

County Council of Dorchester County
Regular Meeting Minutes
March 1, 2016

The County Council of Dorchester County met in regular session on March 1, 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

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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council agreed to remove the Solid Waste Management Plan Revision Request item from the agenda and to add the following: 1) Tax Sale Property Offer for 803 Phillips Street, Cambridge; 2) Tax Sale Property Counter Offer for 910 Race Street, Cambridge-WHCP Radio; 3) Tax Sale Property Offer for a Lot in Cabin Creek, Hurlock; 4) a letter of support for amendments to House Bill 27 "Education-Community Colleges-Collective Bargaining" and 5) a letter of invitation to a Chinese Delegation for a visit to the County.

APPROVAL OF MINUTES- FEBRUARY 16, 2016

The Council approved the minutes of February 16, 2016 with Councilman Nichols abstaining since he was not present at that meeting.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$6,553,530.57.

CLOSED SESSION SUMMARY

The County Council of Dorchester County convened in an Closed Session at 4:30 p.m. on March 1, 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 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

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 Emergency Medical Services Manager to hire individuals to fill Emergency Medical Services provider positions by a 5 to 0 vote; 2) approved the request of the Warden to hire individuals to fill Probationary Correctional Officer positions by a 5 to 0 vote; 3) approved the request of the Planning and Zoning Director to hire an individual to fill an Inspector position by a 5 to 0 vote; 4) discussed four offers and a counter offer to purchase County owned property acquired at tax sale; 5) discussed a request for the donation of a County owned property acquired at tax sale; 6) received an update regarding a proposed project at the Airport; 7) discussed a proposed lease for a County owned property; and 8) discussed an agreement to provide personnel and payroll services for a position at the Dorchester County Health Department.

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

PROCLAMATION-ATHLETIC TRAINING MONTH-MARCH 2016

The Council presented a Proclamation declaring March 2016 as Athletic Training Month which Isaac Kloch and Jessica Booze from Pivot Physical Therapy accepted.

COMMENDATION- RETIREMENT-JOHN BRITTINGHAM

The Council presented a Commendation to John Brittingham congratulating him on his retirement and recognizing his 30 years of service to Dorchester County.

REPORT AND RECOMMENDATION-BROADBAND -ECONOMIC DEVELOPMENT

Keasha Haythe, Economic Development Director, advised that the Broadband Task Force has been meeting since 2015 to discuss redundancy and lack of broadband in certain areas of the County. She explained that the following participated on the taskforce: Kent County representatives who are already working on this issue in that jurisdiction; Allie Valentine, Maryland Cooperative Extension, on behalf of agriculture; Brian Roche, Bay Country Communications; Don Keyes, Information Technology Director; Gary Baxter, GIS Specialist, Leanne McWilliams, Dorchester County Public Schools; Mark Hill, Hills Electric; Scott Warner, Mid Shore Regional Council and Bob Biladeau, citizen and an information technology specialist. She noted that Nancy Hastings, resident, who is an advocate for broadband in the South Dorchester County area, attended the last two taskforce meetings. She credited Susan Banks, Business Development Manager, and Steve Dolbow, Incubator Manager, for assisting the taskforce.

Mr. Baxter presented a power point presentation titled "Dorchester County Broadband Task Force: G.I.S. Study and Results," which is attached.

Ms. Hastings stressed the need for broadband coverage in the South Dorchester area. She stressed that the lack of coverage affects emergency services, healthcare, education and workforce skill levels, economic development and commerce.

Ms. Haythe noted that the Council was provided a memorandum that includes a recommendation and request for consideration of a pilot project during budget deliberations. She advised that she has provided staff information regarding funding opportunities through the United States Department of Agriculture for the Council.

In response to a question from Councilman Price, Ms. Haythe said a pilot program, if established, can be expanded to include other areas in the County contingent upon availability of funding.

Councilman Travers advised that he and Councilman Satterfield meeting with the Maryland Broadband Cooperative within the next two weeks and asked her to provide them any information they can provide that entity.

Councilman Satterfield thanked Ms. Haythe and the taskforce members for their hard work, noting he attended some meetings.

Councilman Travers recognized residents' frustration about the lack of broadband in their areas. He stressed that the Council members and County staff have spoken to cell phone providers about the need for additional towers.

Councilman Travers acknowledged that Ms. Haythe will be leaving County employment effective March 4, 2016. He and Councilman Nichols commended Ms. Haythe for her service to the Dorchester County as Economic Development Director.

