

**County Council of Dorchester County
Regular Meeting Minutes
January 17, 2017**

The County Council of Dorchester County met in regular session on January 17, 2017 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; and Rick M. Price. 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 Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, noted that the following item was added after the publication of the agenda: 911 Data Sharing Memorandum Of Understanding-Maryland Emergency Management Agency-Emergency Services. The Council approved the following additions to the agenda: Tax Sale Property Offers, License Agreement-Eastern Shore Innovation Center.

APPROVAL OF MINUTES- JANUARY 3, 2017

The Council approved the minutes of January 3, 2017.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilmen Travers, Price and Bradshaw abstaining for their individual health insurance wellness rebate.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$11,061,414.50.

CLOSED SESSION SUMMARY

The Council adjourned from a Regular Session and convened in a 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; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and pursuant to §3-305(b)(7) to obtain consult with counsel to obtain legal advice on a legal matter on January 17, 2017 at 5:00 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) confirmed the hiring by the State's Attorney of an individual to fill an Assistant State's Attorney position by a 5 to 0 vote; 2) approved the request of the Public Works Director to hire an individual to fill a Motor Equipment Operator I position by a 5 to 0 vote; 3) discussed a personnel matter relating to the Detention Center; 4) discussed with legal counsel matters relating to a County owned property; 5) discussed offers to purchase County owned property acquired by tax sale-agreed to consider in open session; and 6) discussed a license agreement for space at the Eastern Shore Innovation Center-agreed to consider in open session.

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

MANAGERS COMMENTS

REQUEST TO HOLD PUBLIC HEARING-SLAUGHTER CREEK DREDGING-PUBLIC WORKS

Jeremy Goldman, County Manager, referenced the recommendation of Tom Moore, Public Works Director, and Greg LeBlanc, Engineer, to hold an informational public hearing regarding the dredging of Slaughter Creek. He advised that a public hearing is not required.

Mr. Moore stated that there have been issues relating to Slaughter Creek for several years. He said the boat ramp is used for both commercial and private use including for recreational fishing and hunting. He explained the channel is silting and they are requesting the hearing in order to identify problem areas and address as many residents' needs as possible. He noted that the limits of the federal Slaughter Creek channel is not very extensive and may not meet all of the County's needs. The Council agreed to hold an informational public hearing.

TRAVEL REQUEST- EMERGENCY SERVICES

Anna Sierra, Emergency Services Director, presented her request for authorization for three 911 Center staff members, including Kim Vickers, 911 Chief, and two supervisors, to attend the International Academies of Emergency Dispatch Navigator Conference in New Orleans, Louisiana on April 12-14, 2017. In response to an inquiry from Councilman Price, Ms. Sierra explained that these individuals will receive training on running a 911 Center and on policies/procedures and will learn techniques to lead employees. She said funds from the Emergency Services budget will cover costs pursuant to another query from Councilman Price.

EMERGENCY MEDICAL SERVICES BILLING AGREEMENT REQUEST-EMERGENCY SERVICES

Ms. Sierra explained that the County currently contracts with Medical Claim Aid, Inc. (MCA) for Emergency Medical Services billing services. She said attempts to obtain County data from MCA for a variety of reasons have been unsuccessful partially due to the company's software limitations. She explained that proposed uses for the data are for a health assessment of the County and to

understand billing demographics, healthcare resources and transport costs to improve emergency medical services provided to residents. She advised that a potential new vendor has been identified that will charge 7.5% of collected funds versus the 9% charge from MCA. Ms. Sierra explained that the proposed vendor will provide instant access to the County's billing data, including caller type, the entity to which they were transferred and revenue information. She noted that the new company can provide access through an application on a smart phone as well as from an online portal. She explained that the proposed vendor is based out of Pennsylvania but has a dedicated fully staffed office in Maryland.

