

County Council of Dorchester County
Regular Meeting Minutes
January 20, 2015

The County Council of Dorchester County met in regular session on January 20, 2015 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jay L. Newcomb, Acting County Manager; 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; 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

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council agreed to add the following items to the agenda: 1) an offer to purchase County owned property acquired via tax sale; 2) a request to advertise four vacant Correctional Officer I positions at the Detention Center; 3) the request of a volunteer fire company to use the Taylors Island County dock, boat ramp and parking lot for an event; and 4) a request for a proclamation for Historical Freedom Shrine Day.

APPROVAL OF MINUTES- DECEMBER 16, 2014

The Council approved the minutes of December 16, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers with exception of the following payments for items relating to the incubator facility and requested additional information: Facility Logix in the amount of \$6,058 and Willow Construction in the amount of \$34,899.42.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$11,702,155.

CAPITAL BUDGET EXPENDITURE REQUEST -VIDEO SURVEILLANCE SYSTEM REPLACEMENT-DETENTION CENTER

The Council approved the request of Steve Mills, Warden, to sole source with Reed Security System, which has maintained and serviced the video system for several years, and to utilize FY15 Detention Center budget funding to purchase a new Video Surveillance System at the cost of \$5,260.

CAPITAL BUDGET EXPENDITURE REQUEST - VEHICLES-SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to expend FY15 Sheriff's Office Capital funds to purchase four Chevrolet Tahoes under the Maryland State contract, which are currently housed at Hertrich Chevrolet, with Councilmen Nichols and Price opposing. The Council acknowledged that any overtures in capital expenditures for the vehicle purchase will be covered by seized drug assets.

Councilman Nichols referenced an e-mail dated December 11, 2014 and a package that the Sheriff sent to three of the five Council members. He stressed that correspondence and information should be provided to all Council members.

REGULAR SESSION

COMMENDATION-RETIREMENT-MICHAEL MILES

The Council presented a Commendation to Michael Miles congratulating him on his retirement and recognizing him for his 23 years of service to Dorchester County.

PROCLAMATION-MENTORING MONTH-JANUARY 2015

The Council presented a Proclamation declaring January 2015 as Mentoring Month.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on January 20, 2015 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; 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 below.

Action taken at the closed session: 1) discussed personnel items relating to the Detention Center-deferred until budget deliberations; 2) approved the request of the Warden to fill four vacant Correctional Officer positions by a 4 to 0 vote with one vote by written proxy and agreed to consider a request to advertise these positions in open session; 3) confirmed the hiring by the State's Attorney of an individual to fill a vacant Administrative Associate position by a 4 to 0 vote; 4) approved the request of the Emergency Services Director to adjust the salary of an Emergency Medical Services provider who recently obtained her paramedic certification by a 4 to 0; 5) deferred an offer to purchase County owned property acquired at tax sale; 6) discussed an offer to purchase County owned property acquired at tax sale-agreed to discuss in open session; 7) discussed with legal counsel a proposed host revenue agreement-deferred; 8) discussed with legal counsel a matter relating to an economic development initiative-deferred; 9) discussed with legal counsel issues relating to Federal and State requirements; 10) discussed with legal counsel a matter relating to a contract for services; 11) discussed with legal counsel matters relating to the Airport Capital Improvement Plan-deferred; 12) discussed with legal counsel a matter regarding a Public Road Construction Agreement; 13) discussed with legal counsel a matter relating to a lease for County owned property-requested additional information; 14) discussed with legal counsel legal issues regarding a County position.

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.

MANAGERS COMMENTS

RESOLUTION-ACCEPTANCE OF BIDS-TAX SALE PROPERTIES

The Council adopted a resolution to accept the following offers to purchase County owned property acquired via tax sale: 1) offer of John Coates to purchase 1917 Bishops Head Road, Toddville, Maryland for \$3,500; and 2) offer of Frank Cooke to purchase 4717 Petersburg Back Street, Hurlock, Maryland for \$1,100.

