



AGENDA
June 11, 2019
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- Mr. Gary Pusey, Ms. Kristen Tremblay/DTCS
 - Amendments to the Somerset County Zoning Ordinance
- 2:30 p.m. - Mr. Gary Pusey, Ms. Mary Phillips, DTCS
 - FEMA (Community Assistance Visit)
- * 2:40 p.m. - Bid Opening - Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance
 - Crisfield Airport Phase III Drainage Project
 - Rebid for the Eden Allen Road Drainage Project
- * 2:50 p.m. - Ms. Sherree Marshall, Department of Aging
 - Senior Care Grant Application

Correspondence:

Received

- * Ms. Retta Jones, Mt. Zion Historical Society re: Letter of Support Request
- * Mariners United Methodist Church re: Request for Permit Fee Waiver

Sent

Mr. Will Dryden, Tax Collection Supervisor re: Official Levy- FY 2020
Mr. Leslie Pruitt, Supervisor of Assessments re: Official Levy- FY 2020
Mr. Bradley A. Bellacicco, Transit Director re: Transfer of Funds
Ms. Nicole Cates, Executive Director, Local Management Board re: Welcome Letter
Mr. Gregory Padgham, Executive Director TCC for the Lower Shore re: Letter of Interest/Housing Study
Mr. Robert L. Shores, Treasurer/Skipjack Heritage Inc. re: Waiver of Building Permit Fees
Mr. Peter Ettinger, VP Bioenergy Development Company re: Organic Recycling
Ms. Sheila Warner, Chairman/LMB re: Member Appointments
Mr. Grayson Laird re: Agricultural Preservation Advisory Board
Mr. Nelson Shepherd re: Lower Shore Workforce Alliance Appointment
Mr. Harrison C. Nauman Jr., re: Request to replace Vessel Wenona Slip #17
Secretary Kenneth Holt/DHCD re: Armory Rehabilitation Grant Application
Rural Maryland Council/Dept. of Agricultural re: Lower Shore Shelter/Program Enhancement Project LOS
United Way of the Lower Eastern Shore re: Lower Shore Shelter/Program Enhancement Project Letter of Support

Discussion:

- * 1. 2018 Tax Sale Foreclosure List
- * 2. Carvel Hall-Promissory Note/Loan
- * 3. LOS Request/SI Legacy Grant
- * 4. LOS Request/Friends of Teackle Mansion

Public Comments (5 minute time limit to speak)

- * **3:15 p.m. – Closed Session, Ralph Taylor, Charles Cavanaugh**
Authority of the General Provisions Article of the Annotated Code of Maryland § 3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction.

* Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
June 11, 2019

At 2:00 p.m., President Craig Mathies, Sr., called the Board of County Commissioners for Somerset County to open in Regular Session. Also, present for the meeting Commissioner Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing, and Commissioner Simpkins.

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

President Mathies asked Commissioner Willing to lead those present in Prayer and the Pledge of Allegiance.

Closed Session Summary Report June 11, 2019

On June 11, 2019, at 3:20 p.m. until 4:14 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Simpkins and seconded by Vice President Charles Laird it carried unanimously to enter into Closed Session by Authority of the General Provisions Article of the Annotated Code of Maryland §3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; and (8) consult with staff, consultants, or other individuals about pending or potential litigation.

Present for the Closed Session Meeting were Commissioner President Craig N. Mathies, Sr., Vice President Charles Laird, Commissioner Randy Laird, Commissioner Eldon Willing and Commissioner Rex Simpkins.

Also present were Mr. Ralph D. Taylor, Ms. Lory Ebron, HR Director Ms. Erica Yeager, Recreation and Parks Director Mr. Clint Sterling, Director of Solid Waste and Maintenance Mr. Charles Cavanaugh. Topics discussed were: (1) Employee terminations (2) Hiring of MEO I (3) Hiring of Temporary Employee Mosquito Control (4) Formal approval/pending litigation. Actions taken during closed session: (1) Approval to hire MEO I (2) Approval for employee terminations (3) Approval to hire temporary employee/Mosquito Control (4) Formal approval regarding litigation matters.