Councilman Bradshaw made a motion to approve Ms. Sierra's request to terminate the contract with MCA and enter into a contract with a new vendor which Councilman Nichols seconded for discussion. Councilman Nichols expressed concern about the lower quote and questioned whether that rate will increase in future years. Ms. Sierra said the intention is to utilize Queen Anne County's contract with this company. She expressed her understanding that this local jurisdiction has been with this company for three years and the cost did not increase over that time period. She noted that Dorchester County was offered a lower rate than was offered to Queen Anne's County. Based on an inquiry from E. Thomas Merryweather, County Attorney, Ms. Sierra said the current contract with MCA includes a 60 day termination clause. In response to a question posed by Councilman Price, Ms. Sierra advised that there will no procedural or fee changes for patient transports.

The Council approved the request of Ms. Sierra to terminate the contract with MCA and to establish a new contract for the same services with Enhanced Medical Services. Councilman Price opposed, citing his belief this request should be considered during budget deliberations.

LEGISLATIVE SESSION

BILL NO. 2017-1

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND
PURSUANT TO SECTION 13-120 OF THE LOCAL GOVERNMENT ARTICLE OF THE
ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT WITH AMENDMENTS
CHAPTER 78, ENTITLED "DOG CONTROL", OF THE DORCHESTER COUNTY CODE
PROVIDING FOR A COMPREHENSIVE SYSTEM FOR THE REGULATION OF DOGS,
PROVIDING DEFINITIONS FOR WORDS USED IN CHAPTER 78 OF THE DORCHESTER
COUNTY CODE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT,
PROVIDING FOR THE APPLICABILITY OF CHAPTER 78, PROVIDING FOR ANIMAL CARE
OF DOGS, PROVIDING FOR THE SEIZURE AND IMPOUNDMENT AND DISPOSITION OF
DOGS, PROVIDING FOR THE REDEMPTION OF DOGS, PROVIDING FOR PROCEDURES
CONCERNING PERSONS BITTEN OR EXPOSED TO DOGS SUSPECTED OF HAVING
RABIES, PROVIDING FOR LICENSES AND VACCINATION OF DOGS AND PROVIDING
ANY VIOLATION OF THIS CHAPTER SHALL BE A CIVIL INFRACTION.**

E. Thomas Merryweather, County Attorney, explained that the County's Dog Control Ordinance is reviewed periodically. He expressed his understanding that Sheriff James Phillips and a committee have met and are providing a recommendation to the Council for revising the ordinance. He stated that this legislation, Bill No. 2017-1 is scheduled for introduction.

Sheriff James Phillips said after preliminary discussions were held regarding changing the ordinance he reached out to the community for assistance. He advised that he asked Chris Stewart Hoffman, owner of Peace of Mind Pet Boarding; Carlton Bryan, owner of Guaranteed Dog Training; and Barbara Mowbray, a pet owner and animal advocate, to serve on a Committee to review the ordinance. He explained that copies of ordinances from other States in Maryland were obtained and reviewed and some of the provisions were pulled to include in the County's ordinance. He stated that the current ordinance is open and vague, subsequently the only action that can be taken by Dog Control Officers is upon gross negligence. He explained that the revisions will provide them the ability to ensure that homes for pets meet certain standards. He commended the current Council for their support in this endeavor, noting that they provided funding for a new Dog Control building. He said he will present the Council with a conceptual drawing for that building in the near future.

In response to a question from Councilman Travers, Sheriff Phillips explained that William Jones, State's Attorney, drafted the document and expressed his belief it was legally sufficient. He noted that the proposed legislation was then forwarded to Mr. Merryweather for his review. Mr. Merryweather said he approved the proposed legislation.

The Council agreed to proceed with publication of a public hearing on this matter. Mr. Merryweather recommended that the Committee members be present for that hearing.

MANAGERS COMMENTS

REQUESTS TO HOLD PUBLIC HEARINGS-COMPREHENSIVE WATER AND SEWER PLAN AMENDMENTS-PLANNING AND ZONING

The Council approved the request of Rodney Banks, Assistant Planning and Zoning Director, to hold public hearings for Comprehensive Water and Sewer Plan Amendments for the Bonnie Brook subdivision and Coastal Seafood, Inc.

