

**County Council of Dorchester County
Regular Meeting Minutes
August 16, 2016**

The County Council of Dorchester County met in regular session on August 16, 2016 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager, and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

CLOSED SESSION

The Council adjourned from a Regular Session and convened in a Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §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 it has jurisdiction and pursuant to 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

Voting in favor of the closed Closed Session were all Council members.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Satterfield led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, announced that prior to the publication the following items were added to the agenda: 1) Request to Use Ballfield-Mt. Hope United Methodist Church-Recreation and Parks; and 2) Request to Bid-Air Conditioning Replacement-Airport Terminal Building-Public Works. The Council agreed to add the consideration of an Eastern Shore Innovation Center License Agreement to the agenda.

APPROVAL OF MINUTES- AUGUST 2, 2016

The Council approved the minutes of August 2, 2016.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$3,448,586.71.

CLOSED SESSION SUMMARY

The County Council of Dorchester County convened in an Closed Session at 5:00 p.m. on August 16, 2016 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant §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 it has jurisdiction and pursuant to 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed below.

Action taken at the closed session: 1) approved the request of the Planning and Zoning Director to hire an individual to fill a vacant GIS Specialist position by a 5 to 0 vote; 2) discussed a matter regarding a road construction agreement; and 3) discussed a license agreement for space at the Eastern Shore Innovation Center-agreed to consider in open session.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

REGULAR SESSION

COMMENDATION-RETIREMENT-LARRY CHESTER

The Council presented a commendation to Larry Chester congratulating him on his retirement and recognizing his 21 years of service to Dorchester County.

NAVAL AIR STATION AT PATUXENT RIVER JOINT LAND USE STUDY PRESENTATION

George Clark, Project Manager, presented a power point presentation on the results of the Naval Air Station at Patuxent River Joint Land Use Study (JULS). Chris Jarboe, a representative from the U.S. Navy was also present. Mr. Clark stressed that the JULS is not a law, a regulatory document nor an enforceable action.

Mr. Clark listed recommended strategies for Dorchester County based on the study results. He pointed out that the strategy to develop an enhanced real estate disclosure statement may be unnecessary since it is now State law. Mr. Jarboe concurred. Mr. Clark said one of the community awareness strategies is to increase public education and awareness of Part 15 devices which includes baby monitors and garage doors.

In response to a question from Councilman Travers, Mr. Jarboe said Part 15 devices utilized in Dorchester County may not affect the naval station due its the distance from the base. Mr. Jarboe explained that in certain areas these types of devices operate on a frequency assigned to the military. He said this is more prevalent in the western United States. He cited one incident during which a malfunctioning baby monitor had to be removed from the area because it was interfering with aircraft data frequencies. He stressed that this is a rare occurrence.

Mr. Goldman advised that options are being discussed on increasing broadband access in the County. He explained that the proposed equipment is line of site and may be at the same megahertz range as Part 15, and questioned whether any interference will occur. Mr. Jarboe advised that Federal Communications Commission licensed equipment for broadband has assigned frequencies outside of Part 15.

Mr. Clark stressed that the strategies are recommendations and can be incorporated into the County's Comprehensive Plan but such action is not necessary. Mr. Clark said solar farms have not been an issue and there is uncertainty about the long term effects of wind turbines. Mr. Clark expressed his understanding that Dorchester County has already established height limits for towers.

Mr. Jarboe thanked the Council for allowing them to provide a summary of the JLUS study. He said their intention is to identify issues and open lines of communications in lieu of burdening the County economically or procedurally.

In response to a question from Mr. Goldman, Mr. Jarboe explained that military capability areas (MCA) are areas close to the airfield for which noise abatement may be necessary. He said the majority of those areas are in St. Mary's County. He said the closest thing to an MCA are in Dorchester County is the Bloodsworth Island range area.

In response to a question from Councilman Travers, Mr. Jarboe said flight patterns are not being revised. He encouraged Council and the public to contact them if there are issues regarding flight patterns, noting that the restricted airspace in Dorchester County is 3,400 feet. He said very few noise complaints are made from this jurisdiction. Councilman Travers advised he heard loud engine noises last weekend. Councilman Satterfield said those types of sounds are indicative of ground testing.

Councilman Bradshaw expressed his understanding that the Department of Navy has purchased preservation easements in the County, including on a property on the Nanticoke River. He referenced his understanding that shoreline erosion projects can only be conducted within a certain range from the Patuxent River naval station. He offered assistance in seeking authorization to allow the naval station to pursue mitigation projects in the County which will benefit both entities.

Councilman Travers stressed the need for clarification on Part 15 devices and that County funds are not available to conduct the surveys and/or studies referenced in the JULS.

Mr. Goldman encouraged the naval station to continue to utilize the Cambridge Dorchester Regional Airport. He asked Mr. Jarboe to advise if a specific need that is not being met at this facility. Councilman Satterfield cited the purchase of fuel by the naval station pilots as one possible way to benefit the local economy. He queried as to whether the installation of a governmental credit card system may increase this use. Councilman Travers referenced the patronage of the restaurant at the Airport as another benefit to the local economy.

Pursuant to an inquiry from Councilman Price, Mr. Clark said there will be no impact on the agriculture, seafood, hunting and boating industries as a result of this study. In response to a question from Gloria Dolan, resident, Mr. Clark said solar panels do not affect the naval station's activities.

The Council deferred Mr. Clark's request for a letter of support to the Tri County Council for Southern Maryland for the JLUS and requested further clarification regarding Part 15 devices.

2017 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION DISCUSSION

Councilman Travers advised that the Council will meet with legislators on November 15, 2016 regarding legislative proposals for the 2017 Maryland General Assembly Legislative Session.

The Council agreed to include the following local budget impact topics in the 2017 legislative packet: restoration of highway user revenues; cost of the shifting by the State of a portion of pensions for teachers; and Maintenance of Effort-Statewide moving average and its impacts.

Mr. Goldman asked the Council for comment on the proposed initiative Sandra Tripp- Jones, City Manager, submitted on behalf of the City of Cambridge to seek legislation to address blighted housing which will require mortgage holders that foreclose on properties to take title to those properties within a reasonable time frame. Mr. Goldman queried as to whether the banking industry would be in favor of such legislation. Mr. Merryweather said secondary market lenders may oppose this proposed initiative. Councilman Bradshaw stressed the need for mortgage holders and banks to ensure that the lawns of foreclosed properties are mowed. Councilman Nichols said he is concerned about the impact such legislation will have on those who are foreclosed upon. The Council agreed to pursue this legislation with modifications that do not place a burden on residents who have been foreclosed upon.

Councilman Travers referenced the second request Ms. Tripp-Jones submitted, the restoration of highway user funds to previous levels even though municipalities are receiving a larger portion of this revenue than the counties. Councilman Travers explained that the Hogan Administration is offering \$25 million in special funding for local roads. Mr. Goldman said that amount will be distributed as follows: \$19 million to the municipalities, \$2 million to Baltimore City and \$4 million to the counties. He expressed his understanding that Dorchester County may receive approximately \$158,000.

MANAGERS COMMENTS

FY16 BUDGET TRANSFER REQUEST-FINANCE

The Council approved the FY16 budget transfer request for the Landfill Division submitted by Robert Willey, Assistant Finance Director, to transfer excess funding of \$27,000 in repairs and maintenance into various accounts with cost overruns.

FY16 MARYLAND HERITAGE AREAS AUTHORITY BUDGET AMENDMENTS-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept budget amendments to the FY16 Maryland Heritage Areas Authority Operating Grant to reallocate funding towards marketing and contractual services and travel/membership and to execute a letter of concurrence.

PLANNING COMMISSION REFERRAL-ZONING ORDINANCE TEXT AMENDMENT-PLANNING AND ZONING

Mr. Goldman noted that Rodney Banks, Assistant Planning and Zoning Director, has submitted a request to refer to the Planning Commission a zoning ordinance text amendment for a retreat center or camp to establish a sliding scale acreage requirement to reduce the land area required to establish such use for limited numbers of participants for investigation and recommendation. In response to a question from Councilman Travers, Mr. Goldman said the acreage was changed for Young Life approximately a year ago. He noted that the minimum acreage on the proposed sliding scale is 150.

Councilman Travers acknowledged that Ryan Showalter, the Attorney for Patriot Point, Applicant, was present. Mr. Showalter said it is the intention of the owners to establish a recreational facility for wounded warriors on a 291 acre parcel of property which will not be occupied on a daily basis. He said there may be 20 to 30 participants who utilize the facility at one time, noting they will swim, fish or hunt, depending on the season. He said they will not be charged for the use of the facility. Mr. Showalter explained that the County's Planning staff have determined that this proposed use is a retreat center use as defined in the County's zoning regulations. He expressed his understanding that the retreat center use was created approximately a year and a half ago for the Boy Scouts and Young Life organizations.

Pursuant to concerns expressed by Councilman Travers regarding the 150 acreage minimum, E. Thomas Merryweather, County Attorney, suggested utilizing 250 acres and adjusting the number of participants. Mr. Showalter said 250 acres would be sufficient, particularly since a significant portion is tidal wetlands and; therefore, may be considered State land. Mr. Merryweather recommended that the State Department of Assessments and Taxation records be utilized to determine acreage. Mr. Showalter noted that a retreat center should be operated by a non-profit organization and a special exception must be obtained from the Board of Appeals.

The Council referred the proposed zoning ordinance text amendment to the Planning Commission for an investigation and recommendation.

MIDDLE DEPARTMENT INSPECTION AGENCY CONTRACT-PLANNING AND ZONING

The Council approved the request of Steve Dodd, Planning and Zoning Director, to enter into a two year contract with Middle Department Inspection Agency, effective October 1, 2016, to provide Dorchester County with inspection services for plumbing and mechanical as well as back-up building inspections.

FY17 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT DEPARTMENT OF HEALTH & MENTAL HYGIENE

The Council approved the request of Roger Harrell, Health Officer, to execute the FY 2017 Core Public Health Services Funding Agreement between the County and the Department of Health and Mental Hygiene totaling \$698,250 (equal to the County's FY17 budget appropriation) to provide local health services at the Health Department.

SURPLUS PROPERTY DECLARATION REQUEST-LANDFILL-PUBLIC WORKS

The Council approved the requests of Tom Moore, Public Works Director, to: 1) declare Unit #116, a 1998 Chevy pickup, as surplus property and to sell it through Foxwell's Auctions; and, 2) declare Unit #540, a 1997 road dump truck, as surplus property and to sell it through GovDeals.com, an auction site.

REQUEST TO SOLE SOURCE AND PURCHASE EQUIPMENT-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Moore to sole source and purchase a John Deere 700K dozer from Jesco, Inc. under the member National Joint Purchasing Agency (NJPA) Cooperative pricing contract at the cost of \$182,813.93 after the trade-in of a Komatsu dozer.

FY17 TRANSPORTATION GRANT APPLICATION REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Moore to submit a FY17 Transportation Grant for a Special Fund appropriation for local roads. The Council acknowledged that, pursuant to Mr. Moore, if the same ratio is used as last year, the County may receive about \$158,400 which translates to approximately 2 miles of hot mix overlays.

ADDITIONAL SECURITY SYSTEM COMPONENT REQUEST-CIRCUIT COURT

The Council approved the request of Brett Wilson, Circuit Court Judge, to sole source with Bay Country Security for a security system upgrade which includes the installation of contacts for the three primary doors used for ingress and egress and two key pads at the cost of \$1,265 from the Transfer Tax Fund.

SPECIAL EVENTS AGREEMENT-FOOTBALL GAMES-CAMBRIDGE SOUTH DORCHESTER HIGH SCHOOL-EMERGENCY MEDICAL SERVICES-EMERGENCY SERVICES

The Council approved the request of Anna Sierra, Emergency Services Director, to enter into a Special Events agreement between the Board of Education, Emergency Services and the County Council for public safety services, which consist of an ambulance and a Basic Life Support crew, for school football games in the Fall of 2016 at the cost of \$150 for the first three hours and \$65 per additional hour.

2016 STATE HOMELAND SECURITY PROGRAM GRANT AWARD-EMERGENCY MANAGEMENT-EMERGENCY SERVICES

The Council approved the request submitted by Steve Garvin, Emergency Planner, on behalf of Ms. Sierra to accept a 2016 State Homeland Security Program Grant award in the amount of \$85,785 for the performance period of September 1, 2016 to August 31, 2018.

AUDIT FUNDING REQUEST-ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM AWARD

The Council acknowledged that Rescue Fire Company and the Eldorado-Brookview Volunteer Fire Company each received Assistance to Firefighters Grant Program Awards for the purchase of self-contained breathing apparatuses in FY15 which were distributed to the local volunteer fire companies. The Council further acknowledged that no funds were set aside by either fire company to conduct the required audit and they are seeking funding assistance from the County. The Council agreed to provide funding not to exceed \$10,000 for the required audits. The Council acknowledged its understanding that SB & Company, the County's current auditing firm, will conduct the audits.