FY17 ANNUAL TRANSPORTATION PRESENTATION-DELMARVA COMMUNITY SERVICES

Santo Grande, President/CEO, Delmarva Community Services, advised that Andrea Waters, Transportation Grants Specialist, will present information on the FY17 Annual Transportation Plan. Ms. Waters presented the plan. The Council approved their request for the submission of a grant application to the Maryland Transit Administration for FY 2017 annual transportation plan funds for operating from the Mass Transit Administration and the Federal Transit Administration from the following programs: 1) the Statewide Specialized Transportation Assistance Program; 2) Section 5311 Operating Assistance; and 3) the Americans with Disabilities Act. The Council approved their request to submit a FY17 Maryland Transit Administration grant application for capital transportation funding from the Mass Transit Administration and the Federal Transit Administration.

In response to a question from Councilman Bradshaw, Mr. Grande explained that the capital request includes purchasing Apollo cameras which can be removed from vehicles and viewed via computer if there is an incident or complaint.

Councilman Price questioned whether there has been a change in ridership or bus schedules. Mr. Grande said more individuals are utilizing public transportation and requests for door to door service have increased.

Councilman Satterfield recognized that bus schedule changes have been made in the southern part of the County. Mr. Grande explained that they travel to Wingate, Crapo and the southern part of the County every Tuesday and Wednesday and to Hoopers Island five days a week. Mr. Grande advised that Delmarva Community Services has received funding to develop a transportation development plan. In response to an inquiry from Mr. Grande, said this plan involves a study of routes, schedules and a review of manpower and equipment.

TIPPING FEE WAIVER REQUEST-PROJECT CLEAN STREAM-DORCHESTER CITIZENS FOR PLANNED GROWTH

The Council approved the request of Beth Ann Lynch, Executive Director, Dorchester Citizens for Planned Growth, to waive tipping fees and allow the disposal of roadside debris collected by volunteers during the Project Clean Street Event to be held in the Hurlock area on Saturday, April 2, 2016 from 8:30 a.m. to 11:30 a.m. The Council directed Ms. Lynch to coordinate with Tom Moore, Public Works Director, on the disposal of the debris.

MANAGERS COMMENTS

STATE LEGISLATION REQUEST-BOARD OF EDUCATION

Jeremy Goldman, County Manager, noted that the Council has received correspondence from Philip L. Bramble, Jr., President, for a letter of support for the Board of Education's request for a State law amendment to provide the Board the authority to hire non-certified and certified employees.

Glen Bramble, Board Member, said it was the unanimous decision of the members to seek this amendment. He explained that the reason they are pursuing this legislation is because past superintendents have made employment decisions which adversely impacted budgets. He stressed that the current superintendent, Dr. Henry Wagner, has not undertaken such actions.

Dr. Wagner expressed his opposition to the pursuit of this State law amendment based on his belief it is not necessary and that it may draw unnecessary and misleading statewide scrutiny to the County. He noted that the Board can provide direction on hiring to future superintendents. He advised that the Board retains the option of removing or modifying a salary line item during budget deliberations. He urged the Council to not send a letter of support. He expressed his appreciation to the Council for partnering with the school system and thanked them for the opportunity to provide comments.

Mr. Bramble noted that the superintendent is the only employee the Board appoints and it only has the final say over the hiring of teachers but not their salaries. He noted that Dr. Wagner is a part of the board but not a voting member. He asked for Council's support.

In response to a question from Councilman Travers, Mr. Bramble said the bill has been drafted.

Mr. Payne reiterated that the Board's pursuit of the legislation is not based on actions taken by Dr. Wagner. He said this will provide future boards another set of checks and balances.

Councilman Nichols expressed his belief elected officials should have control since they are held accountable by residents for their decisions. He questioned whether it was too late to drop the bill. Mr. Bramble said the local delegation assured him they will be able to submit it. Councilman Nichols made a motion to send a letter of support which Councilman Price seconded.

Councilman Travers stressed the need for the Board members to submit State legislative requests to the Council prior to sending them to the legislators as they require the Council's support.

Councilman Price echoed Councilman Nichols' comments. He said he does not foresee a negative impact on school systems.

Councilman Satterfield expressed his belief the elected Board members should be responsible for the hiring of these types of employees because they have fiscal responsibility and control of the budget.

The Council agreed to support the Board's request. Councilman Bradshaw abstained.

LETTER OF SUPPORT REQUEST-SENATE BILL 181 MARYLAND STRONG MANUFACTURING DEVELOPMENT ACT-SENATOR ROGER MANNO

The Council approved the request of Senator Roger Manno and agreed to send a letter of support for Senate Bill 181 "Maryland Strong Manufacturing Development Act which establishes a Manufacturing Development Zone Program and is designed to attract and retain manufacturers, statewide, by providing counties the authority to administer incentives. Councilman Nichols

opposed. The Council members acknowledged that this is enabling legislation and that a governing body of a county or municipality must apply for inclusion in this program.

