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**AGENDA**  
**October 27, 2020**  
**BOARD OF COUNTY COMMISSIONERS**  
**FOR SOMERSET COUNTY**  
**11916 Somerset Avenue**  
**Room 111/Meeting Room**  
**Princess Anne, MD 21853**  
**2:00 p.m.**

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**Appointments:**

- 2:00 p.m. - **Public Hearing** - CDBG Status Report
  - Mr. Gary Pusey, DTCS
- 2:10 p.m. - **Public Hearing** - Rezoning Request/305.05 acres- J & J Agriculture LLC/MRC to AR
  - Mr. Gary Pusey, DTCS
- \* 3:50 p.m. - Mr. Gary Pusey, DTCS
  - Request for Lien Release/27344 Cash Corner Road

**Correspondence:**

**Received**

- \* W. Robert Hair, M.Ed., MD School for the Blind re: Request for COVID Funding Assistance
- \* Ms. Wendy R. Clough, Church of God re: Waiver of Landfill Fees
- Secretary Kelly M. Schulz re: Maryland Strong: Economic Recovery Initiative

**Sent**

Mr. Don Bibb, Executive Director re: Acquisition of County Property  
Ms. Tiffany Knupp, Real Estate Representative re: Billboard Lease # 105270250

**Discussion:**

- \* 1. Surplus Property Purchase (4)
- \* 2. Crisfield Heritage Foundation- Tax Exemption Request FY20

**Public Comments:** Members of the audience who have signed up to address the Board will be permitted to do so at this time and allotted 5 minutes.

- \* **4:00 p.m. - Closed Session-** Mr. Ralph Taylor, Ms. Morena Corbin, Mr. 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  
October 27, 2020

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

**Closed Session Summary Report**

On October 27, 2020, from 3:34 p.m. until 4:08 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Vice President Charles Laird, and seconded by Commissioner Randy Laird, it carried 5-0 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.

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

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Morena Corbin, and Director of Solid Waste and Maintenance Charles Cavanaugh.

Topics discussed: (1) Rescind motion to hire MEO I (2) Various Personal Matters. Actions taken during closed session: (1) Motion rescinded to hire MEO I (2) Employee Request Denied.

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Minutes from the Special and Closed Session meetings held on October 6, 2020 and October 20, 2020 and Commissioner and Closed Session meetings held on September 29, 2020, were approved as presented upon a motion made by Commissioner Eldon Willing and seconded by Vice President Charles Laird. The motion carried 5-0. Commissioner Rex Simpkins abstained regarding the meetings held on September 29, 2020; therefore, that motion carried 4-0-1.

Mr. Gary Pusey and Ms. Donna Laird, DTCS came forward.

President Mathies opened the Public Hearing regarding the Community Development Block Grant Status Reports at 2:02 p.m. Mr. Taylor read the notice of public hearing into record as follows:

“Somerset County will conduct a Public Hearing to provide citizens with a status report of activities undertaken by the County through its implementation of various Community Development Block Grants (CDBG) at the above-referenced time and location.

The County Commissioners entered into grant agreements with the Maryland Department of Housing & Community Development (DHCD) to use Community Development Block Grant (CDBG) funds for a Housing Rehabilitation Program in November 2018, and for Hurricane Sandy recovery efforts (1) in November 2015 for Housing and Economic Recovery; (2) in April 2016 for Infrastructure projects at Rhodes Point; (3) in March 2017 for funding for engineering to decommission the Fairmount WWTP project; (4) in August 2017 for construction funding to decommission the Fairmount WWTP and prepare a structural feasibility study of the Crisfield Armory; and (5) in May 2020 for various projects and studies. In addition, three older projects funded through the CDBG Program required a second Public Hearing. In order to meet this requirement, a summary of the following will be presented: (1) building improvements to the Ewell Fire Station on Smith Island in 2008; (2) funding for ADA improvements to the Courthouse in 2009; and funding for construction of the Senior Center in Westover in 2013.

A summary of funding allocated and spent on each of these grants will be provided at the Public Hearing.

Efforts will be made to accommodate the disabled and non-English speaking residents with five days advance notice to Gary Pusey at 410-651-1424.

Board of County Commissioners for Somerset County, Craig N. Mathies, Sr., President.”

