

**COUNTY COMMISSIONERS OF CAROLINE COUNTY**  
109 Market Street, Room 106, Denton, Maryland

**MINUTES**  
**April 10, 2018**

**Present:** President Larry C. Porter, Wilbur Levensgood Jr., Vice President; Daniel J. Franklin; Commissioner; County Administrator Ken Decker; Chief of Staff Sara Visintainer and County Attorney, Heather Price

Following a moment of silence and the Pledge of Allegiance; Commissioners Porter asked to keep Director of Finance Margaret Roe in your thoughts due to a loss of her mother. President Porter called for **public comment** and there was none.

**Vietnam Traveling Wall, Mid Shore Recovering Veterans Group:** Gene Feher, Kenley Timms, and Royce Ball, thanked the Commissioners for allowing them time on the agenda to discuss this project that is coming to the Eastern Shore of Maryland. Mr. Timms stated that the Vietnam Traveling wall is coming to Easton, Maryland and is a 300-foot-long structures that is an exact replica of the replica monument in Washington D.C. He stated that the purpose of the memorial wall is to honor the servicemen and women who made the ultimate sacrifice during the Vietnam war. The wall will stand as a reminder of the great sacrifices made during the war. Mr. Timms went on to state that the wall is scheduled to be in Easton on May 31, 2018 through June 6, 2018 and it will be open 24/7.

The Commissioners thanked the group for extending an invitation to them and stated that they would be at the ceremony on June 5<sup>th</sup> at 11:30 a.m. at the Easton VFW. On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners voted to donate \$1,000 to the Traveling Wall, from contingency.

On motion by Commissioner Franklin, Seconded by Commissioner Levensgood, the Commissioners went into **Legislative Session** for the following discussion:

**Ordinance #2018-1, Chapter 175 – Zoning – Mineral Extraction Facilities:** Ms. Visintainer stated that this was the third reading and potential enactment of Ordinance #2018-1. She stated that Ordinance #2018-1, Chapter 175—Zoning—Mineral Extraction Facilities is an act concerning Mineral Extraction Facilities; for the purpose of establishing permitting requirements; by adding to §175-8 and repealing and replacing §175-27 of the Code of Public Local Laws of Caroline County, Maryland. Ms. Visintainer stated that the following amendment recommend by the Planning Commission has been drafted into the Ordinance which states the amendment suggests § 175-27.9.B. on page 14, where the last four words of the sentence “**extracted on the premises**” are recommended to be stricken This allows businesses to bring material from offsite for processing, which is the current practice. On motion by Commissioner Franklin, Seconded by Commissioner Levensgood, the Commissioners voted to amend Ordinance #2018-1, to strike “extracted on the premises” from § 175-27.9.B.

**Ordinance #2018-2, Chapter 175 – Zoning – Moratoria:** Ms. Visintainer stated that this was the third reading and potential enactment of this Ordinance which is an Act concerning Moratoria in Caroline County; for the purpose of revising the Zoning chapter to define a process for the County Commissioners to impose a moratorium in cases where the County is best served by the temporary cessation of development activities governed by the Zoning Chapter; by adding new Article XXV §175-232 to §175-236 to the Code of Public Local Laws of Caroline, Maryland.. Ms. Visintainer stated that after staff discussion, the recommendation by both the County Attorney and the Director of Planning and Codes, is not to amend the Ordinance. She stated that Ms. Price has confirmed that the language is legally

sufficient. Ms. Visintainer went on to suggest the Commissioners adopt the bill in order to reiterate their authority to declare moratoria by resolution, and avoid future litigation. Since it is legally permissible to do by resolution, it is not in the interest of public safety or health to slow down the process when there is a true need for a moratorium. On motion by Commissioner Levengood, seconded by Commissioner Franklin, the Commissioners adopted Ordinance #2018-2, Chapter 175—Zoning –Moratoria. The Ordinance becomes effective immediately, since it was adopted more than ten days after the public hearing.

