

County Council of Dorchester County
Regular Meeting Minutes
July 2, 2013

The County Council of Dorchester County met in regular session on July 2, 2013 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice 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; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.

Voting in favor of the closed Executive Session were all Council members.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance. A moment of silence was held for the firefighters who lost their lives in Arizona over the weekend.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: requests to advertise vacant positions in the Dog Control Division, Finance Department and the Public Works Department; a discussion regarding the County's no smoking policy; requests regarding the purchase of equipment and fencing for the Circuit Court House; and a request for approval to submit a sketch for the proposed Incubator Facility to the City of Cambridge Planning Commission.

APPROVAL OF MINUTES- JUNE 18, 2013

The Council approved the June 18, 2013 minutes.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$4,868,594.60. He said real property taxes invoices have been mailed and explained that County Finance staff collect taxes for the City of Cambridge, noting that the City and not the County, raised real property tax rates in that municipality.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on July 2, 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; and pursuant to §10-508(A)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed above.

Action taken at the closed session: 1) approved the request of the Warden to hire individuals to fill six vacant Correctional Officer positions by a 4 to 1(abstention) vote; 2) approved the request of the Sheriff to fill a vacant Dog Control Officer position-agreed to consider a request to advertise in open session; 3) approved the request of the Finance Director to fill a vacant Fiscal Clerk position-agreed to consider a request to advertise in open session; 4) approved the request of the Public Works Director to fill a vacant Motor Equipment Operator II position-agreed to consider a request to advertise in open session; 5) approved the request of the Public Works Director to fill a vacant Motor Equipment Operator III position in the Landfill Division-agreed to consider a request to advertise in open session; 6) discussed personnel matters relating to the Public Works Department-requested additional information; 7) reconsidered and denied a request of the Recreation and Parks Director to increase the salary of certain seasonal pool staff by a 3 to 2 vote; 8) received information regarding a matter relating to County owned facilities; 9) discussed a public safety matter relating to the Circuit Court House-agreed to discuss in open; and 10) reviewed information regarding a proposed economic development project on County owned property-agreed to consider in open session.

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

BOARD OF EDUCATION FY13 OPERATING BUDGET AMENDMENT AND CATEGORICAL BUDGET TRANSFER REQUESTS/FY14 CATEGORICAL BUDGET

The Council approved the written request of Dr. Henry Wagner, Superintendent of Schools, to amend the Board of Education's FY13 Operating Budget to: 1) increase "Administration" by \$40,000 by transferring funds from "Operation of Plant" to cover higher than anticipated legal expenses; 2) to increase "Mid Level Administration" and "Other Instructional Costs" by \$50,000 each by transferring \$100,000 from "Instructional Salaries" to cover higher than anticipated school level expenses for internet, telephone communications and copier expenses; and 3) to increase "Maintenance of Plant" by \$75,000 by transferring funds from "Operation of Plant" to cover unexpected costs relating to severe weather and aging equipment including contracted services and supplies.

The Council also approved a request from Dr. Wagner for the following budget alignments: 1) to remove the budgeted revenue and related budget expense for health insurance because, although reserves in the ESMEC Health Alliance will be utilized to cover up to \$450,000 in health insurance claims expenses, the transaction will be recorded through the Alliance, not through the Board's financial records; and 2) to recognize increase in revenues and the related increase in instructional salary expense of \$116,000 because the Maryland State Department of Education provides funds to pay stipends to teachers who met the requirements of the Advanced Professional Certificate program.

In response to a question from Councilman Price regarding the proposed FY2014 Categorical Budget, Gary McCabe, Assistant Superintendent for Administration, said the increased costs in the Administration category were not related to a decrease in the Other Instructional Costs category. He explained that two years ago a position was eliminated in the Central Office and monies from the Operation and Maintenance of Plant categories were used to continue to fund that position. He further explained that based on the duties associated with that position, it was determined that it should be listed under the Administration category and that this change is reflected in the proposed categorical budget. He said the other reasons the Administration category increased is because school employee and administrative staff received a one step salary increase and as a result of an increase in legal and audit fees. He noted that the Board of Education is now required by State law to cover the cost of a retirement system audit.

Mr. McCabe explained that the funds in the Other Instructional Costs category are used to pay for services and equipment to support instruction in the classroom. He said in that category there were funds allocated for the continuation of a school initiative, which is not being pursued in FY 2014, therefore those funds were transferred to the Instructional Salaries category to cover costs for new teachers.

In response to an inquiry from Councilman Newcomb, Mr. McCabe explained that the Board of Education received \$175,000 in State funds which will be used to replace radios in buses as well as those used by principals and school based staff in the County's local public schools. He said there is a \$72,000 match which has been allocated in the Board of Education's capital budget.

He expressed appreciation for the Council allowing the Board of Education to utilize the County's 800 MHz radio system.

The Council approved the Board of Education's FY14 Categorical Budget.

PUBLIC HEARING - FY13 AGRICULTURAL LAND PRESERVATION EASEMENT APPROVALS

The Council adjourned into a public hearing. E. Thomas Merryweather, County Attorney, said a public hearing is being held for the Council's annual review of agricultural land preservation easement applications.

Rodney Banks, Assistant Planning and Zoning Director, explained that the following FY13 Agricultural Land Preservation Easement Applications are before Council for its approval: David and Ronnie Andrews, Howard and Ellen Rickwood, Ronald Edgar & Sons, Chris & Libby Nagel and Russell Baker, Jr. He said the applicants presented for consideration have met all requirements and received the appropriate approvals from the Dorchester County Agricultural Preservation Board at their April 2013 meeting.

There was no public comment.

The Council approved the FY13 Agricultural Land Preservation Easement applications and the ranking order of the applicants presented by Mr. Banks.

MANAGERS COMMENTS

TOWN OF SECRETARY ANNEXATION RESOLUTION-APPROVAL OF MUNICIPAL ZONING - PLANNING AND ZONING

The Council approved the request of Rodney Banks, Assistant Planning and Zoning Director, on behalf of the Town of Secretary and Mark Bryan, an adjacent land owner, to execute a resolution approving the proposed municipal zoning associated with the annexation of 24.51 acres of land located to the east of town and generally along the south side of Maryland Route 14, and adjacent to the existing municipal boundary of the Town. The Council acknowledged that the current County zoning on the property is a combination of SR, "Suburban Residential", and SR-RCA, "Suburban Residential Resource Conservation Area". The Council further acknowledged that the proposed Town zoning is R3, "Residential," which encourages medium density residential development, and V1, "Village" zoning which encourages residential and neighborhood commercial development. The Council recognized that there is no proposed change to any County ordinance or plans and that pursuant to the Annotated Code of Maryland for five years after annexation a municipality may not establish zoning for the annexed land that permits development of land uses that are substantially different than uses authorized by current County zoning, unless the Council expressly approves the municipal zoning. Also, the Council recognized that the Planning Commission members voted unanimously to favorably recommend that the Council support and approve the proposed municipal zoning at their June 5, 2013 meeting.

SUB-RECIPIENT AGREEMENT EXECUTION- CAROLINE COUNTY-HERITAGE MURAL CORRIDOR PROJECT - GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to execute a Sub-Recipient Agreement between the Dorchester County Council and Caroline Economic Development Corporation (CDEC) to sub grant to this non-profit organization \$50,000 of a grant award from the State Highway Administration (SHA), acting for and on behalf of the Maryland Department of Transportation, and to enforce the grant requirements in the 2007 Scenic Byways Program Memorandum of Understanding (MOU) between the Chesapeake Country National Scenic Byway Alliance and the SHA for the Heritage Mural Corridor Project. Council agreed to execute a statement of concurrence to amend this MOU on November 20, 2012 to substitute the Dorchester County Tourism Department as the project sponsor and CEDC as sub grantee.

CLEAN CHESAPEAKE COALITION - PARTICIPATION/BUDGET DISCUSSION

At the request of Councilman Newcomb, Councilman Bradshaw explained that the objective of the Clean Chesapeake Coalition is to pursue improvement to the water quality of the Chesapeake Bay in a prudent and fiscally responsible manner. He further explained that the coalition consists of seven counties and that he and other members of the coalition are encouraging other local jurisdictions to join them. He expressed his belief that they are calling attention to the negative pollutive effects the Susquehanna River and Conowingo Dam are having on the Chesapeake Bay. He noted that the Frederick Board of County Commissioners, the Kent County Commissioners and the Carroll County Commissioners have agreed to contribute \$25,000 to the FY 14 coalition budget. The Council agreed to continue participation in the Clean Chesapeake Coalition and to contribute \$25,000 towards the coalition's FY14 budget.

REQUEST TO SOLE SOURCE AND PURCHASE USED CARDIAC MONITORS/SUPPLIES - EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to sole source and purchase four used cardiac monitors from Queen Anne's County at the cost of \$23,000 each for a total of \$92,000, which will be placed on each ambulance and on the primary reserve ambulance. The Council also approved his request to purchase from the normal distributor required finger probes and consumables at the cost of \$4,400 utilizing funds from the FY14 Capital Budget to cover these costs. The Council acknowledged that all units have the same warranty as if they were purchased new as well as the same service life and manufacturer support.

REQUEST TO PURCHASE EQUIPMENT AND EXPEND FY 2010 GRANT FUNDING- EMERGENCY SERVICES

The Council approved the request of Mr. Goldman to purchase a 2014 Ford F350 crew cab pickup truck from Hertrich Fleet Services, Inc., the company which submitted the lowest bid, at the cost of \$35,597 with FY 2010 Homeland Security grant funds and no local match. In response to a question from Councilman Travers, Mr. Goldman confirmed that this vehicle will tow a trailer equipped with a mobile hospital, which is the maximum weight limit.

RENEWAL OF LEASES - DEPARTMENT OF ASSESSMENTS AND TAXATION AND DEPARTMENT OF VETERANS AFFAIRS

The Council approved the written request of Kimberly Rennie, Acquisition Agent, Department of General Services, to renew the lease between the Council and the Department of Assessments and Taxation for the use of Room 204, which contains 2,478 net usable square feet of space, more or less, at the County Office Building at the cost of \$19,824 per annum payable in equal monthly installments of \$1,652 for two years commencing on August 27, 2013.

The Council also approved Ms. Rennie's request to renew the lease between the Council and the Department of Veterans Affairs for the use of Room 101, which contains 240 net usable square feet, more or less, in the County Office Building at \$1 per annum for two years commencing on August 27, 2013.

FARM LEASE - BOBTOWN ROAD - TERRY WOLF KING - PUBLIC WORKS

The Council agreed to execute a farm lease with Terry Wolf King and Jeff King for approximately 4 acres of the 23.4 acre County owned property located on Bobtown Road (Tax Map 5, Parcel 15) for the purpose of farming for a five year period commencing on January 1, 2013 and ending on December 31, 2018, at the annual rental rate of \$560 payable on December 1st of each year. The agreement provides that the Council reserves the right to withdraw any amount of tillable acres from this lease if land is needed for other County purposes with 180 days written notice and that the annual rental fee will be reduced by \$140 for every acre of land removed.

STORM WATER MANAGEMENT AGREEMENTS - PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to execute Storm Water Management Agreements with: 1) Richard W. Lowry, Sr. and Pauline M. Lowery, for 6651 Pine Top Road, Hurlock, Maryland - Pine Top Village Phase II subdivision (23 lots); 2) Jonathan F. Dodge for Lot 19, Beverly Lane, Dorchester Business Park, for the development of an auto repair shop; and 3) Mike H. Bennof, Trustee, for development of 5716 Ross Neck Road, Cambridge.