Mr. Pusey explained that as the recipient of federal funds through the Community Development Block Grant (CDBG) Program, the county is required to hold public hearings at certain times to inform the public as to how the funding is being spent. First, for CDBG funds, a public hearing is required during the second year of the two-year grant, and secondly, for Hurricane Sandy grant funding, a public hearing is required every six months.

Following a recent CDBG monitoring visit, it was brought to the county’s attention that three older block grants did not appear to have had the second public hearing held, which is a requirement. Additionally, Mr. Pusey advised that the county is currently administering five Hurricane Sandy Disaster Grants. A summary of these grants was provided as follows:

**CDBG Grants:**

(1) Ewell Fire Station: \$169,832 (MD-7-CD-24):

In 2007, the county received \$125,000 to make the Ewell Fire Station ADA compliant that included installation of a chair lift, renovating restrooms, installation of air conditioning, kitchen ADA renovations, and concrete apron along the front of the building to assist wheelchair-bound citizens. The project was completed in 2008.

(2) Courthouse: ADA Improvements \$50,000 (MD-9-CD-38):

In 2008, the county received \$23,750 to rehabilitate the sidewalks at the courthouse to make them handicapped accessible and to install a handicapped ramp at the Master's Court. Improvements were completed in September 2009.

(3) Senior Center: \$600,000 (MD-12-CD-33):

In 2011 the county received \$600,000 in block grant funds to go towards the renovation of 6,000 square feet of the former Westover Elementary School on Sign Post Road into a Senior Center. Total project cost was \$1,300,000 and completed in 2013 and has been in use since completion.

**Disaster Recovery Grants (Resulting from Hurricane Sandy):**

(4) Housing and Economic Recovery - \$2.94 Million (MD-14-DR Phase 3):

This grant is a continuation of the first Disaster Grant the county received. Includes new home replacement of damaged houses during Sandy, business loans, job training, broadband study and extension and the development of a Strategic Economic Opportunities Analysis (for commercial buildings affected by flooding) for the county. To date, approximately \$277,000 grant funds remain in this phase due to projects coming in under budget and eligible projects will need to be determined by the grant expiration date of September 30, 2022.

(5) Infrastructure- \$4.872 Million (MD-15-DR-1 Phase 3):

This phase covers additional funding for the Homeless Shelter (\$150,000), funding from the Army Corps of Engineers for the Rhodes Pt. Jetty (\$250,000) and funding for the Rhodes Point Shoreline Stabilization Project (\$4,472,000). The Homeless Shelter and Rhodes Point Jetty projects are completed and funding spent. The Rhodes Point Stabilization Project has been completed regarding the construction of all the breakwaters and allotted amount of funding for this part of the phase is spent. \$70,000 in remaining funding is allotted for monitoring of the project under contract and will be spent by the September 30, 2022 deadline.

(6) Infrastructure- \$545,000 (MD-15-DR-1 Phase 4):

The grant phase covers additional funding for the Homeless Shelter Project (\$120,000), funding for the Fairmount Wastewater Plant (WWTP) Decommission Engineering Study (225,000), and funding for Project Administration (\$200,000). All funding has been spent, and this phase is complete.

(7) Infrastructure- \$4,155,000 (MD-15-DR-1 Phase 5):

This grant phase covers additional funding for the Fairmount Wastewater Decommissioning Project/construction (\$3,905,000), funding for the Crisfield Armory Feasibility Study (\$57,000), and funding for Project Administration (\$193,000). The Fairmount Wastewater Decommissioning construction activities related to decommissioning the existing wastewater plant in Fairmount and extending the line to Westover where it will connect to the Princess Anne system is 75% completed. COVID-19 caused delays. MDE funding will supplement Disaster Grant funding to cover the entire cost of \$4,268,262. All funding should be spent before the grant deadline of September 30, 2022. The Crisfield Armory Feasibility Study Project is completed, and all funding spent. Approximately \$90,000 of Project Administration remains, which will be spent before September 30, 2022.