**Ordinance #2018-3, Chapter 175 – Zoning – Administration and Enforcement – Zoning Administrator:** Ms. Visintainer stated that this is the first reading and introduction of Ordinance #2018-3, which is an Act concerning zoning administration and enforcement; for the purpose of reflecting the discretionary authority of the Zoning Administrator; by repealing and reenacting with amendments §175-186, §175-190 and §175-191 of the Code of Public Local Laws of Caroline County, Maryland. Ms. Visintainer explained that this ordinance would clarify that the authority of the Zoning Administrator is discretionary. It has been recommended by the Planning Commission. The proposed public hearing date is May 22, 2018 at 6:15 p.m. On motion by Commissioner Franklin, seconded by Commissioners Levengood, the Commissioners introduced Ordinance #2018-3, Chapter 175 – Zoning – Administration and Enforcement – Zoning Administrator.

On motion by Commissioner Franklin, seconded by Commissioner Levengood, the Commissioners came out of Legislative Session.

**Approval of Proposed FY2019 Operating & Capital Budgets and FY2019 Tax Rates:** Daniel Fox, Accountant, Office of Finance, presented the Commissioners with balanced worksheets of the Operating and Capital budgets. Mr. Fox stated that the total proposed Operating budget has been balanced at \$48,433,657.00 The total amount currently in the Capital budget is \$3,178,176.00. The Commissioners also reviewed the table of proposed real property tax rates.

The Commissioners thanked staff for all their hard work on the budget. On motion by Commissioner Franklin, seconded by Commissioner Levengood, the Commissioner's voted to release the FY2019 Proposed Operating and Capital Budgets and Property Tax Rates, in order to move the budget to the next phase of the process, including public hearing on May 8, 2018.

**2018 State Legislative Update:** Ms. Visintainer stated that the 2018 State Legislative Session was ending later in the week. She stated that many issues that concerned local government died before being signed. She stated that Maryland Association of Counties staff worked hard on fixing an issue related to recordation tax that impacted Caroline County, however it was not passed this Session.

**Consent Agenda:** all items were approved.

- Resolution #2018-004, Disposal of Surplus County Equipment
- Resolution #2018-005, Amendment to the Caroline County Personnel Rules and Regulations, Class Specification for Caroline County Office of Economic Development
- P.O #2018-00000295 and Accompanying Contract, Atlantic Emergency Solutions, Up-fitting of Two Ambulances, \$204,853.000
- Employment Agreement for At-Will Employee (Bowden)
- Transportation Facilities Lease Agreement, Caroline County and Delmarva Community Services
- Professional Service Agreement Between Caroline County and Crosby & Associates

**Discussion of Recreation and Parks Mowing Bid and Ridgley Athletic Complex Project:** Sue Simmons, Director, Recreation and Parks, and Mark Lasocha, Project Manager, stated that Recreation and

Parks went through a bid process to hire a new landscaping company for the County. Ms. Simmons stated that normally the process is to accept the lowest bidder, however in this case her staff felt Rex Landscaping would be the best qualified company for the job although they submitted the second lowest bid. Mr. Lasocha stated that he looked at several factors in this process. He went on to state that the lowest bidder came in at \$1,696.50 per cutting, however Mr. Lasocha recommends Rex Landscaping who came it at \$2,620.00 per cut. He stated that this recommendation comes from the overall equipment check and number of employees Rex Landscaping has, which allows them to perform at a higher standard and ensure timely work. Ms. Simmons stated that in the past, the mowing contract for the County which covers over 27 pieces of property, comes in around \$30,000,00. However, this year if the Commissioners approved the bid, the total would be \$41,000.00. Both companies are local, so the County's local preference price differential is not a factor.

Mr. Decker stated that this purchase would exceed his purchasing authority and the Commissioners would need to approve the contract with the mowing service and authorization to not select the low bidder. The Commissioners stated that they understood the recommendation, however they would need more time to consider the purchase due to the amount being much higher from past years. Ms. Simmons stated that she would gather more detailed information on the project to be discussed at the Commissioners April 17, 2018 Work Session.