PROPOSED GRADING, EROSION AND SEDIMENT CONTROL COUNTY CODE REVISIONS - PUBLIC WORKS

The Council approved the request of Mr. Moore to forward to the County Attorney recommended changes to Chapter 100 of the County Code for Grading, Erosion and Sediment Control for his review and approval and for the preparation of a document for a formal Council approval process. The Council acknowledged that: 1) the amendments are necessary in order to remain compliant with 2012 changes in State regulations and 2011 revisions to the Maryland Standards and Specification for Soil Erosion and Sediment Control; 2) the revisions include more stringent stabilization requirements and requirements for coordination of erosion and sedimentation plan with storm water management planning; and 3) Dorchester County Soil

Conservation staff and Maryland Department of Environment representatives have expressed their support and approval of the proposed revisions.

BID AWARD - NEW ROOFING FOR AIRPORT RENTAL BUILDING - PUBLIC WORKS

The Council approved the request of Mr. Moore to award to C.M. Meekins Construction, LLC, the company that submitted the lowest of three quotes obtained, to repair the roofing of a rental building at the Cambridge Dorchester Airport at the cost of \$3,480. The Council requested clarification on how these repairs will be funded.

REQUEST TO TRAVEL - ECONOMIC DEVELOPMENT

The Council approved the request of Keasha Haythe, Economic Development Director, to attend the 2013 Maryland Association of Counties Summer Conference in Ocean City Maryland from Wednesday, August 14 to Saturday, August 17, 2013 at the cost of \$1,287.71 from the Economic Development Office budget. The Council acknowledged that Tourism staff have asked Ms. Haythe to cover the County's booth on Thursday, August 15th from 10 a.m. to noon.

REQUEST TO IMPLEMENT ANNUAL DORCHESTER COUNTY SMALL BUSINESS AWARDS PROGRAM AND DINNER - ECONOMIC DEVELOPMENT

The Council approved the request of Ms. Haythe to recognize businesses from the manufacturing, agriculture, aquaculture, retail, restaurant, technology and general industry sectors at an annual Dorchester County Small Business Awards Dinner. The Council recognized that the annual selection committee will consist of five community members from each councilmanic district to be provided by the Council Member of that area, two Economic Development Advisory Council members and one staff member. The Council acknowledged that the Committee members will meet in July to establish nomination criteria to be posted on the Economic Development Office's website for nominations and voting and that the awards ceremony would be a fee-based dinner to be held annually in December at a local County venue.

BID AWARD - DORCHESTER REGIONAL TECHNOLOGY PARK LANDSCAPING SERVICE - ECONOMIC DEVELOPMENT

The Council denied the request of Ms. Haythe to award to a bid for landscaping services at the Dorchester Regional Technology Park from July 2013 through the remainder of the 2013 calendar year. Councilmen Price, Bradshaw and Newcomb opposed. Councilman Newcomb said he is opposed to the awarding of this bid until Tom Moore, Public Works Director, is able to review the request and provide his comments. Councilman Price expressed his belief that these duties may be able to be absorbed by existing County staff.

REQUEST TO MERGE COUNTY REVOLVING LOAN FUND COMMITTEE WITH EASTERN SHORE ENTREPRENEURSHIP CENTER'S LOAN REVIEW COMMITTEE - ECONOMIC DEVELOPMENT

The Council approved the request of Ms. Haythe to merge the Dorchester County Revolving Loan Fund Committee with the Eastern Shore Entrepreneurship Center's Loan Review Committee due to lack of attendance.

MARYLAND HERITAGE AREA AUTHORITY GRANT EXTENSIONS - TUBMAN AUDIO TOUR AND TUBMAN BYWAY MARKERS - TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to extend the deadlines of the following grants from the Maryland Heritage Area Authority: FY 2010 grant for the project "Harriet Tubman Underground Railroad Audio Tour" until June 27, 2013 and a FY 2010 grant for the "Harriet Tubman Byway Interpretive Signage and Installation Program" until July 31, 2013 in order to allow staff the opportunity to complete the grant projects.

REQUEST TO ADVERTISE – DOG CONTROL OFFICER POSITION – SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to advertise a new Dog Control Officer position which was approved in the FY 2014 budget. Councilman Price opposed.