(8) Infrastructure- \$462,289.32 (MD-15-DR-1 Phase 6):

The phase covers funding for generators located at Crisfield and Deal Island (\$100,000), funding for Sheep Pen Gut Dredging on Smith Island (\$200,000), funding for the Crisfield Drainage Study (\$100,000), and funding for the Community Rating System Project (CRS)(\$62,289.32). This phase was a reallocation of funds from the Crisfield Tidal Dike Project and the Crisfield Great

Point Design Project. The generators are installed and working properly and final payment processing is being completed. The County is working with DNR on Sheep Pen Gut dredging (funding to supplement State Funds), with additional funding going to be needed (project cost estimate \$1 Million). DNR discussions indicate additional funding is not likely to be obtained; therefore, this allocation of funding (\$200,000) may be reallocated to a different project. The end date is September 30, 2022. Smith Island United supports transferring these funds to a drainage project on the island. This will be discussed further with the Board of Commissioners. The Crisfield Drainage Study will fund the development of a city-wide drainage system, to identify, categorize and prioritize deficiencies in the overall system. Project was awarded for \$98,985, with \$100,000 (\$50,000 Sandy/\$50,000 DNR) budgeted. Unspent Sandy funding will be re-allocated. The Community Rating System involves hiring a consultant to undertake activities as the County works towards being accepted into the CRS program. A consultant will be selected soon, with grant funding expires September 30, 2022.

Mr. Pusey stated that all Hurricane Sandy grants are on schedule to be completed before the end date, and will be spent in accordance with the requirements of each grant. The three CDBG Block grants described have all be spent and all facilities are in operation. Mr. Pusey recognized the efforts of staff, including Ms. Laird, Mr. Konapelsky and Ms. Dee Savarese who have been involved with the Sandy Grant Funding process. Vice President Charles Laird questioned the re-allocation of funding allocated for the Sheep Pen Gut dredging project, and if it could go towards the Crisfield Flood Gates. Mr. Pusey advised he would be returning to the Board regarding the disbursement of the funds to be re-allocated.

President Mathies asked if there were any proponents present wishing to speak. There were none. He then asked if there were any opponents present wishing to speak. There were none. The Public Hearing was declared closed at 2:17 p.m. Ms. Laird left the meeting at this time.

At 2:17 p.m., President Mathies called the Public Hearing open to consider a request by J & J Agriculture, LLC to rezone Map 57, Grid 9, Parcel 594 (Lots A, B, C, and E). Mr. Adam Gibson, P & Z joined Mr. Pusey. Mr. 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, 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, October 27, 2020 at 2:10 P.M.  
County Commissioners’ Meeting Room, Room 111, 11916 Somerset Avenue  
Princess Anne, Maryland

The purpose of the hearing is to consider a request by J&J Ag, LLC, to rezone Map 57, Grid 9, Parcel 594 (Lots A, B, C and E) from MRC Maritime-Residential-Commercial District to AR Agricultural Residential. The parcels total 305.05 acres located west of Marion Station on the North and South sides of Coulbourne Creek Rd and to the West of Charles Cannon Rd.

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.

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

Mr. Pusey, now joined by Mr. Adam Gibson, advised that the Planning Commission held a Public Hearing on August 6, 2020 regarding the rezoning request by J & J Agriculture, LLC. The Public Hearing was continued on September 3, 2020 in response to the Planning Commission’s request for additional information. Following deliberations, the Planning Commission was unable to reach a majority decision as recommendation to the Board of County Commissioners. Only six members (of the seven-member board) were in attendance, and the vote carried 3-3 to deny the rezoning request. With the tie vote, the Planning Commission’s adopted Rules and Procedures state that a tie vote is a defeat of the motion, and upon the advice of legal counsel, the tie vote has been forwarded to the Board of County Commissioners to deny or approve.

Mr. Pusey explained that in accordance with State Law, rezoning requests can only be approved under two circumstances: (1) if there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning, which was February 5, 2001 in this case; or (2) if it is found that the current zoning was a mistake.

The applicants today argue that a mistake existed in the current MRC zoning as this property has been farmed for over a century, and with current restrictions on the property (Floodplain and Critical Area regulations), the AR zoning would be a better fit. The applicants also argue that the MRC zoning is not appropriate since adjacent waters are very shallow and would be difficult for boats to navigate.

Mr. Pusey then explained relevant background information, which was provided to the Board, explaining the existing and proposed land use differences, neighborhood and surrounding neighborhood zoning and character, as well as the MRC zoning classification made in 2001, that could be considered a mistake taking into consideration of agricultural use of the property which is allowable in both the MRC and AR zoning classifications. He also explained that the term “rezoning mistake” is a very general term, and not necessarily scientific. Mr. Pusey advised that the Board of Commissioner’s decision in this case, will be final. Staff also recommends that when the decision is made by the County Commissioners, the decision be considered “preliminary”

pending the preparation by Planning Staff of the “Finding of Facts” (which include population change, availability of public facilities, etc.) to support the decision. The Findings would then be adopted by the Board of Commissioners at their next scheduled meeting.

