

Minutes of the County Commissioners of Worcester County, Maryland

October 15, 2019

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, with Commissioner Church absent from the meeting and Commissioner Elder absent from the vote, 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), (7), and (14) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: hiring Joshua Lockman as a Correctional Officer Trainee and Theresa L. Koerner as a Correctional Officer Trainee/Cook for the Jail, Jared Litten and Christian Stevens as Grounds Worker II's within the Maintenance Division of Public Works, and William Gladding as a Roads Worker II for the Roads Division of Public Works; postponing a request to post for two License Permit Clerk I's in Development Review & Permitting (DRP); discussing personnel issues within the Solid Waste Division of Public Works and Emergency Services; acknowledging the hiring of Brian Young as a part-time Kennel Attendant within the Animal Control Division of the Sheriff's Office; receiving legal advice from counsel; and performing administrative functions, including: discussing FY20 overtime within Emergency Services; nominating Commissioner Bertino to serve as the primary Worcester County representative on the Maryland Association of Counties (MACo) Legislative Committee for the calendar year 2020, with Commissioner Bunting to serve as the alternate representative; reviewing the MACo Winter Conference schedule; receiving FY19 and FY20 monthly financial updates; accepting an offer to purchase the former Liquor Control warehouse in Snow Hill; and amending the Commissioners meeting packet deadline and delivery schedule.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 9:30 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by DRP Deputy Director Phyllis Wimbrow and pledge of allegiance, announced the topics discussed during the morning closed session.

Commissioner Church was absent from the meeting.

The Commissioners reviewed and approved the open and closed session minutes of their October 1, 2019 meeting as presented.

Human Resources Director Stacey Norton introduced Lachelle Scarlato, Deputy Director of Economic Development and Rachael Stein, Assistant Library Director, two new critical members of the County team.

The Commissioners presented a proclamation recognizing October 21-25, 2019 as Economic Development Week to Ms. Scarlato and John Hickman and Tim Sherman, business consultants of the Small Business Development Center (SBDC) at Salisbury University, to highlight that residents and business owners alike benefit from Worcester County Economic Development services and activities, which are designed to enhance commerce.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor, in response to a request made by Attorney Hugh Cropper on behalf of his client, Harkins Farms, LLC, and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 19-31, approving a proposal for an approved private road over an existing driveway known as Pike Lane in Stockton. Mr. Tudor stated that no improvements to the existing driveway are proposed, and Harkins Farms will be solely responsible for its maintenance.

The Commissioners met with Mr. Tudor and DRP Technical Services Division Manager Kelly Henry to establish a 2020 Census Complete Count Committee (CCC) and to review suggested appointments to said committee to assist in getting word out about the Census, particularly in areas such as Berlin, Pocomoke City, and Snow Hill that have been historically undercounted. Mr. Tudor explained that Census numbers are used to determine the amount of federal funding that flows to the County for a number of programs, including Supplemental Nutrition Assistance Program for Women, Infants, and Children, Medicaid, Children's Health Insurance, and highway transportation projects. According to the State, Maryland loses \$18,250 over 10 years for every Marylander not counted.

In response to a question by Commissioner Bertino, Ms. Henry suggested the following professionals serve as CCC members: municipal government leaders, including Berlin Mayor Gee Williams and Planning Director Dave Engelhart, Ocean City Town Manager Doug Miller and Planning Director Bill Neville, Pocomoke City Mayor Bruce Morrison and Interim City Manager Dan Deutsch, and Snow Hill Mayor Gary Weber; County staff, including Economic Development Director Kathryn Gordon, Public Information Officer Kim Moses, Information Technology staff member Susan McMichen, Volunteer Services Manager Kelly Brinkley, and Tourism Director Lisa Challenger; Library Director Jennifer Ranck; Commission on Aging representative Lu Anne Siler; Board of Education (BOE) Superintendent of Schools Lou Taylor and Public Relations and Special Programs Coordinator Carrie Sterrs; State representatives, including John Watson, Eastern Shore CCC Coordinator for the Maryland Department of Planning, and Department of Social Services Director Roberta Baldwin; and federal representatives, including Ashley Roush of the U.S. Census Bureau. Commissioner Bertino requested representatives from the Ocean Pines Association (OPA) be included as well.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the establishment of the local CCC and proposed membership, to include representation from the OPA and perhaps other organizations throughout the County as determined beneficial in the future.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications to replace the carpet in the Ocean Pines Branch Library, with funds of \$85,000 available within the FY20 budget for this expense. They further agreed to waive the standard bid process and accepted the proposal from Bates Moving & Storage Company, Inc. in the amount of \$29,890 to move loaded library stacks, which will help shorten the duration of the carpet replacement project. In response to a question by Commissioner Bertino, Ms. Ranck stated that the project should be complete by March 2020.

