

County Council of Dorchester County
Regular Meeting Minutes
July 16, 2013

The County Council of Dorchester County met in regular session on July 16, 2013 with the following members present: Present were Jay L. Newcomb, 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; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §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 present Council members.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Price led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Council recognized that, after publication of the agenda, at the request of a Habitat for Humanity Choptank representative, a request for the reimbursement of excise tax for a property owned by that organization was moved to its August 6, 2013 regular session agenda. The Council approved the addition to the agenda of a second travel request from the Tourism Director and a discussion relating to a proposed solar project on County owned property.

APPROVAL OF MINUTES- JULY 2, 2013

The Council approved the minutes of July 2, 2013.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

FINANICAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$5,023,987.31.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on July 16, 2013 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)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §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 present 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. Councilman Newcomb noted that due to a family emergency Councilman Nichols was unable to attend the executive session meeting however he provided a written proxy for several of the items which are factored into the votes referenced below.

Action taken at the closed session: 1) denied a request to fill/advertise an Incubator Manager contractual position in the Economic Development by a 3 to 2 vote; 2) approved the request of the Warden to hire the next recommended applicant to fill a vacant Correctional Officer position because the first choice applicant declined the job offer by a 4 to 0 vote; 3) approved the request of the Tourism Director to hire an individual to fill a vacant Heritage Area Program Administrator position, a grant position, by a 4 to 1 (abstention) vote; 4) approved the request of the Soil Conservation Director to hire an individual to fill a vacant Grant Soil Conservation Technician position, by a 5 to 0 vote; 5) approved the request of the Emergency Services Director to hire an individual to fill a vacant position due to an employee resignation by a 4 to 1 (abstention) vote; 6) approved the request of the Public Works Director to hire three individuals as part-time Airport Technicians by a 4 to 1 vote; 7) discussed the reimbursement of a grant relating to a County economic development project; 8) discussed matters regarding contract negotiations for a project to be constructed on County owned property; 9) discussed with legal counsel and the Sanitary Commissioners issues relating to shared facilities based on State law.

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

PUBLIC HEARING-PROPOSED FY14 COUNTY FEE SCHEDULE

The Council adjourned into a public hearing.

E. Thomas Merryweather, County Attorney, said a public hearing is being held at the request of Robert Willey, Assistant Finance Director, to amend the County's Schedule of Fees to reflect revised fees in the FY 2014 budget for the Recreation and Parks Department, the Planning and Zoning Department and the Engineering Division of the Public Works Department.

Mr. Willey explained that on May 15, 2012 the Council agreed to separate the County's Schedule of Fees from the 2012-2013 Annual Budget and Appropriation Ordinance of Dorchester County and from future budget and appropriation ordinances to allow the opportunity to make changes or amendments, if necessary, periodically throughout the fiscal year. He said overall the fee adjustments are being made in order to account for the amount of staff time and resources utilized.

There was no public comment.

In response an inquiry from Councilman Bradshaw, Mr. Willey expressed his understanding that the Department Heads who submitted the proposed changes made an effort to ensure that the fees are comparable to those in neighboring counties.

Based on a question posed by Councilman Price, Mr. Willey explained that the majority of the revisions to the County's Schedule of Fees are adjustments in the building code fees to correspond with the fee increases instituted by Middle Department Inspection Agency (MDIA) which is responsible for enforcing the County's building code. He further explained that these fees are passed onto MDIA for its services, pursuant to an agreement between the County and that agency. He noted that during the budget process staff discovered that building code fees for pellet and wood stoves were not included and therefore those fees have been added in order to comply with State law.

The Council agreed to execute a resolution to amend the County's Schedule of Fees to reflect the changes made to fees in the Recreation and Parks Department, the Planning and Zoning Department and the Engineering Division of the Public Works Department as referenced in the adopted FY 2014 budget.

The Council adjourned into Regular Session.