President Mathies asked if the Board had any questions for Mr. Pusey. Commissioner Simpkins questioned if restricted use can be enforced and included with their decision. Mr. Pusey advised that in Maryland, restricted use cannot be applied, other than what’s allowed within the zoning district it’s located in. He did note that additional buffering can be required however as a conditional requirement.

President Mathies then asked if there were any proponents present wanting to speak. He asked that comments be limited to three minutes.

Mr. Michael T. Hall, part owner of J & J Ag, LLC came forward to address the Board.

Mr. Hall thanked the Board for the opportunity to speak at the hearing, noting he was here today with James and Jamie Nelson representing J & J Ag LLC., and distributed Applicant Exhibit “A” (Rezoning Request by James Nelson C/O J & J Ag, LLC, Tax Map 57, Grid 9, Parcel 594, Lots A, B, C, & E October 27, 2020). The following is a summary of his comments:

- Population change in Marion has changed very little since Comprehensive Rezoning in 2001.
- Availability of Public Facilities since Comprehensive Rezoning in 2001, no additional public utilities have been installed nor is there any future plans to install. Increased density for MRC zoning is not needed.
- Present and future transportation patterns show decrease in traffic patterns since 2001. Proposed zoning is more restrictive towards future development minimizing future traffic pattern increases.
- The property has been farmed for well over a century, and they intend to keep the land in cultivation. Existing adjoining properties are a mixture of residential and agricultural purposes. No significant changes will be seen with the rezoning change.
- The current Comprehensive Plan places parcels A, B and E in Tier 2 being slated for major subdivisions on public sewer only. They are not aware of any public sewer plans in the area, and due to current flood plain remapping and the fact that the property is within the Critical Area, Resource Conservation Area, restricting building lot size to one per 20 acres. They strongly feel current MRC zoning is a mistake, and AR zoning is better suited for the property current and future uses. Parcel C is Tier 3 which designates that building lots utilize septic systems, and would also fall under Critical Area Laws.
- A map of neighborhood boundaries was presented which showed the change to AR would be consistent with neighborhood zoning diversity.
- The current MRC zoning for the property was never needed or been used. Waterways directly adjacent are very shallow. Access to water is restrictive due to wetlands and marsh. The request for MRC zoning was made so the former owner would have flexibility to utilize the property for other uses other than Ag. MRC zoning capability was never utilized.
- The neighborhood has not changed substantially. Flood Plain map changes have made many properties in the area not viable for full use. Current economic conditions in the area are more favorable towards agricultural use.

Mr. Hall was asked to close his comments at this time. President Mathies assured Mr. Hall that the Board would read his statement in its entirety. Mr. Hall thanked the Board for their time.

Ms. Janet McIntyre, 28101 Mt. Vernon Road, and Planning and Zoning Commission

Member came forward. The following is a summary of her comments:

- As a member of the Planning Commission she was in support of the change to AR in the 3-3 vote and feels strongly in support of farming
- Lived in the area her whole life, is familiar with the area, used the boat ramp. Property in question has always been farmed and is surrounded by Ag.
- She did not serve on the Planning Commission in 2001, and supports the change to AR.
- She served on the Sanitary Commission and knows what it will take to have public water and sewer somewhere and doesn't feel that will happen in any our lifetimes in that area.
- She supports farming, noting it's a tough business and supports lifetime farmers.

Mr. Jamie Nelson, part owner of J & J Ag, LLC, 28311 Revells Neck Road, addressed the Board. He stated that if the rezoning moves forward to AR, concern was expressed about certain other uses such as chicken houses. He stated that due to the flood plain area, it would be cost prohibitive to have a large-scale chicken business, and that he doesn't intend to ever do that.

Mr. Robert McIntyre, 28101 Mt. Vernon Road addressed the Board. He noted Mr. Halls comment regarding the 20-acre lot size per house regarding sewer, and in attending the Sanitary Commission meeting last week, Mr. Stockus said that 50% of sewer systems are not in compliance with Maryland Department of the Environment. He said that's all they are going to be able to do is farm out there with that land.