Meeting minutes were presented for approval regarding the Commissioner and Closed Session meetings held on May 28, 2019. Commissioner Randy Laird made a motion to approve

the minutes as presented. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor asked Mr. Gary Pusey and Ms. Kristen Tremblay, Department of Technical and Community Services (DTCS) to come forward at this time. President Mathies called the Public Hearing to open at 2:00 pm. Mr. Taylor then read the notice of Public Hearing into record as follows:

**NOTICE OF PUBLIC HEARING
BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY
AMENDMENTS TO THE SOMERSET COUNTY ZONING ORDINANCE**

Tuesday, June 11, 2019 at 2 P.M.
County Commissioners' Meeting Room, Room 111, 11916 Somerset Avenue
Princess Anne, Maryland 21853

“In accordance with Section 13.1 of the Somerset County Zoning Ordinance, Somerset County is considering amending the Zoning Ordinance. The Planning Commission has recommended certain proposed amendments to the Board of County Commissioners for its consideration. The County Commissioners will hold a Public Hearing to solicit input from the public prior to making a decision.

Fair Summary

Various amendments have been made to the Zoning Ordinance since its initial adoption date of Dec. 19, 2000. This revision will incorporate all previous amendments into one ordinance and will also include new regulations pertaining to solar development, accessory dwelling units, the Airport Overlay District, farm breweries, and parking and landscaping requirements, in addition to other sections. A limited number of zoning revisions to the Official County Zoning Map are also being proposed.

A copy of the proposed ordinance and map will be available for examination at the Somerset County Dept. of Technical & Community Services, Room 211, 11916 Somerset Avenue, Princess Anne, MD, 21853 during normal office hours, and the proposed ordinance is also available at www.somersetmd.us

For additional information please contact the Somerset County Department of Technical and Community Services at 410-651-1424.

Board of County Commissioners for Somerset County
Ralph D. Taylor, County Administrator”

Mr. Pusey began, explaining the history of the Zoning Ordinance established 19 years ago, noting that changes were needed to the ordinance since that time. He reviewed the timeline of events over the past year. During their work session held May 7, 2019, the Board of Commissioners discussed a broad range of topics pertaining to the zoning ordinance amendment including solar and accessory dwelling units. An item not discussed was the proposed zoning maps amendments recommended by the Planning Commission. A total of six (6) properties were proposed by the consultant for a rezoning classification. Mr. Pusey explained that these six properties have “split” zoning (two zoning designations). It was brought to the Boards attention that one of the properties under rezoning consideration is Great Hope Golf Course, currently

designated as 'Low Density Residential (R-1)' with a recommendation to have it rezoned to 'Agricultural Rural (AR)' to better fit the current land use.

Mr. Pusey continued by providing a summary of the amended changes made to the ordinance (spreadsheet is included with meeting minutes). A more detailed review was made regarding the amendments proposed the Utility Scale Solar Floating Zone Section 7.5 (a copy of the summary is also attached to the minutes).

Vice President Charles Laird questioned if the West Post Office Road Solar project, being submitted for reapplication, will be grandfathered in or fall under the amended ordinance when approved. Mr. Pusey advised that when received, the Planning and Zoning office will provide the options that are available for the Board for their consideration and final approval.

President Mathies asked for any proponents present wishing to speak. There were none. He then asked for any opponents present wishing to speak. There were none.

Ms. Chris Widdowson, 33220 W Post Office Road asked if she could come forward to make a general comment. Ms. Widdowson questioned specific sections of the ordinance that she felt seemed unclear regarding setbacks, noise levels, visual shield, insufficient buffer, signage, decommissioning and surety. A written copy of Ms. Widdowson's complete testimony was provided and are included with meeting minutes.

Mr. Kevin Miller, 7520 Mennonite Church Road, Westover came forward at this time. Mr. Miller had specific comments relating to Section 7.5 Utility Scale Solar. He discussed the proposal regarding property soil. He questioned the use of the word "may" used within the ordinance that can be used against the Commission, the time allowed for the start of construction, the 15-foot maintenance requirement around ditches, and decommissioning. He also expressed his disappointment with the Board of Commissioners stating he feels their personal viewpoints take a stand against property rights of landowners and not the best interests for the county. He also questioned the proposed mandated limit of 1,200 acres for solar and closed his comments by noting the requirement made last legislative session for 50% renewable energy to become law by 2030 with over \$7 Billion estimated to be spend on solar in Maryland. He questioned if the Board of Commissioners of the poorest county, and the highest percentage of undeveloped land in Maryland, would not want to get a significant portion of that \$7 Billion. A complete copy of Mr. Miller's testimony was provided and included with meeting minutes.

