

Due to State regulations with COVID-19, social distancing will be observed during the meeting and members of the public in attendance must wear a face mask. Live audio of the meeting will be available by clicking on the link provided on the County's website, or by entering this web address in your internet address bar: http://mixlr.com/somerset_county_commissioners/ Minutes will be made available to the public via the County's website upon approval. We thank you for your cooperation during this time.



AGENDA
January 5, 2021
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 32, Grid 4, Parcel 149, Lots B and C from I-1 Light Industrial to AR Agricultural Residential
- * 2:15 p.m. – Sanitary District Loan Resolution/\$83,000- Smith Island Clean Water Project
 - Mr. Tony Stockus, Ms. Jennie Marshall
- * 2:20 p.m. – Ms. Yvette Cross, Emergency Services
 - Ordinance/Kari's Law
- * 2:35 p.m. - John Redden, County Engineer
 - Crisfield Somerset County Airport Hanger Grant

Correspondence:

Received

- * Secretary David R. Brinkley, Maryland Department of Budget and Management – Coronavirus Response and Relief Act/CARES Act Coronavirus Relief Funds

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. Morena Corbin, Mr. Charles Cavanaugh, Mr. Louis Hickman, Mr. John Redden

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 (b)(4) consider a matter that concerns the proposal for a business of industrial organization to locate, expand or remain in the State.

- * Denotes Action Item

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY
January 5, 2021

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 Commissioner Eldon Willing, Commissioner Randy Laird, and Commissioner Rex Simpkins. Vice President Charles Laird was absent from today's meeting.

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 January 5, 2021, from 2:27 p.m. until 3:24 p.m. and 3:32 p.m. until 3:46 p.m., at 11916 Somerset Avenue, Room 111, upon a motion made by Commissioner Randy Laird, and seconded by Vice President Charles 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; and (b)(4) consider a matter that concerns the proposal for a business of industrial organization to locate, expand or remain in the State.

Present for the Closed Session Meeting were President Craig N. Mathies Sr., Commissioner Eldon Willing, Commissioner Randy Laird and Commissioner Rex Simpkins. Vice President Charles Laird was absent from today's meeting.

Also present were County Administrator Ralph D. Taylor, Executive Aide Lory Ebron, HR Director Morena Corbin, County Engineer John Redden, Director of Community and Technical Services Gary Pusey, Warden Louis Hickman, and Director of Solid Waste and Maintenance Charles Cavanaugh.

Topics discussed: (1) Business Expansion (2) Fulltime Landfill Superintendent (3) MEO I Landfill (4) Correctional Officer I. Actions taken during closed session: (1) Approval to hire FT Landfill Superintendent (2) Approval to hire MEO I (3) Approval to hire Correctional Officers (4) Approval of Business Expansion.

Minutes from the Commissioner Closed Session meetings held on December 22, 2020, were approved as presented upon a motion made by Commissioner Willing and seconded by Commissioner Simpkins. The motion carried 4-0.

Mr. Gary Pusey came forward. At 2:00 p.m., President Mathies called the Public Hearing open regarding a Rezoning Request/ Map 32, Grid 4, Parcel 149, Lots B and C from Light Industrial (I-1) to Agricultural Residential (AR). 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, January 5, 2021 at 2 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 Mitchell Bonneville, Jr., to rezone Map 32, Grid 4, Parcel 149, Lots B and C from I-1 Light Industrial to AR Agricultural Residential. The parcels total 167.57 acres located on the north side of Revells Neck Road approximately 3,100 feet west of U.S. Route 13. The property is located partially within the Chesapeake Bay Critical Area.

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 explained that on November 5, 2020, the Somerset County Planning Commission held a Public Hearing on this rezoning request. After review of the Staff Report, applicant testimony, public testimony the Planning Commission voted 3-2 in favor of the request to rezone, agreeing with the arguments made during the hearing, and submitting their recommendation. Maps, aerials and a letter from the applicant, Mr. Bonneville were noted for the record. Mr. Pusey explained that final approval is made by the Board of County Commissioners. Mr. Pusey advised that in accordance with State Law, rezoning’s can only be approved under 2 circumstances:

1. If there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning (February 5, 2001); or
2. If it is found that the current zoning is a mistake.

It was noted that the property was zoned AR in 2001, and in 2004, rezoned to I-1 to accommodate a proposed Wal-Mart Distribution Center.

Mr. Pusey stated that Mr. Bonneville contends that it was a mistake to have zoned the property to I-1 Light Industrial to (1) accommodate a proposed Wal-Mart distribution center and (2) because the property has always been used as farmland, and should remain AR. Mr. Pusey advised that there were 10 proponents speaking in favor at the Planning Commission Public Hearing, and no opponents. Additionally, Mr. Pusey advised that State Law requires that certain findings be made in regard to population change, availability of public facilities, etc.

Comments will be taken for 10 days, after which Mr. Pusey will return for the Boards decision. At that time, Mr. Pusey requested the Board make a "preliminary finding" so that staff can prepare the Finding of Facts to support the decision. Once the Finding of Facts is completed, Mr. Pusey advised he will return again, to obtain Board approval to adopt the rezoning request.

Commissioner Randy Laird questioned the impact on the county regarding taxes. Mr. Pusey advised he had spoken with Mr. Pruitt, Supervisor of Assessments who advised that zoned Light Industrial, taxes owed are \$10,000+/- and as Agricultural Residential, if approved for Ag use, taxes are approximately \$760.00. In order to get an Ag Use exception, the property must be zoned AR.

Commissioner Simpkins questioned the rezoning in 2004 to Light Industrial being a mistake asking who requested the rezoning. Mr. Pusey advised that Mr. Bonneville owned the property, however, Wal-Mart requested the rezoning. Commissioner Simpkins asked if Mr. Bonneville opposed the rezoning request by Wal-Mart in 2004. Mr. Pusey stated he did not see that Mr. Bonneville opposed the rezoning in the record.

President Mathies confirmed that the Planning Commission has recommended a favorable decision to rezone the property to AR. Mr. Pusey stated yes, based on the information they had, as well as previous information.

President Mathies asked if the applicant would like to speak.

Mr. Mitchell Bonneville, 6592 Lovers Lane, Marion Station, Maryland 21838 came forward. He stated that he would like to rezone because he is losing agricultural benefits and stating the property has been zoned agriculture since his dad bought it. He noted the amount of woodlands (22 acres) when originally purchased, work he has done to it, as well as Coulbourne Swift tilling land, working to get it back to where it was to start. He stated he purchased the farm because it

was his father's farm, he didn't want to sell it, but got swept up into it (selling the property to Wal-Mart) and couldn't get out.

With no questions for the applicant, President Mathies asked if there were any proponents wishing to speak.

Mr. Scott Tawes, 10840 Market Lane came forward. Mr. Tawes stated that back when all this went down, everyone was in favor, including the county, to bring jobs to the county. He noted Mr. Bonneville wasn't, however Sam Boston asked if he knew Mr. Bonneville to see if he'd be interested in selling the property, which was not listed for sale. Mr. Tawes stated that the property was in a 'CREP' program, and Mr. Bonneville had to pay money back, as well as substantial taxes on the sale price. Mr. Tawes noted that the property was bought back for what it was sold for, and no money was made on the sale. Everyone was for the zoning, and nothing had changed in the neighborhood. Land was donated by Mr. Bonneville for the water tower long before Wal-Mart requested the purchase. Mr. Tawes stated that all Mr. Bonneville wants is to be back to where he was before trying to bring these jobs to the county. He also stated yes, rezoning to AR would be lower taxes for Mr. Bonneville, however the county has been receiving \$11,000 versus \$700 a year for 16 years, so he feels the county is really ahead.

Commissioner Simpkins stated that there is no way the County or the State is ahead, with \$7 million being spent on a property. Mr. Tawes questioned why the county did not require a commitment from Wal-Mart at the time. Commissioner Simpkins agreed that a commitment should have been required; but the facts are that the County, State and the Sanitary District have more invested than Mr. Bonneville.

President Mathies asked if there were any opponents present wishing to speak. There were none. Public comment will be taken for 10 days, or until January 15, 2021 at 4:30 p.m. The Public Hearing was closed at 2:17 p.m.

President Mathies thanked all those attending the public hearing today, advising the Board will reconvene and make their decision at a future meeting.

Mr. Tony Stockus and Ms. Jennie Marshall came forward to present closing loan documents for signature for the Water and Wastewater Systems Bond (Smith Island Clean Water Project). The loan, for \$83,000 was presented and approved during the August 18, 2020 meeting. Mr. Stockus noted that it is a USDA grant requirement to borrow a portion of the funds.

Commissioner Simpkins made a motion to approve the President's signature on the closing documents. Commissioner Willing seconded the motion. The motion carried 4-0.

Next, Mr. Gary Powell, Emergency Services, came forward to present the Kari's Law Ordinance for approval. A public hearing was held two weeks ago, and no comments received. Mr. Powell explained the incident occurring in 2014 whereby a child was unable to dial out to 911, because the multi-line phone system required her to dial 9, as her father was attacking, and eventually killing her mother. Legislation was passed to require any commercial users of multi-line phone systems after February 2020 to comply to allow 911 calls directly. Any phone systems in place prior to February 2020 are not required to comply unless they have their phone system updated or replaced.

Commissioner Randy Laird made a motion to adopt Ordinance # 1160 Kari's Law. Commissioner Simpkins seconded the motion. The motion carried 4-0.

Mr. John Redden, County Engineer, came forward to present the Airport Hanger Grant, approved last year, for signature approval. The grant, awarded last year in the amount of \$300,000 will go towards an estimated total project cost of \$550,000. The pandemic caused a delay in receiving the grant application paperwork and it was noted that additional funding will be looked into to cover the difference of \$250,000.

A motion was made by Commissioner Randy Laird to execute the Airport Hanger grant agreement application for \$300,000 as presented. Commissioner Simpkins seconded the motion. The motion carried 4-0.

Mr. Taylor continued with correspondence and discussion items.

An amendment was received for signature, regarding Coronavirus Relief Funds. Pursuant to the federal CARES Act, this addendum will extend the Federal Funding Certification and Agreement entered into on May 12, 2020, to December 31, 2021. It was noted that Somerset County has spent all but approximately \$2,000 of those funds.

A motion was made by Commissioner Simpkins to authorize signature on the addendum as presented. Commissioner Willing seconded the motion. The motion carried 4-0.

With no further business, at 2:27 p.m., the Board was advised of the need to enter into Closed Session. Therefore, upon a motion made by Commissioner Simpkins 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;

and (b) (4) consider a matter that concerns the proposal for a business of industrial organization to locate, expand or remain in the State. The motion carried 4-0.

The Commissioner and Closed Session meetings were adjourned at 3:24 p.m., upon a motion made by Commissioner Rex Simpkins and seconded by Commissioner Eldon Willing. The motion carried 4-0.

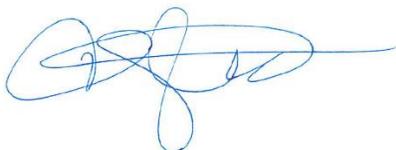
The Closed Session meeting was called to reopen at 3:32 p.m. on a motion made by Commissioner Simpkins and seconded by Commissioner Willing by Authority of the General Provisions Article of the Annotated Code of Maryland §3-305 (b)(1) the appointment, employment, assignment, promotion, discipline, demotion, 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 Mathies, Commissioner Simpkins, Commissioner Randy Laird and Commissioner Willing. Vice President Charles Laird was absent from today's meeting.

Also present was County Administrator Ralph Taylor, Executive Aide Lory Ebron and HR Director Morena Corbin. Reason for Closed Session: (1) Clarification regarding Landfill Superintendent Hiring. Action Taken: None

The Closed Session meeting adjourned at 3:46 p.m.

Approved by:



Board of County Commissioners
For Somerset County

Respectfully Submitted:



Lory E. Ebron
Executive Aide