

County Council of Dorchester County
Regular Meeting Minutes
February 5, 2019

The County Council of Dorchester County met in regular session on February 5, 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 and Donna F. Lane, Acting County Manager.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following addition to the agenda: Modification of a Lease.

APPROVAL OF MINUTES- DECEMBER 18, 2018-JANUARY 8, 2019

The Council approved the minutes of December 18, 2018 and January 8, 2019.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$8,198,618.84.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on February 5, 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; and, §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter. 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 F. Lane, Acting County Manager. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened into a Closed Session on February 5, 2019 at 5:31 p.m. to discuss the following items: 1) agreed to change the status of an existing employee from full-time to on-call status as an Emergency Medical Technician by a 5 to 0 vote; 2) denied the request of the Emergency Services Director to place an individual in a vacant Emergency Medical Services Shift Supervisor position in an acting capacity by a 3 to 2 vote; and, 3) received legal advice from County attorney on a lease amendment. 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 OUTDOOR SHOW MONTH

The Council presented a Proclamation declaring February 2019 as National Outdoor Show Month.

PUBLIC HEARING-OPENING ROAD-HICKORY COVE ROAD

E. Thomas Merryweather, County Attorney, said a public hearing is being held for the acceptance of Hickory Cove, consisting of 1,000 feet, as a new road. In response to an inquiry from Mr. Merryweather, Donna Lane, Acting County Manager, said the only person who signed up to speak did so erroneously. Ryan White, Public Works Director, said the road meets all County standards. Mr. Merryweather asked if anyone had any comments. There was no response. The Council agreed to accept the road into the County system.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO REPEAL AND REENACT SECTION 68.7(c)(10)(g) AND SECTION 68.7(c)(11), TO RENUMBER SECTIONS 68.7(c)(11), 68.7(c)(12) AND 68.7(c)(13) AND TO REPEAL

SECTION 68.7(c)(10)(h) AND TO REPEAL SECTION 68.7(c)(10)(i) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA".

Mr. Merryweather said the legislation scheduled for introduction which modifies Critical Area regulations. He noted that Brian Soper, Environmental Planner, has been working on these amendments. Ms. Lane said: 1) this bill addresses conditions the Critical Area Commission required after the adoption of the Chapter 68 Critical Area Ordinance in 2017; 2) it received a favorable recommendation from the Planning Commission during their January 2, 2019 meeting; and, 3) the Critical Area Commission has provided comments on the proposed bills and their changes have been included. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO REPEAL AND REENACT SECTION 68.16(e)(1)(a)(2) AND SECTION 68.25(b)(4)(a) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA".

Ms. Lane said the legislation before the Council for introduction: 1) includes changes and additions to Chapter 68 to benefit County residents on how Critical Area buffer coverage is calculated and removes a word that was incorrectly added to the Administrative Variance section; 2) received a favorable recommendation from the Planning Commission during their January 2, 2019 meeting; and 3) the Critical Area Commission staff has provided comments on the proposed bill and their changes have already been included. The Council agreed to proceed with publication of a public hearing on this matter.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

REQUEST FOR STANDBY AMBULANCE-WAIVER OF FEES-POWER BOAT RACES

Terry Robbins presented the request of Allen Nelson on behalf of the Cambridge Power Boat Racing Association, Inc. and the Kent Narrows Racing Association for ambulance support for two boat races as has been provided in the past as well as a waiver of standby fees. Ms. Lane said she has confirmed with Emergency Medical Services that they can provide ambulance support as they have done in the past. The Council approved the request for the following races: 1) Cambridge Classic event from May 18-19, 2019; and, 2) the Thunder on the Choptank from July 27-28, 2019.

REQUEST TO ADVERTISE-COUNTY TOWING SERVICES 2019-2022-PUBLIC WORKS

The Council approved the request of Ryan White, Public Works Director, to advertise a contract for towing services for the County for a three-year period, 2019-2022, at a cost not to exceed \$15,000.