Pursuant to the request of Colonel Doug Dods and the written request of Sheriff Matt Crisafulli of the Sheriff's Office and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to add one additional 2x4 pursuit vehicle at an approximate cost of \$33,371 to replace a 2015 Tahoe that was involved in an accident and would cost more to repair than its current value, and further approved additional funds of \$11,130 for vehicle equipment. Mr. Higgins agreed to allocated funding from the Fund Balance to cover the total cost of \$44,501 for this new vehicle.

Pursuant to the request of Lieutenant Edward C. Schreier and the written request of Sheriff Crisafulli and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign three FY20 Maryland Highway Safety Office Project Agreements for grants that will be used to reimburse the Worcester County Sheriff's Office for overtime hours related to traffic enforcement initiatives aimed at reducing the instances of aggressive driving (\$2,000) distracted driving (\$2,000), and impaired driving (\$1,000).

The Commissioners conducted a public hearing to receive public comment on the proposed inclusion into the Inventory of County Roads of Arcadia Circle in the Arcadia subdivision, which is located in the Fourth Tax District of Worcester County, Maryland, as shown on Tax Map 49 as Parcel 27.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No. 19-32 amending the Inventory of Public Roads of Worcester County, Maryland to include Arcadia Circle in the Arcadia Subdivision.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Elder, the Commissioners unanimously approved the additional proposed Year End Reserve for Assigned Encumbrances in the amount of \$32,000 in the Other Projects and Programs category for a Tow Master trailer with electric over hydraulic bi-fold lift gate.

The Commissioners met with Senior Budget Accountant Kim Reynolds to review and consider scheduling a public hearing on the requested five-year Capital Improvement Plan (CIP) FY21 - FY25. Ms. Reynolds advised the Commissioners that projects totaling \$75,110,390 are proposed over the five-year period. She stated that, of the proposed projects, \$9,840,108 or 13.1% are proposed to be funded by the General Fund and \$36,957,977 or 49.2% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, assigned funds, and enterprise bonds. She reminded the Commissioners that the CIP is strictly a planning document, and a project's inclusion in the CIP does not constitute funding approval. Rather, each project will be considered and if approved would be refined as details come to light and as projected revenues are known. Priority projects would be given approval to move forward with more detailed planning.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on November 19, 2019 to receive public comment on the requested five-year CIP FY21 - FY25 as presented.

The Commissioners met with Human Resources Director Stacey Norton to review proposed changes to the Length of Service Award Program (LOSAP), a defined contribution plan for Worcester County volunteer firefighters and ambulance company members to enhance recruitment of new members and retention of current members by providing a monetary award based on length of active service. Proposed changes include removing the age requirement to qualify for an award, requiring a minimum of 25 years of certified active service, or be a Life member of Gold Badge member status (inactive), and submit an award distribution application to the trustees for approval. Ms. Norton stated that benefit awards will increase from \$6,000 to \$10,000 and a retention bonus of \$2,500 will be paid to new members after completing five years of active volunteer service, excluding transfers from another volunteer fire company.

