

**County Council of Dorchester County
Regular Meeting Minutes
February 18, 2014**

The County Council of Dorchester County met in regular session on February 18, 2014 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present were E. Thomas Merryweather, County Attorney, and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

EXECUTIVE SESSION

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(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 §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held due to the passing of Rufus and Lorraine Todd. Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: a discussion regarding obtaining clarification on Senate Bill 677 entitled "Public Safety-Highway Work Zones Off-Duty Law Enforcement Officers Required"; a discussion regarding the ownership of Egypt Road; and a request for letter of support to the federal delegation to seek funding for the Land and Water Conservation Fund.

APPROVAL OF MINUTES- FEBRUARY 4, 2014

The Council approved the minutes of February 4, 2014.

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 Newcomb reported total cash and investments as \$6,967,462.30.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on February 18, 2014 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(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 §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §10-508(A)(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 above.

Action taken at the closed session: 1) approved a salary adjustment request pursuant to a State mandate for a position in the Elections Office by a 4 to 0 vote; 2) discussed matters relating to two County properties obtained at tax sale-deferred and requested additional information; 3) denied an offer to purchase County owned property by a 5 to 0 vote; 4) discussed with legal counsel a request to waive fees relating to a public information request; 5) discussed an issue with legal counsel regarding billing for road projects-requested additional clarification; 6) discussed with legal counsel a matter relating to a road-agreed to discuss in open session.

The above information is being provided to the public pursuant to and in compliance with Section 10-509(b) and (c) of the State Government Article.

REGULAR SESSION

FY15 ANNUAL TRANSPORTATION PLAN-DELMARVA COMMUNITY SERVICES

The Council approved the request of Santo Grande, President/CEO, Delmarva Community Services, to submit a grant application to the Maryland Transit Administration for FY 2015 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 in the amount of \$123,337 (State and Federal) with a \$56,716 local cash match for a total of \$180,053; 2) Section 5311 Operating Assistance funding in the amount of \$447,536 (State and Federal) with a \$134,737 local match for a total of \$582,273; 3) the Americans with Disabilities Act (State) in the amount of \$57,926 in operating funds with a local match of \$7,321 for a total of \$65,247; and 4) New Route funding in the amount of \$50,000 with a \$5,555 local match for a total of \$55,555. The Council acknowledged that the local match for operating funds of \$204,329 is supported, in part, by Dorchester County budget appropriations and that Delmarva Community Services will provide the remaining funds.

The Council approved the request of Mr. Grande to submit a FY15 Maryland Transit Administration grant application for capital transportation funding from the Mass Transit

Administration and the Federal Transit Administration in the amount of \$409,069 (Federal and State) with a \$45,453 local cash match for a total of \$454,522. The Council acknowledged that the request for capital funding is for two 12 passenger/2 wheelchair buses, one 16 passenger/2 wheelchair bus, a wheelchair ramp equipped van, planning costs for expansion of the transportation facilities, preventative maintenance, spare parts, shop equipment, radios, tablets and security cameras.

In response to an inquiry from Councilman Price, Councilman Newcomb confirmed that only a preliminary capital funding figure for FY2015 for Delmarva Community Services has been identified, noting that the Council is in the process of developing a budget for that fiscal year.

MANAGERS COMMENTS

OFFSHORE BLIND AND RIPARIAN RIGHTS RENEWAL-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to renew with the Maryland Department of Natural Resources the County's Offshore Blind and Riparian Rights permits for the period of three years at the County properties located at Choptank River and Hills Point Cove. The Council acknowledged that the license restricts the construction of onshore and offshore waterfowl hunting blinds on County property and that property owned and licensed by governmental entities are exempt from the fee requirements.

SPECIAL EVENT AGREEMENT-WINGS AND WHEELS-PUBLIC WORKS

The Council approved the request of Mr. Moore to execute a Special Events Agreement with Ted Bryant, Wings & Wheels Committee, to allow Mr. Bryant of B & B Sport Aviation to hold the Wings & Wheels 2014 event at the Cambridge-Dorchester Regional Airport on Saturday, May 24, 2014 from 10 a.m. to 6 p.m. with a rain date of May 25, 2014.

