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AGENDA
November 24, 2020
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. – Mr. Gary Pusey, DTCS
 - Findings of Facts – J&J Agriculture LLC/Rezoning 305.5 acres
 - Reallocation of Hurricane Sandy Disaster Funds/SI United
 - LOS, Nature Conservancy “Climate Adaptation and Coastal Community Resilience
- * 2:10 p.m. – Mr. Adam Gibson, DTCS
 - Tree City Application
- * 2:15 p.m. – Mr. Gene Adkins, Finance and Accounting
 - Compactor Financing/Purchase
- * 2:20 p.m. – Mr. John Redden, County Engineer, and Mr. Clint Sterling, Recreation & Parks
 - Change Order #8 – Bike Trail
- * 2:25 p.m. – Mr. John Redden, County Engineer
 - CARES Act Funding
- * 2:40 p.m. – Ms. Yvette Cross, Emergency Services
 - Multiple Line Telephone System Direct Dial “Kari’s Law”

Correspondence:

Received

- * Ms. Ann Smith, President re: Library Board Trustee Nomination
Comcast: Pricing Increase

Sent

Mr. John French re: Somers Cove Marina Commission Reappointment
Mr. Eddie Somers, Smith Island United re: LOS Smith Island Clean-Up Efforts
Mr. Ronald Howard and Ms. Amy Brownawell re: Surplus Property Purchase

Discussion:

- * 1. Surplus Property Purchase

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.

- * **2:45 p.m. - Closed Session-** Mr. Ralph Taylor, Ms. Yvette Cross, Mr. Clint Sterling, 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
November 24, 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 November 24, 2020, from 2:54 p.m. until 3:28 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Vice President Charles Laird, and seconded by Commissioner Eldon Willing, 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, Commissioner Randy Laird and Commissioner Rex Simpkins.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Morena Corbin, Director of Solid Waste and Maintenance Charles Cavanaugh, Recreation and Parks Director Clint Sterling, and Emergency Services Director Yvette Cross.

Topics discussed: (1) Hiring of MEO I/Landfill (2) Hiring of Emergency Services Planner. Actions taken during closed session: (1) Approval to hire Emergency Services Planner and MEO I/Landfill.

Minutes from the Commissioner and Closed Session meetings held on November 10, 2020, and Commissioner Special and Closed Session meetings held on November 17, 2020 were approved as presented upon a motion made by Vice President Charles Laird and seconded by Commissioner Rex Simpkins. The motion carried 5-0.

Mr. Gary Pusey, Department of Technical and Community Services (DTCS) came forward at this time to present the Finding of Facts regarding the rezoning request for J & J Agriculture LLC from MRC to AR. A public hearing was held, and at staffs request, a preliminary finding was made to deny the rezoning request at the previous meeting to allow staff time to prepare the Findings of Facts which were determined by information contained in the staff report, and opponents and proponent testimony. Mr. Pusey advised that if anyone opposes the findings presented they do not have to sign today.

Vice President Charles Laird made a motion to accept the Findings of Facts as written and deny the rezoning request. Commissioner Randy Laird seconded the motion. Commissioner Simpkins and Commissioner Willing opposed and President Mathies voted in favor; therefore, the motion carried 3-2.

Next, Mr. Pusey advised the Board that he has spoken with Ms. Cindy Stone, DHCD involving the questions the board had regarding the reallocation of Hurricane Sandy funding, discussed during last week's Special Session meeting. In question by Mr. Eddie Somers, Smith Island United, was the reallocation of \$200,000, that was allocated for the Smith Island Dredging Project, to be used for the Smith Island Drainage Project. It was questioned during the previous meeting if these funds could be used for the Crisfield Tide Gates. Ms. Stone recommended that she would like to see the Crisfield drainage study completed first, which is expected to be completed in early May. Mr. Pusey also explained that the cost for the Smith Island Drainage Project is \$300,000, and Tracy Gordy, Maryland Department of Planning, has already secured \$100,000 towards the project. This reallocation request would allow completion of the project. Mr. Pusey also advised that Crisfield has Maryland Department of the Environment funding secured for eleven tide gates, but won't know if more are needed until the study is completed. He also reminded the Board that there will be more money to be reallocated (\$560,000) forthcoming. Projects allocated/reallocated to both areas were discussed, and Vice President Charles Laird stated that he doesn't want to slight either, Crisfield or Smith Island. Commissioner Simpkins stated he would like to see the money used to get something done, and not just for yet another study. Commissioner Randy Laird stated it is his strong hope that should Smith Island receive this reallocation, that Crisfield be considered for another reallocation. It was noted that the reallocation will require a public hearing as it will be an amendment.

