens stated that there is a 10-foot setback requirement from primary residences in the County Code, so he is concerned about the proposed three-foot setback. Commissioner Bunting stated that provisions were made to approve the campground subdivisions, such as reduced roadway widths and no fire hydrants. He stated that the proposed legislation would just create additional safety issues. Commissioner Fiori stated that he did not believe the proposed legislation would create any additional safety issues, and he pointed out that due to the rural nature of the County, many subdivisions are not served by fire hydrants, but that County fire departments are well equipped to fight fires in these areas.

Jack Walter of White Horse Park stated that he installed a gazebo after purchasing his property 30 years ago, and throughout that time there have been no fires in his neighborhood. He stated that he saw no reason to make any changes to campground requirements after all those years.

Janice Carr, the manager of White Horse Park, addressed concerns raised by Commissioner Bunting by noting that the campground recently implemented a program that would require all residents to have relocated existing sheds back onto their own properties by summer 2025. She then compared the absence of fire hydrants in White Horse Park to that of many subdivisions in the County. Commissioner Bertino noted that, unlike a standard subdivision, campground subdivisions have a high concentration of lots and residents in very confined spaces, which dramatically increases his fire safety concerns.

Mike Herbert of Snowbird Court stated that there is plenty of public parking and overflow parking within the subdivision, so there is no reason or need for residents or visitors to park along the side of the road, and he urged the commissioners to adopt the draft bill.

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

Following some discussion and upon a motion by Commissioner Fiori, the commissioners voted 4-3, with Commissioners Elder, Fiori, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, and Bunting voting in opposition, to adopt Bill 24-08.

Commissioner Mitrecic stated concern that the sheds are not required to have fire walls. Following a brief discussion and upon a motion by Commissioner Mitrecic, the commissioners unanimously directed staff to draft a text amendment for the commissioners' consideration at a

future meeting that would require sheds erected on any residential property in the County to be constructed with fire walls.

The commissioners met with Chief Administrative Officer Weston Young to consider adopting Resolution 24-19 to authorize the acquisition of certain real property in the West Ocean City (WOC) commercial maritime harbor to protect the county's commercial fishing industry. Mr. Young stated that US Wind is proposing to put its operations and maintenance facility in the harbor, and the properties they are currently seeking to acquire are the only two commercial fish houses. He stated that this action is required to preserve the ability for the commercial fishermen to land their catch in Maryland, as their quota requires. He outlined the County's concerns, which include the sacrificing of a critical Worcester County industry for foreign special interests, which have generally fallen on deaf ears at the state and federal levels; state and federal permits have been issued rather hastily; and the project is being fast tracked, likely due to the election of President-elect Trump. In light of all this, he advised that County staff are seeking approval to pursue eminent domain on these critical properties. Commissioner Mitrecic noted that this is just a starting point to approach the property owners and attempt to negotiate a price to purchase each property and get property appraisals, with further proposed steps to come before the commissioners.

In response to questions by Commissioner Bertino, County Attorney Roscoe Leslie stated that the first steps would include trying to come to an agreement, and if unable to do that follow a court run process to compel the sale of the property. He stated that Mr. Young, outside counsel, and he would approach the property owners, and any purchase prices offered would come back to the commissioners for their consideration. In response to further questions by Commissioner Bertino, Mr. Young stated it is staff's understanding that nondisclosure agreements have been signed between the property owners and US Wind in which the owners were offered multiples of what the appraised property values actually are.

At the recommendation of Commissioner Bunting and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to amend the second to last paragraph on page 12-4 of resolution No. 24-19 as follows: "BE IT FURTHER RESOLVED, that the Chief Administrative Officer is expressly authorized to initiate condemnation proceedings in order to implement this resolution with the consent of the commissioners;" and the commissioners adopted the resolution as amended.

Upon a motion by Commissioner Fiori, the commissioners directed DRP staff to develop a text amendment for the commissioners' consideration that would further protect commercial fishing in the WOC commercial harbor. Commissioner Fiori stated that this harbor was intended for commercial fishing and additional protections are necessary to assure that fresh fish continues to show up in Worcester County. In response to questions by Commissioner Bertino, Ms. Keener stated that staff will be looking at marine uses that are in the current Commercial Marine District as well as the public utility type uses and ways to strengthen what is already on the books.

Pursuant to the request of Mr. Young and Mr. Rice and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the contract with Bedrock Advocacy Communications for a campaign opposing offshore wind, with the County contribution to the

campaign not to exceed \$100,000, and with additional funding to come from contributions by the Town of Ocean City and private donations.

Budget Officer Kim Reynolds presented an update on the FY26 budget, with the County to receive an additional \$18 million in property tax revenue, and income tax revenue currently estimated to increase by \$6 million for an estimated increase of approximately 9% compared to FY25. Ms. Reynolds noted that the County's reserve policy requires 15% of all budgeted expenditures to be held in reserved and 22.2% of all income tax revenue to be transferred to the Other Post Employment Benefit (OPEB) fund. She then reviewed a number of unknowns, including CORE health department funding requirements for FY26 and several water and wastewater projects and operational support that may require funding from the General Fund. She concluded that departments have been advised to keep operating expenses at or below a 4% overall increase from the prior year's budget. In response to a question by Commissioner Bertino, Mr. Young stated that the Board of Education will be notified that they can grow the County portion of their operating budget by up to 4%.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the commissioners unanimously agreed to reappoint Kelley Gravenor to the Agricultural Preservation Advisory Board, Brooks Clayville to the Agricultural Reconciliation Board, and Joseph Stigler to the Ethics Board.

Upon a nomination by Commissioner Bertino, the commissioners unanimously agreed to reappoint Missy Denault to the Recreation Advisory Board and Tina Kolarik to the Local Development Council for the Ocean Downs Casino.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to reappoint D.D. Hall to the Economic Development Board,

Upon a nomination by Commissioner Fiori, the commissioners unanimously agreed to reappoint Teres Guo, Kyleigh Kruse, Mia Acuna, Brooke Berquist, and Gabriella Thompson-Servant to the Worcester County Youth Council.

Commissioner Bertino congratulated the Health Department for earning its 10-year accreditation.

Commissioner Mitrecic congratulated the Stephen Decatur High School football team for taking the state title for the second year in a row.

Upon a motion by Commissioner Mitrecic, the commissioners unanimously eliminated the requirement for staff to receive approval to issue bid specifications for items approved in the budget, with the understanding that bid awards must still be approved by the commissioners.

Commissioner Mitrecic expressed concern about the use of upside-down envelopes in County mailings and requested staff provide justification for their use at a future meeting.

Commissioner Abbott expressed her gratitude to County staff for all their hard work throughout the year. She stated that she is looking forward to a new administration in Washington and good things to come in the year ahead.

Commissioner Elder wished everyone a Merry Christmas and a happy New Year.

The commissioners answered questions from the press, after which they adjourned to meet again on January 6, 2025.