SENATE BILL 386-TAX CREDITS-MANUFACTURING EMPOWERMENT ZONES-ECONOMIC DEVELOPMENT

The Council agreed to send a letter of support for Senate Bill 386 entitled "Tax Credits-Manufacturing Empowerment Zones" which establishes the Manufacturing Empowerment (ME) Zone Program, to be administered by the Department of Commerce (Commerce), which program provides income tax incentives to qualifying manufacturing businesses within a geographic area designated as such a zone by Commerce. Councilman Nichols opposed. The Council recognized that this is enabling legislation and that the governing body of a county or municipality is not required, but may also, by law, establish a tax credit against real and personal property taxes for qualifying property within a ME zone.

HOUSE BILL 83-ELECTIONS-EARLY VOTING CENTERS-SUNDAY VOTING

The Council agreed to send a letter in opposition to House Bill 83 "Elections-Early Voting Centers-Sunday Voting" which will require each early voting center to be open on the second Sunday before a primary or general election through the Sunday before the election during specified hours. Consequently managing the same process in a much shorter period of time will be very difficult for smaller jurisdictions and nearly impossible for larger jurisdiction. Additionally options will have to be considered to handle providing Election Day polling places with information on voters that have already voted during early voting which may substantially increase County and State expenditures.

HANGAR LEASES-AIRPORT

The Council approved the request of Meighan "Chis" Chisholm, Sr., Airport Manager to enter into the following leases between the County Council and: 1) Carl A. Klapaska for a 1,500 square foot portion of the Paint Hangar on a month to month basis at \$200 a month, commencing on March 1, 2016; 2) Charles Drenth for a 1,500 square foot portion of the Paint Hangar to on a month to month basis at \$200 a month, commencing on March 1, 2016; and 3) Allen Shinn for T-Hangar 25 for one year, commencing on March 1, 2016 and terminating on February 28, 2016, at the sum of \$2,400 per year, paid on an advanced monthly basis of \$200.

REQUEST TO SOLE SOURCE-HAMBROOKS LIVING SHORELINE ADMINISTRATION-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to sole source and award the Hambrooks Living Shoreline project administration to Resource, Conservation and Development (RC&D), which will protect the remaining 365 feet of shoreline along Hambrooks Boulevard in the area of Pink's Pond. Councilman Bradshaw abstained since he is Chairman of the Board.

TAX SALE PROPERTIES-GRASS CUTTING-PUBLIC WORKS

The Council agreed to advertise for proposals for grass cutting of tax sale properties.

BID AWARD-TOWING SERVICES-PUBLIC WORKS

The Council approved the request of Mr. Moore to award the bid for towing services for the County to Jess Jr's & Sons, LLC, the lowest bidder, for a three year period.

TIDAL WETLAND APPLICATION-BLACKWATER NATIONAL WILDLIFE REFUGE

The Council agreed to send a letter in support of the Tidal Wetland Application Blackwater National Wildlife Refuge submitted to the Maryland Department of Environment to enhance approximately 40 acres of failing high marsh with 57,700 cubic yards of material hydraulically dredged from the Blackwater River. The dredged material will be sprayed onto the marsh in a thin layer and re-vegetated with native marsh vegetation. The purpose of this project, which is located downriver of Shorters Wharf off of Maple Dam Road, is to enhance the marsh along the Blackwater River.

EVACUATION AGREEMENTS-EASTERN SHORE HOSPITAL CENTER AND DETENTION CENTER

Mr. Goldman said before the Council for its consideration is a proposed Right-of-Entry Agreement between the State of Maryland Eastern Shore Hospital Center (ESHC) and the Dorchester County Detention Center for a plan for short-term provisions for ESHC's patients and staff in the event of an emergency. He noted that E. Thomas Merryweather, County Attorney, reviewed the document and provided minor comments.

Councilman Satterfield expressed his belief that Detention Center staff and inmates, due to security and liability reasons, should be in a secured area and expressed concern about liability if ESHC patients are temporarily housed in that facility.

Pursuant to a question posed by Councilman Travers, Councilman Satterfield explained that several years ago there a similar agreement was entered into; however, it was never utilized. He stressed that there are now new standards for Detention Centers.