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No. 19-33 revising Worcester County LOSAP for volunteer firefighters and ambulance company members as presented.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved out-of-state travel for Mr. Birch to attend the International Association of Emergency Managers Conference from November 15-22, 2019 in Savannah, Georgia at a cost of \$2,730 for registration, flights, lodging and meals, with funds available in the FY20 budget for this purpose.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved out-of-state travel for Mr. Birch to attend the National Hurricane Conference from April 5-10, 2020 in Orlando, Florida at a cost of \$2,036 for registration, flights, lodging and meals, with funds available within the FY20 budget for this purpose. The Commissioners discussed attending the National Hurricane Conference, and Commissioner Mitrecic stated that he would like to attend. They further authorized staff to poll department directors to determine additional staff members who would benefit from attendance given that funds have been budgeted for up to 16 staff members and Commissioners to attend.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Mitrecic, the

Commissioners unanimously authorized staff to proceed with a project to be funded by the Emergency Number Systems Board (ENSB) in the amount of \$7,033.95 to purchase 21 Plantronics CA12DC-S PTT adapter push-to-talk headset base switches as follows: six for the 911 dispatch center in Snow Hill, six for the backup center in Newark, and nine for the 911 dispatch center in Ocean City.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Emergency Services to participate with eight other Eastern Shore county emergency directors to request the ENSB fund the development of a request for proposals (RFP) for a sole-source vendor for the State for the future Next Generation 911 infrastructure. Mr. Birch stated that both AT&T and Motorola are expected to submit proposals for this project, which will be considered by each County at a later date. In response to a question by Commissioner Mitrecic, Mr. Birch stated that the County will incur no cost at this stage to participate in the RFP, and County Attorney Maureen Howarth advised that all nine counties should have an opportunity to review and comment on the proposed RFP prior to its release.

Pursuant to the request of Mr. Birch and upon a motion by Commission Nordstrom, the Commissioners unanimously authorized Commission President Purnell to sign the FFY19 State Homeland Security Grant Program Agreement awarding Worcester County Emergency Services (WCES) a grant of \$103,463.63, which must be used between September 1, 2019 and August 1, 2021 within the following categories: planning to deliver capabilities, whole community security, emergency management, and access control and identification verification.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the final closeout for the 2017 sub-recipient State Homeland Security Grant Program Agreement. Mr. Birch stated that \$4,250 of the \$80,400 grant was not spent, so the County received a total of \$76,150.

Pursuant to the request of Mr. Birch and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the final closeout for the 2016 sub-recipient State Homeland Security Grant Program Agreement. Mr. Birch stated that \$24,446 of the \$80,400 grant was not spent, so the County received a total of \$55,954.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to discuss the pilot paramedic scholarship program, with funding of \$8,000 for FY20, which was approved by the Commissioners during their budget work session on May 14, 2019. Mr. Shannahan reviewed the pilot program, noting that the scholarship program has been designed to fund tuition reimbursement for up to two students each year from among the 10 chartered volunteer fire companies in Worcester County to obtain their paramedic certification at Wor-Wic Community College (WWCC).

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 19-34 establishing the Worcester County Volunteer Fire Company Pilot Paramedic Scholarship Program.

The Commissioners met with Chief Administrative Officer Harold Higgins, Mr. Shannahan and fellow Sewer Committee members Finance Officer Phil Thompson, Enterprise Fund Controller Jessica Wilson, Environmental Programs Director Bob Mitchell, Public Works Director John Tustin, and Public Works Deputy Director John Ross to review a proposed revised resolution establishing standard sewer flow calculations. Mr. Shannahan stated that, following the Commissioners' directive to staff following the August 20, 2019 public hearing on this matter, the Sewer Committee met to draft and discuss the requested reconsideration process. However, the Sewer Committee strongly cautions against the adoption of a reconsideration process as the County has been calculating projected sewage flow for the past 40-years based upon industry-standard design manuals, which are designed to create the proper balance (recognizing that some specific operators will use more than the standard sewer flow, while others may use less flow) and a reconsideration process re-introduces uncertainty to the process. The committee identified 15 specific concerns that include significant financial issues, data collection and interpretation issues, capacity issues, and operational issues. However, recognizing the Commissioners' request to draft a reconsideration process, staff has developed language for the reconsideration process, which provides that: it applies only to projects approved after adoption of this resolution; audit requests are accepted within three years of initial occupancy; the minimum request is for a reduction of at least 20% and at least two EDUs; the project must be operating at 95% of permitted occupancy; applications must include data for at least 180 days, including the summer months (May 15 through September 15) and a \$500 fee for processing; additional data or studies may be requested by staff; approved reductions must demonstrate that actual flow did not exceed the requested revised flow on more than 10 days or any 3 consecutive days; if reduced, additional EDUs shall be turned in to the County and a refund of the initial purchase price shall be granted; applicants shall be required to purchase EDUs or revise operations to lower flows if the audit shows that actual flows exceed the allocation; and the County has the right to monitor daily flow and perform audits to determine if allocated flow is being exceeded, in which case those customers shall be required to purchase EDUs or revise operations to lower flows. Mr. Shannahan stated that the Sewer Committee encourages the Commissioners to adopt the August 20 version of the resolution, which does not include a reconsideration process.