TELEPHONE POLL CONFIRMATION

The Council confirmed its approval, in the interim between meetings, by means of a poll, of a change order for the ADA Ramp project at the County Office Building to perform the following work on the west entrance stairs at the cost of \$7,975:

- Removal of the balance of the remaining 5 treads and the deteriorated mortar bed
- Cleaning the degraded concrete base (treads & risers) and preparing the surface for new concrete overlay
- Forming and pouring new concrete topping at treads & risers
- Installing new stone treads which will be laid in the same pattern as the existing tread

REQUEST TO USE BALLFIELD-MT. HOPE UNITED METHODIST CHURCH- RECREATION AND PARKS

The Council approved the request of Faye Evans-Stanley on behalf of the Mt. Hope United Methodist Church in Finchville to use the ball field in Hurlock on Saturday, September 10, 2016 from 2 p.m. to 5 p.m. for a softball fundraiser in the memory of Vance Bolden Sr.

AIR CONDITIONING REPLACEMENT REQUEST-AIRPORT TERMINAL BUILDING- PUBLIC WORKS

The Council approved the request of Mr. Moore to use contingency funds to seek engineering assistance to determine size of the restaurant side A/C at the Airport Terminal Building and to then advertise for bids for the replacement of the unit. The Council acknowledged that other alternatives are being used to lower temperatures at the present time.

EASTERN SHORE INNOVATION CENTER LICENSE AGREEMENT-ECONOMIC DEVELOPMENT

The Council approved the request of Steve Dolbow, Incubator Manager, to enter into an Eastern Shore Innovation Center License Agreement with Hooper's Island Oyster Hatchery for Suite #16 with an initial term is for a 24 month period commencing on approximately August 2, 2016 and ending on August 1, 2018 with monthly installments based on licensed square feet, due on or before the first day of each month. Councilman Price opposed based on his prior opposition to the ESIC project.

PUBLIC COMMENTS

There was no public comment.

COUNCIL'S COMMENTS/ADJOURNMENT

In response to an inquiry from Councilman Nichols, Mr. Goldman advised that efforts are being made by County staff and Gipe Engineering to address issues relating to the air conditioning system at the Circuit Court House and they are communicating with Judge Wilson. He said some courtrooms may have to be closed temporarily to fix the issue.

Based on a motion made by Councilman Price, the Council appointed Ken Heesh to the 2017-2026 Solid Waste management Plan Advisory Workgroup.

Councilman Price commended the Caroline-Dorchester County Fair participants and the Farmers and Friends organization for holding a bed race to benefit the local volunteer fire companies. He congratulated Erica Willing for winning the Elite Premier Showcase. He noted that it is the State of Maryland's Tax Free Week.

Councilman Bradshaw said at a public meeting last week it was announced that the Oyster Advisory Commission has reached a consensus to move forward with the Tred Avon Oyster

Restoration project. He expressed his understanding that Senator Steve Hershey and Delegate Johnny Mautz, Commission members, are not amicable with proceeding until issues relating to the Harris Creek project are resolved, including the reimbursement to waterman for damage to their vessels. He said Charles MacLeod, Esquire and Capital Rob Newberry, Chairman, Delmarva Fisheries Association, Inc., and local watermen were present.

Councilman Bradshaw said the meeting he referenced on August 2, 2016 to discuss Maryland State Department of Transportation enforcement concerns relating to agriculture product transportation was held earlier today. He advised that the attendees included a Maryland State Police representative; Senator Adelaide Eckardt; Delegate Johnny Mautz; and, Joseph Bartenfelder, Secretary, Maryland Department of Agriculture. He noted that he left the meeting early and was advised by the Sheriff that there was a satisfactory outcome.

Councilman Travers announced that: 1) the next County Council meeting will be held on September 6, 2016; 2) the Council reserves the right to meet in closed session prior to regular session; and, 3) the Council will attend the Annual Maryland Association of Counties Summer Conference on August 17 to August 20, 2016 at the Roland Powell Convention Center in Ocean City, Maryland.

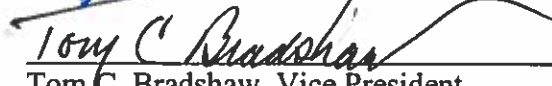
With no further business to discuss, the Council adjourned.

ATTEST:


Jeremy Goldman
County Manager

DORCHESTER COUNTY COUNCIL:


Ricky C. Travers, President


Tom C. Bradshaw, Vice President


William V. Nichols


Rick M. Price


Don B. Satterfield

Approved the 6th day of September, 2016.