Vice President Charles Laird made a motion to reallocate the \$200,000 in grant funding for the Smith Island Drainage Project. Commissioner Randy Laird seconded the motion. The motion carried 5-0.

Mr. Pusey next presented a letter of support request for the Boards approval regarding a proposal for a NOAA Funding Opportunity submitted on behalf of the City of Crisfield. It was explained that this project will continue ongoing efforts to address flood impacts resulting from nature-based sea-level rise approaches, and would involve ditch restorations and the raising of roads as solution strategies. Commissioner Randy Laird expressed his concerns; citing the decline of property values when such studies or projects are performed. Mr. Pusey noted the comment as a valid concern.

At the conclusion of the discussion, a motion was made by Commissioner Randy Laird, with reservation, to support the Letter of Support as presented for the City of Crisfield NOAA Funding Opportunity. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Mr. Adam Gibson, DTCS, came forward to present the 2020 Tree City USA Application for Certification for the President's signature. He explained that in order to be observed as a Tree City USA", the county is required to submit the application annually. This certification supports Arbor Day, and it was also noted that Somerset County is the only county on the Eastern Shore in this program.

Vice President Charles Laird made a motion to approve the President's signature on the 2020 Tree City USA Application. Commissioner Willing seconded the motion. The motion carried 5-0.

Mr. Gene Adkins, Finance Director, and Mr. Charles Cavanaugh came forward at this time to discuss the Landfill Compactor purchase previously discussed in prior meetings. Mr. Adkins explained that he has received positive final excess revenue information for FY20 (\$500,000 +/- excess) and he was here today to ask the Boards consideration to re-think the decision made to finance the purchase of the Landfill Compactor and to pay the unbudgeted item, unexpected from the prior year's excess revenue. Urgency to replace the existing compactor was noted, as repairs continue to be required at significant costs (\$14,000 last week and more repairs planned for this week). If purchased, the new compactor could be here next week, as opposed to financing it which could delay receipt until February, 2021. It was noted that bond counsel agrees with the option to purchase the compactor; which will result in a savings of \$40,000 in interest as well as savings of bond counsel fees on this unbudgeted item. Total cost to purchase the compactor with trade-in is

\$489,189.00. The Board discussed the breakdown provided to purchase the compactor, including trade-in of the old compactor and warranty/service coverage.

Following the discussion, a motion was made by Commissioner Randy Laird to approve the purchase of the Landfill Compactor as presented for \$489,189.00, and not finance the purchase. Vice President Charles Laird seconded the motion. The motion carried 5-0.

Mr. John Redden, County Engineer, and Mr. Clint Sterling, Director, Recreation and Parks came forward to present Change Order #8 regarding the Bike Trail. Mr. Redden explained that portions of the vinyl fence, previously installed, blew down due to the high winds experienced last month. The requested change order, totaling \$10,391.70, will remove what's left of the existing fence and allow for the planting of Green Giant trees. The property owner agrees to the planting of the trees, and it was noted that this change order will use some, but not all, of the overage the project had in budget.

A motion was made by Vice President Charles Laird to approve Change Order #8 for \$10,391.70. Commissioner Randy Laird seconded the motion. The motion carried 5-0. Mr. Sterling left the meeting at this time.

Next, Mr. Redden presented the recommendation made by the CARES Committee (Mr. Taylor, Ms. Cross, Mr. Woodward, Mr. Cavanaugh, Mr. Adkins, Ms. Muir and Mr. Redden) to disburse the remaining balance of grant funding totaling approximately \$145,000. The following is the disbursement recommendation made:

- Sanitary District- \$5,653.00/Teleworking laptops
- Economic Development Commission- \$2,924.00/Teleworking Laptops
- IT Department- \$12,500.00/Teleworking laptops, phone system overage
- Recreation and Parks- \$58,000.00/Complex Security System, Digital Access, Recreational Equipment
- Great Hope Golf Course- \$17,000/Clubhouse Security
- Dog Control- \$17,000.00/Kennel Security System
- Roads Department- \$32,000.00/Complex & Fuel Security System

Mr. Redden advised that if there are remaining funds, a request from the Maintenance Department, for \$15,000.00 for HVAC HEPA Filters, Carpet Shampooing and Touchless plumbing fixtures may be included.

