

May 8, 2018

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 8:30 a.m.

CLOSED SESSION:

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 Moran, seconded by Commissioner Anderson, at 8:30 a.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 a.m. Those in attendance were Mr. Gregg Todd, County Administrator; Ms. Margie Houck, Executive Assistant; Patrick Thompson, Esquire, County Attorney.

The Board discussed an ethics ruling.

CLOSED SESSION:

Pursuant to Section 10-503(c) of the State Government Article of the *Annotated Code of Maryland*, the County Commissioners went into closed session for the purpose of conducting an administrative function meeting; "The County Commissioners held a Closed Session on a motion of Commissioner Moran, seconded by Commissioner Anderson, at 8:45 a.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland." The Board adjourned in Closed Session at 9:00 a.m. Those in attendance were Mr. Gregg Todd, County Administrator; Ms. Margie Houck, Executive Assistant;

The Board reviewed Board/Commission vacancies.

IN OPEN SESSION:

May 8, 2018

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, the Board unanimously agreed to re-appoint Fred Lango and Nicholas Stoer to a three year term on the Bay Bridge Airport Advisory Committee to begin July 1, 2018 and end June 30, 2021.

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 appoint Donald Trotter and Carl Eberline for a three year term on the Blue Heron Golf Course Board to begin July 1, 2018 and end June 30, 2021, to appoint Serelee Hefler and Norman Fraley for a two year term on the Blue Heron Golf Course Board to begin July 1, 2018 and end June 30, 2020 and to appoint John Leone for a one year term on the Blue Heron Golf Course Board to begin July 1, 2018 and end June 30, 2019.

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 appoint Judy Kropfelder to a three year term on the Housing Authority Board to begin July 1, 2018 and end June 30, 2021.

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 appoint Vicki Paulas to a four year term on the Parks & Recreation Advisory Board to begin immediately and end December 31, 2022.

Commissioners	Yes	No
Moran	x	
J Wilson	x	

S Wilson	x	
Buckey	x	
Anderson	x	

MINUTES:

On a motion made by Commissioner J. Wilson, seconded by Commissioner Anderson, the Board unanimously agreed to approve the Agenda for the current meeting and Regular minutes of the April 24, 2018 meeting and ordered them stand as recorded.

PRESS AND PUBLIC COMMENTS:

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

DEPARTMENT OF PUBLIC WORKS – ADMINISTRATIVE/ENGINEERING:

Mr. Todd Mohn, Director, Mr. Alan Quimby, Chief Sanitary Engineer; and Mr. Shane Moore, Chief Roads Engineer and Mr. David Reminiak, Chief of Engineering of the Department of Public Works met with the Board.

DELMARVA UTILITY EASEMENT AGREEMENT:

Mr. Mohn presented to the Board, for their review and approval, Delmarva Utility Easement Agreement.

Delmarva Power & Light Company requests an easement for the installation of underground electric utility across the Cross Island Trail in the vicinity of Castle Marina Road. The work is being performed in collaboration with K. Hovnanian Homes in support of the Four Seasons at Kent Island development.

The Departments of Public Works and Parks & Recreation have reviewed the Agreement and found it to be fair and reasonable.

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, Commissioner Anderson abstained from the vote, the Board agreed to execute the Utility Easement Agreement and grant the Delmarva Power & Light request for easement. As part of the motion, Commissioner Anderson made comments on this topic.

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

Anderson			x
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MARYLAND GEOLOGICAL SURVEY GROUNDWATER/WELL MONITORING AGREEMENT:

Mr. Reminiak presented to the Board for their review and approval, Maryland Geological Survey Groundwater/Well Monitoring Agreement.

Maryland Geological Survey has conducted groundwater testing and well monitoring on Kent Island for many years. The Board reviewed the proposed agreement for conducting groundwater testing and well monitoring for Fiscal Years 2019 through 2023.

The Department of Public works reviewed the agreement and has found it to be fair and reasonable.

The County attorney has reviewed and approved the agreement.

Costs for conducting the groundwater testing and well monitoring will be charged to the approved Engineering Division Operating Budget.