MEMORANDUM OF UNDERSTANDING-UPPER SHORE WORKFORCE INVESTMENT BOARD

The Council approved the written request of George N. Weeks, President, Upper Shore Workforce Investment Board (USWIB), for Dorchester County, and the other four counties in the Upper Shore Workforce Area (Caroline, Kent, Queen Anne's and Talbot) to enter into a Memorandum of Understanding with the USWIB to address changes in the federal legislation and to articulate the relationship between the counties and USWIB contingent upon the inclusion of a sixty day termination clause.

MARYLAND AVIATION ADMINISTRATION SPECIAL GRANT APPLICATION-MOWER AND QUAD-AIRPORT

The Council approved the request of Meighan "Chis" Chisholm, Airport Manager, to submit an application to the Maryland Aviation Administration for Special Grant funds for the replacement of a mower and a utility vehicle.

SURPLUS PROPERTY DECLARATION REQUEST-AIRPORT

The Council approved the request of Mr. Chisholm to surplus a list of interior and exterior items from 5307 Bucktown Road, Cambridge, Maryland which the County recently acquired. The Council agreed that the items that are not serviceable will be proposed disposed.

2018 RURAL LEGACY APPLICATIONS-PLANNING AND ZONING

The Council approved the request of Rodney Banks, Assistant Planning and Zoning Director, to submit applications for the Marshyhope Rural Legacy Focus Area and Nanticoke Rural Legacy Focus Area to the State for FY 2018 Maryland Rural Legacy Program preservation funds, which are allocated through the Maryland Department of Natural Resources. The Marshyhope area is the priority application for the year and the Nanticoke Rural Legacy Area is priority two.

ACCEPTANCE OF RURAL MARYLAND COUNCIL GRANT REQUEST-EASTERN SHORE INNOVATION CENTER

The Council approved the request of Steve Dolbow, Incubator Manager, to accept a Rural Maryland Council grant of \$77,531 to be used for building a Wet Lab in the unfinished space at the Eastern Shore Innovation Center. Councilman Price opposed due to his prior opposition to the incubator project. The Council acknowledged that the grant will be matched with a \$97,705 contribution from SunXAnalytical, LLC and all assets will become the property of Dorchester County.

REQUEST TO RE-ADVERTISE REQUEST FOR PROPOSALS-HAZARD MITIGATION SURVEY-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to re-advertise requests for proposals for consulting services for a Hazard Mitigation and Risk Assessment for Cultural Resources in the County. The Council acknowledged that a Maryland Historical Trust grant in the amount of \$44,000 will cover the cost of the study.

REQUEST FOR CONCURRENCE-FY16 MANAGEMENT GRANT MARYLAND HERITAGE AREAS AUTHORITY-TOURISM

The Council approved the request of Ms. Fenstermaker to accept an amendment to the FY16 Management Grant to reallocate budget line items to account for actual expenditures required to complete the project and to execute a letter of concurrence.

FY17 COMMUNITY PARTNERSHIP AGREEMENT-GOVERNOR'S OFFICE FOR CHILDREN-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, on behalf of the Dorchester Community Partnership for Children and Families (Community Partnership), to accept a grant award and execute a FY 2017 Partnership Agreement between the Governor's Office of Children and the Community Partnership for administrative funds of \$123,269 and program funding of \$310,144 for a total of \$433,413.

TELEPHONE POLL CONFIRMATION

The Council confirmed its decisions in the interim between meetings, by means of a poll, to approve the following requests of Tom Moore, Public Works Director, to: 1) charge the purchase of the two new plows (one installed on the Public Works New Holland Tractor and one installed on the Recreation and Parks pickup truck) to the FY15 capital account that was originally for the replacement of the shop heavy equipment lift, which is no longer being sought, by a 4 to 1 (no answer) vote; and 2) sole source and purchase a John Deere cab tractor and sidemount mower from an internet advertisement for \$33,900 utilizing funds from the FY16 Capital Budget which were originally allowed for certain types of paving by a 4 to 1 (no answer) vote.

911 DATA SHARING MEMORANDUM OF UNDERSTANDING-MARYLAND EMERGENCY MANAGEMENT AGENCY-EMERGENCY SERVICES

The Council approved the request of Ms. Sierra to enter into a Memorandum of Understanding with Maryland Emergency Management Agency for the purpose of sharing 911 Call Center data. Ms. Sierra advised that the data will not be used for any products, reports or policy/funding decisions without prior notice and agreement by Dorchester County. The Council acknowledged that the agreement may be terminated by either party with thirty (30) days prior notice.

TAX PROPERTY OFFERS

The Council approved the offers from Samuel Thompson, Jr. to purchase 710 Douglas Street, 700 Wright Street and 1024 Pine Street, Cambridge for \$100 each.

LICENSE AGREEMENT-EASTERN SHORE INNOVATION CENTER

The Council agreed to enter into a License Agreement with SunXAnalytical, LLC for space at the Eastern Shore Innovation Center for 60 months with Councilman Price opposing. The Council acknowledged that a certain amount of the rent is reduced in exchange for a buildout to provide a wet lab at the facility.

INFORMATIONAL PUBLIC HEARING-OLD GOOTEES NECK SCHOOL PROPERTY

Mr. Merryweather advised that an informational hearing is being held on the issue of the disposition of Gootee's Neck School, a one-room school building located on the north side of Shorters Wharf Road owned by Dorchester County. He referenced several Baltimore Sun articles in the 1960s regarding the property. He noted that no one signed up to speak about this property. He explained that the Council is seeking assistance from residents on the potential use and/or disposition of this property.

Chief Donna "Wolf Mother" Abbott, Nause Waiwash Band of Indians, noted that the building on the property is deteriorating. Brenda Abbott Holotik, resident, said she remembers the building being used a community hall which was related to Bounds Church. Ms. Holotik noted that her brother, Bruce Abbott, attended the school.

Mr. Merryweather questioned whether there is a community organization that may be willing to accept responsibility for the property.

Jeremy Goldman, County Manager, explained that an interested party has expressed interest in purchasing the property, which has not been declared surplus. He further explained that there is no evidence to substantiate that this property has possible historic significance,

In response to a question from Mr. Merryweather, Mr. Goldman expressed his understanding that the individual interested in the property wishes to repair the existing building to create a small hunting cabin. Mr. Merryweather said the Council must obtain Public Works approval to proceed if the property is declared surplus.

Councilman Bradshaw made a motion to declare the property surplus which was seconded by Councilman Nichols. Pursuant to an inquiry from Councilman Bradshaw, Mr. Merryweather explained that pursuant to a recent Court of Special Appeals ruling in the Merritt Pavilion, LLC case, counties must obtain approval from the Board of Public Works to dispose of former school property (COMAR 23.03.02.24) He explained that this action is to be taken after the Board of Education receives approval from the Interagency Committee on School Construction and/or the Board of Public Works pursuant to COMAR 23.03.02.23 which governs the Local Board Transfer of School Property to County Government. Councilman Bradshaw expressed concern about redundancy. Mr. Goldman referenced the Council's prior decision to seek legislative relief from this duplicative requirement. He explained that the argument in the Merritt Pavilion, LLC case was relating to land use in Baltimore.

Chief Abbott questioned whether this property has been offered to the public. Councilman Travers explained that the Council must declare the property surplus and obtain approval from the Board of Public Works prior to offering the property for sale. Mr. Merryweather said the property can be sold through a sealed or public bid process.

The Council declared the property surplus. The Council agreed to move forward to dispose of the property pursuant to COMAR 23.03.02.24, to include obtaining the approval of the Maryland Board of Public Works.

PUBLIC COMMENTS

There was no public comment.