In response to an inquiry from Councilman Travers, Councilman Satterfield said he believes ESHC should enter into such an agreement with another medical facility. Mr. Goldman noted that other medical facilities have agreements with Detention Centers. He explained that Steve Mills, Warden, requested changes to the proposed agreement, specifically egress and ingress, to ensure that they will be isolated from the prisoners. He expressed his belief there may not be sufficient restroom facilities to accommodate the patients and food service reimbursement may be problematic. Councilman Satterfield said food service and medical providers for the Detention Center should be advised that they may have to provide additional items and services prior to execution of an agreement. Mr. Goldman stated that ESHC will provide reimbursement for costs in response to a query from Councilman Travers. Based on a suggestion from Mr. Goldman, the Council agreed that a small working group be developed to review and discuss the proposed agreement.

TRAVEL REQUEST-MARYLAND EMERGENCY MANAGEMENT ASSOCIATION 2016 SYMPOSIUM

The Council approved the request submitted by Steve Garvin, Emergency Management Planner, for Jeremy Goldman, Mr. Garvin and the new Emergency Services Director to attend the Maryland Emergency Management Association Symposium in Ocean City, Maryland from May 31 through June 3, 2016. The Council acknowledged that: 1) MEMA will cover the cost of Mr. Goldman's room and Mr. Garvin's and the new Emergency Services Director's rooms will be paid from the FY14 Homeland Security Grant Program grant; 2) the majority of meals are covered by vendors for the symposium; and, 3) no County funds will be utilized.

REQUEST TO INCREASE YEARLY TIPPING FEE ALLOWANCE-MUNICIPALITIES AND COMMUNITIES-CHURCH CREEK COMMISSIONERS

The Council the approved the request submitted by Don Bradley, Town Manager, on behalf of the Church Creek Town Commissioners for an increase in the yearly tipping fee allowance to municipalities from \$500 to \$750. The Council acknowledged that a resolution will have to be adopted to implement this change which will be provided for its review and consideration at a future meeting.

REGIONAL BEHAVIORAL HEALTH ADVISORY COMMITTEE APPOINTMENT- MID-SHORE MENTAL HEALTH SYSTEMS, INC.

The Council approved the request of Holly R. Ireland, Executive Director, Mid-Shore Mental Health Systems, Inc. to appoint Omeaka Jackson to the Regional Behavioral Health Advisory Committee to replace John Winslow. Ms. Jackson will be appointed to a three year term, beginning with Mr. Winslow's departure on April 1, 2016 and expiring March 31, 2019.

SUPPORT COUNTIES CHESAPEAKE COLLEGE BUDGET APPROVAL PROCESS

The Council agreed to enter into a Memorandum of Understanding between the support counties outlining their annual Chesapeake budget approval process.

TAX SALE PROPERTY OFFER-803 PHILLIPS STREET CAMBRIDGE

The Council accepted the offer of Terry McCollister to purchase 803 Phillips Street, Cambridge for \$1,500. Councilman Travers abstained.

COUNTER OFFER-TAX SALE PROPERTY-910 RACE STREET CAMBRIDGE-WHCP RADIO

The Council accepted the counter offer of Mike Starling, President, WHCP Radio Station, to purchase 910 Race Street, Cambridge for \$1,000.

TAX SALE PROPERTY OFFER-LOT-CABIN CREEK HURLOCK-CEPHAS

The Council accepted the offer of Ms. Salena Cephas to purchase Property No. 15-010185, a .25 acre lot on Cabin Creek Road in Hurlock, for \$2,500.

RENEWAL OF TAX SALE PROPERTY OFFER-614 WASHINGTON STREET CAMBRIDGE

The Council accepted an offer of \$100 to purchase 614 Washington Street from James Chaney, doing business as Quality Housing of Cambridge, LLC.

LETTER OF SUPPORT FOR AMENDMENTS TO HOUSE BILL 27 EDUCATION- COMMUNITY COLLEGES-COLLECTIVE BARGAINING

The Council agreed to send a letter of support for an amendment to House Bill 27 entitled "Education-Community Colleges-Collective Bargaining" to exempt Chesapeake College from this bill and to support any effort to make this bill enabling legislation that prohibits the use of these provisions in a county unless the county governing body adopts a local law authorizing its use after a reasonable notice and a public hearing, pursuant to the request of Delegate Christopher Adams.

LETTER OF INVITATION- CHINESE DELEGATION

The Council agreed to send a letter of invitation to a Chinese Delegation to visit Dorchester County to include a tour of the Dorchester Regional Technology Center.

BOARD APPOINTMENTS

The Council reviewed a list of current and upcoming boards/committees term expirations through the month of March. The Council agreed to reappoint: 1) Christian Nagel to the Agricultural Land Preservation Board for another five year term; and, 2) Catherine McCulley, as the District 4 representative to the Board of Zoning Appeals for an additional three year term.