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, the Board unanimously agreed to accept the proposal received from Maryland Geological Survey for conducting groundwater testing and well monitoring on Kent Island for Fiscal Years 2018 through 2023 in the amounts of:

- FY-2019: \$ 8,260.00
- FY-2020: \$ 8,430.00
- FY-2021: \$ 8,600.00
- FY-2022: \$ 17,320.00
- FY-2023: \$ 8,940.00

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

K. HOVNANIAN MAINTENANCE AGREEMENT:

Mr. Mohn presented to the Board for their review and approval, K. Hovnanian Maintenance Agreement.

K. Hovnanian's Four Seasons at Kent Island, LLC requests the right to construct and maintain irrigation lines and systems, propane utility and landscaping within the right-of-way of Castle Marina Road as depicted on Exhibit A and more specifically described within the subject Agreement. The private utility and landscape improvements are proposed in conjunction with the Four Seasons at Kent Island development.

The Department of Public Works has reviewed the Agreement and found it to be fair and reasonable. The County attorney has reviewed and approved the Agreement for legal sufficiency.

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, Commissioner Anderson and Buckey opposed, the Board agreed to execute the Maintenance Agreement and grant the K. Hovnanian's Four Seasons at Kent Island, LLC request for placement and maintenance of private utility within the County right-of-way. 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

WEEKLY CORRESPONDENCE AND PRESENTATION OF DOCUMENTS FOR SIGNATURE:

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

CHESTERWYE PROJECT:

Mr. Michael R. Clark, Community Partnership for Children and Families Director, submitted to the Board for their review and approval, Requesting Reimbursement from the Maryland Department of Community Development for the Community Development Block Grant (MD-16-CD-13) for expenses paid regarding the Chesterwye Project.

The Board reviewed the forms required under the terms of the Grant Agreement for the Community Development Block Grant Program for the Chesterwye Center project on State Street in Stevensville, Maryland that allow the County to be reimbursed. To be reimbursed we are required to complete, sign and submit the forms entitled: Exhibit 3 Maryland Development Block Grant Program Request for Payment and Exhibit 3a Maryland Community Development Block Grant Program Expenditure Tracking Form. Thank you for your ongoing support and guidance.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to sign the Exhibit 3 Maryland Development Block Grant Program Request for Payment. As part of the motion, a discussion was held between Commissioners Anderson, Buckey, Moran and Wilson on this topic.

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

MA#18-03 CITIZEN PETITION PROPOSING A ZONING MAP AMENDMENT:

Mr. Robert T. Gunter, Senior Planner, submitted to the Board for their review and approval, MA #18-03 Citizen Petition Proposing a Zoning Map Amendment.

Map Amendment MA#18-03 is a citizen petition proposing a zoning map amendment filed by Mr. Michael R. Foster, Esq., on behalf of AYS Marine Enterprises, LLC. The petition was submitted during the first ten (10) days in February, the period in which citizens may petition the County Commissioners for a text or map amendment.

The proposed amendment seeks to rezone an approximately 14,000± sq. ft. parcel from Kent Island Suburban Commercial (KISC) to the new zoning designation of Suburban Industrial (SI). The petitioner requests that the County Commissioners find that a mistake was made in the subject parcels zoning designation.

The Planning Commission conducted a public hearing with respect to this petition on April 12, 2018 at which time they received written and verbal testimony. The Planning Commission voted unanimously to forward a favorable recommendation to the County Commissioners for the proposed rezoning after careful consideration of the following:

- The Kent Island Suburban Commercial zoning classification is a mistake for this property:
 - According to the Queen Anne's County Zoning and Subdivision Regulations, §18: 1-21.1.A, the KISC zoning district is intended for areas not served by public sewer.
 - Subject property is designated as SI- Current Sewer Service Area in the Queen Anne's County Master Water & Sewerage Plan.
- The property is bound on the northeast and southwest by SI zoned properties therefore a new zoning of SI would be consistent with the area.
- A new zoning designation of SI would be consistent with the comprehensive and community plans.