MARYLAND DEPARTMENT OF AGRICULTURE-MOSQUITO CONTROL SECTION-NORTH HANGAR LEASE RENEWAL-AIRPORT/PUBLIC WORKS

The Council approved the request of Bob Tenanty, Airport Manager, to renew a lease with the Maryland Department of Agriculture for a 7,000 net usable square feet portion of the North Hangar at the Cambridge-Dorchester Regional Airport for a 10 year period from April 1, 2014 to February 2024 with an annual increase of approximately 3.7%. The Council acknowledged that pursuant to State of Maryland leasing requirements that entity's standard lease will be executed. The Council further acknowledged that a request to approve the lease has tentatively been placed on Maryland Board of Public Works March 5, 2014 agenda.

ROOSTER ISLAND UPDATE-PUBLIC WORKS

Greg LeBlanc, Engineer, provided the Council with an update on the proposed Rooster Island Restoration project including the need and benefits of restoration and proposed drawings.

In response to an inquiry from Councilman Travers, Mr. LeBlanc confirmed that the previous restoration project in 1998 by the United States Army Corps of Engineers had design deficiencies and as a result excess over wash eroded placed sand and established vegetation in

Hambrooks Bay. He said, additionally, as a result of the installation of rip rap by homeowners inside Hambrooks Bay to stabilize the shoreline of their properties, sand is no longer eroding and depositing on Rooster Island.

Mr. LeBlanc explained that new design includes the elevation of the existing breakwater and the addition of another protective device in front of the sand area which will include 20 feet wide flushing ports at one foot below mean low water to allow water ingress and egress. He further explained that between the breakwater and this area there will be pockets of saltwater marsh and vegetation.

Mr. LeBlanc said the cost of the prior restoration project was \$1.5 million versus the estimated cost of the proposed project of \$2.3 million to \$3.1 million. He stated that there are three proposed options to consider, including the construction of a concrete jersey wall barrier or utilizing only rip rap to decrease anticipated project costs. He noted that the decision whether to proceed with the project lies with the Council. He explained that the loan awarded to Dorchester County for design costs for this project, of which \$100,000 have been incurred, cannot be drawn upon until construction commences. He said the proposed project includes the dredging of Hambrooks Bay to restore Rooster Island which will preserve the Cambridge Classic Boat Race course.

Councilman Newcomb expressed concern about the removal of the portion of the island that was in the form of a hook which provided erosion protection and questioned whether additional dredging will result in increased wave action.

Councilman Travers inquired about the possible availability of grant funding for this project. Cindy Smith, Grant Monitor, expressed her understanding that the majority of Public Works grants are from the Department of Natural Resources for maintenance and service contracts for County boat ramps. Mr. Merryweather questioned whether Program Open Space fund can be utilized since the public docks their marine vessels on Rooster Island. Councilman Travers said the erosion of Rooster Island is threatening the integrity of a County road located in that area.

Councilman Bradshaw expressed dismay that the Council is facing a decision to expend additional funds because the original design was flawed. Mr. LeBlanc explained that the establishment of vegetation in that area from 1998 to 2001 was slow and its growth was hindered by the public's use of Rooster Island despite posted signage.

Brady Bradford, resident, opined that as a result of the development of property along the Talbot County side of the Choptank River the channel increased in depth which further eroded Rooster Island. He said, based on his observations, efforts should be made to slow down wave action at the lighthouse prior to the island.

The Council agreed to send correspondence to the Army Corps expressing concerns regarding the design failure and its contention that this entity should cover the entire cost of a second restoration project. The Council also requested that research be undertaken regarding whether there are any grant opportunities available to garner funding for this potential project.

GRANT AMENDMENT APPROVAL REQUEST-FY13 MARYLAND HERITAGE AREA AUTHORITY MARKETING GRANT-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to amend the FY13 Maryland Heritage Area Authority Marketing Grant to extend the project completion date to January 15, 2015 and the final report submission date to March 15, 2015 and for budget line item adjustments. The Council acknowledged that: 1) this amendment does not change the total of the grant award or the cash match; and 2) grant funds support a variety of marketing initiatives for the Heart of Chesapeake Country Heritage Area, specifically Harriet Tubman centennial activities.

REQUEST TO SOLE SOURCE/RENEW PROPERTY MAINTENANCE AGREEMENT- PLANNING AND ZONING

The Council approved the request of Gene Harper, Zoning Inspector, to sole source and renew the existing contract with J & L Services, Inc. dated April 16, 2013 for contractual services to conduct property clean-up under Chapter 121, "Property Maintenance" of the County Code for one year at the same rates.