COUNCIL'S COMMENTS/ADJOURNMENT

Based on a motion made by Councilman Price pursuant to the request of Dr. Carl Barham, the Council agreed to send a letter of support for the Historical Freedom Shrine Advocacy Team's application to the Maryland Transportation Commission for Birthplace of Voter Reform Memorial signage.

Councilman Price relayed greetings from Social Services Board members, which met today. He said they wanted to him to share their appreciation to the County in providing resources to assist in the

completion of accreditation which has been approved. Councilman Price provided the Council with a copy of the Dorchester County Department of Social Services Fiscal Year 2016 Annual Report. He acknowledged Public Works and Public Safety employees for working during the recent snow event. He encouraged the public to look out for neighbors during extreme weather conditions.

Councilman Bradshaw advised that he attended his first Maryland Heritage Area Authority Board meeting as a member on January 12, 2017. He said solar farms are still a concern of the Board. He referenced the opening of the The Harriet Tubman National Park in Auburn, New York a couple of weeks ago. He stated that Marci Ross, Assistant Director, Maryland Office of Tourism, advised that after the announcement of the opening she received numerous calls from individuals interested in attending this park and the National Park in Dorchester County that will open in March 2017.

Pursuant to a motion made by Councilman Bradshaw, the Council agreed to send a letter to the Maryland Historical Trust in support of the nomination of the Nause-Waiwash Longhouse located at the intersection of Greenbriar Road and Maple Dam Road to the National Register of Historic Places.

Councilman Bradshaw noted that he has been attending the Oyster Advisory Commission meetings which are open to the public. He said efforts are being undertaken to identify additional bottom to designate as sanctuaries including Nanticoke River and more bottom of the Choptank River. He expressed concern about losing additional area in the County which will adversely impact local watermen particularly since a significant amount of sanctuaries are in or surround Dorchester County. Pursuant to a motion made by Councilman Bradshaw, the Council agreed to send correspondence to Governor Lawrence "Larry" Hogan, seeking his assistance to cease efforts to designate additional bottom as sanctuary in the County.

Councilman Bradshaw noted that there are two types of aquaculture leases: a bottom lease and a water column lease. He explained that in order to obtain a water column lease the Maryland Department of Environment must certify the water quality and if that area does pass the test it can no longer be used for commercial fishing or aquaculture. He said such an incident occurred in the South Dorchester area. He explained that: 1) an individual applied for a water column aquaculture lease in a creek in the South Dorchester area; 2) the water quality test failed; 3) as a result two individuals who have private bottom close to the head waters of the creek are unable to harvest shellfish or use their areas for aquaculture purposes. He noted that the individuals can fish on their private bottom. He expressed his understanding that leases are also encroaching on public bottom. He cited two leased areas in the Honga River as an area of contention in the Hoopers Island and Wingate vicinity. Councilman Bradshaw said this issue should be monitored. He stressed that there needs to be a balance. He noted that he and other watermen are amicable to the leasing of non-productive areas, instead of public bottom. He noted that once an area is designated as private there is no hunting, sailing or harvesting allowed. He cited the significance of the seafood industry in the County.


Councilman Travers announced: 1) the next County Council meeting will be held on February 3, 2017; 2) the Council reserves the right to meet in closed session prior to regular session; and, 3) members of the County Council will attend the Dorchester County Chamber of Commerce's Membership Meeting and Dinner on January 26, 2017 at 5:30 pm.


Barry Pritchard, Managing Member, SunXAnalytical, LLC, a new tenant at the Eastern Shore Innovation Center, thanked the Council for its support. He explained that SunXAnalytical is a startup company providing analytical services for environment issues and agriculture and farming support.


With no further business to discuss, the Council adjourned.

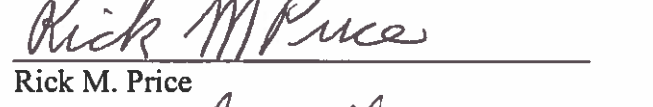
ATTEST: 


Jeremy Goldman
County Manager

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, 2017.