

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

MINUTES
August 28, 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

The Commissioners convened their meeting at 5:06 p.m., and on motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously convened in Closed Session for the discussion of Pending Litigation and Legal Advice Regarding Same, Authority: 2014 Md. Code, State, Government 3-305(b)(7).

At 5:49 p.m., on motion by Commissioner Porter, seconded by Commissioner Levensgood, the Commissioner unanimously adjourned closed session and reconvened in open session.

President's Report: The Commissioners received updates on several lawsuits and legal advice from outside counsel and the County Attorney on each matter. The Commissioners provided direction regarding how to proceed.

Following the Pledge of Allegiance, President Porter called for **Public Comment** and there was none.

Formal Introduction, Dr. Coppersmith, President, Chesapeake College: Dr. Coppersmith formally introduced himself to the Commissioners and staff. Dr. Coppersmith stated that he was excited to start his journey with Chesapeake College and build the relationship between the College and the five counties that support funding and provide feedback to the school. He stated the Caroline County continues to have the largest percentage of students enrolled in college classes and he hopes the College will continue to provide for the educational needs of the community and that its efforts will enhance the county's workforce. Dr. Coppersmith thanked the Commissioners for their time and stated that he would be in meetings frequently to give updates on the College.

Approval of the FY2019 Caroline County Senior Center Plan: Gary Gunther, Executive Director, Upper Shore Aging, presented the Commissioners with the 2019 Senior Care Plan. He stated that Upper Shore Aging would be receive and extra \$15,000 grant this year which would help fund their adult day care. Mr. Gunther stated that the Senior Care Plan, if approved by all five counties, would allow the agency to submit for grant funding in the amount of \$150,000. On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously approved the FY2019 Senior Center Plan.

On motion by Commissioner Levensgood, seconded by Commissioner Franklin, the Commissioners moved into **Legislative Session** for the following:

First Reading and Introduction: Legislative Bill #2018-1, Chapter 166— Taxation –Development Excise Taxes – Elimination: Ms. Visintainer stated Legislative Bill #2018-1, Chapter 166 — Taxation – Development Excise Taxes –Elimination is an act concerning development excise taxes; for the purpose of eliminating the Development Excise Taxes for School Construction and Agricultural Land Preservation; by repealing Article V and Article VI of Chapter 166 of the Code of Public Local Laws of Caroline County, Maryland. The purpose of the bill is to repeal the current development excise taxes, which enables the County to charge impact fees instead. On motion by Commissioner Levensgood,

seconded by Commissioner Franklin, the Commissioners unanimously approved the introduction of Legislative Bill #2018-1 and the public hearing date of September 11, 2018 at 6:15 p.m.

First Reading and Introduction: Legislative Bill #2018-2, Chapter 167 – Development Impact Fees

— **Creation:** Ms. Visintainer stated that Legislative Bill #2018-2, Chapter 167 – Development Impact Fees – Creation, is an act concerning development impact fees; for the purpose of funding capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development; by adding a new Chapter 167 to the Code of Public Local Laws of Caroline County, Maryland.

Commissioner Franklin stated that he believes the language regarding the farm lot exemption should be broader and allow any land transferred to a child as a gift be exempt from the impact fee if the home built is their primary residence. Ms. Visintainer stated that the bill could be introduced tonight, and that the farm lot exemption language could be workshopped after the public hearing if the Commissioners agreed upon the terms. On motion by Commissioner Levensgood, seconded by Commissioner Franklin, the Commissioners unanimously introduced Legislative Bill #2018-2 set the public hearing date for September 11, 2018 at 6:15 p.m.

On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners adjourned Legislative Session and reconvened in Open Session.

Consent Agenda: The following items were approved by unanimous consent.

- Minutes: Open and Closed Sessions of July 3, 2018; Open and Closed Sessions of July 10, 2018; Work Session of August 7, 2018; Open Session of August 14, 2018
- Resolution #2018-021, Amendment of the Caroline County Comprehensive Water and Sewerage Plan, Caroline County Detention Center Pump Station Upgrade
- Resolution #2018-023, Minority Business Plan
- Resolution #2018-024, Fair Housing and Equal Opportunity Plan
- Resolution #2018-025, Federal Section 3 Plan for Economic Opportunities for Low-and Very-Low Income Persons
- Resolution #2018-026, Disposal of Surplus County Equipment

Action Agenda:

- Resolution #2018-022, Amendment to Caroline County Personnel Rules and Regulations, Hardship Leave Bank

Commissioner Levensgood stated that he was not in favor of mandating an eight-hour donation from all County employees. He stated that the current system, which allows employees to choose to donate sick time, is reasonable. Pete Breliia, Employee Advisory Board, (EAB), stated that the EAB visited each County Department and discussed this transition in great detail, with the outcome that majority of County employees voted in favor of the mandated donation of time because it allowed the bank to accumulate more sick time and be used for a broader set of circumstance. Mr. Breliia stated that the Hardship Leave Bank would be able to provide time for those with an emergency circumstance. Commissioner Levensgood stated that the informal system of direct solicitation of leave for specific employees and direct donation that existed when he worked for the county ten years ago had worked well. However, Mr. Breliia noted that the Sick Leave Bank was started because the small departments did not think that system worked well or was fair. He stated that for small departments, such as the Office Finance with four staff members, would not be able to donate enough time to their colleagues if something were to happen, however with this new system all employees would be covered and treated the same. Mr. Breliia also

explained that employees could not abuse the time off due to a specific vetting process that would be conducted by a panel consisting of the Director of Human Resources, the employee's department head, and County Attorney, before the time off would be granted.

Tony Howe, Public Works Department, stated that the majority of Public Works employees were for the Hardship Leave bank and voted in favor of it during their departmental meeting, however some still felt it should not be mandatory to donate.

Sherry Bratton, Director, Office of Human Resources, stated that overall all the feedback from employees was in favor of this transition. She stated that there is nothing in the Rules and Regulations that prohibits employees from donating sick time to another employee, however with the mandated eight hours the bank, that is unlikely to be necessary. Ms. Bratton also emphasized if the hours in the bank were not used, they could roll over from year to year and decrease the number of mandated donation hours. She also noted that a system like this helps protect employee privacy for those who may not want to share the details of their personal medical situations in order to solicit leave from their coworkers. On motion by Commissioner Porter and seconded by Commissioner Franklin, the Commissioners approved Resolution #2018-022, Amendment to the Caroline County Personnel Rules, and Regulations, Hardship Leave Bank. Commissioner Levensgood opposed the motion.

County Administrator's Report:

- Mr. Decker stated that the County is in good financial standing for the FY18 audit and the unrestricted fund balance is currently the highest it has been in the past ten years. Mr. Decker stated that he believes it is in the County's best interest to save those funds in case of a financial emergency. While the County's current policy requires only a 5% fund balance, the bond rating agencies and the County's auditors strongly recommend the policy require a minimum of 10% fund balance. The Commissioners agreed and stated they remain dedicated to strengthening the County's financial fundamentals. They directed staff to prepare a resolution to update the fund reserve policy and change it from 5% to 10%.
- He stated that a survey of Andrew Road is in the process of being finalized.
- Public Works is obtaining quotes to have the Courthouse power washed as requested by the Commissioners.
- Mr. Decker stated that staff is still in the process of trying to finalize the administrative process for the sale of the Steamboat Museum.
- He stated that Leslie Grunden was working on the final grant process to fund the new parking lot located at the HAPS building.

Commissioner Open Discussion Period:

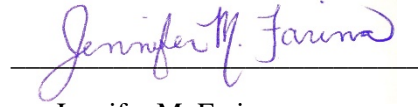
- Commissioner Franklin stated that he would go to Federalsburg Elementary School and Colonel Richardson Middle for the first day of school. Commissioner Porter stated he would go to Denton Elementary and Commissioner Levensgood stated he would try and make it to all the schools for the first day.
- All three Commissioners attended the retirement party of Donald Nagel, Chief of Police for the Town of Federalsburg. They stated it was a well-attended event.

On motion by Commissioner Franklin, Seconded by Commissioner Levensgood, the Commissioners unanimously convened in **Closed Session** for the Discussion of the Performance of a Specific At-Will Employee; Authority: 2014 Md. Code, State, Government 3-305(b)(1). On motion by Commissioner

Franklin, Seconded by Commissioner Levensgood, the Commissioners adjourned closed session at 7:25 p.m.

President Report: The Commissioners met with the Director of Economic Development to conduct a routine supervision, feedback on performance, and direction on projects and priorities.

There being no further discussion the Commissioners Adjourned their meeting at 7:30 p.m.



Jennifer M. Farina

Administrative Coordinator