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AMENDMENT - DOMESTIC VIOLENCE-SHERIFF'S OFFICE/GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of the Sheriff's Office, to authorize her to submit a request via email for a FY14 Governor's Office of Crime Control & Prevention Grant Domestic Violence Program grant amendment to obtain additional grant funding (between \$6,000 and \$8,000) to be used to support overtime for the entry of ex parte/protective orders into the METERS/NCIC database and the service of those orders. The Council acknowledged that the funds cannot be used to cover costs already incurred and must be expended by June 30, 2014. Additionally, the Council acknowledged that FY14 funding of \$4,269.81 was expended by September 2013.

SELECTION OF INTERVIEW PANEL-SOCIAL SERVICES DIRECTOR

The County Council selected Councilman Newcomb, Councilman Nichols and Ms. Smith to represent Dorchester County on the interview panel for the Social Services Director vacancy. The Council also agreed to request that Osvaldina Gomes Daly, Social Services Director for Caroline County, be asked to join the interview panel. In response to a question from Councilman Price, Councilman Newcomb said it is his understanding that the Social Services Board members do not participate in the selection process.

REQUEST FOR LETTER OF SUPPORT-PURSUIT OF THE LAND AND WATER CONSERVATION FUND FUNDING

Pursuant to a request of Blaise Stanicic, Capital Strategies, the Council agreed to send a the federal delegation supporting their pursuit of funding for the Land and Water Conservation Fund, a federal program, which uses money from off shore and oil to fund conservation projects across the United States. The Council recognized that a portion of this funding has historically been

provided to Blackwater Wildlife Refuge, however, there was not enough funding appropriated during the last funding cycle for the Refuge.

DISCUSSION REGARDING EGYPT ROAD

Councilman Newcomb referenced several complaints received from residents regarding the condition of Egypt Road noting that County staff has documentation that confirms it is a City of Cambridge road. The Council agreed to send correspondence and the documentation to Victoria Jackson-Stanley, Mayor, and the City of Cambridge Commissioners requesting the immediate repair of this roadway, to supersede all other City road projects.

DISCUSSION-CLARIFICATION-SENATE BILL 677 ENTITLED "PUBLIC SAFETY-HIGHWAY WORK ZONES-OFF-DUTY LAW ENFORCEMENT OFFICERS REQUIRED"

Councilman Newcomb noted that Senate Bill 677 entitled "Public Safety-Highway Work Zones-Off-Duty Law Enforcement Officers Required" has been introduced during the current Maryland General Assembly Legislative Session which will require the presence of off-duty law enforcement officers when road work is being performed. He noted that the legislation references "highways" but does not specify whether those roads are owned by the State or by counties. The Council agreed to send correspondence to the local delegation seeking their assistance in obtaining clarification on whether the legislation will be applicable to work performed on County roads and, if so, asking them to submit an amendment to clarify that the legislation only pertains to work on State owned roads/highways.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2014-1 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON THE NORTHEAST SIDE OF LINKWOOD-RED HILL ROAD, KNOWN AS 3960 LINKWOOD-RED HILL ROAD, CONTAINING 5.51 ACRES OF LAND, MORE OR LESS, AND ALSO KNOWN AS THE COUNTY ASPHALT PLANT AND BEING THE LAND CONVEYED UNTO THE COUNTY BY DEED DATED JULY 29, 1963 AND RECORDED AMONG THE LAND RECORDS OF DORCHESTER COUNTY, MARYLAND IN LIBER 134, FOLIO 345, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE LEASE OF THE PROPERTY TO RUSSELL PAVING COMPANY, INC.

E. Thomas Merryweather, County Attorney, explained that a public hearing is being held on legislation to declare that the property known as 3960 Linkwood-Red Hill Road and also known as 3960 Red Hill Road, containing 5.51 acres of land, more or less, which was conveyed unto the County by deed dated July 29, 1963 and recorded among the Land Records of Dorchester County, in Liber 134, Folio 345, and also known as the County Asphalt Plant, is no longer needed for public use by the County and providing for the lease of the property to Russell Paving

Company, Inc. (Russell Paving). He noted that Les Simering, resident, signed up to speak regarding this legislation.

Mr. Simering questioned whether the County will be able to negotiate a lower cost for paving material with Russell Paving, Inc. if the Council chooses to lease the County's asphalt plant to this company. Councilman Newcomb said the Council will follow the County's purchasing and procedures policy and advertise for requests for proposals. Mr. Simering also inquired as to the reason the Council did not advertise for requests for proposals to lease the asphalt plant. He expressed his understanding that Chuck Weber, the prior Public Works Director, estimated that the cost to repair the asphalt plant was \$100,000 several years ago, and questioned why repairs cannot be made which may allow the County to realize a profit by utilizing the plant to produce material.