Commissioner Mitrecic stated that the Commissioners wished to schedule another public hearing after they previously tabled this matter to provide the public with an opportunity to comment on the proposed revised resolution. Commissioner Bunting concurred.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule a public hearing to receive public comment on the latest revised resolution establishing standard sewer flow calculations.

At the request of Commissioner Mitrecic, the Commissioners revisited their discussion regarding a proposal to enter into a license agreement with Thrive Engineering, LLC (Licensee) for space to dock the catamaran, Alyosha, at the West Ocean City (WOC) Harbor in the County Joint Venture Area, which is approximately 64 feet in length and running along the bulkhead from the Worcester County boat ramp to the Governor's Dock, for five years beginning on October 1, 2019 and ending on September 30, 2024. The Commissioners conducted a public hearing on October 1, 2019 to consider this request, when Commissioner Mitrecic was absent, and no action was taken on the matter at that time. Commissioner Mitrecic stated that the

proposal before the Commissioners is a prime example of a partnership that can benefit County recreation programs and generate additional revenue, while the nighttime docking should not adversely affect use of the boat ramp. Commissioner Bunting stated that Commissioner Mitrecic did not hear the public comments and argued that the lease should not be approved. Commissioner Mitrecic explained that he had watched the video of the Commissioners' meeting and listened to the comments from the October 1 public hearing.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to approve the five-year lease as presented.

Mr. Higgins announced that the judge assigned to a nationwide opioid lawsuit based in Ohio and known as the MDL recently approved a class action lawsuit and certified the negotiation class, which includes all 33,000 U.S. counties and municipalities. The 13 defendants in the lawsuit are Purdue, Cephalon, Endo, Mallinckrodt, Actavis, Janssen, McKesson, Cardinal, AmerisourceBergen, CVS Rx Services, Inc., Rite-Aid Corporation, Walgreens, and Wal-Mart. Based on a hypothetical \$1 billion gross settlement for counties and cities, Worcester County would receive \$177,349 to be distributed among the County and its four municipalities. Mr. Higgins stated that Worcester County is automatically a member of the negotiation class, unless the Commissioners file an Exclusion Request Form to opt out. Based upon a concern that the municipalities may be excluded from the negotiation class if the County opted out, the Commissioners took no action on this matter and are, therefore, a member of the negotiation class.

The Commissioners recessed until 11:00 a.m.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comments on the proposed revisions only to Bill 19-3 (Zoning - Boarding and Lodging Rentals). These revisions were made in follow-up to the August 20, 2019 request of the Commissioners following a public hearing on Bill 19-3 in its entirety to address their concerns regarding the additional parking space required for rental properties, the limitation of two persons per bedroom rather than by size of the bedroom, and the restriction on the number of unrelated persons occupying a rental home. Development Review and Permitting Director Ed Tudor reviewed the proposed revisions as follows: First, the new ZS 1-351(b)(5) would require that one additional parking space be required beyond that currently required for a dwelling unit only for all short term rental structures for which a building permit application is received after the effective date of this bill. Second, staff revised several different parts of the bill, creating a definition of the term "bedroom," which created a new Section 1 of the bill and then renumbered all subsequent sections, and revised the new ZS 1-351(b)(3) A through C, so that occupancy of a bedroom is based on the ratio of one occupant per 50 square feet of floor area unobstructed by other than furniture rather than simply two persons per bedroom as originally proposed. Third, to address the concerns over the number of unrelated persons occupying a short-term rental, staff revised the new ZS 1-351(b)(3)A to say that the definition of "family or housekeeping unit" shall not apply in determining the occupancy limitations of short term rentals holding a valid rental license, but rather the square footage limitations with regard to bedroom size and the total

number of bedrooms would govern occupancy limitations.

Commissioner Purnell opened the floor to receive public comment.