REQUEST TO ADVERTISE FOR PROPOSALS-RAGGED POINT MARINA BOAT RAMP-TAYLORS ISLAND BULKHEAD REPLACEMENT-PUBLIC WORKS

The Council approved the request of Mr. White to advertise for proposals for the Ragged Point Marina Boat Ramp project and the Taylors Island Bulkhead Replacement Project. The Council acknowledged that these projects will be funded through Maryland Department of Natural Resources grants for general maintenance. He said there is approximately \$210,000 in funding available and noted that the engineer estimate for both projects combined is \$205,000. Councilman Travers made a motion to advertise for the proposals which Councilman Pfeffer seconded. Councilman Newcomb said there is a problem at Smithville and Madison and questioned whether these projects can be addressed as well. Mr. White explained that those proposed projects are at the engineering firm for design. He noted that the grant monies must be used by the end of the fiscal year. He said grants will be submitted for the other projects, noting that in the future DNR will provide monies for specific sites and not generalized funding. The Council approved Mr. White's request. Ms. Lane asked Mr. White to provide updates on the Smithville and Madison projects so that they may be provided to Council.

FARM LEASE-BOBTOWN ROAD

Ms. Lane stated that the County has leased annually a four tillable acre property located on the north side of Bobtown Road to one couple since 2013. She noted that in addition to these two individuals another person has expressed interest in leasing the property. She stated that both requests are before Council, which may choose to accept one of the offers, submit a counter offer, or advertise a request for proposals of interest for leasing the property. She explained that once Council makes a decision on whom to the lease the property to, a public hearing for comment only must be conducted. Ms. Lane said she has verified with Mr. White and John Cooney, Landfill Manager, that the property is not being used for landfill purposes. In response to a question from Councilwoman Nagel, she said the person who recently expressed interest in leasing the property owns adjacent property and intends to farm the land. The Council agreed to advertise a request for proposals. Mr. Merryweather advised that the bid opening and public hearing can be held on the same day.

RURAL LEGACY 2020 AGREEMENTS-PLANNING AND ZONING

The Council approved the request of Rodney Banks, Acting Planning and Zoning Director, to submit applications to the State for FY 2020 Maryland Rural Legacy Program preservation funds, which are allocated through the Maryland Department of Natural Resources. for the: 1) Eastern Shore Heartland Rural Legacy Focus Area as the first priority; 2) the Nanticoke Rural Legacy Focus Area as the second priority; and, 3) the Harriet Tubman Rural Legacy Focus Area as the third priority area.

PLANNING COMMISSION REFERRAL-ZONING ORDINANCE TEXT AMENDMENT-PLANNING AND ZONING

The Council approved the request submitted by Mr. Banks to refer the application from the Neck District Volunteer Fire Company for a text amendment regarding communication towers. The Council acknowledged: 1) that the purpose of the amendment is to permit the use of communication towers as a Special Exception in the V, Village Zoning District; 2) that the Zoning Ordinance currently allows communication towers as a permitted use in the B-2, I-1, and I-2 districts, and as a Special Exception use in the RC, RR-C, and AC zoning districts; 3) the receipt of a copy of the proposed language that supports the text amendment; and, 4) Section 155-5 of the Zoning Ordinance requires text amendments to be referred by the County Council to the Planning Commission for an investigation and recommendation.

AEROBATIC WAIVER-CAMBRIDGE-DORCHESTER REGIONAL AIRPORT

Ms. Lane advised that: 1) an Aerobatic Box waiver request for Cambridge-Dorchester Regional Airport has been submitted by William Finnigan to the Federal Aviation Administration (FAA); 2) Amber Hulsey, Airport Director, has only heard of two complaints, one of which was community members who met with Meighan Chisholm and herself days after she started employment with the County and another from

Councilman Satterfield; 3) Ms. Hulseley reached out to the flying community and other aviation stakeholders and did not receive any negative feedback; 4) John Knox, President, Bonnie Brook Improvement Association and Charles Tinley have expressed concern about the waiver; and, 5) Mr. Knox has provided a letter on behalf of the Association asking the Council to oppose the waiver request. Pursuant to an inquiry from Councilman Nichols, Ms. Lane confirmed that the Council has sent multiple letters in opposition of the waiver over the past several years. In response to queries from Councilman Newcomb and Councilwoman Nagel, Ms. Lane advised that the FAA has the final say and that Mr. Finnigan currently has an aerobatic box waiver. Councilman Travers said when the aerobatics are being performed the airspace is restricted which results in the loss of income for fuel and affects business at the restaurant located at the Airport. He noted that multiple individuals have expressed concern about the waiver. He said the Council has staunchly opposed the waiver in the past four years, even sending individuals to the FAA hearing regarding the request. He expressed his understanding that Mr. Finnigan may have connections which result in him being granted the waiver despite opposition. The Council agreed to send a letter in opposition with Councilwoman Nagel abstaining.

EASTERN SHORE INNOVATION CENTER LEASE REQUEST-ECONOMIC DEVELOPMENT

Ms. Lane stated that currently a two-year lease with a one-year extension is offered to tenants of the Eastern Shore Innovation Center (ESIC). She advised that concerns have been expressed that the tenants are not being provided sufficient services to continue to grow their businesses and hopefully relocate to another property/building within the County. She said based on this concern, there are two requests before the Council.

She explained that two requests are to: 1) offer a two-year lease with a two-year extension to all tenants contingent upon reaching a goal or milestone such as adding employees, obtaining a contract or financial goal; and, 2) extend the agreements for Garvey Environmental, Cambridge Federal, and Dalcom to include the fourth year with the contingency since they were not provided sufficient services. She noted that the Economic Development team can then provide assistance and develop a list of interested persons. She said no one has indicated an interested in leasing space in ESIC. She explained that Neil Davis from TEDCO, the entity that provided funding for ESIC, supports the recommended 4th year as warranted, with the contingency. She advised that Department of Commerce funding was also used for ESIC and there are no stipulations in the grant paperwork with this entity relating to lease terms. The Council agreed to approve the request to offer a two-year lease with a two-year extension for all incoming tenants and a fourth-year extension of the three current businesses Ms. Lane announced.

MODIFICATION OF LEASE

Mr. Merryweather said it has come to his attention that there may be a possible lease modification for one of the tenants of County owned property. Pursuant to his legal

advice, the Council authorized Ms. Lane and Councilman Newcomb to negotiate a modification of lease and report back to the Council.

PUBLIC COMMENTS

Bob Murphy, Sr. and Brian Harding, residents, expressed concern about the condition of Johnson Road which also has drainage issues. Mr. Murphy also stressed the need to pave other roads in the northern part of the County. Councilwoman Nagel noted that she provided the Council pictures of Kelly Road, Johnson Road, Maiden Forest Road and Kraft Neck Road. Councilwoman Nagel expressed her belief that Kraft Neck Road should be the next priority due to its poor condition. In response to an inquiry from Councilwoman Nagel, Mr. Harding confirmed that he has been advised by Perdue that the road must be repaired so the vehicles carrying poultry, feed and other items, can travel the road safely. Ms. Nagel thanked them for bringing this matter to the Council's attention.

In response to a question posed by Councilman Pfeffer, Mr. White explained that maintenance to dirt roads in the County is needed, particularly in light of recent wet weather. He said some materials that have been garnered from the City of Cambridge can be used for Johnson Road.

Councilman Newcomb noted that water on the road surface needs to be drained prior to the commencement of any work. He explained that there are also roads in South Dorchester that are in need of repair. He questioned whether it may be necessary to hire a contractor to assist with the work. The Council asked Mr. White to provide information regarding this matter. Based on a query from Councilman Nichols, Mr. White said it will take approximately a week to perform the work if the area is dry. Councilman Nichols stressed the need to repair the road so it does not impact Mr. Harding's poultry business.

Camelia Lewis, resident, said several citizens, have viewed dogs being left out in the cold and snow. She said there are multiple residents who are interested in changes being made to the County's Dog Control ordinance and willing to assist with the animals. She expressed her understanding that proper protocol is to be placed on an agenda to discuss proposed changes. Troi Lynn Faith, resident, advised that residents want a review of the current ordinance based on their opinion it only references the bare minimum which they believe puts animals lives at risk. She explained that they can obtain information from surrounding counties regarding their regulations and minimum standards. She noted that minimum standards can be increased which will provide better guidelines for those who enforce the ordinance. Mr. Merryweather said citizens should provide proposed changes to the Sheriff's Office which, after review and possible modification will be provided to the Council for its review and consideration.

Susie Hayward, resident, advised that Talbot County is working on new regulations. Ms. Lewis noted that Worcester County just passed changes. Ms. Faith said the regulations of surrounding counties should be reviewed as well.

Dr. Mitchell, Superintendent of Schools, referenced legislation introduced in the current legislative session which will give local school boards the authority to open and close schools on certain days as well as a bill regarding the usage of five days after June 13th for inclement weather. She asked the Council to consider providing the Board of Education funding over maintenance of effort. She recognized that mandates were signed into effect by Governor Lawrence “Larry” Hogan in 2018 which requires all districts to add a safety coordinator and mental health coordinator position for which they do not have funding for in the current budget.

Ted Brooks, resident, asked Council to consider instituting a preference system for local businesses for services and goods to bolster the local economy.

Michael Wheatley, resident and business owner, cited the need for the Council to consider the best interest of the County when making decisions.

Stanley Trice, resident, expressed concern about recent decisions regarding personnel.

Mr. Murphy emphasized the need to support the new Council. He noted that concerned citizens have the opportunity to run for office in the next Election. He cited his hope that the Council makes the right decisions. In response to a question from Mr. Murphy, Ms. Lane confirmed that a non-local firm conducts audits for the County. Mr. Murphy queried whether there was a local business that could perform this work. Ms. Lane explained that periodically in the past a request for proposals for auditors has been advertised in local newspapers and placed on the County’s website. Councilman Nichols cited his belief auditors should be changed every four years. He noted that the public can view the audit.

Councilman Nichols explained that in many instances the Council cannot speak about personnel in open session due to confidentiality laws. He expressed dismay that inaccurate information has been published by the local media, on social media websites and is being spread by word of mouth. He referenced actions taken by 12 counties in the State to release individuals from employment after elections in local jurisdictions, including Prince George’s County which released multiple individuals from employment.

Councilman Nichols clarified that the local newspaper article referencing an audit for supplies, including from Simmons Center Market was incorrect. He said Councilman Pfeffer provided a comparison of prices between Simmons Center Market and Amazon for several similar items. He explained that placed before the Council that evening was a list of prices obtained for various vendors, including Simmons Center Market, for like items. He provided a copy of the comparison to Dave Ryan, Editor, Dorchester Banner. Councilman Nichols noted that the information was requested based on concerns voiced by citizens about pricing to Council Members. He said the same concerns have been expressed in the past. Councilman Nichols noted that not all Council decisions are made by a three to two vote. He explained that the Council has the option to release employees hired from the last administration; however, they did not take that action. He said the prior Council agreed to disagree on several items.

Mr. Ryan took exception to comments made by Councilman Nichols regarding reporting the Council's decisions and actions inaccurately in the local newspaper.

Councilman Newcomb said one item that was reported incorrectly was the pricing. He explained that his motion to hold payments to Simmons Center Market as based on the same amount for supplies from Simmons Center Market, \$199 that was billed to four different Departments. Mr. Ryan apologized, noting that he reported the amount as \$499. In response to an inquiry from Mr. Brooks, Councilmen Nichols clarified that a price comparison of several vendors including Simmons Center Market, along with other items, was placed in front of each Council member prior to the meeting. Councilman Nichols said when he ran 25 years ago, centralized purchasing was discussed which would adversely impact local vendors. Mr. Brooks cited the need to solicit prices from other vendors. Pursuant to queries from residents, Councilman Newcomb said the majority of purchases are completed after a competitive bidding process has been conducted. Councilman Nichols cited the need to review all expenditures in light of the dismal outlook for the FY 2020 budget. He referenced prior actions to balance the budget, including a reduction in force of employees. He underscored the need to ensure that information is accurate before making public statements.

Donald Gray, resident, expressed concern about the actions of the prior County Manager, noting that he previously asked the local media to print a copy of this employment contract. He asked for an update on the Hearn Building. Ms. Lane said a meeting is being scheduled regarding the renovations to this structure prior to providing the Council an update.