ADDITION-OFFER TO PURCHASE TAX SALE PROPERTY

The accepted the offer of Lisa Marshall to purchase Property #14-006036, 3723 Ocean Gateway, Linkwood for \$950, which was acquired by the County via tax sale. The Council acknowledged that Ms. Marshall submitted this amount as a deposit. The Council recognized that E. Thomas Merryweather, County Attorney, will prepare a resolution to accept this bid for its review and consideration at a future meeting.

FY15 MARYLAND TRANSIT ADMINISTRATION CAPITAL GRANT AWARD- DELMARVA COMMUNITY SERVICES-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services (DCS), to accept a FY15 Maryland Transit Administration Capital Grant Award in the amount of \$65,950, which consists of a \$52,760 share, a \$6,595 State share and a local share of \$6,595 to purchase shop and miscellaneous equipment and for preventive maintenance. The Council acknowledged that DCS will provide the local share.

REQUEST TO EXTEND CONTRACT-MEDICAL SERVICES-DETENTION CENTER

The Council approved the request of Warden Mills to extend the contract between the Council and Conmed Healthcare Management, Inc., the current medical services provider for the Detention Center, to include an annual 2% Consumer Price Index (CPI) increase, for a renewal period of July 1, 2015 to June 30, 2018. The Council acknowledged that the cost for the first year of the renewal period (July 1, 2015 to June 30, 2016), including the CIP increase, is \$52,184.22 per month (\$626,201.64 annually). In response to a question from Councilman Satterfield, Councilman Travers said this represents a reduction of the original proposal of .6%.

RESOLUTION TO AMEND BUSINESS MEALS POLICY

The Council adopted a resolution to revise the County's Business Meals policy by making the following amendments: moving definitions to the beginning of the document; defining business meals and extended schedule meals separately; including meals on overnight extradition and juror meals under the extended schedule definition; changing allowable meal limits from \$15 breakfast, \$25 lunch and \$40 dinner to \$10 breakfast, \$15 lunch and \$30 dinner to reflect Federal General Services Administration guidelines; and revising wording to remove confusion over grant funds used for meals.

PROPERTY MAINTENANCE AGREEMENT CONTRACT EXTENSION REQUEST- 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 for contractual services to conduct property clean-up under Chapter 121, "Property Maintenance" of the County Code for one year (2015-2016) at the following rates: manual labor, \$18.95 per hour; skid loader, \$65 per hour; dumpster, \$235 each; vehicle tow, \$100 per vehicle.

REQUEST TO SOLE SOURCE-SAILWINDS PLAYGROUND RENOVATION PHASE III-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to sole source with Cunningham Recreation, formerly West Recreation, the construction of Phase III of the Sailwinds Playground Renovation at the cost of \$100,000, utilizing FY15

Capital Budget funding, with 90% being reimbursable through Program Open Space. In response to an inquiry from Councilman Price, Mr. Eberspacher explained that the reason for the sole source is to keep the playground uniform, since this is the same company that installed and designed Phases I and II. Pursuant to a question posed by Councilman Travers, Mr. Eberspacher confirmed that the three projects were submitted to Program Open Space together.

BID AWARD-PURCHASE OF MOWERS-CAPITAL BUDGET EXPENDITURE REQUEST-RECREATION AND PARKS

The Council approved the request of Mr. Eberspacher to award the bid for the purchase of two 2015 John Deere 950M gas ZTRAK mowers to Atlantic Tractor, the lowest bidder, at the cost of \$15,598 utilizing FY15 Recreation and Parks Capital Budget funding. The Council acknowledged that there is a 3 year/1,200 hour warranty and the cost includes delivery.

The Council recognized that originally \$21,000 in capital funding was allocated for this purchase. The Council approved Mr. Eberspacher's request to sole source and purchase a 6'4" x 12 pull behind trailer with a gate from Creighton's Trailer Sales using \$1,565 of the \$5,402 in remaining capital funds. Mr. Eberspacher explained that this was the lowest of three quotes he obtained.

