



AGENDA
December 13, 2016
BOARD OF COUNTY
COMMISSIONERS
FOR SOMERSET COUNTY
11916 Somerset Avenue
Room 111/Meeting Room
Princess Anne, MD 21853
2:00 p.m.

Appointments:

- 2:00 p.m. - Public Hearing/Rezoning Request/ Map 40, Grid 4, Parcels 70, 104,127(Westover Election District) – Mr. Tom Lawton
- 2:20 p.m. - Ms. Julie Widdowson
 - * - FY2017 Destination Marketing Organization Grant
 - * - Intern Request
- * 2:30 p.m. - Mr. Charles Cavanaugh – Formal Adoption of the Solid Waste Plan and Resolution
- * 2:40 p.m. - Mr. Gene Adkins – Resolution Approvals
 - o Loan refinance – construction of certain public school facilities and minor capital improvement projects
 - o Finance construction costs of certain public school facilities within Somerset County

Correspondence:

Received

- * MD Dept. of Planning Clearinghouse Review re: Tri-County Council Building Water/Sewer Extension
- DHCD, Ms. Cindy Stone re: Single Audit Requirement
- XFINITY re: Important Information on Price Changes
- Charter Communications re: Upcoming Changes/Miscellaneous Charges
- Comcast re: Programing Changes

Sent

Mr. Frankie A. Pruitt, Fire Chief re: Request for Financial Assistance
Mr. John French re: Appointment to the Somers Cove Marina Commission
Smith Island United re: Letter of Appreciation

Discussion:

- * 1. Hurricane Sandy Infrastructure Projects
- * 2. Integra Plan Supervision and Administrative Services Agreement
- * 3. Demolition of County Owned Properties
- * 4. Grant Releases - Barbara Laird
 - Helen Hitch

3:00 p.m. - Closed Session – Ralph D. Taylor, Charles Cavanaugh, Gene Adkins

Authority of State Government Article of the Annotated Code of Maryland, Section 10-508 (a) (1) (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; and Section 10-508 (a) (3) consider the acquisition of real property for a public purpose and matters directly related thereto.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
TUESDAY DECEMBER 13, 2016

At 2:00 p.m., the Board of County Commissioners for Somerset County opened in Regular Session. Present for the meeting were Commissioner President Randy Laird, Commissioner Vice President Charles F. Fisher, Commissioner Jerry S. Boston, Commissioner Rex Simpkins and Commissioner Craig N. Mathies, Sr.

County Administrator-Clerk Ralph D. Taylor and Executive Aide Lory E. Ebron were also present.

President Laird called the meeting to order, and asked Commissioner Mathies to lead those attending the meeting in repeating the Lord's Prayer and the Pledge of Allegiance.

Meeting minutes were presented for the Boards approval. Upon a motion made by Commissioner Boston and seconded by Commissioner Fisher, it carried 5-0 to approve the Commissioner and Closed Session meeting minutes from November 29, 2016, and the Special Session meeting minutes from December 6, 2016 as presented.

At this time, Mr. Tom Lawton, Department of Technical and Community Services and Mr. Mike T. Hall, representing Somerset Well Drilling Co. Inc., and T.D.& M. Holding Co., LLC., came before the Board.

At 2:00 p.m., President Laird proceeded to open the Public Hearing with regard to a request to rezone Map 40, Grid 4, Parcels 70, 104 and 127 in the Westover Election District. County Administrator Ralph D. Taylor read the Notice of Public Hearing into record as follows:

“Pursuant to the Somerset County Zoning Ordinance and Section 4-204 of the Land Use Article of the Maryland Annotated Code (formerly Article 66B), notice is hereby given that a public hearing will be held by the Board of County Commissioners for Somerset County to hear opponents and proponents on:

TUESDAY, DECEMBER 13, 2016
2:00 P.M.
SOMERSET COUNTY COMMISSIONERS MEETING ROOM
ROOM 111
11916 SOMERSET AVENUE, PRINCESS ANNE, MD 21853

The purpose of the hearing is to consider a request to rezone Map 40, Grid 4, Parcels 70, 104 and 127 in the Westover Election District. The applicant proposes to rezone the properties from Medium Density Residential R-2 to General Commercial C-2. The request cites a Mistake in the Current Zoning and a Change in the Character of the Neighborhood.