Thomas Hutchinson, resident, said he was dismayed at some of the comments and/or actions of Councilmen Nichols and Newcomb, actions taken regarding Simmons Center Market and the resignation of the prior Emergency Services Director. Referring to Councilman Nichols' earlier comments, he stressed the need for unity among the Council members. He said he has encouraged his daughter to concentrate on local politics which will have the most impact on her life.

Jimmy Hewett, resident, cited his concern about recent personnel decisions and Councilman Nichols' comments.

Beth Wilson, resident, thanked the Council Members for their passion about Dorchester County and for their service. She asked for patience to allow Council Members to move forward with their decisions.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Travers stressed his commitment to Dorchester County and its citizens. He said it is pleasure to watch the County grow due to new businesses and residents. He expressed his hope Council's decisions will be made to bring peace and prosperity to the County.

Based on motions made by Councilman Pfeffer, the Council agreed to appoint Charles Dayton, Jr. to the Board of Zoning Appeals and Margaret Whitten to the Ethics Commission. Councilman Pfeffer said he obtained and compared the cost of six items from Simmons Center Market and Amazon, which information is available in the Council's Office. He explained that he chose Amazon, which delivers products like Simmons Center Market, in lieu of employees traveling to local stores in a County vehicle to shop for items. Councilman Pfeffer recognized there are times when an administration comes in and makes changes. He said he is ready to move forward for the citizens of his district and the County as a whole. Councilman Pfeffer asked Mr. Ryan to address facts. He encouraged the public to attend the budget work session to be held this Thursday at 5 p.m. to observe the budget process. He referenced rumors, noting that no decision has been made by Council to privatize Emergency Medical Services nor to change the retirement plan for law enforcement officers.

Based on a motion made by Councilman Newcomb, the Council agreed to send letters of support for the following bills to allow Sunday hunting for deer in the County which have been introduced in the House and the Senate for the 2019 Maryland General Assembly Legislative Session: "Dorchester County-Sunday Hunting-Deer Bow Hunting Season," "Dorchester County-Sunday Hunting-Deer Muzzle Loader Season", and "Dorchester County-Sunday Hunting-Deer Fire Arm Season."

Councilman Newcomb asked Mr. White for an update on work on roads and ditches in the County and to obtain pricing for potential assistance by private contractors or farmers.

In response to an inquiry from Councilman Newcomb, Councilman Pfeffer explained that some local jurisdictions change partners and locations every shift. Councilman Newcomb noted that some Emergency Medical Services providers have expressed concern about the current shift rotation policy. He expressed concern about the potential loss of employees due to overtime, travel and stress due to this policy. He read into the record a letter from Sylvia Windsor, which was printed in the Dorchester Banner, in which she noted that there are items that cannot be divulged to residents and stressed the need to garner the facts before making comments/statements.

Councilwoman Nagel thanked those who spoke for changes in the County's Dog Control Ordinance, noting that the animal referred to earlier is the one she expressed concern about in 2016. She noted that Sheriff James Phillips formed a committee then which resulted in an updated ordinance. She said it is up to residents to be the voice of dogs in the County. She explained that when patronizing a local business an individual referenced Section 205 of the County Charter. She said he questioned whether there is a conflict of interest with a sitting Council Member owning a business from which County products are purchased. She stated that E.S. Hubbert's also sells supplies to the County. She said the Council must be stewards of the taxpayers. She noted that her constituents put their faith in her, and she will serve them to the best of her ability.

Councilman Nichols expressed concern about those spreading rumors. He underlined the need to obtain accurate information before voicing concerns. He said a budget work session will be held on February 7, 2019 at 5 p.m. and the next Council meeting is set for February 19, 2019.

With no further business to discuss, the Council adjourned.

ATTEST:




Donna F. Lane
Acting County Manager

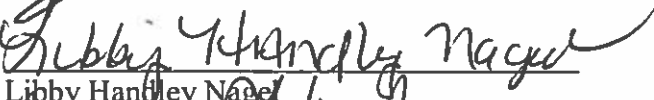
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:




William V. Nichols, President



Jay L. Newcomb, Vice President



Libby Handley Nager



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 2nd day of April, 2019.