POTENTIAL LEGISLATIVE INITIATIVE-STATE BUILDING CODE- RESIDENTIAL SPRINKLER SYSTEM REQUIREMENTS

Mr. Merryweather stated that Steve Dodd, Planning and Zoning Director, was recently advised by the Department of Housing and Community Development, that Dorchester County will no longer be able to "opt" out of the State mandated residential sprinkler requirement effective July 1, 2015. The Council agreed to send correspondence to the local delegation asking them to introduce legislation to amend Section 12-504(A) of the Public Safety Article of the Annotated Code of Maryland to permit Dorchester County to "opt out" of the residential sprinkler requirement by local amendment on a permanent basis in the 2015 Maryland General Assembly Legislative Session.

2016 PRESIDENTIAL PRIMARY ELECTION-ELECTION'S OFFICE

The Council approved the request of Gwendolyn Dales, Election Director for Dorchester County, to send correspondence to the local delegation to support the Maryland Association of Elected Officials (MAEO) request to move the 2016 Presidential Primary Election from Tuesday, April 5, 2016 to April 12, 2016 and Early Voting from March 24 through March 31, 2016 to March 31 to April 7, 2016. The Council acknowledged that currently the Primary Election Early Voting Session is scheduled during Easter Sunday, March 27, 2016. The Council members acknowledged their understanding that MAEO is seeking these changes because there may be a lack of available poll workers due to this holiday.

REQUEST TO ADVERTISE VACANCIES-CORRECTION OFFICER I POSITIONS- DETENTION CENTER

The Council approved the request of Steve Mills, Warden, to advertise four vacant Correctional Officer I positions.

REQUEST TO USE COUNTY DOCK-BOAT RAMP-PARKING LOT

The Council approved the request of Patti Tieder, President, Taylors Island Volunteer Fire Company, to use the Taylors Island County dock, boat ramp and parking lot for the Battle of the Ice Mound to be held on Saturday, February 7, 2015 beginning at 11 a.m. The Council agreed that a Certificate of Insurance naming Dorchester County as the Certificate Holder for the event must be provided prior to this event. The Council acknowledged that the reenactment will begin at noon and is anticipated to be an hour or less.

PROCLAMATION REQUEST-HISTORICAL FREEDOM SHRINE DAY

Based on information provided by Councilman Price, the Council approved the request of Dr. Carl Barham to declare November 10, 2015 as Historical Freedom Shrine Day.

BOARD APPOINTMENTS

The Council reappointed Wylie Gray, Jr. and Michael Mowbray to the Recreation and Parks Board and acknowledged that their terms will expire on December 31, 2018.

COUNTY MANAGER POSITION

Councilman Travers advised that in executive session the Council discussed a personnel matter relating to the County Manager position. The Council agreed to re-advertise this position and to appoint Jeremy Goldman as Acting County Manager effective January 21, 2015 with Councilmen Price and Nichols opposing. The Council agreed to compensate Mr. Newcomb from December 3, 2014 until his appointment ends, at an amount agreed upon during executive session.

PUBLIC COMMENTS

Les Simering, a Dorchester County resident, expressed his belief that some of the actions taken by the Council are in violation of the Charter. He said, in his opinion, requests for proposals should be advertised in lieu of sole source approvals.

Mr. Simering stated that pursuant to Section 405 of the County Charter the County Manager serves at the pleasure of the Council. He noted that Mr. Newcomb served as Acting County Manager for over two years in the absence of Jane Baynard, the prior County Manager. He expressed his belief that Mr. Newcomb's knowledge about the Dorchester Regional Technology Park, the seafood industry, the farming community and

his relationships with various politicians are reasons he should continue in his role as Acting County Manager or be appointed County Manager. Mr. Simering expressed concern about the lack of activity in the Dorchester Regional Technology Park. Mr. Simering opined that, at the very least, he should be retained for a period of time so that he may train the next individual who serves in that role. He expressed his understanding that the action taken to appoint another individual as Acting County Manager was based on issues relating to one County entity. He commended Mr. Newcomb for his service as Acting County Manager. He said he believes experience should be considered in lieu of education.