Parcel 70, comprising .892 acres, is owned by Somerset Well Drilling Co. Inc. It contains a commercial building and is located at the southwest corner of Fairmount Road Rt. 361 and Crisfield Highway Rt. 413. Parcel 127, comprising 1.0 acre, is owned by T D & M Holding Company LLC. It contains a residence and is located at the northwest corner of Fairmount Road

Rt. 361 and Crisfield Highway Rt. 413. Parcel 104, comprising 1.31 acres, is owned by T D & M Holding Company LLC. It is vacant and is located approximately 100 ft. west of the northwest corner of Fairmount Road Rt. 361 and Crisfield Highway Rt. 413. The total area of the three parcels proposed for rezoning is 3.202 acres.

The Somerset County Planning and Zoning Commission held a public hearing on the proposed rezoning on November 3, 2016; resulting in a favorable recommendation.

All zoning maps, Zoning Ordinance, Comprehensive Plan and files may be inspected at the Department of Technical and Community Services, 11916 Somerset Avenue, Room 211, Princess Anne, MD during regular business hours, 8:30 A.M to 4:30 P.M. Monday thru Friday.

Ralph D. Taylor, County Administrator.”

Mr. Lawton began by summarizing the case report, which was provided to the Board as a handout. It was noted within the report that the reason for the rezoning request is two-fold. First, there is a substantial change in the character of the neighborhood, and secondly, there was a mistake made in the existing zoning. Mr. Hall then presented information in support of the rezoning request which included population figures, other zoning changes in the area, compatibility with existing and proposed development, boundaries and character of the neighborhood as well as the mistake in the existing zoning classification.

President Laird asked if there were any proponents present wishing to speak. There were none.

President Laird asked if there were any opponents present wishing to speak. There were none.

He then stated that public comment will be taken until 4:30 pm., on December 22, 2016. The public hearing was declared closed at 2:18 pm.

Ms. Julie Widdowson, Director of Tourism came forward to present the FY17 Destination Marketing Organization Grant for the Boards consideration. Mr. Taylor explained that this grant opportunity, in the amount of \$21,043.00, comes from the Maryland Department of Commerce, through the Maryland Tourism Development Board. Ms. Widdowson added that the county has received this grant for over 25 years. She then requested the Boards approval to authorize the President to sign the grant as presented.

Upon a motion made by Commissioner Fisher, and seconded by Commissioner Boston, it carried 5-0 to authorize the President to sign the FY17 Destination Marketing Organization Grant.

Next, Ms. Widdowson requested the Boards approval to utilize interns within her department as appropriate. It was noted that interns would be used at no pay as needed. Ms. Widdowson was asked to insure insurance requirements are being met as well, if interns are used.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Boston, Ms. Widdowson received approval to use interns as appropriate in her department at no pay. Commissioner Simpkins abstained; therefore the motion carried 4-0-1.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance was now before the Board to seek the Boards approval of the amendments presented to the Somerset County Solid Waste Plan that had been presented during the public hearing held on November 29, 2016. Mr. Cavanaugh noted that no comments were received since the public hearing. He also asked the Boards approval of Resolution No. 1116, adopting and approving the amended Solid Waste Plan as presented.

Therefore, upon a motion made by Commissioner Boston, and seconded by Commissioner Simpkins, it carried 5-0 to accept the amended Solid Waste Plan, and approve Resolution No. 1116. The motion carried 5-0.

Commissioner Vice President Fisher left the meeting at this time.

Mr. Taylor continued with correspondence and discussion items at this time.

Maryland Department of Planning has requested an intergovernmental review of a project for a water and sewer extension to the Tri-County Council Building. Mr. Taylor recommended a C-5 (It is consistent with our plans, programs and objectives) designation for the project.

A motion was made by Commissioner Simpkins, and seconded by Commissioner Boston to approve a C-5 designation for the Tri-County Council Building project. The motion carried 4-0.

Commissioner Vice President Fisher returned to the meeting at this time.

Finance Director Mr. Gene Adkins was now before the Board to present two bank loan resolutions for the Boards consideration and approval as follows:

- A 24 month permanent loan, financed through Hebron Savings Bank, at .99% to finance the local portion of the cost of construction of the J.M. Tawes Technology & Career Center in the amount of \$4,000,000.00. Mr. Adkins noted that interim financing had been approved during the October 4, 2016 meeting.

