

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

**MINUTES**  
**February 13, 2018**

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

President Porter called for **public comment** and Mr. Gorleski, County resident, stated that his main concern Ordinance #2018-1, Chapter 175—Zoning –Mineral Extraction Facilities, is the special use requirement and the wording in Section 3.

**Presentation of Caroline County Employee Service Awards:** Bryan Ebling, Director, Caroline County Department of Emergency Services, presented the following employees with their signed certificate for their years of dedicated service to the residents of Caroline County: Cody Bennet and Steven McCombs, five years; Nicholas Albia and Timothy Cannon, ten years; Stacy Twigg, fifteen years; Todd Lord, Twenty Years; and Diane Pippin, thirty years. County Administrator, Ken Decker, presented Sherry Bratton, Director, Office of Human Resources, with her 20 years of service certificate. The Commissioners thanked all County employees for their time and dedication to bettering the community and service for all of those who call Caroline County home.

On motion by Commissioner Levengood, seconded by Commissioner Franklin, the Commissioners moved to go into **Legislative Session** for the fourth reading of **Emergency Legislative Bill #2017-5, Chapter 152—Roads, Bridges and Right-of-Ways—Specification and Design Standards for County Roads**, and the first readings of **Ordinance #2018-1, Chapter 175-Zoning –Mineral Extraction Facilities** and **Ordinance #2018-2, Chapter 175—Zoning –Moratoria**.

**Fourth Reading and Potential Amendment/Enactment: Emergency Legislative Bill #2017-5, Chapter 152—Roads, Bridges and Right-of-ways—Specification and Design Standards for County Roads:** Sara Visintainer, Chief of Staff, stated that this is an emergency act concerning the specification and design standards for County roads; for the purpose of expanding the existing road specification and design standards for uses that create a substantive impact and increased traffic on County roads; by adding a new 152-8.B.-152-8.F. to the Code of Public Local Laws of Caroline County Maryland. She stated that the following amendments were added to the legislative bill, and the Commissioners had the options of adopting the 5 amendments, however they could wait to officially vote on the bill for enactment.

On motion by Commissioner Franklin, seconded by Commissioner Porter, the Commissioners approved the following motion, Commissioner Levengood voted against: To amend Chapter 152-8.B. to replace “increase the trips of ingress and egress from such property to a county road by an average of 20 or more vehicular trips per day for more than three days per week shall provide the zoning administrator and the director of public works with the following information.” With: “Require major site plan approval and will significantly impact any County road shall provide the Planning Commissioner with the following information upon request;”

On motion by Commissioner Franklin, seconded by Commissioner Porter, the Commissioners approved the following motion, Commissioner Levengood voted against: To amend Chapter 152-8.B.(1) to replace “...a description of such vehicles (e.g., passenger cars, ½, ¾, or one-ton trucks) and for larger trucks, the anticipated weight loaded and unloaded of such trucks as they enter and leave the property on a regular

basis...” With “... Any information necessary to determine the impact of the traffic created by the new use on County Roads...”

On motion by Commissioner Franklin, seconded by Commissioner Porter, the Commissioners approved the following motion, Commissioner Levensgood voted against: To amend Chapter 152-8.C. to replace “... increase the trips of ingress and egress from such property to a county road by an average of 20 or more vehicular traffic can safely access the property...” With “... Require major site plan approval and will significantly impact any County road shall make or fund such on-site road improvements as the Planning Commission determines are necessary to ensure the safe movement of vehicular traffic through and around the property as part of the site plan approval process...”

On motion by Commissioner Franklin, seconded by Commissioner Porter, the Commissioners approved the following motion, Commissioner Levensgood voted against: To amend Chapter 152-8.D. to replace “...increase the trips of ingress and egress from such property to a county road by an average of 20 or more vehicular trips per day for more than three days per week shall make or fund such off-site road improvements to the County roads necessary to ensure that the new vehicular traffic can safely travel from the closest state or federal property. With “... Require major site plan approval and will significantly impact any County road shall make or fund such off-site road improvements as the Planning Commission determines are necessary to ensure the safe movement of vehicular traffic to and from the property as part of the site plan approval process..”

On motion by Commissioner Franklin, seconded by Commissioner Porter, the Commissioners approved the following motion, Commissioner Levensgood voted against: To amend Chapter 152-8.E. to replace “ Parking and standing on County roads. Any person who regularly operates or conducts a business, and institutional use or a multifamily residential use of his property shall provide on-site accommodation for the patrons/persons who partake of such business, institutional or multifamily residential uses such that such patron/persons are not parking their vehicles or allowing the vehicles to stand on County roads.” With “On and off-site improvements shall:

- (1) Have a rational nexus to the proposed development;
- (2) Be within or proximate to the proposed development; and
- (3) Be proportionate to the proposed development”

The Commissioners asked staff to bring the Legislative bill back for a fifth reading to be held February 27, 2018.

**Introduction and First Reading of Ordinance 2018-1 Chapter Zoning Mineral Extraction Facilities:**

Ms. Visintainer stated that this is the first reading and introduction of this ordinance. She stated that this 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 notice of public hearing would be published on February 18<sup>th</sup> and 25<sup>th</sup> in the Star Democrat and the public hearing would be scheduled for March 27<sup>th</sup> at 6:15 p.m. On motion by Commissioner Franklin, seconded by Commissioner Levensgood, the Commissioners unanimously voted to introduce Ordinance #2018-1 and hold the public hearing on March 27, 2018 at 6:15 p.m.

**Introduction and First Reading of #2018-2, Chapter 175—Zoning –Moratoria:**

Ms. Visintainer stated that Ordinance #2018-2 Chapter 175—Zoning –Moratoria 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 to the Code of Public Local Laws of Caroline County. On motion by Commissioner Levensgood, seconded

by Commissioner Franklin, the commissioners unanimously voted to introduce Ordinance #2018-2 and hold the public hearing on March 27, 2018 at 6:15 p.m.

On motion by Commissioner Franklin, seconded by Commissioner Levengood, the Commissioners adjourned Legislative Session.

**FY2018 2<sup>nd</sup> Quarter update and Update on Basic Life Support (BLS) Billing Collections:** Margaret Roe, Director, Office of Finance, informed the Commissioners that over 29% of income tax has been collected. She stated that the County has collected \$ 31,007,044.82 or 66% of revenue estimates. The County has spent \$ 21,012,592.51 or 47% of budgeted expenditures. She explained that revenues are over expenditures by \$9,994,452.31.

Ms. Roe informed the Commissioners that the BLS collections are now being handled by Delmarva Collections. She stated that as of December 20, 2017 the County has \$160,444.75 of uncollected revenue and they have collect \$444.40 as the end of January 2017. Ms. Roe stated that March and April are normal the month that most collections are received, and she will continue to update the Commissioners each quarter on collections.

**2018 State Legislative Update:** Sara Visintainer, Chief of Staff, stated that a bill to restore Highway User Revenues will be finalized soon and will allow two years to give back funding to the towns and 8 years to get local county funding back to its full funding. She stated that the County's liquor bill which would allow for licenses for bed and breakfasts will be introduced next week. She stated that the bill regarding recordation tax owed to the County has hearings in both the House and Senate next week. She stated that many bills have been introduced to fix the increase in State income tax revenues that will result from the changes to Federal tax law, but it is not yet clear which bill will be the successful vehicle. Therefore, MACo is tracking all of the bills. Ms. Visintainer stated that the Comptroller has requested support on his breweries bill which will improve the microbrewery industry in the State. On Motion by Commissioner Franklin and seconded by Commissioner Levengood the Commissioners unanimously agreed to sign a letter of support regarding that bill. Commissioner Franklin stated that he would like to testify for House Bill 887 next week on behalf of the Commissioners.

**Consent Agenda:** the following items were approved by unanimous consent

- Minutes: Work Session and Board of Education Budget Discussion of January 16, 2018
- P.O #2018-00000137, Delmarva Emergency Solutions LLC, \$53,509.29, Upfitting of 5 Sheriff Vehicles
- P.O #201-00000150 and FY2018 Engagement Letter, TGM Group LLC, \$66,000, for FY2018 Audit
- P.O#2018-0000166, \$42,000, Caroline County Board of Education for FY17-18 Public School Bus Transportation
- P.O #2018-00000, And Accompanying Contract to Trinity Food Services, \$260.000
- Grant Renewal Letter for St. Martin's Ministries CDBG Grant
- Employment Contracts, Department of Emergency Services, Communications – Public Safety Dispatcher I (Grapes, Milligan, Powell)
- Amended Lease for Racz Collection Site
- 2<sup>nd</sup> Quarter Contingency Expenditures in the amount of \$19,960.60
  - Caroline County Humane Society, \$14,963.07, Fund Raising Match
  - Caroline County Humane Society, \$1,086.94, Reimbursement of Five Impounded Horses
  - County Employee, \$907.68, Health Insurance Reimbursement Due to County Contract
  - College Expense, \$3,003.00, County Employees Attending Classes
- Transfer of 2014 Bond, \$435, 329.25, Board of Education for the Replacement of CRHS Roof

- Memorandum of Agreement Between the Caroline County Commissioners and Caroline County Humane Society
- Reappointments to the Caroline County Agriculture Recanalization Board (Moreland, Neal, Phillips, Stafford and Wright)
- Letter of Support for Mid Shore Pro Bono Funding

**County Administrator's Report:**

- Mr. Decker stated that he met with Delmarva Power to work on the relocation of the pole on Holly and Holsinger Roads, which has caused some safety concerns regarding traffic in that area. He stated that he will have a full estimate on the price of relocation and paving of the road soon.
- He stated that he will be heading to Annapolis to testify against on House Bill 971 regarding local pension systems and special disability retirement allowances.
- He stated that there is a LEOPS bill that would have a significant impact on the County because it would increase the LEOPS benefit from 60% of salary to 65%. This bill would be costly to the County and further divide the benefits given to police and County employees.
- He informed the Commissioners that the State of Maryland adopted the Maryland Sick and Safe Leave Act. He stated that a draft to update the County policy to reflect these mandated changes would be ready to workshop next week.
- He stated that he has drafted a budget for Economic Development and would look for future guidance from the Commissioners regarding this issue.
- He stated that the County had some major rain fall over the weekend and he had kept the Commissioners and staff update on all road closures or washouts that have occurred.
- He explained that he met with the pension board. He stated that in 2012 the county had 69 retirees and now they have 93 and the average benefit is up \$3,000. He stated that the pension is over 80% funded.

**Commissioner Open Discussion Period:**

- Commissioner Levengood stated that he would like to workshop the sick and safe leave policy before anything is added to the County's policy. He stated that he attended the Taste of the Eastern Shore and the Greensboro Volunteer Fire Company banquet over the weekend.
- Commissioner Franklin stated that he discussed with the Bonnie Johnson, President, Caroline County Humane Society Board, some damage to dry at the shelter. He stated that the County is responsible for the structure and will need to replace the drywall. Mr. Decker stated that the would have someone look at the damage next week. He stated that he attended the Queen Anne's Hillsboro Volunteer Fire Company banquet.
- Commissioner Porter stated that he would like to look into the response time for State police who have to come reconstruct an accident. He stated that it may be beneficial to the Caroline County Sheriff's Office to train another officer in accident reconstruct to help with response time on major accidents in the County.

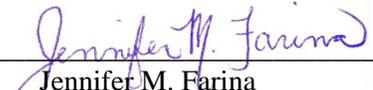
President Porter called for **Public Comment** and there was none

At 8:55 p.m. on motion by Commissioner Franklin, seconded by Commissioner Levengood, the Commissioners unanimously adjourned regular session and convened in **Closed Session** for the following purposes: Discussion of Potential Litigation and Legal Advice Regarding Same: 2014 Md. Code, State Government 3-305 (b)(8)&(7).

**President's Report:** Commissioner Porter reported that in closed session, on motion by Commissioner Levengood, seconded by Commissioner Porter, the Commissioners authorized a letter of representation

with Robbins Geller Rudman & David to represent the County in opioid litigation. Commission Franklin voted against the motion.

There being no further discussion the Commissioners adjourned their meeting at 8:49 p.m.

  
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Jennifer M. Farina  
Administrative Coordinator