REGULAR SESSION

REQUEST TO USE COUNTY OFFICE BUILDING PROPERTY-BANNER NEWSPAPER BATTEN DOWN EVENT

The Council approved the request of Dave Cannon, Advertising Manager, Banner Newspaper, to hold a "Batten Down" event on the County Office Building lawn along the Cambridge Creek and to utilize the County parking lot on Saturday, August 17, 2013 from 9 a.m. to 1 p.m. The Council acknowledged that at this event personnel from Emergency Management and Snip Tuck will provide information on how to prepare for emergencies and natural disasters. The Council requested that sufficient certification of liability insurance naming the County as additional insured be provided and that the event holders clean the property after the event.

MANAGERS COMMENTS

REQUEST FOR FINANCIAL SUPPORT-GREAT EASTERN SHORE TOMATO FESTIVAL-HISTORICAL SOCIETY

The Council discussed with Ann W. Phillips, Director, her request on behalf of the Dorchester County Historical Society for a financial commitment of \$2,500 for the advertising and promotion of the society's August 17, 2013 event titled "The Great Eastern Shore Tomato Festival" to be held in the Town of Vienna.

In response to a question from Councilman Price, Ms. Phillips explained that she asked the County's Tourism Department staff for a donation for the event and was advised that funding is not available for individual entities. She said an invitation was extended to local businesses to participate in this event in order to garner funding, to no avail.

Councilman Price inquired as to whether Cindy Smith, Grants Monitor, may be able to assist Ms. Phillips in identifying grant funding sources to promote this event. Ms. Smith said she is willing to work with Ms. Phillips; however, she expressed concern about the timing of the event, noting that the grant process can be lengthy. Pursuant to a question posed by Councilman Price, Ms. Phillips said the Historical Society staff has considered utilizing the Cambridge Dorchester Airport as a location for a future event.

Based on a motion made by Councilman Price, the Council requested that Ms. Smith work with Ms. Phillips to determine if there is available grant funding for this event. Councilman Bradshaw opposed.

RESOLUTION OF SUPPORT REQUEST-MARYLAND TAX CREDITS-NEW BEGINNINGS YOUTH & FAMILY SERVICES

The Council approved the written request of Mayra Maldonado, Executive Director, to execute a Resolution of Support for New Beginnings Youth and Family Services' application for Maryland Tax Credits of \$35,000 for 2014 to the Department of Housing

and Community Development under the Community Investment Tax Credit Program to support the Experiencing Arts Program, a after school program the organization provides to children of residents of Bay Country Apartments and Parkside Village Apartments on Greenwood Avenue, Cambridge, Maryland. The Council acknowledged that no County financial obligation is required.

CAMBRIDGE POWER BOAT REGATTA-REQUEST TO WAIVE FEES FOR AMBULANCE SERVICES-ALLEN NELSON

The Council approved the written request of O. Allen Nelson, Vice-Commodore, to waive stand-by fees for County ambulance service for the two day "Cambridge Classic" event to be held by the Cambridge Power Boat Regatta Association on July 27 to July 28, 2013.

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

Domestic Violence-Protective Order Entry/Services

The Council approved the request of Cindy Smith, Grantor Monitor, on behalf of the Sheriff's Office, to accept a FY14 Governor's Office of Crime Control & Prevention grant award under the Domestic Violence Unit Program Fund titled "Protective Order Entry/Service" in the amount of \$3,000 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 there is no cash or in-kind match and that the grant period is July 1, 2013 to June 30, 2014.

Sex Offender Compliance/Monitoring Support

The Council also approved the request of Ms. Smith, on behalf of the Sheriff's Office, to accept a FY14 Governor's Office of Crime Control & Prevention grant award under the Sex Offender Compliance and Enforcement in Maryland Program titled "Monitoring Support" in the amount of \$7,130 to fund overtime for the Deputy assigned to sex offender monitoring. The Council acknowledged that there is no cash or in-kind match and that the grant period is July 1, 2013 to June 30, 2014.

The Council agreed that the hours spent by deputies specific to these grants (Protective Order Entry/Service and Monitoring Support) are exempt from the 171 hour over a 28 day period overtime threshold until the grant periods end or grant funds have been depleted. Council reserved the right to review any future renewals to determine the policy regarding hourly pay for the provision of services in regard to overtime policies.

REQUEST TO ADVERTISE FOR PROPOSALS-RE-LAUNCH OF TOURISM WEBSITE-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to advertise a request for proposals for the re-launch of the County's tourism website,

TourDorchester.org, and the creation of a mobile optimized website with the understanding that there is funding in the marketing line item of the Tourism Department's FY14 Operating budget that will be utilized for this expenditure.

TRAVEL REQUESTS-TOURISM

The Council approved the request of Ms. Fenstermaker to attend the Maryland Association of Counties Summer Conference in Ocean City, Maryland from August 14 to August 16, 2013. The Council acknowledged that the total cost of the trip, including lodging, food and transportation is \$500 and will be paid from the FY14 Tourism Department Operating budget.

The Council also approved the request of Ms. Fenstermaker to attend the Educational Seminar for Tourism Organizations Conference sponsored by the United States Travel Association from August 18 to August 20, 2013 in Richmond, Virginia. The Council acknowledged that the cost of registration is \$575 which is fully reimbursable through the marketing grant from the Maryland Office of Tourism Department and that other costs, which include mileage, lodging and food, will be approximately \$650 and will be paid from the FY14 Tourism Department Operating budget.

REQUEST TO ADVERTISE FOR PROPOSALS-MURAL-MICHENER CHESAPEAKE COUNTRY SCENIC BYWAY-TOURISM

The Council approved the request of Ms. Fenstermaker to advertise for proposals for a mural artist to design and execute a heritage-related mural on the wall of the JM Clayton Seafood Company in Cambridge, which is along the Michener Chesapeake Country Scenic Byway. The Council recognized that this mural is the second in a series of five for Dorchester County and that the entire project is funded through a National Scenic Byways grant and in-kind services.

REQUEST TO SOLE SOURCE-RENEW MAINTENANCE CONTRACT-HVAC-COURT HOUSE-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to waive bids and sole source with Pritchett Controls, Inc. to renew the maintenance contract with this company for the HVAC system at the Circuit Court House at an annual rate of \$6,200 for a three year period commencing on July 1, 2013, to be funded through the FY14 Maintenance Division budget.

2015 WATERWAY IMPROVEMENT FUND GRANT APPLICATION REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Moore to submit FY 2015 grant applications under the Waterway Improvement Fund Program for the following: 1) \$99,000 for County maintenance for 2015; 2) \$18,000 for electrical and lighting system replacement at the Ragged Point marine facility; and 3) \$99,000 for bulkhead replacement at the Golden Hill

Boat Ramp. The Council acknowledged that Dorchester County did not receive any project funding for FY14 therefore these are the same projects submitted for that fiscal year. The Council acknowledged that Mr. Moore will also submit an annual service contract grant request for Waterway Improvement Fund funds for 2015 for the placement of portable toilets and trash containers at County marine facilities. However, Council recognized that while Mr. Moore anticipates that funding will be provided for the placement of portable toilets, as he previously advised Council, he believes funding has been discontinued for the trash container placements.

REQUEST TO AMEND CONTRACT-GCI ENVIRONMENTAL SERVICES MONITORING PLAN-OLD BEULAH-LANDFILL/PUBLIC WORKS

The Council approved the request of Mr. Moore to amend the June 11, 2012 contract between the Council and GCI Environmental Services for groundwater monitoring services at all solid waste landfills in the County, which will terminate in June 2014, to include the preparation of an updated Environmental Monitoring Plan for Old Beulah Landfill at the additional cost of \$3,570 from the Landfill Enterprise Fund contractual services line item. The Council recognized that pursuant to the recently received Maryland Department of Environmental staff's review of the capping and closure design for Old Beulah Landfill the updated monitoring plan is required as part of that closing package.

REQUEST TO ADVERTISE EXPRESSIONS OF INTEREST-COUNTY PLANNING COMMISSION-PLANNING AND ZONING

The Council approved the request of Steve Dodd, Planning and Zoning Director, to advertise in a local news publication(s) and on the County's website a request for expressions of interest from residents who are interested in serving on the County's Planning Commission.

WORLD ECONOMIC DEVELOPMENT ALLIANCE SERVICE AGREEMENT REQUEST-ECONOMIC DEVELOPMENT

The Council approved the request of Keasha Haythe, Economic Development Director, to execute a 12 month agreement with World Economic Development Alliance to provide marketing services at the cost of \$8,500, to be paid in three installments (July, September, December) from the FY14 Economic Development Office budget. Councilman Bradshaw opposed. The Council acknowledged that World Economic Development Alliance will provide the following marketing services: 1) access to leads, trade shows, trade show networking and VIP events; 2) two trade show badges to each event attended by WEDA staff; 3) the display of County marketing materials at the WEDA booth at each trade show; 4) a dedicated web banner on the company's website as well as the posting of three buildings and sites in the County and unlimited press releases; and 5) a \$2,500 voucher for additional marketing services such as email campaigns, web site redesigns and technology upgrades.

In response to a question from Councilman Price, Ms. Haythe clarified that WEDA staff will send business prospects, on a local and global basis, who are interested in relocating to or expanding in Dorchester County, to the Economic Development staff. She explained that WEDA services are only provided to three local three local jurisdictions in the State of Maryland annually, of which Dorchester will be the third and final jurisdiction.

REQUEST TO OBTAIN MARKETING AND COMMUNICATION SERVICES- ECONOMIC DEVELOPMENT

By a 2 to 2 vote, the Council denied the request of Ms. Haythe to enter into an agreement with Choptank Communications, LLC to provide monthly marketing and communication services utilizing funds from the marketing line item of the FY14 Economic Development Office budget with Councilmen Price and Bradshaw opposing. Councilman Newcomb noted that Councilman Nichols is not in attendance and questioned whether Ms. Haythe is currently under a deadline or can wait until the Council's August 6, 2013 meeting for a final decision. Ms. Haythe explained that there is no deadline, however, in the interim the preparation and distribution of a monthly Economic Development newsletter will be discontinued. The Council agreed to place this request on its August 6th agenda for final disposition.

COUNCIL'S CORRESPONDENCE/TELEPHONE POLL CONFIRMATIONS

Council's Correspondence

Councilman Newcomb announced that the Council agreed to send a letter to support the request of Wesley Union United Methodist Church (Vienna) supporters for funding from the Maryland Historical Trust Grant under the African American Heritage Preservation Program of \$80,000 with an in-kind donation of \$20,000 for a total of \$100,000 to restore the building, by a 5 to 0 vote. Council recognized that the County cannot provide funding to include a local or in-kind match or serve as applicant for the grant. The Council also recognized that the funding will be provided directly to the church.

Telephone Poll Confirmation

Councilman Newcomb further announced that in the interim between meetings Council, by means of a poll, agreed to schedule the annual meeting with legislators to discuss legislative initiatives for the 2014 Maryland General Assembly Legislative Session at 6 p.m. on the same date as the Annual Transportation Meeting with Maryland Department of Transportation officials, which is November 5, 2013, by a 5 to 0 vote. He noted that the Annual Transportation meeting will be held at 7 p.m.

DISCUSSION RELATING TO A PROPOSED SOLAR PROJECT ON COUNTY OWNED PROPERTY

Councilman Newcomb announced that the Council has chosen a company for the installation of a solar array on County owned property. The Council agreed that Standard

Solar, Inc. representatives may proceed with filing the appropriate paperwork with the County's Planning and Zoning Office staff to begin the permitting process for the installation of this solar array. The Council members requested that the Standard Solar representatives provide a proposed Power Purchase Agreement for their review and consideration at their August 6, 2013 meeting.

At Councilman Newcomb's request Robert Busler and Jack Copus, Directors of Business Development for Standard Solar introduced themselves. Mr. Busler noted that the proposed site for the solar array is at the Beulah Road Landfill off of Gravel Branch Road.

PUBLIC COMMENTS

Pete Macinta, resident, questioned whether the Council members made any decision to amend the County's Charter to change the deadline to adopt the County's budget in order to allow them the opportunity to consider any changes that may occur as a result of the passage of legislation during the Maryland General Assembly. Councilmen Newcomb and Price noted that the Council made the decision to not proceed with that amendment in June 2012. In response to a question from Mr. Macinta, Councilman Newcomb asked staff to work with E. Thomas Merryweather, County Attorney, to obtain information to provide to Mr. Macinta regarding the process to amend the County Charter.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price provided a brief summary regarding topics discussed at a special interim meeting of a Maryland Association of Counties (MACo) Legislative committee and MACo staff on July 10, 2013. He said members were advised that Maryland Department of Environment staff is working with multiple stakeholders, including Environmental Protection Agency personnel to develop milestones to meet State watershed implementation plan and Total Maximum Daily load requirements. He noted that members and MACo staff discussed the possible pursuit of legislation to suspend or delay the implementation of these regulations as well as the restoration of the State's distribution of highway user revenues in order to meet local infrastructure needs. He said members also expressed concern that State legislators may pursue increases in taxes or additional unfunded mandates during the 2014 Maryland General Assembly Legislative Session. He noted that the next interim Committee meeting is in September 2013.

Councilman Bradshaw explained that he, Councilmen Price and Travers recently met with Wicomico County Executive Rick Pollitt, President of MACo and Michael Sanderson. He expressed his concern that MACo is not responsive to the needs of its member counties, noting that they have not taken any definitive action to pursue legislation in opposition to the land use regulations recently established by State law. He said Clean Chesapeake Coalition members have been advised by Funk and Bolton staff that very restrictive accounting for growth regulations will be implemented later this year by the State which will negatively impact local jurisdictions. He expressed concern about the State continuing to usurp local land use authority.

Councilman Travers noted that the Council was advised, via email that a Sheriff's Office vehicle was recently totaled and made a motion to utilize the insurance payoff towards the purchase of a new vehicle. In response to questions from Councilman Price, Councilman Newcomb clarified that the purchase of four replacement vehicles was included in the FY14 Capital Budget for the Sheriff's Office; that the Contingency Fund no longer exist; and the cost of a new vehicle is approximately \$35,000 to \$40,000 plus equipment costs. Councilmen Price and Newcomb opposed therefore the motion failed.

Councilman Newcomb announced that the next County Council meeting will be held on August 6, 2013.

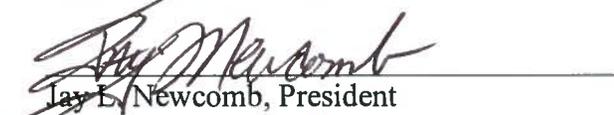
With no further business to discuss, the Council adjourned.

ATTEST:


Jane Baynard, County Manager

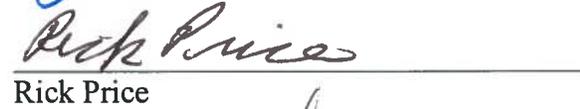
Donna F. Lane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:


Jay L. Newcomb, President

abstained
William V. Nichols, Vice President


Ricky Travers


Rick Price


Tom Bradshaw

Approved the 6th day of August, 2013.