Upon a motion made by Commissioner Simpkins and seconded by Commissioner Fisher, the loan resolution for a 24 month loan for \$4,000,000.00 at .99% as presented was approved. Commissioner's Boston and Mathies abstained; therefore the motion carried 3-0-2.

- A 10 year permanent loan, totaling \$3,000,000.00, at 1.75%, financed through Hebron Savings Bank which includes \$2 million for a new HVAC system and roof for Greenwood Elementary School and other minor school improvement projects and \$1 million for the local share of the Crisfield Library and improvements to the Tax Collection Office. Mr. Adkins noted that interim financing had been approved during the October 4, 2016 meeting.

Upon a motion made by Commissioner Fisher and seconded by Commissioner Simpkins, the loan resolution for a 10 year loan, for \$3 million at 1.75% was approved. Commissioner Boston and Mathies abstained. Therefore the motion carried 3-0-2.

Mr. Adkins advised that the loan closings were scheduled for December 22, 2016 at the office of Ballard Spahr, LLP in Baltimore.

Mr. Taylor next asked Mr. Gary Pusey and Ms. Donna Laird, Department of Technical and Community Services to come forward to discuss the potential remaining “Sandy” infrastructure funds totaling \$3.78 million. During the Special Session meeting held last week, several potential project requests were discussed:

- The Tidal Dike and Janes Island breakwater projects
- The Fairmount WWTP de-commissioning project
- Repairs to the City of Crisfield’s sewer, street resurfacing, drainage studies and other needs

Noting the importance of all of the projects to the county, Mr. Taylor provided a handout which in addition to information provided on the projects requested during last week’s meeting, also included a letter from Ms. Cindy Stone discussing project eligibility regarding the projects discussed last week, the priority listing of projects from January 14, 2014 and infrastructure grant approved funds to date.

The allocation of funding was discussed, as concern was expressed that the distribution of funding was not balanced throughout the county. President Laird also questioned again, if other funding sources are available to use towards the Fairmount WWTP. It was noted that there was a grant opportunity in 2014 to go towards the Fairmount decommissioning project in the amount of \$786,000.00 that could be re-applied for. The amount of estimated funding for the Fairmount project, noted on the spreadsheet as \$2.84 million, was also discussed, as it was questioned if the entire remaining balance is required to be applied to this one project, or divided, with Crisfield receiving \$1 million, and the Sanitary District receiving \$2.8 million. Mr. Stockus advised that the entire amount is being recommended so that Manokin project can be included. It was also recommended by Ms. Stone that the entire \$3.7 million be applied towards the Fairmount project to insure enough funding is available to complete the project.

President Laird acknowledged City representatives in the audience, welcoming them to speak.

Mayor Kim Lawson deferred to his remarks made during last week’s meeting. With regard to the fact that the Sanitary District requested the entire \$3.8 million, he emphasized the study asked for by

the engineering firm, and discussed the 1,800 county residents hooked up to the municipality's sewer system. He discussed the replacement needs/costs of lift stations in the city, and advised the Board of a letter received CDBG advising of the availability of lower government infrastructure funding at a low interest rate. He expressed the same desire of Crisfield area residents to hold rates down just as the Fairmount and Manokin residents have also expressed. He also elaborated on his concerns with regard to the MDE mandates, and possibilities that the city may have to place a moratorium on outside hook ups in the peripheral area. He closed his comments by stating that the total users in Crisfield of 4500 people (2700 within city limits, 1800 outside city limits) makes up 20% of the county's population, and he feels the issue in Crisfield is just as serious a cause as the Fairmount and Manokin cause.

Mayor Lawson was questioned if the problems were exacerbated by Hurricane Sandy. He replied that MDE noted the violations after Sandy, and brought it to the City's attention, but during the Hurricane, it was a problem as well. It was noted that Sandy funding was used to build the wall protecting the Cove Street Lift Station, which he was appreciative of.

Mr. Tony Stockus, Sanitary District addressed the Board and acknowledged the unenviable position the Board has been placed in. He stated he is here to serve the county, and the best interests of the citizens should be served.