Councilman Newcomb stated that the company owners submitted to the Council a proposal to lease the plant and stressed the reason for this public hearing is to allow the public and any interested companies the opportunity to make comments. He said the cost to repair and operate the plant and the equipment in the facility will negate any profit.

In response to questions posed by Mr. Simering, Councilman Newcomb said the only County labor utilized for the asphalt plant for lawn maintenance. He stressed that no jobs will be eliminated if the plant is leased to this company.

Mr. Merryweather noted that the plant has not been used for the past three years.

Pursuant to Mr. Simering's inquiry, Mr. Merryweather clarified that the company's owners will be responsible for following federal, state and local regulations.

Mr. Simering again reiterated that another revenue source may be created if the plant is repaired and operated by County staff and material is offered for sale to other entities.

Councilman Bradshaw said it is his understanding that the \$100,000 Mr. Weber quoted was for minimal repairs and that additional funds would have to be allocated to repair/replace equipment in the facility and in order to ensure long term use.

In response to a question from Donald Gray, resident, Councilman Newcomb explained that the reason for holding this public hearing is to allow the public and anyone who is interested in leasing the asphalt an opportunity to voice their comments and/or concerns. Based on another inquiry from Mr. Gray, Mr. Merryweather said the public hearing was advised in a local news publication. He explained that County staff have conducted research in order to ensure that the proposed royalty of \$2 per ton was fair and reasonable.

Councilman Travers noted that a local contractor will operate the plant which will create job opportunities for residents.

In response to a question posed by Wendell Foxwell, resident, Mr. Merryweather said the contract is for a five year period and includes options to renew the agreement for five more five year periods and a termination clause, which can be enacted by either party, prior to each

renewal period. Councilman Newcomb noted that the Council chose to proceed with a five year lease since infrastructure needs to be repaired before the plant is fully functional.

Pursuant to an inquiry from Mr. Simering, Councilman Newcomb and Mr. Merryweather explained that the permits to operate the plant are more valuable than the facility, noting that it is very difficult to acquire permits for new facilities.

Based on a question from Len Pfeffer, a Dorchester County resident, Mr. Merryweather said pursuant to the lease the facility must be left in the same condition if the lease ends or is terminated.

In response to a question from Mr. Foxwell, Mr. Merryweather explained that the proposed legislation will authorize the Council to lease this plant to the owners of Russell Paving. He said they will pay 50% of the real property taxes for this property, noting that the Council does not pay such taxes for County owned property.

Councilman Price expressed concern about the impact leasing the plant will have on County staff's ability to utilize the plant to make timely repairs to County roads and any future opportunities to utilize new or increased revenue to upgrade the facility. He also expressed concern that County staff may need to identify another location to store recycled materials and sand.

Mr. Moore said pursuant to the lease County staff can continue to store recycled materials and sand and produce cold patch at the plant, noting that the County will be responsible for labor and energy costs. He further explained that the plant in its current condition cannot be utilized to run asphalt for a long period of time. He noted that until recently electricity costs for the facility were \$2,000 per month.

In response to a question from Councilman Price, Mr. Moore said even if the facility and equipment is repaired, in order to fully utilize the asphalt plant, additional personnel and new vehicles will be needed. He expressed his understanding that several years ago the Council made the decision to not sell the plant to ensure that they will have the ability to use the facility in the future if it becomes financially feasible.

After a motion was made to adopt the legislation, Mr. Bradford attempted to make comments; however, Mr. Merryweather noted that the Council was in the process of voting on the bill.

The role call on the enactment of Bill No. 2014-1 was as follows: Nichols-aye; Newcomb-aye; Bradshaw-aye; Price-nay; Travers-aye.

Mr. Bradford noted that he was going to make a motion to defer a decision regarding the enactment of this bill until after the November election of the County Council but was interrupted. Councilman Nichols explained that once a motion is made the Council must proceed with voting.

INTRODUCTION

BILL NO. 2014-3 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO ARTICLE 24, SECTION 9-1002 OF THE ANNOTATED CODE OF MARYLAND ADDING NEW SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT IF A BUILDING EXCISE TAX IS DUE UNDER THIS ARTICLE, IT SHALL BE UNLAWFUL FOR THE COUNTY COUNCIL TO WAIVE SAID TAX OR REBATE OR REFUND ALL OR ANY PORTION OF SAID TAX.