Joe Wilson, President of the Coastal Association of Realtors (CAR), stated that the changes reflected here are a vast improvement over the original bill, but he urged the Commissioners to adopt the following changes: revise the occupancy of a bedroom to one occupant per 40 square feet to align with the Town of Ocean City's rental code; and include an allowance for individuals to occupy sleeper sofas in areas such as living rooms; and eliminate the parking requirement, which could make it impossible for some property owners to use their homes as short-term rentals. In response to a question by Commissioner Bertino, Mr. Tudor stated that there is no provision for occupying sleeper sofas in non-bedroom areas. In response to a question by Commissioner Mitrecic, Mr. Tudor stated that the Planning Commission will consider revisions to County parking requirements in the future. For now, owners are permitted to provide more parking space if desired.

Thomas Ligis of Ocean Pines stated that the short-term rental property near his house is problematic, noting that the three-bedroom home with parking for four cars was the site of a wedding with a disc jockey and 25 cars and even boat trailers parked everywhere. He stated his frustration with short-term rentals and asked the Commissioners to pass common-sense laws that would provide neighbors with some type of recourse against this type of misuse of rental properties, starting with a local contact to whom they could complain when renters get out of hand.

Carol Garey of Ocean Pines said four out of five properties adjacent to hers are used for short-term rentals, with a constant barrage of barking dogs, loud music at all hours, and people yelling. She urged the Commissioners to amend Bill 19-3 to protect surrounding property owners who live year-round in their homes.

Judy Neustadt of Ocean Pines stated that the property owner adjacent to her modified his home from three to five bedrooms to sleep up to 15 and took down all the trees on his property, so now renters park in front of her property to shade their cars from the sun. She expressed concern that firemen would have no way of knowing how many people are residing in the home, which could pose a significant hazard. She stated that the Commissioners should set occupancy limits based on the size of a home and not the number of bedrooms both for the sake of the neighborhood and for public safety.

Doug Parks of Ocean Pines urged the Commissioners to support this bill and to assist the Ocean Pines Association (OPA) to enforce these provisions therein. Commissioner Bertino stated that the County will make itself available to assist the OPA in developing its own short-term rental guidelines.

Joe Reynolds of Ocean Pines urged the Commissioners to adopt legislation that protects the rights and privileges of property owners to rent their homes while also protecting their neighbors, those who chose to reside in their homes. He stated that as written Bill 19-3 makes the problem of short-term rentals in Ocean Pines even worse.

Gary Sirianni of Ocean Pines echoed his agreement with his neighbors regarding the need to protect homeowners from short-term rentals, noting that rules and regulations are only as good as the plan to enforce them, and he asked what action plan would be set in place to do so. Mr. Tudor stated that DRP will establish a program to enforce Bill 19-3 that can be accessed on the County website. He clarified, however, that enforcement will be complaint driven.

Jack Barnes of Ocean Pines stated that Ocean Pines has changed from a community of

homeowners to a dynamic Airbnb host, with cars parking on the streets and in grass berms, and he urged the Commissioners to pass laws that will protect resident homeowners.

Bill Haase of Ocean Pines stated that he is both a property owner and a property manager, and he supports this legislation. But he urged the Commissioners to include a registry, that includes the names and phone numbers of local contacts that neighbors can call if there are violations. He also asked the County to develop an education program to inform the community about short-term rental laws.

Kathy Walkavich of Ocean Pines asked the Commissioners to rework the section on occupancy to reduce the occupancy limits to two adults per bedroom, which will help protect the health, safety, and general welfare of the communities where short-term rentals are located.

Cam Bunting of Berlin and owner of Bunting Realty stressed the importance of requiring a local contact for all short-term rentals to help with enforcement, and so the public will know who to call to report problems.

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

Commissioner Mitrecic thanked everyone who spoke at the public hearing, noting that, while everyone may not like everything in this bill, it is a starting point that may evolve.