Vice President Charles Laird advised he would like to see funding awarded to the fire companies. It was noted that the grant requires funding to be spend by December 31, 2020; which was taken into consideration by the Commission upon making the recommendation.

A motion was made by Commissioner Simpkins to approve the CARES Grant Funding allocation, for \$145,000, as presented. Commissioner Willing seconded the motion. Vice President

Charles Laird opposed; therefore, the motion carried 3-1 (President Mathies did not vote). Mr. Redden left the meeting at this time.

Ms. Yvette Cross came forward to inform the Board regarding a proposed Ordinance to be considered for adoption regarding “Kari’s Law”. She explained that the law was named after Kari Hunt, a child who witnessed the murder of her mother by her father in a hotel room and was unable to dial 911 because the multi-line phone system, unknown to the child, required the number prefix to dial an outside line. This law would require multi-line phone systems, after built after February 2020, to be connected to the public switched telephone number so that a prefix is not required to dial 911. Existing multi-line phone systems will be grandfathered in. Ms. Cross advised she is working with the County Attorney to draft the Ordinance, and it has not been determined which department will enforce the Ordinance once approved. It was also noted that as with any ordinance, a public hearing will be scheduled to accept citizen input. Ms. Cross left the meeting at this time.

Mr. Taylor continued with correspondence and discussion items.

A request was received from Ms. Ann Smith, President, Somerset County Library Board of Trustees, requesting the Boards approval to appoint Ms. Jayna Grant, a Crisfield resident, to the Library Board, to fill the vacancy of Father Rob Laws who recently resigned. If approved, Ms. Grant’s term will expire June 23, 2024.

A motion was made by Commissioner Randy Laird to appoint Ms. Jayna Grant to the Library Board of Trustees, filling the remaining term of Father Laws. Vice President Charles Laird seconded the motion. The motion carried 5-0.

A letter was received from Comcast advising of upcoming price change increases.

Letters were sent to Mr. John French regarding his reappointment to Somers Cove Marina Commission, Mr. Eddie Somers, Smith Island United, Letter of Support, and Mr. Ronald Howard and Ms. Amy Brownawell regarding approval to purchase surplus property.

Next, Mr. Taylor presented a request to purchase surplus property received from Mr. Lionel Milfort for the following properties:

Account 06-096255 (Clinton Bozman Road) for \$423.00. The 10% deposit was received.

Upon a motion made by Commissioner Willing, and seconded by Vice President Charles Laird, it carried 5-0 to approve the sale of Account 06-096255 to Mr. Milfort. The motion carried 5-0.

Account 12-010311 (Byrdtown Road) for \$465.00. The 10% deposit was received.

Upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles Laird, it carried 5-0 to approve the sale of Account 12-010311 to Mr. Milfort. The motion carried 5-0.

Account 12-007159 (Byrdtown Road) for \$593.00. The 10% deposit was received.

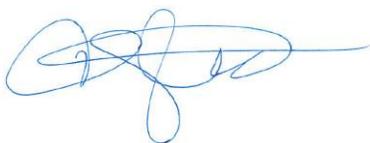
Upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles Laird it carried 5-0 to approve the sale of Account 12-007159 to Mr. Milfort. The motion carried 5-0.

Mr. Eddie Somers requested to address the Board. Mr. Somers stated he wanted to apologize to Commissioner Randy Laird and Vice President Charles Laird for the conspiracy theories running through his mind following last week's meeting (resulting from the Shoreline Project), and said how much he appreciates the vote made today, thanking the Board again for their vote. Vice President Charles Laird stated to have faith in the system because were all working together, something we haven't had for a long time, and everyone sitting up here has their best foot forward for the county and that means Smith Island. Mr. Somers said he said he appreciates the support, and they don't expect to get the world, noting he knows how small they are, but when the opportunity comes, it becomes desperation, and expressed his thanks once again.

With no further business, at 2:54 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 Commission Willing, 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 3:28 p.m., upon a motion made by Commissioner Rex Simpkins and seconded by Commissioner Eldon Willing. The motion carried 5-0.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide

