

**County Council of Dorchester County
Regular Meeting Minutes
January 8, 2019**

The County Council of Dorchester County met in regular session on January 8, 2019 with the following members present: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Pfeffer led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Donna F. Lane, Acting County Manager, advised that after publication of the agenda the following two items were added: County Pool Contract Discussion and Tipping Fee Waiver Policy And Procedure Discussion. The Council approved the amended agenda.

APPROVAL OF DISBURSEMENTS

Councilman Newcomb made a motion to approve the vouchers with the exception of payments to Simmons Center Market, based on concerns he heard from constituents regarding pricing and comments about Department Heads only being able to patronize Simmons Center Market. He requested information regarding purchases from this business in the past six years. Councilwoman Nagel seconded his motion. Councilman Pfeffer expressed his belief that the motion should be amended to pay Simmons Center Market for the supplies already purchased. Councilman Travers noted that Dorchester County has patronized Simmons Center Market years before he was elected to serve on the Council. He said there has been no discussion between him, his store and Department Heads advising them that they must purchase from Simmons Center Market. He noted that a number of local vendors sell products to the County. In response to a query from Councilman Nichols, Councilman Travers said waiting a short period of time will not adversely impact his business. The Council approved the vouchers as presented with the exception of the Simmons Center Market payments with Councilmen Pfeffer opposing and Councilman Travers abstaining for any bills relating to this business.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$9,152,059.56.

CLOSED SESSION SUMMARY

The Council convened into Closed Session on December 18, 2018 at 7:10 p.m. pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, §3-305(b)(1) to discuss the following items: agreed to terminate the employment of the County Manager and honor his Employment Agreement by a 3 to 2 vote.

The Council convened into Regular Session on January 8, 2019 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into 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. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were all of the present Council Members.

He said the Council convened into a Closed Session on January 8, 2019 at 5:31 p.m. to discuss the following items: 1) approved the request of the Director of Corrections to promote an existing employee to fill a vacant Secretary-Administrative Assistant/Civilian position by a 4 to 1 vote; 2) approved the request of the Director of Corrections to reclassify an existing employee by a 3 to 2 vote; 3) discussed matters relating to Planning and Zoning Director position; 4) discussed matters relating to the County Manager vacancy; 5) discussed the acquisition of property; and, 6) received legal advice from County attorney on an Amendment to a Lease. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; and Donna Lane, Acting County Manager. 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

PROCLAMATION-NATIONAL MENTORING MONTH PROCLAMATION

The Council presented a Proclamation declaring January 2019 as National Mentoring Month.

REVISED 2017 LAND PRESERVATION PARKS AND RECREATION PLAN- PRESENTATION-APPROVAL REQUEST

Frank Stout, Recreation and Parks Director, presented a revised 2017 Land Preservation Parks and Recreation Plan, noting the original plan was approved by Council in 2018. He explained that even though Department of Natural Resources (DNR) staff approved the plan as well, they later advised that the County did not obtain a certain goal. He said

amendments were made to this plan to change DNR's interpretation about the County's need for land acquisition. Mr. Stout thanked Katy Maglio, GIS Specialist; Cindy Smith, Assistant Finance Director; and DNR staff who assisted him in the preparation of the revised plan. He advised that last week DNR staff advised him that due to this revision they have determined that the County has now met its acquisition goal. He explained that due to this determination the County's share for development projects using Program Open Space (POS) funds has been decreased from 25% to 10%.

Pursuant to an inquiry from Councilman Pfeffer, Mr. Stout said the Memorandum of Understanding for the use of school facilities mentioned in the plan is for indoor activities sponsored by the Recreation and Parks Department such as league basketball. Councilman Pfeffer questioned whether it also applies to after hour use of school playgrounds. He said it is recollection that at one point a sign was erected at Warwick Elementary School which noted that it was a school playground and there was no trespassing. Mr. Stout noted that there was some fitness equipment on the grounds of Cambridge South Dorchester High Schools. He said he will have to inquire about after hour's use of school playgrounds. Councilman Nichols expressed his understanding that at least two schools several years ago prohibited after hour use due to vandalism. Councilman Newcomb said he believes there may have also been concerned about liability and if posted, it would fall on the individual or family and not the school system.

Councilman Pfeffer asked for additional information about the scholarship program which is referenced in the plan. Mr. Stout advised that this has been a topic of discussion the Recreation and Parks Advisory Board, which meets on a monthly basis. He said the amount charges for programs typically covers staffing and there is no substantial excess. He explained that a scholarship program has not been established yet, noting that no funding source has been identified. Councilman Pfeffer said the plan was well written and included information he was unaware of such as 39% of the wetlands in Maryland are in Dorchester County. He thanked staff who were a part of the plan revision process.

The Council approved the revised 2017 Land Preservation Parks and Recreation Plan.

MANAGERS COMMENTS

TRAVEL REQUEST-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, for authorization to travel to Small Museum Association Conference, which will be held February 17-19, 2019, at The Hotel at University of Maryland in College Park. The Council acknowledged that: 1) as a Heritage Area Manager she receives a scholarship that covers registration and meals; 2) the following costs will be paid out of the Tourism Operating Budget: lodging, \$254; parking, \$48; and mileage and tolls, \$100.

LETTER OF SUPPORT REQUEST-RURAL LEGACY BOUNDARY CHANGES- EASTERN SHORE LAND CONSERVANCY

Donna F. Lane, Acting County Manager, said the Eastern Shore Land Conservancy is seeking a letter of support from the Council for Rural Legacy Boundary Changes. She advised that Rodney Banks, Assistant Planning and Zoning Director, recommends that the Council fully support the new Eastern Shore Heartland Rural Legacy Area. In response to a question from Councilman Pfeffer, Ms. Lane said participation by property owners in the rural legacy areas is not mandatory. The Council agreed to send a letter of support for the boundary changes.

COOPERATIVE PURCHASING AGREEMENT-FURNITURE-EMERGENCY SERVICES

The Council approved the request of Cindy Smith, Assistant Finance Director, to enter into the Cooperative Purchasing Agreement to piggyback for pricing already negotiated with Xybix for furniture for a new room design and layout due to the relocation of the 911 Center. Anna Sierra, Emergency Services Director, explained that Xybix assumed that Dorchester County had entered such an agreement and provided discount pricing based on it. Ms. Smith said Emergency Numbers Systems Board funds will be used for this purchase.

REQUEST TO PURCHASE SHED-SOLID WASTE-NECK DISTRICT-PUBLIC WORKS

Ryan White, Public Works Director, presented his request to purchase a shed/office for the Neck District Transfer Station location from Old Hickory Buildings, the lowest bidder, at the cost of \$2,463 using FY19 Solid Waste Capital Funds. In response to an inquiry from Councilman Nichols, Mr. White said electricity costs are already included in the budget. The Council approved his request and acknowledged that: 1) Insulation, heat/air, interior finishing will be installed by Solid Waste staff to achieve a savings; and, 2) currently the transfer station attendant works out of their personal vehicle in the elements, with no heat, and no air conditioning.

REQUEST TO PURCHASE BUSER ATTACHMENT-PUBLIC WORKS

Mr. White noted that the top two complaints are: 1) ditching, pipes, drainage, flooding; and 2) grass cutting, bushing, tree trimming. He said in the last 20 months there have been many complaints regarding grass cutting and bushing, of which 94 were documented phone calls. He explained that if one of the three bushers owned by the County are not in service due, cutting of grass on shoulders and phragmites will reduced. Since the County already owns a tractor, he said he is seeking approval to purchase a Diamond Roadside Extended Boom Rotary Mower (buser) attachment from the lowest bidder for use by the Highway Division and the Solid Waste Division utilizing funds from the Landfill Enterprise Fund to replace an unrepairable unit. In response to a question posed by Councilman Nichols, E. Thomas Merryweather, County Attorney, said

equipment can be used by both divisions; however, the use of the equipment must be prorated. Based on a query from Councilman Newcomb, Mr. Merryweather said equipment purchased with Landfill Enterprise Funds cannot be transferred to another division. In response to a question from Mr. Merryweather about including this equipment in the FY2020 budget, Mr. White said he has submitted a request for an additional unit. Mr. White advised that the tractor was purchased with Highway Division funds and a busher is already used at the Landfill based on an inquiry from Councilman Travers. Councilwoman Nagel questioned whether local vendors were solicited. Mr. White said the bids sought were for the same manufacture and model in order to keep the fleet uniform and there is only one company in the State of Maryland which sells this equipment. The Council deferred Mr. White's request in order to allow Michael Spears, Finance Director, the opportunity to review the proposal in order to preserve the integrity of the Landfill Enterprise Fund.

STORM WATER MANAGEMENT AGREEMENT-PUBLIC WORKS

Based on the request of Mr. White, Council agreed to execute a Stormwater Management Agreement with Donna R. Flaggs, for 8 Cambridge Avenue, East New Market (Cabin Creek Animal Hospital).

GRANT AGREEMENT ACCEPTANCE-321 WEST END AVENUE-FINANCE

Cindy Smith, Assistant Finance Director, said she is seeking the Council's acceptance of a FY 2019 Community Legacy Program Agreement grant award for \$20,000 to cover roof repairs for the preservation of the 321 West End Ave, a remnant of Oakley Farms, which is now part of the West End Historic District. She said there is no County commitment other than the funds already expended for foreclosure and weatherization. Mr. Merryweather stressed the need for lifting of the demolition order on this property. In response to a question from Councilman Pfeffer, Ms. Smith said the \$7,075 match represents the County's expenditures for acquisition and weatherization. She noted that foreclosure costs are approximately \$3,000. Mr. Merryweather explained that the purpose of the repairs is to sell the property, under the County's Tax Lien Property Repurpose Program, to a buyer who will bring the structure up to Code. Ms. Smith said several individuals said they may consider purchasing the property if a roof is installed. The Council accepted the award and agreed that no funds should be expended until the demolition order has been lifted.

GRANT AWARD-315 APPLEBY AVENUE-FINANCE

Cindy Smith, Assistant Finance Director, presented her request to the Council for the acceptance of a grant award for \$40,000 to cover architectural and engineering services for preservation of the Mansion at 315 Appleby which has historical significance. She explained that the grant funds will be used for structural engineering and architectural design. She said the matching money is foreclosure and maintenance costs already incurred by the County. Pursuant to a question from Councilman Pfeffer, Ms. Smith said: 1) the assessed value of the property of \$113,000 is the match; 2) foreclosure costs

were approximately \$3,000; and, 3) the total cost expended by the County is about \$7,000. The Council approved Ms. Smith's request to accept the grant.

SURPLUS PROPERTY DECLARATION-SHERIFF'S OFFICE

The Council agreed to declare the following Sheriff's Office vehicles, for which the insurance has been cancelled as surplus property: 2008 Ford, VIN No. 2FANP71VX8X124264 (check); and a 2007 Ford, VIN No. 2FAHP71W87X149381 (check). The Council acknowledged that the tags will be transferred to another vehicle through MVA.

BOARD APPOINTMENTS

Based on a motion made by Councilman Nichols, the Council agreed to the appointment of a County resident to the Board of Zoning Appeals as the District 2 representative. The Council also approved the reappointment of Lin Spicer to this Board as the District 1 representative.

COUNTY POOL CONTRACT DISCUSSION

Ms. Lane advised that the request before the Council tonight is to consider sole sourcing and contracting with the current vendor for the County pool. Becky Dennis, Human Resources Director, said additional language needs to be incorporated before final review by Mr. Merryweather. Councilman Newcomb made a motion to sole source with Coastline Services. In response to a question from Mr. Merryweather, Mr. Stout said he has heard from staff that the pool water quality has been the same, if not better, as last year. He noted that the company has installed a water quality monitoring system and feeds chemicals into the pool if necessary. Ms. Dennis advised that there have been several complaints, the company has been very responsive and has addressed issues if necessary. Councilman Nichols said he would like to view a comparison of the County versus a vendor managing the pool. In response to a question from Councilman Newcomb, Mr. Spears said he saw no red flags. The Council agreed to sole source and contract with Coastline Pool Services.

TIPPING FEE WAIVER POLICY AND PROCEDURE DISCUSSION

Ms. Lane provided a summary of the Tipping Fee Waiver Policy and Procedure adopted in October 18, 2017 and few approved requests. Councilman Nichols expressed his belief that the Council should consider requests for landfill tipping fee waivers. Councilman Pfeffer made a motion to keep the current policy and procedure which Councilman Travers seconded. Councilwoman Nagel cited her concern about setting precedence. She said she believes there should be no exceptions. Councilman Pfeffer expressed his opinion the policy as written assists taxpayers in keeping costs down. Pursuant to a question from Councilwoman Nagel, Ms. Lane said the Committee members are a Council Member, the County Manager, the Finance Director, the Public Works Director and a County staff member. Mr. White said it assists the County in meeting the County's

recycling figure of 20% set by the State of Maryland. Ms. Smith acknowledged that this policy and procedure has not been marketed correctly. She explained that the goal is to assist with removing blight in the County. Councilman Nichols expressed his concerns about fairness to those of all income levels. Councilman Travers suggested amending the policy to make the Council the review committee.

The motion to keep the policy and procedure failed with Councilman Newcomb, Councilwoman Nagel and Councilman Nichols opposing. The Council agreed to discontinue the policy and procedure with Councilmen Pfeffer and Travers opposing.

PUBLIC COMMENTS

Richard Lalka, Dorchester County resident, expressed concern about County property taxes. He expressed his opinion that the Council should place a cap on or freeze these taxes as well as assessments for the next couple of years. Councilman Nichols said the State of Maryland assesses property not the County. He and Councilman Newcomb referenced an increase in debt in Talbot County due to the tax cap. Councilman Nichols advised that owners can file an appeal on their property assessments.

Wendell Foxwell, resident, questioned the status of the old Herbert Hearn Building and the adjacent property.

Diana Mitchell, Superintendent of Schools, said she worked with the public schools team on the budget for upcoming school year. She asked the Council to provide funding over Maintenance of Effort. Councilman Nichols recognized local schools' score increases. He thanked Dr. Mitchell and public school staff for assisting in raising those figures.

Ken Johnson, resident, said he recently received the State assessment for his property in Indian Grant which has increased in the last three years. He advised that other residents in that neighborhood also had their assessments raised. He noted that he submitted his appeal today.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Pfeffer provided an overview of an economic forecast class he attended at the recent Maryland Association of Counties Conference. He said he attended classes with Councilmen Travers and Newcomb. The Council agreed to send a letter in opposition to House Bill 1 entitled "Natural Resources-Prohibition on Dredging Buried Oyster Shells on Man-On-War Shoals. He commended and thanked Anna Sierra, Emergency Services Director for speaking at the conference. He applauded Joseph Hughes, Director of Corrections, for his efforts in lowering the recidivism rate and the other programs he has been instrumental in establishing.

The Council agreed to nominate Councilman Pfeffer as the Council's alternate on the Maryland Association of Counties Legislative Committee.

Mr. Johnson questioned the reason Baltimore County was listed on the assessment paperwork. Councilman Newcomb noted that the State controls assessments. Mr. Johnson expressed concern for those citizens who own properties in the County on which they cannot build due to the presence of wetlands. Nelson Brittingham expressed concern about this matter as well. Councilman Newcomb recognized that there are properties which cannot be built upon and noted that owners can ask for a reassessment of their property.

Councilman Nichols announced that the next Council meeting will be held on January 15, 2019.

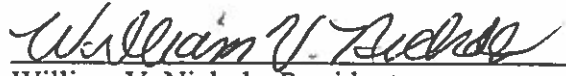
With no further business to discuss, the Council adjourned.

ATTEST:




Donna F. Lane
Acting County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:




William V. Nichols, President



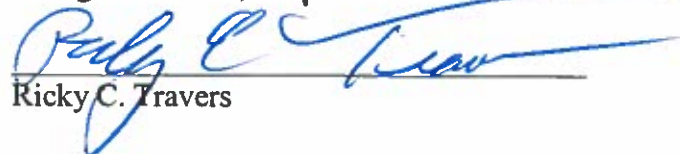
Jay L. Newcomb, Vice President



Libby Handley Nagel



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 5th day of February, 2019.