

January 24, 2017

The County Commissioners of Queen Anne's County met this date pursuant to its last adjournment and there were present:

Stephen Wilson  
James J. Moran  
Jack N. Wilson, Jr.  
Robert Charles Buckey  
Mark A. Anderson

**MEETING CALLED TO ORDER:**

The meeting was called to order at 4:00 p.m.

**CLOSED SESSION:**

Pursuant to State Government Law Section 3-305(b) (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; "The County Commissioners held a Closed Session on a motion of Commissioner Buckey, seconded by Commissioner Anderson, at 4:00 p.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland." The Board adjourned in Closed Session at 5:00 p.m. Those in attendance were Mr. Gregg Todd, County Administrator; Ms. Margie Houck, Executive Assistant; and Ms. Beverly A. Churchill, Director of the Department of Human Resources and Mr. Shawn Hershberger.

The Board held an interview for the Economic Development Director position.

**MINUTES:**

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to approve the Agenda for this meeting and the Regular minutes of the January 10, 2017 meeting and ordered them stand as recorded.

**PRESS AND PUBLIC COMMENTS:**

The following persons spoke to the Commissioners on subjects of interest to them:

1. Jenell Eck

2. Tom Jackson

Commissioner Moran was not present at this portion of the meeting.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to match the Farm Bureaus \$2500 for the Agricultural Awareness Day. As part of the motion, Commissioner Anderson made comments on this topic.

Commissioners	Yes	No
Moran	absent	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**WEEKLY CORRESPONDENCE AND PRESENTATION OF DOCUMENTS FOR SIGNATURE:**

The Board reviewed various correspondence with Mr. Gregg Todd, County Administrator.

**FY2017 BOND SALE CAPITAL PROJECTS:**

Mr. Jonathan Seeman, Director of Budget & Finance & IT, submitted to the Board for their review and approval, FY2017 Bond Sale Capital Projects.

The FY2017 bond sale is scheduled to take place in March, 2017. The Commissioners have approved the bill (Ordinance 16-22) which authorizes up to \$13 million in general obligation bonds. In order to finalize the list of projects, Mr. Seeman presented the approved list of projects for a final review by the Commissioners.

Mr. Seeman identified several other issues potentially relevant to the FY2017 bond sale.

- The capital budgets of the last several years have relied on an average of \$6.1 million in capital fund balance. As of today, there is approximately \$2 million in capital fund balance available.
- The FY2017 bond sale is in accordance with all County debt policies (debt as a % of assessable base; per capita debt as a % of median income; debt service as a % of General Fund) including the findings and recommendations of the Spending Affordability Committee.
- The projected Sustainable level of debt over the next six years includes the FY2017 bond sale at the \$12.6 million approved in the budget, as well as the FY2018 bond sale of

\$20.7 million as approved in the current six year capital program. This is in accordance with maintaining debt service below the cap of 10% of the General Fund budget.

Commissioner Moran returned at this portion of the meeting.

On a motion made by Commissioner Buckey, seconded by Commissioner Anderson, the Board unanimous agreed that the County Commissioners affirm the FY2017 the capital projects as approved in the FY2017 Capital Budget (Resolution 16-07). As part of the motion, a discussion was held between Commissioners Anderson and S. Wilson on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**DRAFT STANDARD OPERATING POLICIES:**

Ms. Beverly A. Churchill, Director of the Department of Human Resources, submitted to the Board for their review and approval, Draft Standard Operating Policy.

The Board reviewed several new and revised policies for approval.

1. The new Commercial Driver's License Reimbursements Policy is based on a memorandum that was originally issued by Bob Sallitt, former County Administrator, in August 1996 governing the payment of physicals, certificates and licensing. It has been updated to reflect the current environment.
2. The new Space Heater Policy has been developed in cooperation with the County Fire Marshall, the Risk Manager and the Safety Committee. This policy provides a safe mechanism to allow for space heaters during the winter months.
3. The Employee Recognition Policy has been revised to reflect the removal of the perfect attendance from two years ago and added flexibility in the types of service awards provided by the County.
4. The Payroll Procedures Policy has been revised to incorporate changes in our FMLA process, employment status process and general housekeeping items.

These policies have been reviewed by the department heads for any suggestions.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed that the Commercial Driver's License Reimbursements Policy, Employee Recognition Policy and Payroll Procedures Policy be adopted as presented, to be

effective in seven business days. As part of the motion, Commissioner Anderson made comments on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**BLUE HERON GOLF COURSE – 5 YEAR GROUNDS CONTRACT:**

Mr. Eric Beaufait, Golf Course Coordinator, Department of Parks, submitted to the Board for their review and approval, Blue Heron Golf Course - 5 yr. Grounds Contract.

The Department of Parks sought approval to contract with Growing Solutions LLC of White Marsh, MD to provide the Blue Heron Golf Course grounds maintenance and driving range mowing for a five year period starting January 1, 2017.

**BACKGROUND:**

The Blue Heron Golf Course has used contracted services to maintain the golf course grounds since 2008. The contract includes all mowing, pesticide and fertilizer applications for the golf course. Growing Solutions LLC was the first contractor to be awarded the bid for a one year term in 2008 and did an exceptional job but lost the bid to Lasting Impressions the following year.

**INVITATION TO BID**

An Invitation to Bid was advertised in accordance with the County procurement procedures on November 21, 2016. A pre-bid meeting was held on November 30, 2016 and bids received were read aloud at Bid Opening on December 6, 2016.

Five bids were received for work described in the Invitation to Bid proposal:

Queen Anne's County-Blue Heron Golf Course Grounds Maintenance - 5 year contract			
Company Name and Address	Bid Per Year	10% County Discount	Total 5 Year
Golf Maintenance Solutions 2528 Sanderson Lane Virginia Beach, Virginia 23456	\$355,000 per year	N/A	\$1,775,000 5 years
Billy Casper Golf 12700 Sunrise Valley Drive Reston, Virginia 20191	\$ 352,259 + 3.0% ea. year	N/A	\$1,870,191 5 years

Lasting Impressions LC P.O. Box 1581 Bowie, MD 20717	\$336,000 per year	N/A	\$1,680,000 5 years
Davey Golf 925 N. Lapeer Road Oxford, MI48371	\$274,050 per year + 1.0% ea. year	N/A	\$1,395,500 5 years
Growing Solutions LLC P.O. Box 596 White Marsh, MD 21162	\$248,385 per year + 2.0% every other year	N/A	1,260,961.20 5 years

**SUMMARY**

There were 5 bids received, all bidders attended the bid meeting prior to the deadline. The bids were broken down into costs per year with some companies showing a percent increase per year. No local Queen Anne's County contractors bid on the grounds. All bidding companies adhered to the bidding instructions and bids were received before the set deadline.

The lowest per year and 5 year total bid was received by Growing Solutions LLC of White Marsh. Growing Solutions has done work for the county in the past and had also maintained the golf course during the 2008 season. During the 2008 season the golf course was in fantastic shape and received many compliments.

Funding for this project shall come from the Blue Heron Golf Course enterprise budget. There are currently enough funds in the budget under Maintenance Agreements to cover the costs through this fiscal year.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Moran, the Board unanimously agreed to authorize the Department of Parks to enter into a contractual agreement with Growing Solutions LLC, for ground maintenance services to be provided at the Blue Heron Golf Course and Driving Range. This contract will be for \$248,385 per year with an increase of 2% every other year. Project funding provided by the Queen Anne's County Blue Heron Golf Course Enterprise Fund. As part of the motion, a discussion was held between Commissioners Anderson, Buckey, J. Wilson and S. Wilson on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**SEMI ANNUAL GRANT REPORTING FOR MATAPEAKE INDUSTRIAL PARK:**

Mr. Michael Clark, Executive Director of the Division of Housing and Community Services, submitted to the Board for their review and approval, Semi Annual Grant Reporting for Matapeake Industrial Park.

A signature from the President of the Board of County Commissioners is required on the CDBG Semi-Annual Progress Report to comply with the \$575,000 Maryland Community Development Block Grant for the construction of the access road to Matapeake Industrial Park.

On a motion made by Commissioner Buckey, seconded by Commissioner Anderson, the Board unanimously agreed that that the County Commission President signs the Semi Annual Progress Report Regarding Matapeake Industrial Park as presented. As part of the motion, a discussion was held between Commissioners Anderson and Buckey on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**COUNCIL FOR CHILDREN & YOUTH APPOINTMENT REQUEST:**

Ms. Marjorie Engelmeyer, Membership Chair, The Queen Anne's Council for Children and Youth, submitted to the Board for their review and approval, request the appointment of two new Active Members to the Council from January 1, 2017 until August 31, 2017.

Chris Perkins  
 Chesapeake Helps  
 Chesapeake Child Care Resource Center

Chrissy Russell  
 Founding Member/President  
 Kinera Foundation

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to appoint Chrissy Russell and Chris Perkins to the QAC Council for Children and Youth to begin effective immediately and end August 31, 2017. As part of the motion, Commissioner Buckey made comments on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	

Buckey	x	
Anderson	x	

**CHARACTER COUNTS:**

The Board presented the following Character Counts Proclamation to Ms. Elaine Butler:

WHEREAS, Queen Anne’s County was declared a “Character Counts! Community, and the members of Queen Anne’s County National Association for the Advancement of Colored People (NAACP) – Unit 7024 support this initiative as well as the “Six Pillars of Character”; and

WHEREAS, all Queen Anne’s County NAACP members have been called upon to incorporate them into their daily activities and to model these traits of good character; and

WHEREAS, the Character Counts! Pillar of the month for February is “Respect”; and

WHEREAS, all members will ensure the political, educational, social, and economic equality of all citizens; and

WHEREAS, all members will achieve equality of rights and eliminate race prejudice among the citizens of the United States; and

WHEREAS, all members will remove all barriers of racial discrimination through democratic processes; and

WHEREAS, all members will seek enactment and enforcement of federal, state, and local laws securing civil rights; and

WHEREAS, all members will inform the public of the adverse effects of racial discrimination and to seek its elimination; and

WHEREAS, all members will educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives, consistent with the Queen Anne’s County NAACP’s Articles of Incorporation and this Constitution; and

THEREFORE, we will focus our work on the six Queen Anne’s County NAACP Game Changers which are Economic Sustainability, Education, Health, Public Safety and Criminal Justice, Voting Rights and Political Representation, and Expanding Youth and Young Adult Engagement; and

NOW, THEREFORE, WE, THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, do hereby designate the Character Counts! Pillar of the Month for February 2017 to be "Respect", because Character Counts! and we are a Character Counts! Community.

Written by Richard Copes, Jr., Tory Brown and Robert Hardy – members of the Queens Anne's County NAACP – Unit 7024

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 6:20 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-17.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

COUNTY ORDINANCE NO. 16-17

A BILL ENTITLED

AN ACT CONCERNING Conditional Uses in the Suburban Industrial (SI) Zoning District in Queen Anne's County;

FOR THE PURPOSE of allowing and permitting kennels as a conditional use in the Suburban Industrial (SI) District in Queen Anne's County;

BY AMENDING Section 18:1-23 C. BY ADDING Section 18:1-23 C. (13) to the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-23 C. of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

*Chapter 18:1*  
*ZONING AND SUBDIVISION REGULATIONS*

...  
§ 18:1-23 Suburban Industrial (SI) District.

*A. Purpose. The Suburban Industrial (SI) District is intended to provide primarily for the development of office, regional commercial, warehouse, and light industrial uses that are compatible with surrounding development. New development within the SI District should provide adequate screening and buffer yards in order to minimize adverse impacts to*

surrounding areas.

...

- C. *Conditional uses.*
- (1) *Agriculture.*
  - (2) *Aquaculture.*
  - (3) *Commercial forestry.*
  - (4) *Major extraction and dredge disposal.*
  - (5) *Heavy industrial.*
  - (6) *Marinas.*
  - (7) *Outdoor recreation.*
  - (8) *Private airports.*
  - (9) *Public heliports and airports.*
  - (10) *Public utilities.*
  - (11) *Telecommunications facilities.*
  - (12) *Truck stops and travel plazas.*
  - (13) **Kennels**

No public testimony was given.

Commissioner Anderson introduced the Amendment to County Ordinance 16-17:

AMENDMENT NO 1 TO  
COUNTY ORDINANCE NO. 16-17

AN AMENDMENT TO  
A BILL ENTITLED

AN ACT CONCERNING Conditional Uses in the Suburban Industrial (SI) Zoning District in Queen Anne's County.

FOR THE PURPOSE of amending pending County Ordinance No. 16-17 to make the same emergency legislation effective immediately upon adoption.

BY AMENDING County Ordinance No. 16-17.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance No. 16-17 be and shall be declared as emergency legislation and, if passed by an affirmative vote of at least four-fifths of the total membership of the County Commissioners of Queen Anne's County, shall be effective immediately.

On a motion made by Commissioner Moran, seconded by Commissioner Buckey, the Board unanimously agreed to adopt the Amendment to County Ordinance 16-17.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, the Board unanimously agreed to adopt County Ordinance 16-17.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

**PUBLIC HEARING:**

The County Commissioners of Queen Anne’s County, Maryland held a public hearing at 6:30 p.m. in the County Commissioner’s Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-23.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

**COUNTY ORDINANCE NO. 16-23**

**A BILL ENTITLED**

**AN ACT CONCERNING** Revisions to Chapter 11, Construction Regulation; Electrical Examiners, of the Code of Public Local Laws of Queen Anne’s County, Maryland;

**FOR THE PURPOSE** of revising Chapter 11 of the Code of Public Local Laws to provide for the licensing of journeypersons; providing for required experience and examination of a journeyperson; providing a term limit for members of the Board of Electrical Examiner; providing for waiver of such term limit under certain circumstances; and generally updating and revising the provisions of Chapter 11 of the Code of Public Local Laws of Queen Anne’s County;

BY AMENDING Sections 11-1, 11-2, 11-3, 11-8 and 11-17 of Chapter 11 of the Code of Public Local Laws.

## SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 11 of the Code of Public Local Laws be and is hereby AMENDED to read as set forth on the attached (new language shown in red).

No persons gave public testimony.

### **COMMISSIONER'S ROUNDTABLE:**

Commissioner Buckey discussed the following:  
Smoke Detectors

Commissioner Moran discussed the following:  
Attended the Presidential Swearing-in

Commissioner Anderson discussed the following:  
Spoke about the Presidential Election

### **PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 6:40 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on the Amendment to the Alcoholic Beverage Laws Applicable in Queen Anne's County.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

§ 27-205. Inspector.

~~[(b) *Visits and inspections* — The inspector shall visit and inspect every licensed premises in the county at least once every 60 days.]~~

(b) *Powers and duties* - The inspector shall have the following powers and duties:

(1) To investigate all applicants for an alcoholic beverages license or transfer of license.

(2) To enforce all alcoholic beverages laws of Queen Anne's County with the same powers as a law enforcement officer of the State, the Sheriff's Office or MD State Police, only in matters of liquor violations. All underage charges must be handled by the Sheriff's Office. Liquor Inspector has no power of arrest, only investigation.

(3) To inspect, at unannounced times, every licensed premises at least once every 60 days.

(4) To investigate all violations of the alcoholic beverages laws.

(5) To report all violations of the alcoholic beverages laws to the Board;  
and

(6) To give monthly written reports to the Board covering all:

(i) Inspection activities.

(ii) Complaints; and

(iii) Violations, either observed or reported.

(7) To conduct controlled compliance checks for all licensed establishments in Queen Anne's County in accordance with rules and regulations adopted by the Board.

(c) *Qualification and discharge* -

(1) Before a person qualifies as an alcoholic beverages inspector, the person shall make an oath to faithfully perform the duties entrusted, as provided in Article 1 & 9 of the Constitution of Maryland.

(2) A person may not qualify nor continue service as an alcoholic beverages inspector if the inspector or the inspector's immediate family has any personal or financial interest, either directly or indirectly, in any license, licensee or in any premises licensed under the provisions of this article.

The following gave public testimony:

1. Warren Wright – in favor
2. Cathy Wright – in favor
3. John Cook - in favor
4. Gene Ransom – in favor
5. Jeff Thompson – in favor

The Board agreed to move it forward to the general Assembly.

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 6:45 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-25.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

COUNTY ORDINANCE NO. 16-25

A BILL ENTITLED

AN ACT CONCERNING An Update to the Queen Anne's County Construction Codes (Chapter 10 of the Code of Public Local Laws of Queen Anne's County).

FOR THE PURPOSE of updating the provisions of Sections 10-2 and 10-3 of the Construction Codes Ordinance, Chapter 10 of the Code of Public Local Laws; conforming the specific amendments to the current numbering system of the International Building Code and the International Residential Code for One and Two Family Dwellings; deleting obsolete provisions; and generally revising and updating the Queen Anne's County provisions regarding Construction Codes.

BY AMENDING Sections 10-2 and 10-3 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE' S COUNTY, MARYLAND that Sections 10-2 and 10-3 of the Code of Public Local Laws be and are hereby AMENDED.

No public testimony was given.

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 7:00 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-04.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met and sworn in anyone that was going to give testimony.

COUNTY ORDINANCE NO. 16-04

A BILL ENTITLED

AN ACT CONCERNING Rezoning of a 20,000 square foot parcel, Tax Map 58A, Parcel 87, from Urban Commercial (UC) to Grasonville Neighborhood Conservative (GNC).

FOR THE PURPOSE of rezoning 20,000 square feet, more or less, Parcel 87 as shown on Queen Anne's County Sectional Zoning Map No. 58 from Urban Commercial (UC) to Grasonville Neighborhood Conservative (GNC) Zoning District.

BY AMENDING the official Queen Anne's County Zoning Maps.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that 20,000 square feet, Parcel 87, Tax Map 58A, as shown on the Petition for Rezoning filed by Queenstown Bank of Maryland be rezoned from Urban Commercial (UC) to Grasonville Neighborhood Conservative (NC) Zoning District.

Michael Foster, Esquire, reviewed the map amendment and why it should be changed.

Mr. Tom Davis, Vice President of Queenstown Bank, reviewed the history of the property.

Ms. Helen Spinelli, AICP, Principal Planner, reviewed her recommendation.

There was consensus of the Board that there was a mistake and requested Patrick Thompson, Esquire to draft finding of facts.

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 7:20 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-26.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

COUNTY ORDINANCE NO. 16-26

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne's County Cable Television Act, Chapter 29 of the Code of Public Local Laws of Queen Anne's County;

FOR THE PURPOSE of revising the regulations, terms and conditions under which cable television operations may use and occupy the rights-of-way of Queen Anne's County, Maryland and the framework under which cable television systems shall be constructed, operated, maintained and regulated when using the public rights-of-way; bringing the provisions of the Queen Anne's County Cable Television Act into consistency with current practices; and generally revising and updating Chapter 29 of the Code of Public Local Laws of Queen Anne's County, Maryland.

BY AMENDING Sections 29-2, 29-13 and 29-42 of Chapter 29 of the Code of Public Local Laws;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 29-2, 29-13 and 29-42 of Chapter 29 of the Code of Public Local Laws be and are hereby AMENDED to read as follows:

CHAPTER 29. CABLE TELEVISION

ARTICLE II. DEFINITIONS

§29-2. Word usage; terms defined.

• • •

CHANNEL OR CABLE CHANNEL

~~A portion of the electromagnetic frequency spectrum that is used in a Cable System and which is capable of delivering a television Channel (as defined by the FCC).~~

Means a time or frequency slot or technical equivalent on the Cable System, discretely identified and capable of carrying full motion color video and audio, and may include other non-video subcarriers and digital information.

• • •

GROSS REVENUE

~~(1) Any and all revenues or consideration of any kind or nature that constitutes revenue within generally accepted accounting principles (including without limitation, cash, and credits), actually received by a Grantee or by any other operator that is an operator of a Cable System, from the provision of Cable Service over the Cable System within the Franchise Area. "Gross Revenues" include, by way of illustration and not limitation, monthly fees charges to Subscribers for any basic, optional, premium, per Channel, per Program service, or other Cable Service; Installation, disconnection, reconnection and change in service fees; leased access Channel fees; late fees; revenues from rentals or sales of Converters or other equipment; advertising revenues; and revenues from home shopping. "Gross Revenues" shall include revenues received by an entity other than a Grantee that operates the Cable System where necessary to prevent evasion or avoidance of the obligation under this chapter or a Franchise to pay the Franchise Fee. "Gross Revenues" shall not include:~~

- ~~(a) To the extent consistent with generally accepted accounting principles, actual bad debt write offs; or~~
- ~~(b) Any taxes on services furnished by a Grantee which are imposed directly on any Subscriber or User by the State of Maryland, the County or other governmental unit and which are collected by the Grantee on behalf of said governmental unit. A Franchise Fee is not such a tax.~~

~~(2) "Gross Revenue" includes an allocated portion of all revenue derived by the Grantee from local advertising, home shopping, or other similar services. The allocation shall be based on the number of Subscribers in the Franchise Area divided by the total number of Subscribers on the System. "Gross Revenues" shall include any revenue received by the Grantee through any means which has the effect of avoiding the payment of Franchise Fees to the Franchise Authority which it is lawfully entitled to receive under the terms of this chapter.~~

All revenue received directly or indirectly by a Grantee arising from, attributable to, or in any way derived from the operation of a Cable System in the County to provide Cable Services. Gross Revenues shall include, but are not limited to, the following:

- (1) Basic Services fees;
- (2) Fees charged to Subscribers for any Cable Service tier other than Basic Service;
- (3) Fees for all digital video Cable Services;
- (4) Fees charged for premium Cable Services;
- (5) Fees for video-on-demand;
- (6) Fees charged to Subscribers for any optional, per-channel or pre-program Cable Services;
- (7) Revenue from the provision of any other Cable Services;

- (8) Charges for installation, additional outlets, relocation, disconnection, reconnection and change-in-service fees for video or audio programming;
- (9) Fees for changing any level of Cable Service programming;
- (10) Fees for service calls for Cable Services;
- (11) Inside wire maintenance fees for Cable Services;
- (12) Service plan protection fees for Cable Services;
- (13) Convenience fees for Cable Services;
- (14) Early termination fees;
- (15) Fees for Leased Access Channels;
- (16) Charges based on the lease of any portion of the Cable System for Cable Service;
- (17) Rental or sales of any and all equipment used to provide Cable Services, including converters and remote control devices;
- (18) Any and all locally-derived advertising revenues;
- (19) Revenues or commissions from locally-derived home shopping channels;
- (20) Revenue from interactive television services to the extent deemed "Cable Services" under applicable law;
- (21) Fees for any and all music services;
- (22) Late payment fees for Cable Services;
- (23) Billing and collection fees for Cable Services;
- (24) NSF check charges for Cable Services; and
- (25) Franchise fees.

Gross Revenues shall not include any revenue from the provision of any telephone or internet service, bad debts, investment income, Subscriber's refunds or credits, refunded deposits, or any taxes on services furnished by Atlantic Broadband and imposed directly upon any Subscriber or user by the County, state, federal or other governmental unit.

PEG OR PUBLIC, EDUCATIONAL OR GOVERNMENT ACCESS FACILITIES

- ~~(1) Channel capacity designated for public, educational or governmental use; and~~
- ~~(2) Facilities and equipment for the use of such Channel capacity.~~

An access channel that consists of local public, educational and/or governmental programming.

§29-13. Franchise Fee.

E. If any franchise fee payment or recomputed amount, cost or penalty, is not made on or before the applicable dates heretofore specified, interest shall be charged daily from such date at the ~~legal maximum rate charged by the United States Internal Revenue Service for late tax payments of 10% per annum~~ and a grantee shall reimburse the County for any reasonable additional expenses and costs incurred by the County by reason of the delinquent payment(s).

F. If Cable Services subject to the Franchise Fee required under this Section 29-13 are provided to Subscribers in conjunction with non-Cable Services and the total cost of the bundle reflects a discount from the aggregate retail prices of the services contained therein, then the Franchise Fee shall be applied to the retail price of the Cable Services in the bundle reduced by no more than a proportionate share of the overall discount.

. . .  
§29-42. Violations and Penalties.

. . .  
G. In addition to the penalties set forth above, the Franchise Agreement may provide for the assessment of liquidated damages for failure to comply with the terms of this Chapter or the Franchise Agreement.  
County Ordinance 16-12 - the Regulation of LED and Electronic Signs in Queen Anne's County

No public testimony was given

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 7:30 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-12.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

COUNTY ORDINANCE NO. 16-12

A BILL ENTITLED

AN ACT CONCERNING the Regulation of LED and Electronic Signs in Queen Anne's County;

FOR THE PURPOSE of revising the regulations and limitations on electronic and light-emitting diode ("LED") signs in Queen Anne's County; permitting such signs to change once every 30 minutes; permitting graphic, pictorial or photographic images provided the same are not determined to be distasteful or distracting; and generally revising and updating the regulations of electronic and LED signs in Queen Anne's County;

BY AMENDING Section 18:1-81 A. (13) of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-81 A. (13) of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

§18-1-81. Permits, alterations, moving signs, location, performance standards.

A. Sign permit needed; exceptions.

...

(13) *Electronic signs*, including light-emitting diode ("LED") signs, are permitted as *freestanding signs* subject to the following limitations:

- (a) No *electronic sign* shall exceed 60 square feet of the maximum *freestanding sign* surface area otherwise permitted pursuant to § 18:181A(10) (b) [1] above; and
- (b) Surface area copy may not change more frequently than ~~one time per day.~~ every thirty minutes.
- (c) *Electronic signs* shall have no revolving, flashing, moving, scrolling, rotating or similar intermittent lights or features that simulate movement.
- (d) An *electronic sign* may not be animated, play video or audio messages or blink in any manner.
- (e) An *electronic sign* shall consist only of alphabetic or numeric characters on a plain background ~~and~~ but may ~~not~~ include graphic, pictorial, or photographic images, provided the same are not distasteful or distracting.
- (f) *Electronic signs* shall not exceed a maximum illumination of 7,500 nits during daylight hours and a maximum illumination of 750 nits for the time period between sunset and sunrise as measured from the *sign's* face at maximum brightness. The applicant shall provide written certification from the *sign* manufacturer that the light intensity has been preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.

## SECTION II

AND BE IT FURTHER RESOLVED that upon introduction, this Ordinance shall be forwarded to the Queen Anne's County Planning Commission for their review and recommendation pursuant to § 18:1-220 of the Code of Public Local Laws:

No public testimony was given.

**PUBLIC HEARING:**

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 7:45 p.m. in the County Commissioner's Meeting Room in the Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 to receive public comments on County Ordinance 16-24.

Patrick Thompson, Esquire, County Attorney conducted the hearing on behalf of the County and noted all legal requirements had been met.

COUNTY ORDINANCE NO. 16-24

A BILL ENTITLED

AN ACT CONCERNING the Queen Anne's County Rainy Day Fund;

FOR THE PURPOSE of increasing the amount of the Rainy Day Fund established under Article V of Chapter 5 of the Code of Public Local Laws of Queen Anne's County, Maryland; increasing such Fund from 7% to 8% of budgeted general fund operating revenues;

BY AMENDING Section 5-18 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 5-18 of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

Chapter 5. County Finance

Article V. Rainy Day Fund

§5-18. Maintenance of fund.

A. The County shall maintain a Rainy Day Fund for contingencies in an amount equal to ~~7%~~ 8% of budgeted general fund operating revenues.

No public testimony was given.

Commissioner Buckey left during this portion of the meeting.

**DICK’S AUTOHAUS 50<sup>th</sup> ANNIVERSARY PROCLAMATION:**

The Board presented Mr. Dick Potter the following Proclamation:

In Recognition of the 50<sup>th</sup> Anniversary of

“Dick’s Autohaus”

in Queen Anne’s County, Maryland

WHEREAS, Dick Potter, a lifelong resident of Queen Anne’s County, started his business, Dick’s Autohaus, in Wye Mills, Maryland, in 1966 where, Dick’s Autohaus specializes in Volkswagen parts and service; and

WHEREAS, Dick’s Autohaus is highly praised by its customers for the quality service and work it performs. Mr. Potter takes pride in the tenure of his employees, the longest of which worked for the company for 35 years; and

WHEREAS, Queen Anne’s County values the significant contributions small businesses, like Dick’s Autohaus, make to the local economy by generating jobs and improving the quality life for citizens;

NOW, THEREFORE, WE, THE QUEEN ANNE’S COUNTY COMMISSIONERS, wishes to recognize Dick Potter for his commitment and contribution to Queen Anne’s County’s economy and to congratulate Dick’s Autohaus on its 50th Anniversary.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of Queen Anne’s County to be affixed this 24<sup>th</sup> day of January, 2017.

**LEGISLATIVE SESSION:**

Commissioner J. Wilson introduced County Ordinance 17-03:

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne’s County Human Resources Ordinance, Chapter 27 of the Code of Public Local Laws of Queen Anne’s County, Maryland;

FOR THE PURPOSE of revising and updating the Queen Anne’s County Human

Resources Ordinance, including Sections 27-91D, 27-30, 27-93 and 27-91B(3)(e) of Chapter 27 of the Code of Public Local Laws, revising provisions on bereavement leave, hazardous duty assignment, employee recognition and family sick leave; and generally eliminating the requirement that bereavement leave be used in a consecutive block of time; deleting obsolete and unutilized provisions on hazardous duty assignment; eliminating exemplary attendance records from the provisions for employee recognition; and clarifying the definitions of “spouse”, “child” and “parent” for purpose of family sick leave.;

#### SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that Section 27-30 of the Code of Public Local Laws be and is hereby REPEALED.

#### SECTION II

BE IT FURTHER ENACTED that Sections 27-91B(3)(e), 27-91D and 27-93 be and are hereby AMENDED to read as follows:

27-91. Forms of leave.

...

B. ...

(3) ...

(e)

Care of a sick spouse, dependent child or parent to include physician office visits, not to exceed 80 hours in a leave year which is tracked by the respective department and referred to as Family Sick. A healthcare provider certificate is required to utilize family sick leave. Refer to the Family and Medical Leave policy for definition of spouse, dependent child and parent.

D. Bereavement leave.

(1) Bereavement leave shall be granted for a death in the employee’s immediate family, not to exceed 32 consecutive work hours and;

(2) Bereavement leave does not need to be used as a consecutive block of time and the County recognizes that funeral services which may qualify for leave under this policy may not be held until well after the date of death of the family member; and

(3) When an employee seeks to use bereavement leave not in close proximity to the time of death, the employee must provide in advance notify his or her supervisor as much advance notice as possible of the scheduling and requested time for use of bereavement leave to allow for appropriate staffing. The leave may be denied if an employee fails to give adequate notice to allow for the opportunity to obtain adequate staffing.

(234) Additional leave time, under exceptional circumstances, may be authorized by the County Administrator. such as vacation and/or personal leave may be used as requested. Sick leave may be used through approved Family and Medical Leave.

#### 27-93. Types of awards.

The Employee Recognition Committee shall, in accordance with policies and procedures of the Department of Human Resources, implement and administer a system to provide for the appropriate recognition of County employees for ~~exemplary attendance records~~, length of service, employee suggestions and such other categories as may be appropriate.

#### **PRESS AND PUBLIC COMMENTS:**

No persons spoke to the Commissioners on subjects of interest to them.

#### **CLOSED SESSION:**

Pursuant to State Government Law Section 3-305(b), (3): to consider the acquisition of real property for a public purpose and matters directly related thereto; “The County Commissioners held a Closed Session on a motion of Commissioner J. Wilson, seconded by Commissioner Moran, at 7:45 p.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland.” The Board adjourned in Closed Session at 8:00 p.m. Those in attendance were Mr. Gregg Todd, County Administrator; Ms. Margie Houck, Executive Assistant; and Patrick Thompson, Esquire, County Attorney.

The Board discussed a parcel of land in the Matapeake Business Park.

Pursuant to State Government Law Section 3-305(b), (7) to consult with counsel to obtain legal advice on a legal matter; “The County Commissioners held a Closed Session on a motion of Commissioner J. Wilson, seconded by Commissioner Moran, at 8:00 p.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland.” The Board adjourned in Closed Session at 8:45 p.m. Those in attendance were Mr. Gregg Todd, County Administrator; Ms. Margie Houck, Executive Assistant; Patrick Thompson, Esquire, County Attorney; Christopher Drummond, Esquire; Mr. Michael Wisnosky, AICP, PP, Director Planning & Zoning; Ms. Helen Spinelli, AICP, Principal Planner.

The Board held a discussion on Medical Cannabis.

There being no further business, they adjourned at 8:45 p.m. to meet again on Tuesday, January 31, 2017.

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EXECUTIVE ASSISTANT

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PRESIDENT