

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

**MINUTES**  
**March 27, 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 the following members of the audience came forward.

**Pastor Don Reynolds** stated that he would like to invite the Commissioners and all members of the community to the National Day of Prayer, which will be held Thursday May 3, 2018 on the Courthouse Green.

**Judy Revel, Vice President,** Caroline County Democratic Club, stated that the Democratic Club hosts events the last Wednesday of every month at the Pub located in Denton. She stated that all are welcome to come and see what the club is all about and invited the Commissioners to attend.

**Chris McGinnis,** Trunk Line Road, Henderson stated that he and several members of the community who live on Trunk Line Road would like to bring it to the Commissioners attention that the road is in much need of repair. Mr. McGinnis stated that the residents of the area have dealt with poor road conditions and expressed concerns about school busses that travel each day. Pictures were gathered and added to the record of the road conditions.

**Jake Sikkorski, Greensboro Resident,** stated that he has issues with finding internet service at his house. He stated that he would love some advice from the County, on how to obtain some service. The Commissioners stated that they would be in touch with Mr. Sikkorski.

**State Legislative Update,** Sara Visintainer, Chief of Staff, stated that the State Department of Assessment and Taxation cost shift which would have fallen onto the Counties, did not pass. She also stated that the collective bargaining bill for all community colleges did not pass either.

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

- Minutes: Open Session March 13, 2018, March 13, 2018 Closed Sessions
- Amendment to GMB Contract, Services to Caroline County Detention Center Pump Station Repair
- Memorandum of Agreement between the Caroline Human Services Council and the County, through the Department of Recreation and Parks, for Summer Learning Program Grant Opportunity
- Grant Approval for DNR Atlantic & Coastal Bays Trust Fund Grant Process
- Appointment to Recreation and Parks Advisory Board (Connel)
- Appointment to Caroline County Board of Tourism (Liske)

Resolution #2018-004, Adoption of National Fire Protection Association 2017 National Electric Code as the Electrical Code for Caroline County was pulled from the consent agenda for further review. E.R. Kitchen, Caroline County Construction Trades Board, stated that he is in support of the resolution, and stated that the new codes will need to be adopted in order to keep safety updated in the code.

**Public Hearing: Ordinance #2018-1, Chapter 175—Zoning –Mineral Extraction Facilities:** Sara Visintainer, Chief of Staff, 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. She stated that the following Ordinance has been reviewed by the Planning Commission as well as Caroline County Department of Planning and Codes.

President Porter called for the following citizen to come forward that signed up to testify:

**Kyle Murry, Chaney Enterprises, LP**, stated Chaney Enterprises has operated mining facilities in Caroline County for over 13 years and they hope to continue for many more. Mr. Murry stated that he hopes the County will discuss the details of this ordinance further, to establish a clearer understanding, as well as give an opportunity for members of the public and those who work on mining facilities to have a seat at the table during the discussion.

**Ann Ogletree, Attorney**, stated that she represents clients who are in the mining industry and feels there are several oversights in the current ordinance. She stated that there should be clearer language regarding lot lines and timing of the permit process and applications. She stated that she hopes the Commissioners will clear up the language and important issues, before voting on the ordinance for the legal safety of the County.

**Steven Hyatt, Attorney**, stated that he represents Perry Corner and Oldtown Materials sand and gravel mining developments. He stated that the Ordinance is overlay vague, they provide no certainty of process, and there are no timelines to which the various Caroline County agencies must adhere. In their current form, the Ordinance place the County at risk for additional, and costly, legal battles whereby the County will be hard-pressed to defend and justify their position.

**Nick Carter, Greensboro Resident**, stated that he feels there are several changes that need to be made to the Ordinance for it to be useful to the citizens. He stated that the Ordinance should have additional language regarding the discharge and control of run off sediment and various polluting elements.

**Danny Schuster, Schuster Concrete**, stated that he feels there has been a lot of negative feedback and discussion regarding mineral extraction mining in the County. He stated that mining in the county helps the tax rate and will only bring more money to the county overall. He stated that he hopes everyone will continue to work together on creating an ordinance that helps the community.

**Francis Gardner, Business Owner**, stated that the Ordinance needs to be revisited and drafted to make sense to what mineral extraction facilities truly do on the scene. He stated that there is no clear language on the time line of the process from permitting to application and he feels much of the language needs to be cleared up so the average person can understand the ordinance.

**B.J Tarr, County Resident**, stated that the County does not need to pass the Ordinance as it is written and nor do they need an Ordinance to begin with. She stated that mining has been going on in the County for a long time and there have been no issues on how it is currently done.

**Mike Davidson, Owner, Goldsboro Sand and Gravel**, stated that he thanks the Commissioners and County staff for working on the Ordinance, however he feels there are many details that need to be made clear before the Ordinance is passed. He stated that he also believes the system has been working fine for years and that the County may not need to adopt an ordinance regarding mining.

**Richard Gorleski, County Resident**, stated that he does not want to keep mining companies from being located and working in Caroline County, however he strongly feels they should not be located near any residential developments.

**David Bramble, Owner, Bramble Inc.** stated that he believes the Ordinance goes overboard and is not needed. He stated that operations in Caroline County are currently working well as is and he believes a 200 foot buffer area is far too big to require.

**Chris Drummond, Attorney**, stated that he is representing clients in the mining industry and the Ordinance as it is currently written will set the County up for many law suits in the future. He stated that he hopes the County will work on revising the Ordinance to keep the language and time line clear and consistent. He suggested that sections J, K, M and N be eliminated from the Ordinance.

**Brad Hutchinson, Goldsboro Resident**, stated that sand and gravel extraction is how he makes his living and he hopes the County will work on a better ordinance or keep regulations as they are regarding mining facilities.

**Ed Richards, County Resident**, stated that he thinks County staff have done a good job coming up with the Ordinance, however he does hope they allow for more public review and testimony, to make sure the Ordinance is clear and safe for all in the future. He stated that he hopes there are more public forums in the future related to this ordinance in order to hear everyone's feedback.

President Porter stated that he thanked everyone for testifying on the ordinance and giving constructive feedback. He stated that the purpose of passing this Ordinance is not to keep mineral extraction mining companies from locating to the area, however it was to help the County reduce impacts on County infrastructure and limit impact for neighboring property owners. He went on to stated that the County was looking out for the best interests of the tax payers when considering this Ordinance. He stated that the Commissioners would discuss potential amendments during their April 3, 2018 work session, and that the third reading and potential enactment of Ordinance #2018-1, Chapter 175—Zoning – Mineral Extraction Facilities will be held on April 10, 2018.

**Public Hearing Two: Ordinance #2018-2, Chapter 175 – Zoning – Moratoria**: An Act concerning zoning administration and enforcement; for the purpose of reflecting the discretionary authority of the Zoning Administrator; by amending §175-186, §175-190 and §175-191 of the Code of Public Local Laws of Caroline County, Maryland.

**Steven Hyatt, Attorney**, stated that he understands that the Commissioner wants to adopt this ordinance in order to establish a clear process, however he feels it is not needed, and will only open up the door for more legal issues to come for Caroline County.

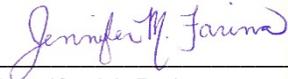
**Ann Ogletree, Attorney**, stated that she is in agreement with Mr. Hyatt regarding this specific ordinance, and she does not feel it is needed.

**Chris Drummond, Attorney**, stated that the County established moratoriums in the past by ordinance and he feels they do not need to adopt the additional ordinance.

**Richard Gorleski, County Resident**, stated that he this the ordinance will be a good thing for the ever-changing county that Caroline has become.

President Porter thanked everyone for their testimony and stated that the third reading and potential enactment of Ordinance #2018-2 Chapter 175 – Zoning – Moratoria would be April 10, 2018.

There being no further discussion the Commissioner adjourned their meeting at 7:50 p.m.



---

Jennifer M. Farina  
Administrative Coordinator