President Mathies asked if there were any other proponents wanting to speak. There were none.

President Mathies asked if there were any opponents wanting to speak.

Mr. David King, Executive Director of the Marion Citizens Council, 27999 Coulbourn Creek Road came forward. Using a PowerPoint presentation, a summary of his comments are as follows:

- He was representing the citizens of Marion in opposition to the request of J & J Ag LLC to rezone Map 57, Grid 9 Parcel 594 (Lots A, B, C and E) from MRC to AR.
- They do not believe the MRC zoning classification was a mistake for the following reasons:
  - o Mr. Whittington purchased the Johnson, Windsor and Garrison/Papos farms confirmed by Ms. Horsey (being present today). The Horsey family owned the property in the mid to late 1800's.
  - o Mr. Whittington was a successful poultry farmer, but during his 18 years of ownership never used the property for poultry farming. He raised the farms and prepared for development.
  - o Mr. Whittington sold the property to Edward and Florence Ortiz in 1988. They renovated the mansion planning to develop the property (golf course, clubhouse, water treatment facility and Per Craig Stevens, Stevens Marine, to extend Walnut Gut to create additional waterfront lots) with notable investors.
  - o Mr. Ortiz unexpectedly passed away in 1998. Coulbourn's Cove Phase I was sold to new investors, who continue to sell and develop the subdivision.

- J & J purchased the property they now own in 2014. A map was displayed that shows subdivided road frontage residential lots that support intent of previous investors to develop.
- David King and Gerald Philpott purchased the Mansion owned by the Oritz's in 1999, also zoned MRC, from which they operate the Carlin Company and Kingsbay Mansion Executive Bed & Breakfast and Event Facility. Rezoning to AR will devalue this property as well as all adjacent properties.
- The original 1976 zoning and subsequent development supports the 1976 MRC zoning and early 2000 Somerset County Master Plan. MRC zoning was intentional, thought out, deliberate and not a mistake.
- J & J can still farm under MRC zoning.
- The statement made by J & J at the previous hearing that the quality of the farmland is deteriorating is not true. He noted that 12 inches of topsoil was removed for a sod farm in the 1990's and J & J knew this when they bought it.
- J & J's interest in the property at that time was wind turbine leases, voted down in 2015.
- It is unfair to ask Marion taxpayers to subsidize and bail out J & J's poor land purchase.

Mr. King closed his comments by requesting the J & J motion to rezone to AR be denied.

He also advised that regarding septic fields, his works fine.

Mr. Gerald Philpott, 27999 Coulbourn Creek, Marion, Maryland. He is a 20-year resident, and has seen the beauty of the property. He lives there, where the owners of J & J don't. He discussed running the B & B and the tourism it generates. He discussed his search to find a home, and the places he's been, and said he recognizes what can be done with this property. He discussed the beauty of the area, raising his children there, and the friends he's made. He advised he owns 200 acres traveled and spent time with people and he asks the Board to recognize what can be done with this property. He has turned his property into a community treasure and he needs the Boards help because he feels he is swimming upstream alone. He said these men are not wrong for what they do, but wants all the citizens to come back and have a reason to be here. He stressed how very important this is to him, and asked for the Boards support.

Ms. Cindy Stevens, 5775 Pinewood Court, Marion Station, came forward to address the Board. Her comments are summarized as follows:

- She has lived her entire life within sight of J & J Agriculture.
- She presented the tax map layout of the area, noting residential residences and lots noted in yellow which surround the J & J property.
- She noted the considerable boat traffic on the creek, which is navigable, noting the properties that have boat slips and boats and enjoy the water very much.
- Waterfront properties has never been more desirable in this county. Listings were noted and clients looking into the area with a desire to move to this county.
- Majority of residents in this area are comfortable with the current zoning as represents uses that are comparable to residential use. She discussed A1 zoning and that it borders on industrial uses and not compatible with residences.
- The job of the Zoning Board is to protect preserve uses that are compatible with existing residences.
- Their purpose of applying for A1 rezoning was stated to apply for an agricultural easement. She mentions payment in difference between market value vs agricultural value and stated it is not the job of the county to enable owners to receive financial payment by rezoning.
- Owners can continue to farm the property with tax assessment based on use not zoning.
- A favorable Ag tax rate to the owners of \$855 in taxes.

