

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

MINUTES
October 9, 2018

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

Following the pledge of Allegiance, President Porter called for **Public Comment** and Mr. Gorleski, Denton Resident, gave the Commissioners written testimony regarding the mining ordinance for Caroline County.

Proclamation of October 25, 2018 as Lights on Afterschool Night in Caroline County: Stacy Seward and a student from the afterschool program read the proclamations and thanked the Commissioners for continuing to support the afterschool efforts for the students of Caroline County. Ms. Seward stated that after school programs allow students to have a safe environment to do fun physical activities, as well as learn and have help with homework and receive healthy meals.

Public Hearing: State Application for the Creation of North County Enterprise Zone

Debbie Bowden, Director, Caroline County Economic Development, stated that an Enterprise Zone is a designation established by the Maryland Department of Commerce to encourage business development in disadvantaged areas of the state. Enterprise Zones are designated based on poverty rates, income levels, or unemployment rates. Having an Enterprise Zone in the County would allow for the potential of commercial development. She explained that there are two major benefits to creating an Enterprise Zone: Real property tax reduction for any improvements to property, and a state income tax credit of \$1,000 for each new position created. Ms. Bowden explained that once the application has been submitted, the County will know by December 2018 if the Enterprise Zone has been approved. The Commissioners stated that they are interested in moving forward with this application.

President Porter stated that no one signed up to speak for the public hearing and called for comment. There being none, the hearing was closed.

Public Hearing: Legislative Bill #2018-2, Chapter 167 –Development Impact Fees –Creation:

Ms. Visintainer stated that this was the second public hearing for this Bill. She stated that Caroline County originally had an excise tax in place which allowed funding for school construction cost in the County. She explained however that the excise tax was only triggered and requested if a new lot was created, so if multiple dwellings were created on one parcel, the tax was not paid. She stated that school construction cost is a major part of the Commissioners capital budget each year. She went on to state that both an excise tax and impact fee cannot be levied together, so the Commissioners approved Legislative Bill #2018-1, Chapter 166—Taxation –Development Excise Taxes—Elimination, which will be effective December 7, 2018. The previous excise tax would be replaced with the impact fee outlined in Legislative Bill #2018-2.

President Porter called for testimony for those who signed up to speak:

Bob Chapel, County Resident, stated that he is against developing an impact fee for Caroline County. Mr. Chapel stated that he does not believe the amount of funds collected on the fee will be beneficial when compared to the amount needed for construction on schools. Mr. Chapel stated that Caroline County has several taxes and he feels this fee will only make it harder for first time homeowners to

establish themselves. Mr. Chapel also stated he feels the bill is long and hard to understand for the average citizen.

The Commissioners thanked Mr. Chapel for his testimony and stated that the bill was legal sufficient and was drafted based on legislation from other Maryland counties that have already implemented an impact fee for school construction.

There being no further comments the public hearing was closed.

On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously voted to move into Legislative Session.

First Reading and Potential Introduction Legislative Bill #2018-3, Chapter 148-Recreation and Parks –Public Landing Permit Fees: Ms. Visintainer stated that this was the introduction and first reading of Legislative Bill #2018-3, Chapter 148 – Recreation and Parks – Public Landing Permit Fees. Ms. Visintainer explained that this bill proposes a change to the County law regarding boat ramp permit fees to eliminate the price difference between in-state and out-of-state users. In the law, the out of state cost must be at least 50% higher than the in-state cost. However, because the County charges different amounts, the County is not eligible for Federal Sport Fish Restoration Boating Access Program money. If the County could access this money, it could be used to cover the entire \$350,000 cost to repair the Choptank Marina ramp, which has cracked. The loss of revenue from the price difference in the two kinds of permits is minimal, compared to the opportunity to receive these funds. Ms. Visintainer stated that the Recreation and Parks Advisory Board is recommended this change in the local code.

On motion by Commissioner Franklin, seconded by Commissioner Levensgood the Commissioners unanimously voted to introduce Legislative Bill #2018-3, Chapter 148 – Recreation and Parks – Public Landing Permit Fees, and stated that a Public Hearing would be held on Tuesday, November 13, 2018 at 6:15 p.m. in the Commissioners Hearing Room located at 109 Market Street, Denton.

First Reading and Potential Introduction Ordinance #2018-5, Chapter 175 – Zoning – Planning Commission Membership:

Ms. Visintainer stated that this was the introduction and first reading of Ordinance #2018-5, an act concerning zoning in Caroline County; for the purpose of revising the Zoning chapter to provide for County Commission membership on the Planning Commission; by repealing and replacing §175-163 of the Code of Public Local Laws of Caroline County, Maryland. She stated that both the Planning and Codes Department as well as the Planning Commission are in favor of this change.

On motion by Commissioner Franklin, seconded by Commissioner Levensgood the Commissioners unanimously voted to introduce Ordinance #2018-5, Chapter 175 – Zoning – Planning Commission Membership, and stated that a Public Hearing would be held on Tuesday November 13, 2018 at 6:15 p.m. in the Commissioners Hearing Room located at 109 Market Street, Denton.

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

Review of Potential 2019 Legislative Request and Issues of Concern:

Ms. Visintainer stated that the County did not have many requests this year, however they are looking at two potential items. She stated that the first legislative request is support for a Bond Bill for Chesapeake Culinary Center. The Bond Bill is for \$150,000 to finish the outdoor space of the Chesapeake Culinary Center, to enable expanded events venue space that will enable fiscal sustainability and expanded training programs. Ms. Visintainer explained that the second legislative request is School Construction Eligible

Cots. She went on to state that Caroline County is asking their local delegation to sponsor legislation to enable certain school construction costs that are not currently eligible for state-share funding to be eligible under certain circumstances. Caroline County has committed to replacing Greensboro Elementary School. This will be the single most expensive capital project in the County's history, with current costs estimated at \$47.75 million. The County annual operating budget for FY2019 is \$48.4 million. The Commissioners expressed concurrence with both initiatives and directed staff to prepare more detailed briefings for their upcoming meeting with the County's State legislative delegation.

Consent Agenda: the following items were approved by unanimous consent

- Minutes: Open Session of September 18, 2018; Work Session of September 25, 2018
- Resolution #2018-031, Support for the Joint Application with the Town of Ridgely, Town of Greensboro, and Town of Goldsboro to Establish an Enterprise Free Zone
- P.O #2019-171 and Accompanying Contract to Choptank Cleaning Services, for One Year Cleaning Services, Amount \$109,008.00
- MIEMSS Emergency Medical Dispatch Grant Agreement
- 2018 Emergency Management Performance Grant Agreement
- Rural Maryland Council Grant Agreement for Detention Center Pump Station
- Request for Release of Funds Document for CDBG Block Grant Request
- Community Development Block Grant (CDBG) Agreement and Local Sub Recipient Agreement
- Appointment to the Burial Site Prevention Board (Cheezum)

Acting County Administrators Report:

- Ms. Visintainer stated that the annual meeting with Maryland Department of Transportation (MDOT) and the District 36 & 37 Delegation would be held next week at the Board of Education.
- She stated that MDOT Deputy Secretary Jim Ports would be doing a site visit and tour of Route 404 with the Commissioners before the meeting.
- She informed the Commissioners that the Office of Finance met with USDA to understand how to receive any available funding for the new Sheriff's Office building.
- She asked the Board for direction regarding the County Annual Health Care Report Card meeting. The Board stated they would like to continue hosting the meeting and would suggest scheduling in January.
- Ms. Visintainer stated that the Town of Denton met with her and Heather Price, County Attorney to discuss the proposed signage and agreement for the update parking meters the Town of Denton would like to install. She stated that the Town would like to add kiosk to the Courthouse Lawn with 8 directional signs leading to them, however they are not prepared to take out the poles from the old meters. The Commissioners stated that they do not support the poles staying in the ground, and they would like them removed.

Commissioner's Open Discussion Period:

- Commissioner Franklin stated that he spoke to a County resident, Kevin Osterman, who is dealing with issues regarding his lands right-a-way to Route 404. He stated that Mr. Osterman has priority off of Route 404 that has been for sale for over 20 years. Commissioner Franklin stressed that because the land did not have direct access to Route 404 several businesses did not buy the property. Commissioner Franklin stated that he would bring this issue up during the MDOT meeting on Tuesday.
- Commissioner Porter stated that he was away visiting his family over the weekend however he attended several events during the week.
- Commissioner Levensgood, stated that he and Commissioners Franklin enjoyed riding through the North Carolina High School Homecoming parade.

At 7:37 p.m. On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously moved into Closed Session for the following purpose: Discussion of the Performance an At-Will Employee. Authority: 2014 Md. Code, State Government 3-305(b)(1).

At 8:10 p.m. on motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously moved out of closed session and into open session.

Presidents Report: President Porter stated that the Commissioners met to discuss the job performance and duties of an at-will employee and their supervisory function. Not action was taken.

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


Jennifer M. Farina
Administrative Coordinator