On a motion made by Commissioner Moran, seconded by Commissioner J. Wilson, the Board unanimously agreed to request Patrick Thompson, Esquire, County Attorney to draft Ordinance 18-03. 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	

KENT NARROWS BOATEL SITE PLAN:

Ms. Jean Fabi, Economic Development Manager, submitted to the Board for their review and approval, Development Review Fee Reimbursement Request - Kent Narrows Boatel Site Plan.

Under Resolution 14-03 adopted February 11, 2014, it is the sole and absolute discretion of the Queen Anne's County Commissioners to reimburse the fees associated with development review for certain projects where it has been demonstrated that such projects would provide significant economic benefit to Queen Anne's County. In consider of any such request, the Commissioners shall consider the following:

1. The number, type and quality of the jobs to be created;
2. Any increase to the assessable tax base in the County;
3. Diversity in the workplace: and
4. Other factors as may be relevant to such determination.

Any project seeking reimbursement of development review fees shall submit a request in writing to the Commissioners describing the project, demonstrating the significant economic benefit to be provided and addressing the above referenced considerations. All such requests shall be forwarded to the Economic Development Commission (EDC) for its review and recommendation. The EDC may request additional information from the applicant and shall provide its findings to the County Commissioners in timely manner. The Commissioners shall make a decision with respect to the reimbursement of development review fees within thirty (30) days of receipt of such recommendations.

Any project which is determined to be suitable for the reimbursement shall pay the development review fee and, if the applicant begins substantial construction with respect to the project within six (6) months of receiving final site plan approval, the development review fees shall be refunded in full. In the event the applicant fails to receive final site plan approval within one (1) year of the Commissioners' agreement to waive the development review fees or fail to commence significant construction within six (6) months, the reimbursement of development review fees shall be null, void and no further force and effect and the County shall retain the

development review fees in full. The Commissioners may, in their discretion, grant up to two (2) extensions of six (6) months each for the deadlines set forth herein upon a showing of exceptional circumstances justifying the same.

The project was reviewed as Major Site Plan (MASP) #04-16-07-0001-C, Bay East Development a/k/a Kent Narrows Marine. The fee for major site plan review was \$17,353.40; paid at the time the project was received by the Department of Planning and Zoning in July 5, 2016. The project entails the construction of a 69,540 high and dry boat storage facility with accessory uses and a restaurant in two (2) phases. The Planning Commission conditionally approved it at its October 13, 2016 regular meeting.

The approval included a Buffer Reduction and Bonus Height Allowance. The project received final site plan approval on May 17, 2017. A building permit was issued for a new 40,500 square foot commercial building on June 21, 2017. The building has received a temporary occupancy permit and use permits are pending issuance for the store and boat storage. This constitutes Phase I of the project. Phase II (29,040 square feet) is pending construction and includes additional boat storage and a restaurant.

Mr. Jody Schultz, on behalf of Kent Narrows Marina, is requesting reimbursement of the development review fee based on the justification provided in the letter dated April 25, 2018.

A request for development review reimbursement is typically submitted at the time the site plan is accepted by the Department of Planning and Zoning for review. The reimbursement of the fee is predicated upon the timely approval of the site plan and commencement of construction, as per the policy adopted by the County Commissioners. This request is being made after the major site plan received approval and after substantial completion of construction of Phase 1 of 11.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Anderson, Commissioner Anderson opposed and Commissioner Moran abstained from the vote, the Board agreed to remand this request to the Economic Development Commission for its review and recommendation at its next regular meeting. As part of the motion, a discussion was held between Commissioners Anderson and J. Wilson on this topic.

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

DES ADVISORY COUNCIL APPOINTMENT:

On a motion made by Commissioner Anderson, seconded by Commissioner J. Wilson, Commissioner Buckey opposed, the Board agreed to appoint Mike Ranelli to a two year term on the Department of Emergency Services Advisory Council to begin July 1, 2018 and end June 30, 2020.

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

ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT:

On a motion made by Commissioner Anderson, seconded by Commissioner J. Wilson, the Board unanimously agreed to appoint Nancy LaJoice to fill the unexpired term of Mr. Vitalos on the Economic Development Commission to begin immediately and end December 31, 2018.

