

**County Council of Dorchester County  
Regular Meeting Minutes  
March 18, 2014**

The County Council of Dorchester County met in regular session on March 18, 2014 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; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Price led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**APPROVAL OF MINUTES- MARCH 4, 2014**

The Council approved the minutes of March 4, 2014.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

**FINANICAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$7,266,138.66.

## **EXECUTIVE SESSION SUMMARY**

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. p.m. on March 18, 2014 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All 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 Public Works Director to hire an individual to fill a vacant part-time Airport Grass Cutter position by a 5 to 0 vote; 2) discussed a personnel matter relating to the Public Works Department-agreed to discuss during budget deliberations; 3) discussed a matter relating to a County owned building at the Cambridge-Dorchester Airport with staff and lessee; 4) discussed a matter relating to a tax sale property-requested additional information; 5) discussed with legal counsel issues relating to a County owned property acquired at tax sale.

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**

### **COMMENDATION-NORTH DORCHESTER HIGH SCHOOL 2014 SENIOR PLAY CAST**

The Council presented commendations to the cast and crew of the North Dorchester High School 2014 senior class play entitled "The Wizard of Oz."

### **COMMENDATION-2014 NATIONAL OUTDOOR SHOW-MISS OUTDOORS, LITTLE MISS AND MR. OUTDOORS**

The Council presented commendations to Lauren Cameron for being selected Miss Outdoors 2014, to Gibby Robinson for being selected Little Mr. Outdoors 2014 and to Madelyn Hall for being selected as Little Miss Outdoors 2014.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

## **PUBLIC HEARING**

**BILL NO. 2014-3 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO ARTICLE 24, SECTION 9-1002 OF THE ANNOTATED CODE OF MARYLAND ADDING NEW SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT IF A BUILDING EXCISE TAX IS DUE UNDER THIS ARTICLE, IT SHALL BE UNLAWFUL FOR THE COUNTY COUNCIL TO WAIVE SAID TAX OR REBATE OR REFUND ALL OR ANY PORTION OF SAID TAX.**

E. Thomas Merryweather, County Attorney, said a public hearing is being held on legislation, pursuant to Article 24, Section 9-1002 of the Annotated Code of Maryland, to add a new Section 144-37 to Article X entitled "Building Excise Tax," of Chapter 144 entitled "Taxation" of the Dorchester County Code to provide that if a building excise tax is due under this Article, it shall be unlawful for the County Council to waive, rebate or refund all or any portion of said tax.

Susan Dukes, Member, Secretary Town Council, expressed opposition to the passage of this legislation because, in her opinion, it will not provide the Dorchester County Council the flexibility to provide incentives for economic growth in the County. She said it is belief that the excise tax should be waived permanently because it deters development.

Henry Short, Mayor, Town of Secretary, also said he is opposed to the passage of this legislation, echoing Ms. Dukes' concerns.

Frank Stout said he is present on behalf of Habitat for Humanity and himself in opposition to this legislation. He expressed his belief that the Council can utilize the reimbursement of excise to incentivize business and homeowners to build in the County which will promote economic development and hopefully spur job growth. He advised that he recently became a member of Habitat for Humanity, noting that as a result of this organization seven homes have been built in Dorchester County, which is owner occupied. Mr. Stout stated that prior to development of these properties real property taxes were \$5,400 and they will now be in excess of \$205,000 over the next ten years.

Ed Colaprete, a Habitat for Humanity Board Member, concurred with Mr. Stout's comments and his opposition to the bill, noting that five of the seven requests Habitat submitted to the Council for reimbursement of excise tax were approved. He stated that homeowners typically purchase goods and services in the area they live which will improve the local economy. He suggested that the Council met with community stakeholders in the County to establish reimbursement policy.

Paul Brant, a Dorchester Chamber of Commerce representative, acknowledged that several members of the Chamber's Executive Committee are present. He echoed the comments made by other individuals in opposition to the passage of this legislation, expressing his belief that the reimbursement of the excise tax is an economic development tool.