Commissioner Bunting thanked those who participated in the public hearing for providing useful recommendations aimed at improving Bill 19-3, such as requiring a short-term rental registry, but stated that he cannot support this bill as written without a cap on the permitted number of occupants for the health, safety, and general welfare of the neighborhoods where these rentals are located. In response to questions by Commissioner Bunting, Fire Marshal Jeff McMahon stated that only new single-family homes are subject to the sprinkler requirement, and he has concerns regarding how occupants of a four-bedroom home that sleeps 15 (which is essentially a multi-family home) could safely evacuate the residence in the event of a fire. Environmental Programs Director Bob Mitchell stated that multiple short-term rentals with 15 occupants per home would exceed the equivalent dwelling unit (EDU) rate of 250 gallons per day (gpd) per home and thus could place a strain on sewage treatment.

Commissioner Elder stated that the issue of short-term rentals seems to be primarily an Ocean Pines issue, and because Ocean Pines was developed as a residential community, this bill does not go far enough to address the concerns raised today. However, he will support the bill as presented because it is a good starting point.

Commissioner Bertino stated that he cannot support the legislation as presented because it does not address the challenges raised today, specifically basing occupancy limits on square footage, since some large houses may have the square footage in bedrooms to accommodate up to 30 people, and failing to require a registry that includes local contacts. He feared that adopting Bill 19-3 without these requirements could make the existing situation even worse.

In response to a question by Commissioner Mitrecic, Mr. Tudor stated that the County will maintain a local registry that requires each short-term rental to include a local contact. Commissioner Mitrecic stated that the average size bedroom is 150 square feet, which would allow three people per bedroom, while it would require 1,500 square feet of bedroom space to allow 30 people, which is unlikely. He advised that the County cannot prohibit property owners from renting out their houses, noting that Ocean City tried unsuccessfully to ban short-term rentals in certain residential districts. He concluded that Bill 19-3 is an improvement upon the current situation.

Commissioner Bunting stated that the Commissioners cannot stop property owners from

utilizing their properties as short-term rentals, but they can help lessen the negative impact of these uses by amending the law to limit the number of permitted occupants.

Commissioner Purnell stated that this bill is a good start to addressing the issue of short-term rentals. In response to a question by Commissioner Purnell, Mr. Tudor stated that the rental license bill already includes a requirement to provide the name and phone number of a contact person for each rental property.

Commissioner Bertino noted that the language in this bill for the most part is good, but it needs to be tweaked to improve upon what is before them today before being adopted.

Following much discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to adopt Bill 19-3 (Zoning - Boarding and Lodging Rentals) as presented.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Gary A. McCabe, Jr. which seeks to amend the Zoning and Subdivision Control Article to allow churches, temples, and mosques in the I-1 Light Industrial District by special exception. Mr. Tudor advised that the Planning Commission granted the proposed text amendment a favorable recommendation, but staff is concerned that the proposed use does not conform to the purpose and intent of the I-1 District, and that it will open up the limited amounts of land that are so zoned to more non-industrial uses when an abundance of properties that are already appropriately zoned for these uses are available.

Following some discussion, Commissioners Bertino, Bunting, Elder, Nordstrom, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 19-8 and scheduled a public hearing on the bill for November 19, 2019.

The Commissioners met with Chief Administrative Officer Harold Higgins to review a text amendment application drafted by staff to amend the Public Safety Article to modify the appointment process for the Worcester County Fire Marshal by the County Commissioners. Mr. Higgins advised that the text amendment seeks to replace the old procedure for appointing the Fire Marshal, in which the Fire Prevention Committee, which is comprised of the chief of each county fire company, submits a list of names for the Commissioners' consideration, with a new procedure in which the Worcester County Human Resources Office coordinates the application and selection process as they do for all County employees. In response to concerns raised by Commissioner Mitrecic, Assistant Chief Administrative Officer Kelly Shannahan confirmed that the chiefs of the volunteer fire companies in Worcester County will be invited to attend the public hearing to provide public comment.

Following some discussion, Commissioners Bertino, Bunting, Elder, Mitrecic, Nordstrom, and Purnell introduced the aforementioned text amendment as Bill 19-9 and scheduled a public hearing on the bill for November 19, 2019.

Commissioner Purnell closed the legislative session.

Commissioner Elder requested staff provide them with recommendations for limiting solar panels in the County and restricting them to roofs and parking lots to prohibit large solar farms.

The Commissioners answered questions from the press, after which they adjourned at

12:14 p.m. to meet again on November 5, 2019.