Ms. Simmons stated that her second project to discuss was a project proposal from the Town of Ridgely. She stated that Recreation and Parks would like to assist the Town of Ridgely in a professional services contract with McCrone Engineering to prepare for additional athletic field development at the Ridgely Athletic Complex. She stated that the contract would not exceed the amount of \$14,600, which is 100% funded by an existing Program Open Space grant allocation. Ms. Simmons also stated that the North County Little League Association has pledged \$1,460 towards the project. The Program Open Space allocation was originally secured specifically for this park location in 2007. These funds were used to install the current storage and concession pavilion in which Recreation and Parks also served as a project manager on behalf of the Town. All of the grant match requirements were covered by the North County Little League Association, the community non-profit that has a current lease with the Town to manage the facility. The total grant funds still available for this project is \$24,000. Ms. Simmons stated that the Town of Ridgely submitted a letter of request to the Commissioners for support in this project, and she hopes the Commissioners will consider moving forward with this expansion.

The Commissioners agreed to move forward with the project and stated that they would support the Town of Ridgely and the athletic complex.

#### **County Administrator's Report:**

- Mr. Decker stated that the Commissioners have official hired a Director of Economic Development, however as it stands, there is no current office space to place the employee. Mr. Decker stated that the Goldsborough House will be undergoing another air quality test to ensure that it is safe to inhabit, however decisions need to be made soon, in order to keep staff in a workable space. Commissioner Franklin stated that he did not feel it was a good decision to allow any county employees to work in the Goldsborough House if individuals were having reactions to the space. Commissioner Porter stated that if the air quality test came back with no issues, he feels the space should be used. He stated that he does not want to rent additional office space if the County owns current workable space. Ms. Visintainer stated that the Chamber of Commerce has been happy to accommodate the Office of Human Resources on a temporary basis, but that they rented the space in order to co-locate with Economic Development. If the Commissioners plan to change that arrangement in the long-run, the Chamber Board will want to discuss the issue with them. The Commissioners stated that they would need to discuss the matter further before making a final decision.

- He stated that he sent the Commissioners a briefing on impact fees from other counties on the shore, and many of them recommended the Commissioners do a study before officially adopting the ordinance. The Commissioners stated that they were not interested in spending money on a study, and they would like staff to move forward on drafting the impact fee ordinance.
- Mr. Decker informed the Commissioners that they have not received a letter back from the power plant company regarding the cost of the Sage research study.
- He stated that the Federalsburg EMS station had a sewer issues later in the week due to a blockage. When attempting to repair, there was additional damage to the road by the Town. Mr. Decker stated that he is continuing to follow up with the Town to understand what occurred because it will be costly to repair.
- He thanked the Commissioners for signing the Crosby contract, which will allow for the construction of the new Sheriff's Office to move forward on its timeline.

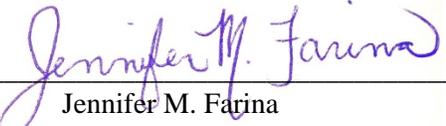
**Commissioners Open Discussion Period:**

- Commissioner Franklin stated that all three Commissioners attended the Republican Central Committee candidate forum earlier in the week, and they are all looking forward to participating in the forum with all candidates running for County Commissioner.
- Commissioner Porter stated that he would like staff to look into the option that first responders and fire companies have the option to opt out of receiving social security benefits. He stated that it was brought to his attention that this was an option the police officers were looking into, however he was not sure of the details regarding the benefits. Staff stated that they would do some initial research to understand the issue.

At 7:42 p.m. on motion by Commissioner Levensgood, seconded by Commissioner Franklin the Commissioners went in to **Closed Session** for the Discussion of the Hiring of an At-Will Position; Authority: 2014 Md. Code, State, Government 3-305(b)(1)

Presidents Report: President Porter stated that the Commissioners met to discuss potential hiring for the position of Warden.

There being no further discussion the Commissioners adjourned their meeting at 8:15 p.m.

  
 \_\_\_\_\_  
 Jennifer M. Farina  
 Administrative Coordinator