Mr. Merryweather said legislation has been introduced by Councilman Nichols to add a new Section 144-37 to Chapter 144 entitled “Taxation,” Article X entitled “Building Excise Tax” to the Dorchester County Code to provide that if a building excise tax is due under this article, it shall be unlawful for the Council to waive said tax or rebate or refund all or any portion of said tax.

The Council agreed to proceed with publication of a public hearing on this matter.

REGULAR SESSION

The Council adjourned into Regular Session.

PUBLIC HEARING-WATER AND SEWER PLAN AMENDMENT-BEAVER RUN MOBILE HOME PARK

Mr. Merryweather said a public hearing is being held on an amendment to Dorchester County’s Comprehensive Water & Sewer Plan filed by Robert Burgin, PE, on behalf of ACG Maryland, LLC, owner of the Beaver Run Mobile Home Park, to add a new Sewer Service Area Map.

Rodney Banks, Assistant Planning & Zoning Director, explained that the new map will change the sewer designation for the park property located on the east side of Beaver Neck Village Road, consisting as three parcels, identified as Tax Map 43, Grid 9, Parcels 197, 198 and 201, from no planned service to S-1 (existing or planned within two years) and S-2 (community sewer planned to be available within a two to five year timeframe). He clarified that the amendment is being requested in order for the company to be able to obtain Maryland Department of Environment permits to construct an advanced water treatment plant and replacement drain fields for the park. He noted that the Planning Commission approved this amendment at its September 14, 2014 meeting.

The Council agreed to execute a resolution to amend Chapter 4, Sewage, Chapter 4, Table 4-3 of the Dorchester County 2004 Comprehensive Water and Sewer Plan to change the sewer designation for the park property located on the east side of Beaver Neck Village Road, consisting as three parcels, identified as Tax Map 43, Grid 9, Parcels 197, 198 and 201, from no planned service to S-1 and S-2 and to add a Sewer Service Area Map. The Council further acknowledged that Mr. Banks will provide a copy of the resolution to the Dorchester County Sanitary District.

PUBLIC COMMENTS

In response to a question from Mr. Gray, Councilman Newcomb expressed his understanding that there have only been inquiries made about the Dorchester Regional Technology. Mr. Gray expressed concern about the potential loss of Cambridge International, noting that there were recent employee layoffs at that facility.

Pursuant to an inquiry from Mr. Simering, Councilman Newcomb confirmed that the Dorchester Technology Regional Park property is owned by Dorchester County. He explained that the property has been annexed into the City of Cambridge and is connected to City water and sewer and that each lot sold will be subject to City of Cambridge real estate property taxes.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price noted that Senator David R. Brinkley, Minority Leader, spoke to the Maryland Association of Counties legislative committee members at their last meeting and that either the President of the Senate or the Speaker of the House will be present at their February 19, 2014 meeting.

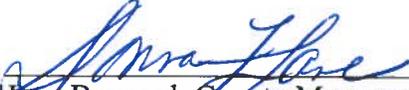
Councilman Bradshaw encouraged the public to attend the National Outdoor Show which will be held this weekend.

Councilman Travers noted that over the weekend there will also be a dinner at the Hooper's Island Fire House and a Crawfish Boil and Muskrat Stew Festival in downtown Cambridge. He said he filed for County Council today.

Councilman Newcomb announced that the next County Council meeting will be held on March 4, 2014 and that a budget work session is scheduled for February 27th.

With no further business to discuss, the Council adjourned.

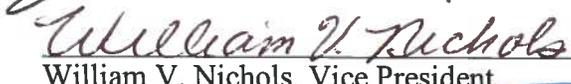
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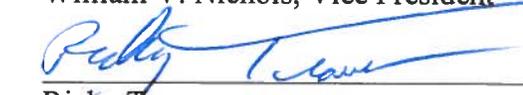


Jane Baynard, County Manager
Donna Flane
Executive Administrative Specialist

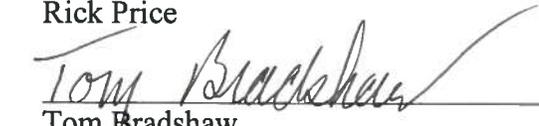
DORCHESTER COUNTY COUNCIL:



Jay L. Newcomb, President


William V. Nichols, Vice President


Ricky Travers


Rick Price


Tom Bradshaw

Approved the 4th day of March, 2014.