The Council agreed to appoint: 1) Josh Harding to the Agricultural Reconciliation Committee for a three year term; and, 2) Constance Abbott as the District 2 representative to the Council for Senior Citizens Services, also known as the Senior Council, for a three year term.

Mr. Goldman advised Council that Nicholette Bligen-Smith, Social Services Director, is seeking Council's recommendation to fill a vacancy on the Social Services Board. Councilman Price noted that David Wooten's term expired and he wishes to be reappointed, however, he believes there may be term limits. The Council requested clarification on whether there are term limits.

TELEPHONE POLL CONFIRMATION

The Council confirmed its following decisions in the interim between meetings, the Council, by means of a poll: 1) approval of the request of M. Katherine Bambrick, Executive Director, for a letter of support for the Cambridge Lighthouse Foundation's FY17 Maryland Heritage Area Authority grant for funds for the design of improved lighting for the Choptank River Lighthouse with no local funding or match required by the County by a 4 to 1 (no answer) vote; 2) approval of the request of George Radcliffe, President, for a letter of support for the Spocott Windmill Foundation, Inc.'s FY17 Maryland Heritage Area Authority grant for funds for displays and exhibits for the Spocott Windmill complex in Lloyds with no local funding or match required by the County by a 4 to 1 (no answer) vote; and 3) approval of the request of Janet Kerr, Secretary,

for a letter of support for the Friends of Blackwater National Wildlife Refuge's FY17 Maryland Heritage Area Authority grant for funds in the amount of \$10,000 to update trail maps, signage at kayak/canoe launch sites, installation or replacement of directional signage along paddling trails and installation of a kiosk at each launch site with no local funding or match required by the County by a 5 to 0 vote.

PUBLIC COMMENTS

Gloria Dolan, resident, referenced the Solid Waste Management Plan discussion that was on the agenda and questioned whether the Council received correspondence from the Governor regarding the Zero Waste Executive Order. Mr. Goldman advised that the Council received correspondence indicating that the Governor is discussing this Order, no decision nor timeline has been made regarding a possible change and encouraging the County to move forward with any permitting process necessary in order to be able to continue to operate existing facilities.

Ms. Dolan queried as to whether the County has discussed potential alternatives to the vertical expansion of the landfill, including the cost to transport trash out of the County. Councilman Travers explained that the Council deferred this item in order to obtain additional information, including alternative options, and until the County Attorney returns from leave so they are able to make an informed decision.

In response to another inquiry from Ms. Dolan, Mr. Goldman explained that in order to rescind or modify the Executive Order another Executive Order must be issued which the Governor can do without seeking the approval of the legislature.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols thanked everyone for their prayers and thoughts while he was ill.

Councilman Satterfield thanked that National Outdoor Show event organizers. He referenced the recent Eastern Shore Innovation Center grand opening, noting that 60% of this facility has been leased. He encouraged the pursuit of options to provide residents in the southern part of the County broadband access.

Councilman Price commended law enforcement and public safety personnel for their assistance during a recent high speed chase on Route 50. He said residents have spoken to him in favor of how they handled that incident. He expressed his belief that ongoing issues with ditching and drainage in the County, particularly on the southside of Route 50, need to be addressed. He echoed the comments of Councilman Satterfield regarding broadband and thanked staff for providing options to improve service in certain areas of the County. Councilman Price said discussions have taken place during both the Maryland Association of Counties Legislative Committee and the Maryland Rural Counties Coalition meetings about legislation to restore highway user revenues for which hearings are being on March 10, 2016.

Councilman Bradshaw said he provided testimony in opposition to Senate Bill 496 entitled "Poultry Litter Management Act" during a committee hearing. He noted that the House Bill hearing was held the next day, which was referenced in The Star Democrat.

Councilman Travers noted that Senate Adelaide Eckardt spoke eloquently on how vital the chicken industry is to the State during the hearing on Senate Bill 496.

Councilman Travers announced the following: 1) Members of the County Council will attend the Dorchester County Farm Bureau Annual Banquet on Friday, March 4, 2016 at 5:30 p.m. in East New Market; 2) Members of the County Council will attend the Rescue Fire Company Annual Banquet on Saturday, March 5, 2016 at 5:00 p.m. in Cambridge; 3) The County Council will sit as Board of Estimates for the purpose of conducting a Budget Work session on Thursday, March 10, 2016 at 5 p.m.; and 4) the next County Council meeting will be held on March 15, 2016 at 6 p.m.

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 15th day of March 2016.