Mr. Sami Ayyorgun, Fairfax Virginia came forward at this time. Mr. Ayyorgun explained he was the applicant for the W Post Office Road solar project stating there is misconception regarding solar, and of the 95% of all renewable generation, 30% is solar. He stated solar

financially makes sense for the industry, and has bipartisan support across the isle. If done right and fairly, solar will be a benefit for the county. He stated abandoning a solar project is unheard of and he explained “repowering” (the upgrade of outdated solar projects) should be under discussion and not abandonment. Landscaping requirements should be kept fair, and he suggested plantings not be across the board standards, but instead plants should be used that are successful in the environment such as evergreens with a good growth ratio. He questioned why not have solar in the county, with its economic and environmental value. He closed in requesting that the Board consider grandfathering his project when it comes before them as he has been working on the project for over a year now.

President Mathies questioned how long since the panels were installed, and have they been repowered. Mr. Ayyorgum replied repowering is a new concept.

Ms. Tammy Truitt, Marion Station Maryland came forward at this time. Ms. Truitt stated solar is industrial; the ordinance even says so. She stated she has a problem with it being allowed in an Ag/Residential zone, and should not be allowed in that zone. She feels “floating zones” changes the use of the land so changing agricultural land into industrial fields noting the developer saying the panels will be repowered when no longer good. Solar uses a lot of land for a limited production of energy. She has major concerns about floating zones and suggested establishing utility scale carve out zones. She agrees with the 6 foot plantings and the 1200 acre limit makes sense. She mentioned Senate Bill 610, that did not pass, which strips a county from the ability to charge personal property tax on solar. She presented charts she created and shared with the Board, and mentioned Great Bay Solar, noting their request for an extension with the Public Service Commission, recognizing that the county was working on amending their ordinance, noting they should be accountable, and abide by the ordinance.

Ms. Kathleen Garton, Crisfield Maryland requested to address the Board. Ms. Garton’s concern revolved around setbacks. She feels property along the highway is our economic development corridor, mentioning all the people traveling through who see us. She stated that we have a beautiful county, and a lot of area that can be developed. It would be her preference to not see solar extending all the way up to the highway.

President Mathies asked if there was anyone else present wishing to speak. There were none. President Mathies advised that all comments given today will be taken into consideration.

Mr. Taylor advised regarding one written comment received prior to the meeting from Mark and Robin Simmons which will be provided to the Board. Written comments will be taken for 10 days, until June 21, 2019. The public hearing was declared closed at 2:47 p.m.

Ms. Mary Phillips, Department of Technical and Community Services joined Mr. Pusey at this time to discuss correspondence received from FEMA/U.S. Department of Homeland Security regarding their Community Assistance Visit (CAV) held on March 4 through March 7, 2019. Ms. Phillips explained the Community Rating System (CRS) process which has been ongoing for about seven years. Eligibility in the CRS, once obtained by the county, will provide discounted homeowner flood insurance costs. Part of this process includes the CAV recently held. It was noted that Somerset County did very well, with a few minor issues which will be addressed, and resubmitted for consideration. Due to privacy issues, details of the report findings were not discussed. Once resubmission is approved, a letter of good standing will be issued and the county will be eligible for homeowner flood insurance discounts within a year. Mr. Pusey advised that the county is off to a good start advising that an explanation was found for all addressed noted within the report. Ms. Phillips and Mr. Pusey left the meeting at this time.

Mr. Charles Cavanaugh, Director of Solid Waste and Maintenance, came forward at this time to accept sealed bids received regarding the Crisfield Airport Phase III Drainage Project and Eden Allen Road Phase II Drainage Project. President Mathies proceeded to open the sealed bids received as follows:

Crisfield Airport Phase III (8,245 feet)

<u>Bidder:</u>	<u>Amount:</u>
Doug Vann	\$26,545.00
Mark Bozman	\$23,400.00
Alfred Bradford	\$29,900.00

Mr. Cavanaugh requested the bid award for this project be tabled to allow him the opportunity to review the bids submitted.