Chuck Davis, resident, spoke in favor of the selection of Senator Richard Colburn as County Manager.

Robert Murphy, resident, referenced the Council's June 2014 decision to reduce permitting fees for poultry houses. He expressed his understanding that the Council agreed to provide him a retroactive refund of the fees he paid for four chicken houses prior to that decision based on the reduction. Mr. Murphy said it is his intention to construct two more poultry houses. Councilman Travers recognized that the Council lowered the permitting fees for poultry houses and agreed to exempt farm buildings from the International Building Code. He explained that there was no action to provide a retroactive refund for permitting fees for poultry houses which Mr. Merryweather strongly opposed. Mr. Merryweather said the Council did not state on the record that there will be a retroactive refund.

Councilman Bradshaw said the Council did attempt to re-negotiate the County's contract with Middle Department Inspection Agency to lower the building code fees for poultry houses without success. He requested that staff listen to the audio recordings of the actions taken by Council to lower the poultry house permitting fees in order to confirm the action taken by Council.

Councilman Nichols said he is the interest of fairness to those who pay fees prior to a reduction, he is not in favor of retroactive refunds.

Councilman Travers noted the Council's decision will reduce future costs for the construction of poultry houses.

Wendell Foxwell, a resident and Board of Zoning Appeals member, noted that at the last few Board meetings members discussed a solar panel energy project to be constructed on 83 acres. He said his favorable decision on that project was based on legislation the Council passed on October 18, 2011 regarding utility scale solar energy systems which references a 25 acre minimum. He cited the following as criteria the Board must consider when ruling on these types of projects: noise, health concerns, traffic control and valuation of property. Mr. Foxwell asked the Council to consider establishing a maximum amount of land that can be used for these projects based on his understanding that residents in the County may not receive any benefit or relief in electricity costs and his belief that farmland should be preserved.

Councilman Bradshaw said several of his constituents have expressed their concerns about the proposed solar farm as well as several Farm Bureau members who are opposed to removing farm land from production.

Based on a motion made by Councilman Bradshaw, the Council agreed to refer to the Planning Commission for investigation and recommendation the amendment of Chapter 155, entitled "Zoning Ordinance," Section 155-50, LL Supplemental Use Regulations, and/or Section 155 Attachment 1 of the Dorchester County Code to require that utility scale solar energy systems only be allowed on commercial and industrial properties within the County. Councilman Nichols opposed citing concerns that residential properties located near or adjacent to commercial and industrial properties may be impacted.

In response to a question from Donald Gray, resident, Councilman Travers said the Council has not spoken to Mr. Goldman regarding salary, noting that is a personnel matter.

Based on inquiries from Pete Macinta, a Dorchester County resident, Councilman Travers said Mr. Goldman will continue in his role as Emergency Services Director in addition to Acting County Manager and that the County Manager position will be advertised. Mr. Macinta said he prefers that someone who knows Council and Department Heads be appointed to that position. He said he will send a letter of concern regarding a certain individual to the County.

Terry Wheatley, a lifelong resident, expressed concern about the Council's actions to replace Mr. Newcomb and asked the Council for a roll call and the reason for their votes relating to the appointment of Mr. Goldman as Acting County Manager. Councilman Travers said the Council members will have an opportunity to speak under Council's Comments.

In response to a question from Ms. Wheatley, Mr. Goldman advised that he was born in Baltimore, Maryland and currently lives in Sussex, Delaware on the Dorchester County border. He stressed that he assumed the role as Acting County Manager in the interim until a permanent appointment is made by Council. He said he will not be providing for the position since pursuant to the Charter that individual must live in or relocate to Dorchester County.

Ms. Wheatley noted her understanding that the County Manager position has been advertised twice. Based on questions she posed, Councilman Travers said eight applications were received after the first advertisement was published and 20 were received after it was advertised a second time.

Mr. Macinta said it is his understanding that the action taken by the Council tonight to appoint Mr. Goldman was based on an Attorney General's opinion. Councilman Travers explained that it was not made pursuant to that opinion because it did not apply since Mr. Newcomb is no longer a sitting Council member.

Reverend George Ames questioned the reason the Council appointed Mr. Goldman as Acting County Manager when Mr. Newcomb was already serving in that role. He asked Council to reflect on that decision.

Brady Bradford, resident, said he uses the County's marine facilities and ramps. He asked the Council to consider issuing stickers for the use of those facilities this year which will increase revenues. Mr. Bradford noted that surrounding counties, including Talbot County, have already implemented a launch sticker program. Councilman Travers said the Council discussed this item in a prior budget cycle. He expressed his belief that the Council's decision to not pursue such a program was because Department of Natural Resources Waterway Improvement Funds were used to construct these facilities, which are garnered through boat registration fees; and, therefore, residents would be charged twice to use the docks.

Mr. Newcomb noted that Council reviewed a study which was prepared by Highway Division staff that included an estimate of how many boats use County docks. He explained that the study showed that due to the County's large land mass the cost of enforcement exceeded revenue estimates.

Councilman Bradshaw said duck hunters from Delaware, Pennsylvania and New York use the County's Elliott's Island Dock.

In response to a question from Councilman Bradshaw, Mr. Simering said the average price range for launch stickers in surrounding counties is between \$40 and \$60.

Councilman Travers noted that the study also showed another vehicle will need to be purchased and at least one new employee will have to be hired. Mr. Simering expressed his understanding that Talbot County utilizes two employees for its launch sticker program. The Council agreed to discuss the possible implementation of a launch sticker program for Dorchester County during its FY16 budget deliberations.

Mr. Davis suggested that the stickers of other counties be honored.

Councilman Price explained that since his firm term residents have expressed concern that fishermen from other States are starting work prior to the legal hour for harvesting. He noted that the Council sent a letter to the Department of Natural Resources to bring that matter to their attention.

Donna Hooper, resident, questioned the need to hire another individual as Acting County Manager particularly since Mr. Newcomb has the experience necessary to perform the job duties.

COUNCIL'S COMMENTS/ADJOURNMENT

In response to a question from Ms. Wheatley, Councilman Bradshaw said his vote was based on his belief that change is necessary. He explained that he will bring up several proposed changes during FY16 budget deliberations.

Councilman Price said his vote was based on input from residents and in light of the following: 1) in accordance with the County Charter a County Manager must be appointed; 2) the position was advertised twice and Council could not reach a majority vote on either applicant; 3) Mr. Newcomb's experience will be beneficial during the upcoming budget cycle particularly since there may be changes at the State level that may affect the County's budget due to a new administration and legislators; 4) Mr. Newcomb performed the duties of the County Manager position since Ms. Baynard left on medical leave; and 5) based on Mr. Newcomb's prior experience as a Council member.

Councilman Price provided the following summary of comments made by Senator Thomas V. Miller, Jr., Senate President, during the Maryland Association of Counties Winter Conference: 1) there will be reductions in the amount of \$750 million due to the State budget shortfall; 2) changes to the fuel tax are being considered; 3) the need for the reversal of the rain tax imposed by the State; 4) legislators are concerned about the cost to implement measures to adhere to the Maryland Court's ruling that defendants are entitled to representation by attorneys at their preliminary bail hearings before District Court Commissioners. Councilman Price said it is his understanding the State of Maryland has appropriated \$10 million for the Office of the Public Defender to adhere to this Court ruling.

He said Senator Chris Shank, Senate Majority Whip, did the following: 1) expressed his belief there will a bipartisan cross section of effort due to returning and new legislators; 2) spoke about the need to address capital debt and debt service issues; 3) referenced concerns on how to address the General Fund budget in light of the State's past policies and expenditures; 4) noted that teachers' pension costs will be discussed; and 5) said efforts will be made to address the heroin problem across the State.

Councilman Price advised that Delegate Michael Busch, House Speaker, also addressed the items referenced by Senators Miller and Shank and pointed out that there are 60 new Delegates and 11 new Senators, including cross overs from the House and Senate. He said Delegate Busch also noted that the Federal Highway Trust Fund which provides funding to the State for transportation is up for reauthorization. Councilman Price noted that infrastructure needs were also addressed at the conference.

Councilman Price said the Rural Counties Coalition members met during the conference. He said their goals are to: 1) work with Governor Hogan and his staff and increase efforts to engage legislators; 2) seek the reversal of some of the State legislation that was passed which negatively impacts local jurisdictions; 3) have a stronger voice on regulatory issues; and 4) use technology, including social networks, to ensure that information is provided to stakeholders expeditiously.

Councilman Price thanked Mr. Newcomb for his service as a Council member and as Acting County Manager.

Councilman Satterfield referenced correspondence received from Dan Kane, President of the Cambridge Elks Lodge #1272, in which he asked for support in seeking the installation of a street light at the end of Elks Lodge Road and Route 50 because numerous accidents have occurred at this intersection due to poor visibility. The Council agreed to send correspondence to the State Highway Administration in support of the installation of a street light at this intersection.

Councilman Satterfield explained that his vote relating to the County Manager position was based on his belief that the proper protocol should be followed, noting that Mr. Newcomb did not have the opportunity to apply for the position when he was a sitting Council member. He said he believes Mr. Newcomb is capable in many respects. He referenced the Council's vote to proceed with the application process and reiterated his belief that the proper protocol should be followed.

Ms. Wheatley questioned whether the Council will consider the applications previously submitted for the position. Councilman Satterfield noted that those individuals can reapply. Councilman Travers stressed that the Council has not made any decision regarding the review of prior applications. He explained that the Council retained the eight applications that were received after the first advertisement for the position and reviewed them with the additional 20 that were received the second time.

Councilman Nichols stated that it has been his experience that changes are usually sought after a new Council takes oath of office. He said it is his understanding that one proposed change is to raise real property taxes, which have not been increased in six years. He said the County entity Mr. Simering indirectly referenced earlier is \$1.6 million over budget. He expressed concern that no efforts have been made to address this issue even though Council has the authority to make changes to curb over expenditures.

Councilman Nichols noted that he was the only sitting Council member who was on the Board when Ms. Baynard, was appointed Acting County Manager and then County Manager. He explained that the position was not advertised either time and both appointments were made on the floor; therefore, there has been no violation of the hiring process relating to the County Manager position.

He expressed concern about prior efforts of one Council member to make changes to the Detention Center without considering a request submitted by the Warden. He also expressed concern that the following actions have been taken by individual Council members in violation of the Charter which requires the Council to act as a body: 1) providing direction to Department Heads which action should be taken by the County Manager and not a single Council member; 2) requesting a legal opinion without seeking a majority vote of the Council; and 3) asking Public Works staff to make repairs to a County boat ramp with a majority vote.

Councilman Travers explained that he sought Mr. Merryweather's legal advice after reading about an Attorney General's opinion in a local newspaper. He said Mr. Merryweather provided his legal opinion which was distributed to the Council. Councilman Nichols stated that Mr. Merryweather said the Attorney General's opinion did not apply to any actions taken or to be taken by Council.

Councilman Nichols noted that Mr. Newcomb, and not Mr. Goldman, has experience in performing the duties of the County Manager position.

He expressed concern that a staff member was chastised for referring to Mr. Newcomb as Councilman Newcomb, which is the highest title he obtained.

Councilman Nichols stressed that pursuant to the Charter a majority vote must be obtained in open session to seek legal counsel advice. He stressed the the Council members should abide by the Charter and Department Heads should be aware of the procedures outlined in the Charter. He said he will meet with each Department Head to ensure that they are aware of those procedures. He expressed concern that certain e-mails have been sent to individual Council members, including of all of the Council members, citing a December 2014 email that was sent to everyone with the exception of himself and Councilman Price as an example.

Councilman Nichols expressed concern about not selecting someone who is familiar with the County and the duties the County Manager must perform pursuant to the Charter.

Councilman Travers explained that not all correspondence is addressed to each Council member. He said Councilman Nichols brought to the Council's attention his concerns and he assured him he would address those concerns. He noted that a piece of correspondence that was not addressed to the entire Council was immediately provided to a staff member this evening who then made and distributed copies to each Council member.

In response to a question posed by Ms. Wheatley, Councilman Nichols said Mr. Goldman can serve as Emergency Services Director and Acting County Manager; however, pursuant to the Charter he cannot be the County Manager. He explained that he will oversee Department Heads and and personnel items, agenda and correspondence will flow through him as Acting County Manager. Councilman Nichols expressed his belief the Council should not have selected him because he is currently a County employee and instead should have retained Mr. Newcomb until a County Manager is appointed.

Councilman Travers said he has heard comments from residents in support and in opposition to Mr. Newcomb serving in any capacity relating to the County Manager position. He noted his understanding that the voters elected a new individual to fill Mr. Newcomb's Council seat because they wanted change. He cited these items as the reason for his earlier decisions relating to the position. He said Council voted to move forward to open up the application process again. Councilman Travers explained that the Council

made a valiant effort to select an individual to fill the County Manager position, noting that during that process Ms. Baynard passed away.

Councilman Travers explained that he asked Mr. Merryweather as the County Attorney to review a prior Attorney General's opinion and he said it did not apply because Mr. Newcomb is no longer a sitting Council member.

Councilman Travers announced that the Council will sit as the Board of Estimates on January 29, 2015 at 5 p.m. to hold a budget work session. He further announced that the next Council meeting will be held on February 3, 2015 noting that the Council reserves the right to meet in executive session.

OTHER

Mr. Newcomb noted that until Mr. Goldman is bonded, as required by the Charter, he cannot assume the Acting County Manager position and no checks, including employee paychecks, can be issued. He also noted that he is currently addressing some personnel matters, one of which may involve the Emergency Services Department.

Mr. Merryweather confirmed that County checks cannot be issued until Mr. Goldman is bonded and signs a signature card. He explained that two signatures, the Acting County Manager or County Manager and the Finance Director are required on all checks.

In response to a question from Councilman Travers, Mr. Merryweather estimated that the bonding process will take one week. Based on an inquiry from Councilman Travers, Mr. Newcomb said it took a week to be bonded and explained that he was required to provide personal financial information which prolonged the process.

Councilman Nichols confirmed Mr. Newcomb's statement that employee paychecks are to be issued this Friday. He expressed concern that the Council made a motion without conducting research on the requirements of this position.

Councilman Satterfield made a motion to extend Mr. Newcomb's role as Acting County Manager until Mr. Goldman is bonded to ensure that employees are paid.

Mr. Newcomb expressed dismay that the Council member did not speak to him in executive about the Acting County Manger position because he would have been able to advise them of the bonding requirement before any action was taken. In response to a question from Mr. Newcomb, Mr. Spears said it will cost approximately \$1,000 for bonding and \$600 to change County checks.

Councilman Satterfield withdrew his motion. Based on a motion made by Councilman Bradshaw, the Council agreed that Mr. Newcomb's role as Acting County Manager will be extended until Friday, January 23, 2015 with Councilmen Price and Nichols opposing.

Councilman Nichols cited the Council's decision to appoint another individual as Acting County Manager when Mr. Newcomb was already acting in that role as the reason he opposed this motion.

With no further business to discuss, the Council adjourned.

ATTEST:



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 February, 2015.