- Changing zoning to A1 is for their benefit only. Does not benefit the county and could be detrimental in the future.
- Ag easements were originally created to save family farms. This is an investment farm.
- Adjoining property owners to the J & J property pay \$1,447,000 annually in property taxes. Board will be disregarding their investment in Somerset County if vote is in favor.

Ms. Eunice Esposito, 6075 Charles Cannon Road came forward. The following is a summary of her comments:

- She thanked Adam Gibson (P & Z employee) for educating her for what she believes is right for where they live.
- Described family history, purchasing their property in 2003 and building their home in 2004.
- Live across from rezoning property issue. Asked closing attorney what is allowed regarding their property.
- She discussed the Maryland Agricultural Land Preservation Foundation (MALPF) scoring process as described during the August 27 meeting. She noted out of 10 applications, J & J placed 7<sup>th</sup>. Typically, the top 3 or 4 are generally approved. If the decision is made to change the rezoning, they may not even get the MALPF easement.
- Living directly across, she feels solar energy is a possibility with the zoning change as well as commercial raising of poultry. She asked regarding solar energy and shielding from public view.
- She has also purchased adjacent property, and has a commitment to the area and does not want to see this change and she knows the Board will do the right thing.

Ms. Tammy Truitt, District 4, 5144 Whittington Road, Marion Station, MD came forward to address the Board. Her comments are summarized as follows:

- Marion Stations only boat ramp is bordered on both sides of this property. Rumbly Point boat ramp was discontinued, a decision made by the Board.
- She discussed Somerset County's other waterfront front communities (Crisfield, Frenchtown, Revells Neck, Rumbly, Deal Island, Mt. Vernon and Oriole) have MRC zones. If this property is rezoned, it will take away what other county communities have and would be a disadvantage for Marion. At the Planning and Zoning hearing there was not display of the county zoning map. She feels this is very important. That area could be used for maritime development because of its proximity to the water.
- The burden of proof should fall on the applicants wanting to change the rezoning, and not neighboring residents.
- Also left out of the Planning Commission hearing, she discussed how the rezoning would place this property in Somerset County's Solar Floating Zone. Nearby area's have been under lease for solar development. She felt this enticed them to purchase the property.
- Changing zoning to Ag doesn't make sense for the county. J & J pays approximately \$1,000 land taxes. Nearby adjacent property owners pay \$1.5 million.
- Economic future of county is because of our natural resources. Ag takes maritime value away from the county. Current agricultural areas were noted. Questioned why there needs to be more.
- Flood mapping was reviewed. Doesn't match rezoning for other counties. Can't say is not developable.
- If Board decides to approve rezoning to Ag, she would like to see that documentation that brought them to that conclusion.

Ms. Bobbi Tawes, Cedar Landing, Marion, came forward to address the Board. She stated she and her husband are opposed to the zoning change. The owners were aware of the MRC zoning when they acquired the property and the land is currently being farmed. For homeowners, their home is their largest investment. The current MRC zoning protects against property uses that could

be harmful to adjacent property owners. This is why zoning codes exist. They say they are not going to, but the change in zoning makes it possible to build solar panels. She asks to help protect the value of the homes, and deny the rezoning request.

Ms. Florence Horsey, 6214 Bob Horsey Road, Marion, came forward. Being the oldest one here today she discussed the purchase of the property from Fred Haslip. She discussed use of the boat timber in her house, and to build the boat ramp. She has a huge boat anchor in her yard, and says the harbor at one time would bring in big ships. She would hate to think that maritime would be taken off of the area. She mentioned the number of people regularly using the boat ramp, and discussed the history of Marion being a sea port.

With there being no other opponents present to speak, President Mathies declared the Public Hearing closed at 3:12 p.m. Public comment will be taken for 10 days, until November 6, 2020 at 4:30 p.m. President Mathies thanked those present at the hearing today, recognizing the importance of the decision of those involved and he invited those with any questions, concerns or comments to contact our office.

A brief recess was taken at this time. The meeting resumed at 3:16 p.m.

Mr. Pusey presented a request for lien release under the Housing Rehabilitation Grant for 27344 Cash Corner Road, Princess Anne, MD. He advised that in March 2015, \$6,748.00 grant funding was used for a new roof. The five-year grant period expired in March, 2020, and therefore can be removed.

A motion was made by Commissioner Randy Laird to release the lien against 27344 Cash Corner Road. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Mr. Taylor continued with correspondence and discussion items.

