

County Council of Dorchester County
Regular Meeting Minutes
August 1, 2017

The County Council of Dorchester County met in regular session on August 1, 2017 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 Merriweather, County Attorney; 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

The Council approved the following addition: Tax Sale Certificate Offer-Blackwater Road Property.

APPROVAL OF MINUTES- JULY 18, 2017

The Council approved the minutes of July 18, 2017.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers with additions as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$5,544,763.24.

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; pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter on August 1, 2017 at 5:00 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Councilman Travers announced that the Council convened into a Closed Session at 4:30 p.m. on August 1, 2017 to conduct a personnel hearing pursuant to §3-305(b)(1).

Action taken at the Closed Session on August 1, 2017 that began at 5:00 p.m.: 1) agreed to hire an individual to fill the Airport Director position by a 5 to 0 vote; 2) discussed a personnel matter relating to a County department; 3) discussed an offer relating to a tax sale certificate-agreed to discuss in open session; 4) discussed with legal counsel a payment in lieu of taxes proposal-agreed to discuss in open session.

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 Session were all of the present Council members.

REGULAR SESSION

BLACKWATER NATIONAL WILDLIFE REFUGE UPDATE

Marcia Pradines, Project Leader, Chesapeake Marshlands National Wildlife Refuge Complex, said it has almost been a year since she has been in her position. She introduced the new Deputy Refuge Manager, Annji Bagozzi, who began her employment at the end of January 2017. She recognized that Matt Whitbeck, Supervisory Biologist, is also present.

She provided an update on the Blackwater National Wildlife Refuge, which is attached. She also referred to a map she provided the Council of the Refuge's latest addition, a "Kentuck Swamp" parcel consisting of 132 acres along Old Field Road.

Ms. Pradines said a small advisory group was established to provide feedback on a proposed forest management plan for the Refuge which included Dan Rider, Maryland Forestry; Scott Daniels, Forester; Lin Spicer, a local forester and Beth Hill from Dorchester Lumber. She advised that: 1) bids were sought for pulp wood removal from the "Burton" tract to no avail due to the market; 2) various meetings with companies were held afterwards to identify ways to improve the outcome of future bid attempts; 3) permits are currently being obtained; 3) pre-commercial thinning is necessary for which limited funding is available; and, 4) staff is working with local companies with a goal of allowing them to perform commercial thinning in exchange for the thinning of pine trees and young trees to release hardwoods.

She said they are working with the County to rehabilitate the road to the Chesapeake Bay Foundation's Karen Noonan Environmental Education Center with the Refuge supplying stone and the County providing labor. She stated that they will continue to find ways to assist with this project.

Ms. Pradines explained that Refuge staff worked with the County's Tourism Department to obtain Maryland Office of Tourism grant funding through the Friends of Blackwater for a marketing package for the Harriet Tubman Visitor Center during the off season. She noted that the Refuge is busy during the off season.

She advised that as a result of public input at the February 2017 neighbor meeting about hunting at the Refuge the following decisions were made: 1) boat access will continue to be provided; 2) an additional early scouting date will be added this season; 3) the late January shotgun season, which was new last year, will be maintained. Ms. Pradines said the next neighbor meeting is on September 27th.

She noted that 143 adult and 6 youth hunters participated in the successful Spring turkey hunt and 65 children attended the June 3, 2017 youth fishing event.

Councilman Bradshaw questioned whether borings have been taken on the older Pine and Oak trees on Refuge property. Mr. Whitbeck advised that Jamie Kellum, Forester, did borings in various areas which indicated some salt stress. He noted that a comprehensive survey has not been conducted. Ms. Pradines said some of the individuals from the forestry companies that viewed property provided them their observations. She stressed that forestry management is necessary and will benefit wildlife.

Ms. Pradines thanked the Council for the opportunity to provide an update.

2017 HAZARD MITIGATION PLAN AND FLOOD MITIGATION ANNEX PRESENTATION-EMERGENCY SERVICES

Anna Sierra, Emergency Services Director, presented the attached power point which provides an overview of the goals of the 2017 Hazard Mitigation Plan and Flood Mitigation Annex Presentation, the update process and results. She explained that the adoption of the Hazard Mitigation plan is required by the Federal Emergency Management Agency in order for the County to be eligible for various funding streams. She said she will not seek adoption of the plan for several weeks in order to allow Council the opportunity to review the plan and ask any questions they may have. She explained that once the plan has been adopted by the Council she will seek each municipality's adoption of the plan.

Councilman Bradshaw noted that during the presentation Ms. Sierra talked about road flooding. He asked Ms. Pradines for a status on the marsh road on Shorters Wharf from a hydrological survey standpoint. Ms. Pradines explained that Federal Land Access Program funding to conduct an engineering study has been received. She noted that the projects with costs of \$1 million or more will be eligible for funding under the new Federal Highway bill. She said she will provide updates.

Councilman Travers thanked Ms. Sierra.

MANAGERS COMMENTS

DORCHESTER CENTER FOR THE ARTS-REQUEST TO USE PORTION OF SHARED PARKING LOT-ART IN THE ALLEY EVENT

The Council approved the request of Barbara J. Seese, Executive Director, to use a portion of the shared parking lot behind the Dorchester Center for the Arts building for an "Art in the Alley" event to be held on August 13, 2017 which will include Downtown Frame of Mine and LivAgain, local businesses.

ASSIGNMENT OF LEASE REQUEST-INTERSTATE CORRPACK

The Council approved the request of Pierre Khattar, Chief Financial Officer, Interstate Resources, to execute a letter of consent of change of control from Interstate Resources, parent company of Interstate Container to DS Smith, which has partially acquired this company. Jeremy Goldman, County Manager, said E. Thomas Merryweather, County Attorney, and staff from the Economic Development Administration, which provided grant funding, are in favor of executing the document.

RESOLUTION-CHESAPEAKE COUNTRY BYWAY-TOURISM

Mr. Goldman noted that at its December 4, 2012 meeting, the Council agreed to support the Corridor Management Plan for the Michener Chesapeake Country Byway and requested that a proposed resolution be submitted for its review and consideration. He said Amanda Fenstermaker, Tourism Director, has submitted a resolution and clarified that the byway is now known as the "Chesapeake Country Byway." The Council adopted the resolution of support.

RENTAL ASSISTANCE PROGRAM GRANT AWARD ACCEPTANCE-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to accept a Department of Housing and Community Development Rental Assistance Grant Award in the amount of \$40,000, with no local match, for emergency rental assistance to individuals at risk of losing their homes. The Council acknowledged that this standard annual pass through grant is administered by Delmarva Community Services.

FY18 GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARDS-SHERIFF'S OFFICE-GRANT MONITOR

The Council approved the request of Ms. Smith to accept the following FY18 Governor's Office of Crime Control & Prevention (GOCCP) Grant Awards, with no County match, with the understanding that for the purposes of the Sheriff's Office these hours are exempt from the County's overtime policy: 1) Domestic Violence, entry of protective orders, \$3,000; 2) Stop Gun Violence-targeted patrols, gun/pawn shop checks, illegal guns, \$4,000; 3) Heroin Coordinator-entry of opioid incidents, \$48,700; 4) School Bus

Safety-following buses/enforcement violation-\$26,000; and, 5) Sex Offender Registry-monitoring, \$9,384.

TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS

Mr. Goldman advised that the Traffic Safety Committee met on July 21, 2017 regarding four requests. He said the Committee members recommend the following: 1) no action be taken on the request for a weight restriction on Creighton Road due to truck utilization since limited resources are available to enforce any restrictions or upgrade the road; 2) to place a 25 mph speed limit sign on Eskridge Road travelling south into Galestown where the road transitions from dirt to pavement to curb speeding; 3) to obtain Council's input on fishing from County bridges before taking any action on a request for "no fishing" signs on the Hart-Hayward Bridge, Wesley Church Road due to narrow bridge, lack of pull-off areas and vehicle speeds; and, 4) to change the Hambrooks Boulevard-Bay View Avenue intersection into a two or three stopping intersection to address issues relating to speeding since the roads are extensively used by runners, walkers and children on bicycles. He clarified that the Committee members recommend obtaining Council's input on fishing from County bridges since although safety is a concern so is public access to waterways.

Councilman Price made a motion to approve the Committee members' recommendation. Councilman Bradshaw seconded the motion for discussion. He expressed concern about the condition of Creighton Road which should be used by local citizens and not large commercial vehicles. Tom Moore, Public Works Director, said there is a main road that can be utilized instead, noting Council can abandon the road. Councilman Satterfield stressed that locals use the road. Ms. Sierra said she spoke to a resident who lives on the corner of the road who advised that a truck delivery driver indicated to her it is less of a hard right turn than on the main road. Councilman Bradshaw concurred. Mr. Moore said he believes individuals use Creighton Road to pass slow vehicles.

Councilman Bradshaw said he believes fishing from the Hart Hayward Bridge is a safety hazard. He noted that on Route 335, a State Highway, fishing from the ditches and ponds has increased from Gun Swamp to Riggins Corner. Ms. Sierra volunteered to gather the emergency response data from that area. Mr. Goldman expressed his understanding that the majority of the concerns about fishing from areas alongside roads are relating to the impediment of the traffic flow. Councilman Bradshaw said the same thing occurs on Elliott's Island Road. Councilman Price advised that the Committee members questioned whether there are more speeders or local individuals fishing from the bridge as well if there are any other issues relating to fishing on bridges in the County. Councilman Bradshaw expressed his understanding that the majority of the locals fish off a dock at Farm Creek. Mr. Moore said due to the amount of marsh in that area motorists only have two parking options - on a private property located by the bridge or on the road. He explained that the Committee members recognized that there is a safety issue; however, they did not want to create a policy regarding public access to areas for fishing without seeking the consent of the Council. Rebecca White, Executive Assistant, said for the last two years safety on bridges and how to acquire land for public access for fishing has been

included in the last two County Recreation Plans. Councilman Bradshaw queried whether Department of Natural Resources Program Open Space (POS) funding would be available to create parking areas. Mr. Goldman expressed his understanding that POS monies can be utilized; however, it will take three to five years to garner funds for this purpose.

Pursuant to the request of Councilman Travers, Councilman Price rescinded his motion so Council can address each request individually.

The Council agreed to take no action on the Creighton Road request with Councilmen Travers and Satterfield opposing. The Council approved the Committee members' recommendation to place a sign on Eskridge Road.

Based on a motion made by Councilman Price, the Council agreed to accept the recommendation of the Committee members to take no action on the request for "no fishing" signs on the Hart Hayward Bridge. Councilmen Satterfield and Nichols opposed.

The Council agreed to defer to staff for additional study the possibility of changing the intersection of Hambrooks Boulevard and Bay View Avenue into either a two way or a three way stop intersection.

Councilman Travers expressed his belief that staff should conduct an inventory of the bridges in the County on which people fish to identify those which are a safety hazard. Councilman Bradshaw said the Hart Hayward Bridge is narrower than other bridges. Councilman Price noted that the Committee members are seeking Council's comments so they can continue discussing regarding fishing from bridges at a future meeting. Mr. Moore said placing a speed counter on the road was also considered by the Committee members. The Council acknowledged that the Traffic Safety Committee will address this matter at a future meeting.

FY19 WATERWAY IMPROVEMENT FUND GRANT-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to submit a FY19 Waterway Improvement Fund Grant for the following projects: Taylors Island Bulkhead, \$80,000; Elliott's Island Jetty Construction, \$300,000; and Ragged Point Boat Ramp, \$50,000.

REQUEST TO SOLE SOURCE-VEHICLE PURCHASE-PUBLIC WORKS

The Council approved the request of Mr. Moore to sole source and purchase under the State of Maryland's current year contract with Sport Automotive a 2017 Chevy Silverado that can be equipped with a snow plow and a self-contained bed mounted salt/sander unit for the use by the Highway Division at the cost of \$28,608. The Council acknowledged that the plow and salt spreader will be purchased separately at a later date.

PAYMENT IN LIEU OF TAXES PROPOSAL-ONEENERGY DORCHESTER SOLAR, LLC

Mr. Goldman said Council received a Payment in Lieu of Taxes (PILOT) proposal from OneEnergy Dorchester Solar, LLC for a 26.1 MG solar photovoltaic project in Linkwood for a 35 year period. He noted this is the first request for a PILOT since legislation was passed at the April 4, 2017 meeting which repealed and re-enacted with amendments Section 144-46 of Article XIII and Section 144-48 of Article XIV of the Code of Dorchester County, Maryland relating to the taxation of machinery and equipment used to generate electricity for sale. Mr. Goldman said the Council has had the opportunity to review the agreement.

The Council agreed to accept Scenario B under which: 1) \$100,000 will be paid in the first year; 2) in years 2 to 7 a pilot of \$2,500 per MWAc will be paid; and, 3) in years 8 to 35 a pilot of \$4,000 per MWAc will be paid. Councilman Price opposed, citing concerns about setting precedence prior to the update of the County's Comprehensive Plan. Councilman Travers said about \$2.6 million will be received over a 35 year period as well as additional property taxes.

POLL CONFIRMATIONS

The Council confirmed its decisions in the interim between meetings, by means of a poll to: 1) approve the request of Joseph Hughes, Director of Corrections, to contract with C. Albert Matthews, the lowest bidder among the quotes obtained, to replace an air conditioning unit at the Detention Center utilizing FY18 Building Maintenance by a 5 to 0 vote; and, 2) agreed to send a letter of support for the mini-grant application of the Nause Waiwash Band of Indians, Inc. to the Heart of the Chesapeake Country Heritage Area for \$4,000 to offset the cost of its 25th annual festival, pursuant to the request of Chief Donna Wolf Mother Abbott, by a 4 to 1 (no answer) vote.

TAX SALE CERTIFICATE OFFER-BLACKWATER ROAD PROPERTY

Mr. Goldman advised that: 1) pursuant to Cindy Smith, Grant Monitor, as a result of the 2017 tax sale auction, the County owns the tax sale certificate on 3424 Blackwater Road, Church Creek, Maryland; 2) Mr. Jeff Riebling has made an offer to purchase the tax sale certificate for the amount due on the date of the auction plus all interest accumulated as of the date the transfer will take place; and, 3) Michael Spears, Finance Director, has advised that the County must approve any transfer of a certificate after the sale is concluded. The Council accepted the offer.

OTHER

Mr. Goldman recognized that Mr. Moore will be leaving County employment effective August 11, 2017. He commended him for working with limited resources.

PUBLIC COMMENTS

Tracy Whitby Farrell, resident, representing Linkwood Salem Fire Department, invited the Council to the 60th anniversary of the volunteer fire company to be held on November 4, 2017. She said they will receive official invitations.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols said it has been a pleasure working with Mr. Moore. He thanked him for serving as Public Works Director and answering his inquiries. He wished him well in his retirement.

Councilman Satterfield echoed Councilman Nichols comments about Mr. Moore, noting he also answered his inquiries. He encouraged emergency responders and law enforcement to be cautious during times of excessive heat.

In response to a query from Councilman Price, Mr. Moore said copies of the draft updated Solid Waste Management Plan will be available for public review at the Hurlock Library and at the Public Works Department.

Pursuant to another query from Councilman Price, Mr. Moore advised that the Public Works Department does not have the appropriate equipment to address trees that are protruding on the travel portion of County roads. He said another issue is the lack of right-of-ways to perform such work. Mr. Moore said staff currently use a pole saw to address some areas. Councilman Price said Skinners Run Road and Hubbard Road are the areas he has received inquiries on. A discussion ensued between Council and Mr. Moore regarding issues relating to this matter.

Councilman Price thanked Mr. Moore for his service and wished him well. He noted that it is National Night Out and commended organizers of events observing this community-police awareness event. He said tonight is the beginning of the Caroline Dorchester County 4H Fair.

Councilman Bradshaw said he spoke to Jeannie Riccio, Chief of Staff, Governor's Office, regarding enforcement concerns about the Maryland Department of Transportation Commercial Enforcement Division relating to farm vehicles. He noted that she has talked to the Superintendent of the State Police about this matter. He said it has been a pleasure working with Mr. Moore and expressed his appreciation for his service. Councilman Bradshaw stated that issues relating to trees are not unique to the County, citing Wicomico County as an example.

Councilman Travers thanked Mr. Moore and wished him well in his retirement.


Councilman Travers announced: 1) The next Council meeting will be held on August 15, 2017; 2) the Council reserves the right to meet in closed session prior to regular session; and, 3) Members of the Council will attend the Maryland Association of Counties Summer Conference

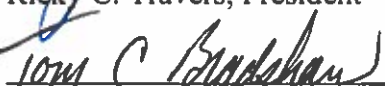
on August 16 to August 19, 2017 at the Roland Powell Convention Center in Ocean City, Maryland.


With no further business to discuss, the Council adjourned.

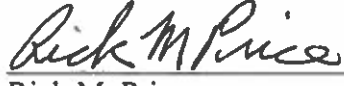
ATTEST: 


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 15th day of August, 2017.