Next, Ms. Charlotte Scott, City of Crisfield Council Member, requested to address the Board. Ms. Scott stated her grant writing background tells her that the grants received for Crisfield are because of Crisfield's demographic needs. She stated Crisfield received the greatest impact from the storm, and views the \$3.8 million funding as an investment in Crisfield. She feels the funding should be placed where an investment can be made that will get the greatest return, which is in Crisfield because of its potential. She feels the City continues to make positive turns, and this funding will bring a return in tax revenue. She closed her comments, asking if the same can be said for Fairmount, or anywhere else in the county; pleading that the funds be redirected to Crisfield.

Following the discussion and comments received, and after considerable thought, Commissioner Simpkins made a motion to redirect the \$3.8 million in Hurricane Sandy funding to the Fairmount Decommissioning project, to include Manokin. Commissioner Mathies seconded the motion. Commissioner's Boston and Laird opposed the motion; therefore the motion carried 3-2-0.

Mr. Taylor presented for the Boards consideration and approval, the following Integra Administrative Group contracts for the President's signature. He advised that the county attorney has reviewed the contracts, and found them to be legally sufficient.

- The 4D Pharmacy Management Systems Agreement
Upon a motion made by Commissioner Boston, seconded by Commissioner Fisher, it carried 5-0 to authorize the President's signature on the 4D Management Systems Agreement as presented.
- The Somerset County Retirees Plan (Medicare Supplement Health Care Plan of Somerset County Retirees)
Upon a motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 5-0 to authorize the President's signature on the Somerset County Retirees Plan as presented.
- The Dental/Vision Plan of Somerset County Government
Upon a motion made by Commissioner Fisher, seconded by Commissioner Boston, it carried 5-0 to authorize the President's signature on the Dental/Vision Plan as presented.

Next, Mr. Taylor discussed complaints that have been received from the City of Crisfield with regard to two foreclosed properties (2895 Byrdtown Road and 114 S. Fourth Street), now in the county's name, which are no longer structurally sound. He advised that he has spoken with Charles Cavanaugh, Director of Maintenance and Solid Waste, who feels the county can adequately handle the tear down and removal of the structures.

Therefore, upon a motion made by Commissioner Fisher, and seconded by Commissioner Boston, it carried 5-0 to authorize Mr. Cavanaugh to demolish the two structures as presented using county resources.

Mr. Taylor presented a request to release five grant mortgages for the Boards consideration as follows:

- A grant mortgage against the property of Helen Hitch, 32738 Rehobeth Road, Pocomoke Maryland in the amount of \$4,110.00 which was filed in 2010, and has since expired.
Upon a motion made by Commissioner Boston, and seconded by Commissioner Fisher, it carried 5-0 to authorize the President to sign the grant mortgage release against 32738 Rehobeth Road as presented.
- Four grant mortgages against the property of Barbara Laird, 26894 Deal Island Road, Princess Anne, Maryland. The first is a grant mortgage with a remaining balance of \$1,405.00. Following scheduled settlement, once repaid these funds will go towards assisting someone else. There are also three additional grant mortgages against the property which have expired:
 - \$10,710.00 which expired in 2006
 - \$1,000.00 which expired in 2007
 - \$3,652.50 which expired in 2003

Upon a motion made by Commissioner Fisher, and seconded by Commissioner Simpkins, it carried 5-0 to authorize the President to sign the grant mortgage releases against 26894 Deal Island Road as presented.

With no further business, the Board was advised of the need to enter into Closed Session. Therefore, at 3:08 p.m. upon a motion made by Commissioner Simpkins and seconded by Commissioner Mathies, it carried 5-0 to enter into Closed Session by Authority of State Government Article of the Annotated Code of Maryland Section 10-508 (a)(1)(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; and Section 10-508 (a) (7) consult with counsel to obtain legal advice; and Section 10-508 (a) (3) consider the acquisition of real property for a public purpose and matters directly related thereto.

Upon a motion made by Commissioner Boston and seconded by Commissioner Mathies, it carried 5-0 to adjourn the Open and Closed Session Meetings at 3:47 p.m.

Respectfully Submitted:



Lory E. Ebron
Executive Aide

Approved by:



Board of County Commissioners
For Somerset County