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

WREATHS ACROSS AMERICA FUNDRAISER REQUEST:

On a motion made by Commissioner Anderson, seconded by Commissioner Moran, the Board unanimously agreed to contribute \$500 to purchase wreaths to be placed on all the graves at Eastern Shore Veterans Cemetery in Hurlock.

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

BUDGET AMENDMENT: #7

On a motion made by Commissioner Moran, seconded by Commissioner Anderson, the Board unanimously agreed to approve Budget Amendment CC-33.

#	CC-33						Date	5/14/2018
QUEEN ANNE'S COUNTY								
REQUEST FOR BUDGET AMENDMENT								
FY 2018								
							Increase	
							(Decrease)	
							Amount	
Description of expenditure/revenue to increase/(decrease):							Fund	Account Code
increase	Sheriff Dept.	Other State Grants			100	110000 33590		70,980
increase	Sheriff Dept.	Other			100	110000 8995		70,980
							Net Increase	70,980
Justification:								
This amendment recognizes the revenue and expenditures associated with a State of Maryland Opioid Grant.								
This grant will run through 6/30/2018 and will be used to fund the Paint the Town Purple Campaign.								
No Additional County Funds are Requested.								

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

CHURCH HILL VFD BUILDING COMMITMENT LETTER:

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to table the decision on the Church Hill VFD Building Commitment Letter.

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

BRIDGE GRANT:

Commissioner Buckey presented to the Board for their review and approval, TIGER Grant.

This federal grant has 1.5 billion for service transportation infrastructure projects that will have significant local or region impacts this grant also covers for bridges and roads. The name of grant is the new BUILD program this is replacing the old TIGER grant. We have it until July 19, 2017 to apply for this grant.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Anderson, the Board unanimously agreed to write a letter in support of the TIGER Grant for the Cox Creek Connector. As part of the motion, a discussion was held between Commissioners Anderson, Buckey and Moran on this topic.

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

BUDGET WORK SESSION:

Mr. Jonathan Seeman, Budget & Finance & IT Director, presented to the Board for their review, Budget Work Session.

Mr. Seeman reviewed the proposed budget to be adopted at the May 22 meeting.

The Board agreed to make one small change to the budget, to add \$25,000 for the Board of Education’s Family Center in Sudlersville.

LEGISLATIVE SESSION:

Commissioner J. Wilson introduced County Ordinance 18-07:

A BILL ENTITLED

AN ACT CONCERNING the Standards of Care under the Queen Anne’s County Animal Control Ordinance, Chapter 9 of the Code of Public Local Laws of Queen Anne’s County, Maryland;

FOR THE PURPOSE of requiring the sheltering of dogs in certain extreme weather conditions;

BY AMENDING Section 9-15 of the Code of Public Local Laws and **ADDING** Subsection 9-15C.(4).

DEPARTMENT OF COMMUNITY SERVICES UPDATE:

Ms. Catherine Riggs Willis, LGSW, Director; and Mr. Michael R. Clark, Community Partnership for Children and Families Director, presented to the Board for their review and approval, Department of Community Services Update.

The Annual Report for FY17 details an overview of the Area Agency on Aging, Recreation, Housing and Community Services and LMB. Our focus remains a brief and factual review of the most critical work and accomplishments made throughout the previous fiscal year. The information and statistics included are a testament to the hard work of our employees and their commitment to serving the residents of Queen Anne's County. Our next step is to share this update with the community to serve also as a mechanism for outreach.

Older Americans Month 2018

WHEREAS, Queen Anne's County includes countless older Americans who enrich and strengthen our community; and

WHEREAS, Queen Anne's County is committed to engaging and supporting older adults, their families, and caregivers; and

WHEREAS, we acknowledge the importance of taking part in activities that promote physical, mental, and emotional well-being-no matter your age; and

WHEREAS, Queen Anne's County can enrich the lives of individuals of *every age* by:

- promoting home- and community-based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

NOW, THEREFORE, WE, THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, do hereby proclaim May 2018 to be Older Americans Month and urge every resident to take time during this month to recognize older adults and the people who serve them as vital parts of our community.