Eden Allen Road Phase II (725 feet)

<u>Bidder:</u>	<u>Amount:</u>
Doug Vann	\$12,500.00
Mark Bozman	\$18,300.00

Mr. Cavanaugh advised the Board that he would recommend the bid be awarded to the low bidder, Doug Vann for \$12,500.00

Commissioner Simpkins made a motion to award the Eden Allen Road Phase II Drainage Ditch Maintenance project to the low bidder, Doug Vann for \$12,500.00. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Next, Ms. Sherree Marshall, Department on Aging, came forward to present the Grant Application regarding the Senior Care Program for the Boards approval. Ms. Marshall first

thanked the Board for their support, and additional appropriation given during budget deliberations due to cuts that were made to the Senior Nutrition and Seniors Programs. She then presented the grant application in the amount of \$115,000 that will be used towards the Senior Care Program next fiscal year. She advised that 137 seniors were served last year utilizing this grant funding.

A motion was made by Commissioner Randy Laird to authorize President Mathies to sign the FY2020 Senior Care Grant Application. Vice President Charles Laird seconded the motion. The motion carried unanimously.

A letter of support request was received from Ms. Retta Jones, Chairperson of the Mt. Zion Historical Society. A grant request will be submitted to secure funding from the African American Heritage Preservation Grant to continue restoration of the Mt. Zion Church, built in 1887.

A motion was made by Commissioner Simpkins and seconded by Commissioner Willing to approve the letter of support for Mt. Zion Historical Society. The motion carried unanimously.

A permit fee waiver request was received from Mariners United Methodist Church. The church is constructing a 10' x 12' storage shed on their property, and have requested the permit fee in the amount of \$75.00 be waived.

A motion was made by Commissioner Randy Laird to waive the permit fee in the amount of \$75.00. Vice President Charles Laird seconded the motion. The motion carried unanimously.

Mr. Taylor discussed the 2018 Foreclosure list with the Board. There are seventeen (17) properties remaining on the list, following letters that were sent to adjoining land owners. Seven (7) properties have houses, most of which are derelict. A discussion was held regarding the past surplus property sales offered and the current status of those offers made. The requirement of a non-refundable deposit was discussed.

A motion was made by Commissioner Simpkins to require a 10% non-refundable deposit on offers received regarding Somerset County Surplus Property offers going forward. Vice President Charles Laird seconded the motion. The motion carried unanimously.

A brief discussion was held regarding properties located in Crisfield. It was questioned if those properties should be pulled from the list and have the city foreclose. Mr. Taylor advised he would check with the City office; however he believes they are not interested in acquiring these properties.

Correspondence was received from Ms. Kelly M. Schulz, Secretary, Maryland Department of Commerce, advising of the Department of Commerce decision to forgive the

eight (8) remaining payments totaling \$69,257.52 regarding the loans made in 1998 towards the county's efforts to enhance employment opportunities at the Carvel Hall facility.

A motion was made by Commissioner Simpkins to authorize President Mathies to sign the acknowledgement to accept the offer of forgiveness provided by the Department of Commerce for \$69,257.52 regarding the loans made for Carvel Hall. Vice President Charles Laird seconded the motion. The motion carried unanimously.

A letter of support request was received from Ms. Tracey Gordy for support of the Smith Island grant to construct an overlook and deck at the Smith Island Community Park.

Commissioner Randy Laird motioned to authorize President Mathies to sign the letter of support for the construction of an overlook and deck at the Smith Island Community Park. Vice President Charles Laird seconded the motion. The motion carried unanimously.

A letter of support request was also received from Mr. Paul Touart in support of the Friends of Teackle Mansion grant application to the National Trust for Historic Preservation's Bartus Trew Providence Preservation Fund. This grant funding will be used towards repainting in the mansion.

A motion was made by Commissioner Simpkins to approve the President's signature on the letter of support requested by the Friends of Teackle Mansion as requested. Vice President Charles Laird seconded the motion. The motion carried unanimously.

With no further business, the Board was advised for the need of a Closed Session at 3:20 pm. The Board entered into Closed Session upon a motion made by Commissioner Rex Simpkins and seconded by Vice President Charles Laird, by Authority of the General Provisions Article of the Annotated Code of Maryland §3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction.

The Commissioner and Closed Session meetings adjourned at 4:14 p.m. upon a motion made by Commissioner Randy Laird and seconded by Vice President Charles Laird. The motion carried unanimously.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide