

**County Council of Dorchester County
Regular Meeting Minutes
December 20, 2016**

The County Council of Dorchester County met in regular session on December 20, 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 Jeremy Goldman, County Manager, and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, noted that the following items were added to the agenda after publication: United States Department of Agriculture Rural Business Development Grant Applications-Eastern Shore Innovation Center-Grant Monitor; Grant Award-Maryland Institute for Emergency Medical Systems-Cardiac Monitor-Emergency Medical Services-Emergency Services; Emergency Roof Repairs-Courthouse-Public Works.

APPROVAL OF MINUTES- DECEMBER 6, 2016

The Council approved the minutes of December 6, 2016.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented. Councilman Price opposed the payment(s) relating to the façade of the Hearn Building.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$10,653,094.84.

CLOSED SESSION SUMMARY

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)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant

to §3-305(b)(7) to obtain consult with counsel to obtain legal advice on a legal matter on December 20, 2016 at 4:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) discussed a request from legal counsel regarding a personnel action-took no action; 2) discussed a request for a stipend for an employee; 3) confirmed the hiring by the Circuit Court Judge of an individual to fill an Administrative Assistant position for the Dorchester County Family Access Center by a 5 to 0 vote; 4) approved the request of the Public Works Director to promote an employee to fill a Motor Equipment Operator IV position by a 5 to 0 vote; 5) approved the request of the Emergency Services Director to fill two 911 Dispatcher positions by a 5 to 0 vote; 6) approved the request of the Emergency Services Director for an individual to remain as an on call Paramedic by a 5 to 0 vote; 7) discussed an issue relating to recruitment and retention relating to the 911 Center; 8) confirmed the hiring by the Sheriff of an individual as a Court Deputy by a 5 to 0 vote; 9) discussed a request relating to a potential economic development opportunity; and, 10) discussed a request to assign a lease for a County owned property to another entity.

The purpose of the Closed Session is also set forth in the Written Statement of Closing a Meeting Under the Open Meetings Act, which will be provided upon request. Voting in favor of the closed Closed Session were all of the present Council members.

REGULAR SESSION

ALTERNATE FINANCING RESOLUTION REQUEST-BOARD OF EDUCATION

Councilman Price's motion to defer the request of Dr. Henry Wagner, Superintendent of Schools, for the Council to adopt a resolution to approve alternative financing methods proposed by the Board of Education pursuant to Section 4-126(f) of the Education Article of the Annotated Code of Maryland which shall not obligate Dorchester County or the County Council to pay any cost or expense, including, but not limited to, any obligation, cost, rental payments, legal, accounting or financial advisor expense of any kind or nature to ABM Building Services, LLC (ABM), the Lessor, or to any assignee related to or pursuant to the Design Building Project Agreement, Annual Energy Unit Savings Agreement or Equipment Lease Purchase Agreement failed due to the lack of a second. Councilman Price's motion was to defer in order to obtain comments from Finance staff and E. Thomas Merryweather, County Attorney.

Tim Brooke, Controller, advised that the Dorchester County public school system teamed up with ABM to identify alternative financing for energy savings equipment updates to school buildings and with the Bank of America for an equipment lease/purchase.

Mark Turner, Regional Director, ABM, explained that it is a design build program which allows the reinvestment of operational energy savings back into the school system. He

said no new taxpayer funds will be expended. He acknowledged that Chris Delegate from AMB is also present.

Mr. Brooke explained that funds will be removed from the utility budget to pay for the lease. Mr. Turner advised that the energy savings is guaranteed by ABM and the company will cover any difference less the cost of the lease payment. He said this is part of a 15 year guarantee program.

In response to a question from Councilman Travers, Mr. Brooke confirmed that entering into the lease/purchase agreement will provide them the opportunity to invest in equipment at no cost to the school board or County.

The Council agreed to adopt the resolution. Councilman Price opposed noting he has been unable to determine whether this same action has been taken in the past and his belief comments should be obtained from Finance staff and the County Attorney.

MANAGERS COMMENTS

LEGISLATIVE PROPOSAL REQUEST-2017 MD GENERAL ASSEMBLY LEGISLATIVE SESSION-BOARD OF LICENSE COMMISSIONERS

Based on the recommendation of the Board of License Commissioners, the Council agreed to send a request to the local delegation for the submission of legislation during the 2017 Maryland General Assembly Legislative Session to allow certain grocery stores in Dorchester County to sell alcoholic beverages (beer and wine).

BID AWARD-COURTHOUSE BELL TOWER AIR HANDLER UNIT 1 MODIFICATIONS-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to award the bid for modifications to the Circuit Courthouse Bell Tower Air Handler Unit 1 to Joseph M. Zimmer, Inc. in the amount of \$96,700. The Council acknowledged that the cost of alternative #3 of \$25,600 for new ATC controls recommended by the engineer will be added to the Public Works FY18 budget request.

LANDFILL EXCAVATOR RECOMMENDATION-PUBLIC WORKS

Based on the recommendation of Mr. Moore, the Council agreed to purchase a Volvo EC300E excavator from McClung Logan at the cost of \$285,363.

BID AWARD-VEHICLE PURCHASE-PUBLIC WORKS-RECREATION AND PARKS

The Council approved the request of Mr. Moore to sole source and purchase a 2017 ¾ ton Chevy Silverado 2500HG for \$31,860 under a State of Maryland contract and an 8' Boss Super Duty straight snow plow from Brass Sales for \$5,500. The Council acknowledged

that the total amount of the package is \$37,360 which is \$640 below the budgeted amount.

The Council also approved the request of Scott Eberspacher, Recreation and Parks Director, to sole source and purchase a 2017 ¾ ton Chevy Silverado 2500HG for \$28,073 under a State of Maryland contract and a 8' Boss Super Duty straight snow plow from Brass Sales for \$5,500. The Council acknowledged that the total amount of the package is \$33,573 which is \$573 above the budgeted amount. The Council further acknowledged that the \$640 remaining from the purchase of the Public Works vehicle will be used to cover the shortfall for the Recreation and Parks vehicle purchase.

EMERGENCY ROOF REPAIRS-COURTHOUSE-PUBLIC WORKS

The Council approved the request of Mr. Moore to sole source with Peninsula Roofing Company, Inc. to perform emergency repairs to the roof of the Courthouse. In response to a question from Councilman Nichols, Mr. Moore said patches to the roof were made last week. He referenced to a report from 2011 regarding the replacement of a membrane roof and advised that he is obtaining an updated cost estimate on the re-roofing of the standing seam roof on the Courthouse. He said it will be included in his FY18 Capital Budget request.

COMMUNITY DEVELOPMENT BLOCK GRANT PRE-APPLICATION HEARING-GRANT MONITOR

Cindy Smith, Grant Monitor, stated that a public hearing is being held on a request to submit a Community Development Block Grant (CDBG) application for funding in the amount of \$600,000 for the renovation of the receiving facility for Interstate Container, Inc. located on Woods Road in Cambridge, Maryland. She explained that the application is for funding through the CDBG Special Projects Fund administered by the Maryland Department of Housing and Community Development, which has a 2016 allocation of 2.1 million available statewide. She said the funds must be used to benefit low to moderate income individuals, eliminate blight or meet an urgent need. She stated that this public hearing provides the public an opportunity to discuss and comment on the proposed project. Ms. Smith introduced Kelly Hurley, Controller and Davis Jean-Lewis, Operations Manager, who will explain the reason the renovations are necessary and the impact on the community if they are not completed.

Mr. Jean-Lewis said Interstate Container has been operating in the County for 20 years and management wants to remain in this jurisdiction. He explained that the discontinuation of the rail service by the State has negatively impacted the receipt of material. He noted that significant improvements are needed for the delivery of raw material by truck. He advised that without the CDBG funds the company will have no choice but to relocate operations outside of Maryland.

There were no public comments.

The Council agreed to adopt a resolution authorizing the submittal of this application to the Department of Housing and Community Development.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2016-7 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING, SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD UNDER THE INSTITUTIONAL USE CATEGORY, NEW CEMETERIES, COMMERCIAL HUMAN OR ANIMAL SHALL RECEIVE GROWTH ALLOCATION IN THE RR-RCA, RURAL RESIDENTIAL - RESOURCE CONSERVATION AREA ZONING DISTRICT.

Mr. Goldman advised that Bill No. 2016-7 will revise language of an original text amendment for a local cemetery and crematorium, Greenlawn Cambridge Cemetery (Greenlaw), which was passed by the Council on July 19, 2016, pursuant to the request of the Critical Area Commission.

Rodney Banks, Assistant Planning and Zoning Director, said the Council passed Bill No. 2016-4 on July 19th which was requested by McAllister, Detar, Showalter, & Walker, LLC, on behalf of Greenlawn. He explained that the cemetery wants to expand an existing crematorium. He stated that once the bill was adopted it was sent to the Critical Area Commission (CAC) staff for review since the property is located in the Rural Residential-Resource Conservation Area Zoning District (RRA-RCA). He advised that CAC staff were not opposed to allowing the expansion of the existing use. He explained that they had concerns about new or future development with the RRA-RCA district which requires a growth allocation. He said additional language has been added to the original bill to include the growth allocation requirement.

There was no public comment.

The roll call on the enactment of Bill No. 2016-7 was as follows: Travers-aye; Nichols-aye; Bradshaw-aye; Price-aye; Satterfield-aye.

The Council adjourned into Regular Session.

REGULAR SESSION

MANAGERS COMMENTS

PLANNING COMMISSION REFERRAL-CHESAPEAKE BAY CRITICAL AREA ORDINANCE TEXT AMENDMENT-NEW CRITICAL AREA CHAPTER

The Council agreed to refer a text amendment to consolidate the Critical Area regulations and criteria into one code location, which will be new Chapter 156 "Chesapeake Bay Critical Area," to the Planning Commission for an investigation and recommendation.

SURPLUS PROPERTY DECLARATION REQUEST-EMERGENCY SERVICES

The Council approved the request of Anna Sierra, Emergency Services Director, to declare a 2006 Chevy ambulance and stretcher as surplus property.

FY17 MARYLAND OFFICE OF TOURISM DESTINATION MARKETING ORGANIZATION GRANT-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept a FY17 Maryland Office of Tourism Designation Marketing Organization Grant award in the amount of \$71,750 with the match being provided through the Tourism FY17 Operating Budget.

USDA RURAL BUSINESS DEVELOPMENT GRANT APPLICATIONS-EASTERN SHORE INNOVATION CENTER-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, for retroactive authorization to submit the following U.S. Department of Agriculture Rural Business Development Grant applications for funding to expand services at the Eastern Shore Innovation Center: 1) for \$17,804 for a communications redundancy cable line for internet and phone which will prevent loss of communications in the facility which occurred during the airport construction, with an in-kind match using the current infrastructure in place and no cash match; 2) for \$50,000 to purchase a Sensitive Compartmented Information Facility which guards against electronic, acoustic and visual surveillance and suppresses data leakage of sensitive security and military information since several tenants are federal government contractors who have to travel to the western shore to access classified documents, with no local match. The Council acknowledged that the applications were submitted on December 16, 2016 in order to meet the grant deadline.

GRANT AWARD-MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SYSTEMS-CARDIAC MONITOR-EMS-EMERGENCY SERVICES

The Council acknowledged its October 18th approval for the submission of a grant application to Maryland Institute for Emergency Medical Systems for funding to purchase a cardiac monitor. The Council accepted the \$14,036 grant award, which

monies will be used as matching funds to purchase this equipment. The Council also approved the purchase of the equipment and acknowledged that the remaining funds are included in the FY17 EMS budget.

PUBLIC COMMENTS

Les Simering, resident, explained that he has been unsuccessful in selling his property in the Bonnie Brook subdivision. He cited statistics from various sources regarding unemployment, the public school system pending foreclosures and expressed concern about the impact those may have on the sale of homes in the County. He also expressed concern about student behavior in local schools. He cited his understanding that there are retention issues. He recognized that the Board of Education is a separate entity from the County Council.

Mr. Simering referenced the vacant Economic Development Director position and lack of occupancy in the Dorchester Regional Technology Park. He stressed the need to focus on economic development.

Pete Macinta, resident, said several years ago he sent an employment questionnaire to over 100 employers in Dorchester County and Talbot County. He said he received approximately 11 responses noting that the majority expressed concern about the lack of employable individuals. He expressed his belief parenting begins at the home.

John Kahl, resident, said he is a parent who has child in the County's educational system, a teacher and the President of the Dorchester Educators. He expressed his belief some issues need to be addressed in the local schools, based on his observations. He noted that he teachers at Maces Lane Middle School and Choptank Elementary. He suggested the Council members to speak to teachers and Board members to obtain their perspective. He acknowledged that there are teacher retention issues.

Councilman Travers expressed dismay that the upper administration, not the Council or the Board of Education, are basing decisions relating to school systems on test scores and graduation rates. He noted that there are no recourses for student actions since State and federal rules and regulations no longer allow suspensions. He said he has heard from residents regarding their concerns about local schools. He noted that the County provides the Board of Education funding based on a formula set by the State and does not have authority over the Board. He said there are behavioral problems in the schools in other counties, such as Talbot County. He encouraged the public and Mr. Kahl to provide the Council their comments and concerns, noting that they can provide them in writing.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols applauded Mr. Simering and Mr. Kahl for their comments regarding the behavior of students in local schools. He referenced comments he and other residents made recently and in the past about local schools. He expressed his belief the community

should discuss their concerns with the Board of Education. He noted that the Council has no control over the local school system.

Councilman Nichols commended County employees. To show them gratitude for their service to the County he made a motion to close County offices on Friday, December 23, 2016 which Councilman Satterfield seconded. In response to a question from Councilman Price, Mr. Goldman said if the motion is approved landfills will be closed on Friday, Saturday, Sunday and Monday. The Council agreed to close County offices on December 23rd.

Councilman Satterfield stressed the need to remember the reason for the season. He said teaching children proper behavior begins at home. He encouraged citizens, parents and grandparents to set good examples for the youth in the County. He thanked Mr. Simering for his comments. He said he believes a positive appearance and attitude will assist in promoting the County. He wished everyone a Merry Christmas and a Happy and prosperous new year. He expressed his hope that military personnel serving overseas and in the country come home safely to their families.

Councilman Price thanked Mr. Simering and Mr. Kahl for voicing their concerns. He said in the last 15 years, Dorchester, like other rural counties across the State and country have had to focus on sustainability due to factors beyond local level control. He said he welcomes any comments, suggestions and concerns from the public. He stated that the following State leaders were present at the 2016 Winter Maryland Association of Counties Winter conference: 1) Senator Thomas V. Miller, President of the Senate, and J. B Jennings, Republican Minority Leader, who spoke about issues to address in 2017 and in particular the budget, local mandate reform, consolidated transportation programs, school funding, paid sick leave, medical marijuana and solar farms as they apply to farm land across the state; and, 2) Michael E. Busch, House Speaker, who expressed concern over the budget, higher education tuition, Medicaid, revenues into the State and the impact of the next Federal budget. He noted that the Maryland General Assembly Legislative Session begins in the middle of January 2017. He advised that the following four legislative initiatives are being pursued by MACo: 1) restoration of highway user revenue funds; 2) school construction funding; 3) the enhancement of local zoning with regard to solar installation; and 4) balancing the release of police body cameras to the press.

Councilman Price commended the individuals involved with the Town of Hurlock Christmas activities and parade and the Sheriff's Office for assistance during those events. He wished everyone a Merry Christmas and Happy new year and thanked those in public service who may have to work on holidays as well as those in the military service and their families.

Councilman Bradshaw noted that State Highway Administration staff worked diligently to pave the main street through Hurlock prior to the Christmas parade and activities. He said Merry Christmas and to remember the reason for the season. He noted that

he is a school bus driver and expressed concern about the lack of discipline relating to those who misbehave on buses as well as in the schools.

Councilman Travers said the County and Economic Development staff are working diligently to retain and recruit new businesses. He advised that the Council members are committed to moving the County forward; however, they are hampered by State actions relating to funding for local schools and State and federal rules and regulations relating to discipline for student misbehavior. He stressed that the Council members are attentive to the concerns expressed by the community. He said efforts will be made to discuss with the Board of Education concerns relating to local schools.

Councilman Travers encouraged residents to remember the reason for the season. He announced that: 1) the next Council meeting is on January 3, 2017; and, 2) the Council reserves the right to meet in closed session prior to regular session.

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 3rd day of January 2017.