REQUEST TO ADVERTISE – FISCAL CLERK POSITION – FINANCE OFFICE

The Council approved the request of Michael Spears, Finance Director, to advertise a Fiscal Clerk position due to an employee retirement. Councilman Price opposed.

REQUEST TO ADVERTISE – IN HOUSE – MEO II POSITION – PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to advertise a Motor Equipment Operator II position that became vacant due to an employee resignation. Councilman Price opposed.

REQUEST TO ADVERTISE – IN HOUSE – MEO III LANDFILL POSITION – PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise a vacant Motor Equipment Operator III position in the Landfill Division due to an employee resignation. Councilman Price opposed, recognizing that the Council made the decision to collectively approval all requests, and citing his belief that existing staff may have been able to eliminate the need for one of these positions.

SMOKING POLICY

The Council agreed to allow the use of electronic cigarettes by County employees in County owned buildings until June 30, 2014 at which time Council will decide whether to continue this

allowance. The Council acknowledged that the County's "No Smoking or Use of Tobacco Products-Dorchester County Employees" policy did not address the use of electronic cigarettes.

CIRCUIT HOUSE – X-RAY/SECURITY FENCE

The Council acknowledged that the Circuit Court has received a \$50,000 grant from the Maryland Judiciary Administrative Office of the Courts for the purchase of a fence and a new x-ray machine. The Council, based on a written request submitted by Brett Wilson, Circuit Court Judge, agreed that \$23,500 of those grant funds can be utilized to purchase an x-ray machine for the Circuit Court House which will leave \$26,500 towards the purchase of the fence. The Council acknowledged that the budget estimate for the fence obtained last fall was \$42,000 and therefore an additional \$15,500 is needed to cover that anticipated cost. The Council requested that County staff forward information regarding the proposed installation of a security fence around the parking lot at the Court House to the Cambridge Historical Commission for review and comment.

REQUEST TO APPROVE SKETCH PLAN-INCUBATOR FACILITY

Based on information provided by Ms. Haythe, the Council agreed that a sketch plan for the proposed Incubator Facility, which was prepared by Willow Construction, the design/build team for this project, can be submitted to the City of Cambridge Planning Commission in order to meet the Commission's deadline for its August meeting. Councilmen Price and Bradshaw opposed.

COUNCIL'S CORRESPONDENCE

Council recognized its decision to send correspondence to support Chesapeake College's initiative to seek start-up funding for a tree care training program designed to address the health and welfare of Chesapeake Bay watershed with no local funding with the understanding that Chesapeake College will be the applicant, by a 5 to 0 vote.

PUBLIC COMMENTS

Wendell Foxwell, resident, expressed his belief that the County Council minutes should be advertised in a local news publication immediately following Council's approval in order to allow all residents the opportunity to review that document. Pete Macinta, a Dorchester County resident, expressed his belief that local newspaper staff will not be able to advertise the minutes in their news publications, particularly if they are voluminous, due to limited space. Councilman Newcomb noted that the Council minutes are uploaded onto the County's website.

COUNCIL'S COMMENTS/ADJOURNMENT

Based on a motion made by Councilman Price, the Council requested that Mr. Moore provide a proposal regarding meeting roadside mowing and ditching needs in light of the fact that County staff has been unable to undertake these tasks in a timely fashion due to the recent rainy weather.

Councilman Bradshaw referenced recent newspaper articles regarding potential flooding of the Harriet Tubman park property due to global warming, noting that nutria have also destroyed natural habitat as the Blackwater Wildlife Refuge which has led to flooding. He said it is his understanding that the Carnival Cruise marine vessel named "Pride" will no longer be anchored at the Baltimore Port because federal representatives will not accept the company representatives' proposal relating to clean water. He noted that there has been a rash of vandalism of several County road signs in the northern part of the County and referenced the Council's policy to provide a \$1,000 reward to the person who provides information that leads to the arrest and conviction of an individual who damages County signs.

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

Absent

William V. Nichols, Vice President


Ricky Travers


Rick Price


Tom Bradshaw

Approved the 16th day of July, 2013.