A request for CARES Act Grant funding was received from Mr. W. Robert Hair, M.Ed., Superintendent for the Maryland School for the Blind. Care is provided for one Somerset County child in campus and one through the infant/toddler program. The Board was in consensus to consider the request should there be remaining funding available, which should be known within the next couple of weeks.

A request was received from Ms. Wendy Clough, Treasurer, Church of God, to waive landfill tipping fees for the disposal of existing shingles from their church.

Commissioner Randy Laird made a motion to waive landfill tipping fees as requested by Ms. Clough. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Mr. Taylor discussed a letter received from the Maryland Department of Commerce, advising that Governor Hogan has announced the \$250 Million “Maryland Strong: Economic Recovery Initiative”, which doubles the state’s commitment to provide emergency COVID-19 economic relief. Somerset County’s share totals \$113,861.00 which may be used towards “restaurant relief”. Also received was correspondence from the Maryland Department of Commerce regarding reinvestment of business relief grant funding, small and minority business loans, Maryland Arts Council, and destination marketing organizations. Additionally, the county was advised of another \$20 Million committed for the Maryland Department of Labor’s Layoff Aversion Fund to support existing Main Street Maryland and Main Street Baltimore initiatives.

Commissioner Simpkins left the meeting at this time.

Mr. Taylor next presented the following Surplus Property purchase offers received from Ronald Williams for approval:

Account 10-004640 (20931 Somers Road) for the listed price of \$4,037.00. The 10% non-refundable deposit was made.

A motion was made by Vice President Charles Laird to approve the sale of Account 10-004640 for \$4,037.00. Commissioner Randy Laird seconded the motion. The motion carried 4-0. (Commissioner Simpkins was absent at this time)

Account 12-003021 (Ape Hole Road) for the listed price of \$623.00. The 10% non-refundable deposit was made.

A motion was made by Commissioner Randy Laird to approve the sale of Account 12-003021 for \$623.00. Vice President Charles Laird seconded the motion. The motion carried 4-0. (Commissioner Simpkins was absent at this time)

Account 12-010273 (Ape Hole Road) for the listed price of \$465.00. The 10% non-refundable deposit was made.

A motion was made by Commissioner Randy Laird to approve the sale of Account 12-010273 for \$465.00. Vice President Charles Laird seconded the motion. The motion carried 4-0. (Commissioner Simpkins was absent at this time)

Account 12-010281 (Ape Hole Road) for the listed price of \$465.00. The 10% non-refundable deposit was made.

A motion was made by Commissioner Randy Laird to approve the sale of Account 12-010281 for \$465.00. Vice President Charles Laird seconded the motion. The motion carried 4-0. (Commissioner Simpkins remained absent at this time)

Mr. Taylor presented the request received from Mr. Casey Goldsborough, Executive Director, Crisfield Heritage Foundation, for the local tax exemption for 2020 taxes, totaling \$169.68, pursuant to the Annotated Code of Maryland.

Commissioner Randy Laird made a motion to approve the local tax exemption request. Vice President Charles Laird seconded the motion. The motion carried 4-0. (Commissioner Simpkins remained absent at this time)

Mr. Heron Boyce, 11584 Long Point Road, Dames Quarter, requested to address the Board. He mentioned 2 letters written last week, and began to read aloud a letter written. He discussed his property as well as neighboring properties and various issues currently happening.

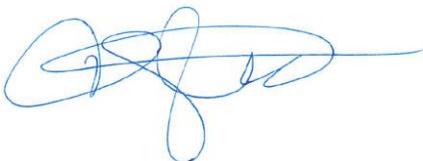
Commissioner Simpkins returned to the meeting at this time.

It should be noted that Mr. Boyce is currently in litigation regarding his property. President Mathies stopped Mr. Boyce and advised that he would read the letters left; and assured the county will do whatever is legally permissible.

With no further business, at 3:34 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Vice President Charles Laird and seconded by Commissioner Randy Laird, the Board entered 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. The motion carried 5-0.

The Commissioner and Closed Session meetings were adjourned at 4:08 p.m., upon a motion made by Vice President Charles Laird and seconded by Commissioner Randy Laird. The motion carried 5-0.

Approved by:



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Board of County Commissioners  
For Somerset County

Respectfully Submitted:



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Lory E. Ebron  
Executive Aide