OSTEOGENESIS IMPERFECTA PROCLAMATION:

The Board presented Ms. Clair Buckey the following proclamation:

WHEREAS, Osteogenesis Imperfecta (OI), also known as “brittle bone disease, is a genetic disorder characterized by fragile bones that break easily; and

WHEREAS, a person born with Osteogenesis Imperfecta is affected throughout his or her lifetime; and

WHEREAS, there are different types of Osteogenesis Imperfecta with a range of severity from mild to life threatening; and

WHEREAS, because there is no cure for Osteogenesis Imperfecta, treatment focuses on minimizing fractures, the surgical correction of deformity, reducing bone fragility, maximizing mobility and independent function; and

WHEREAS, Osteogenesis imperfecta is caused by defective genes that affect how the body makes collagen, a protein that helps strengthen bones; and

WHEREAS, Osteogenesis imperfecta condition can be mild, with only a few fractures during a person's lifetime and in more severe cases, it can involve hundreds of fractures that occur without any apparent cause; and

WHEREAS, Osteogenesis imperfecta treatments include bone-strengthening medications, physical therapy, and orthopedic surgery; and

WHEREAS, increased funding for education and research for Osteogenesis Imperfecta is greatly needed to help find more effective treatments; and

WHEREAS, the Osteogenesis Imperfecta Foundation is declaring May 5-12, 2018 to be National OI Awareness Week, where board members, staff, medical professionals and volunteers are joining together to focus attention on Osteogenesis Imperfecta in an effort to increase awareness;

NOW, THEREFORE, WE, THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, do hereby proclaim May 5-12, 2018 as National OI Awareness Week in Queen Anne's County in support of the Osteogenesis Imperfecta Foundation's efforts to raise awareness of this rare disorder.

PUBLIC HEARING:

The County Commissioners of Queen Anne's County, Maryland held a public hearing at 10:45 a.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 18-04.

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

COUNTY ORDINANCE NO. 18-04

A BILL ENTITLED

AN ACT CONCERNING Revisions to the Queen Anne's County Ethics Ordinance,

May 8, 2018

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Chapter 8 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 Ethics Ordinance, including Sections 8-11, 8-13 and 8-14 of Chapter 8 of the Code of Public Local Laws, to conform to the requirement that the Queen Anne’s County Ethics Law be substantially similar to the State law; prohibiting disclosure of an individual’s home address included in any financial disclosure filed after January 1, 2019; prohibiting any person subject to the County Ethics Ordinance from assisting or representing another party for compensation in a matter that is the subject of legislative action for two calendar years from the date the individual leaves County office, ceases County employment or ceases service on a County Board or Commission; prohibiting former registered lobbyists from participating in certain matters for one calendar year after termination of registration under certain circumstances; requiring disclosure by a lobbyist on statements filed on or after January 1, 2019, if the individual’s spouse is a registered lobbyist, the entity that has engaged the spouse for lobbying purposes; providing procedure for failure to file annual disclosure forms and the granting of extensions and for incomplete or inadequate disclosure forms and generally revising and updating Chapter 8 of the Code of Public Local Laws.

BY AMENDING Sections 8-11, 8-13 and 8-14 of Code of Public Local Laws and ADDING a new Subsection 8-11A.(10) and (11), 8-13 L. and 8-14C.(2)(e).

No public testimony was give.

PRESS AND PUBLIC COMMENTS:

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

1. Bonnie Walter

COMMISSIONER’S ROUNDTABLE:

Commissioner J. Wilson discussed the following:
Upper Shore Regional Council Update

Commissioner Buckey discussed the following:
Thanked Bonnie Walters for her work

Commissioner Anderson discussed the following:
Budget will be finalized May 22

Commissioner S. Wilson discussed the following:
Received a lot of emails from people regarding budget

There being no further business, they adjourned at 10:55 a.m. to meet again on Tuesday, May 22, 2018.

EXECUTIVE ASSISTANT

PRESIDENT