James Chaney, a Dorchester County property owner, said he is opposed to the passage of this legislation and expressed his belief that the focus should be on encouraging the redevelopment of land in the existing infill areas. He expressed his opinion that it is cost prohibitive to build houses in the County due to the excise tax and in light of recent mortgage prices. He also opined that eliminating the excise tax for infill properties will create a larger tax base and spur job growth.

Mike Ball, a Dorchester County resident, said he believes the excise tax is a deterrent to homeownership, noting that once a property is built the real property assessment value rises and that any savings in the excise tax will offset that additional cost.

Don Satterfield, resident, echoed the prior comments made by those in opposition to the bill, expressing his belief that it is imperative that the Council have the tools to negotiate with property owners to encourage individuals and businesses to build in Dorchester County. He opined that the Council should conduct a study regarding the possible reduction or elimination of the excise tax and questioned why this legislation is being sought.

Joyce Spratt, Mayor, Town of Hurlock, said she concurred with those who have already spoken against the passage of this legislation and expressed her belief that the tax should be eliminated. She stressed the need for economic growth in the County, particularly in the smaller municipalities.

John Avery, Zoning Administrator, Town of Hurlock, advised that the Town Council members have lowered impact and hook-up fees to stimulate growth and waived property taxes for three properties owned by Habitat until residences are built and the lots are sold. He noted his opposition to the proposed legislation which he believes will restrict new construction.

Les Simering, resident, expressed his opposition to the passage of this legislation noting that property taxes assessed after the development of a property will exceed the excise tax. He stated that he supports economic growth and believes that the excise tax is a deterrent.

Councilman Nichols said he introduced this bill which will eliminate the Council's ability to reimburse all or any portion of the excise tax in the interest of fairness for all residents. He expressed concern that in the past Council has not been consistent in their decisions to refund this tax, noting that while a retired veteran received a denial, other requests have been approved. He explained that pursuant to the legislation which

established this tax over 12 years ago the Council members cannot waive or abate it; however, they can provide a reimbursement utilizing taxpayer funds. He said the Council has already paid over \$7,500 from the FY14 County government budget as reimbursement for this tax. Councilman Nichols noted the Council is facing a deficit in FY15 and encouraged the public to attend the next budget work session. He said the City of Cambridge assesses an impact fee of approximately \$5,000. He explained that an impact fee varies from an excise tax in that the municipal representatives can waive, reduce or abate the fee whereas the County can only reimburse the cost paid for excise tax. Councilman Nichols further explained that he voted against the authorizing legislation based on his concern that there may be inconsistent decisions made in response to reimbursement requests. He stressed that he is seeking this legislation in order to make the process fair for all property owners.

Councilman Nichols said excise tax proceeds are dedicated funds for the local school system, the Sheriff's Office and the 911 Center. He noted that the Council is currently facing a FY15 budget deficit and expressed concern about the potential loss of this funding.

Councilman Newcomb said it is hard to choose which individuals/entities receive reimbursement for excise taxes paid, noting that the cost is absorbed by the County utilizing taxpayer dollars. He opined that the Council's authority to reimburse the excise tax should be removed or the tax should be reduced in order to encourage economic development. He stressed that the excise tax is used for the 911 Center, local school board and the Sheriff's Office. He said those funds have been used towards the construction of a new Dorchester Career and Technology Center and for the purchase of new Sheriff's Office vehicles and equipment for the 911 Center.

Councilman Newcomb noted that several Hoopers Island residents have expressed concern that Habitat has not constructed any new homes in that area.

Mr. Stout expressed his belief that if the Council is not able to negotiate with business owners to lower or reimburse the excise tax, they may choose to not locate in Dorchester County. Councilman Newcomb noted that the Council has the authority to offset real property taxes or other taxes and fees to provide incentives to business owners to encourage economic growth.

Ms. Dukes concurred with Mr. Stout that the Council can use the excise tax as a negotiating tactic. She said she supports Mr. Colaprete's suggestion of having the Council develop a policy to determine which entities are eligible for an excise tax reimbursement. She again cited the need for economic and job growth in the County.

Councilman Newcomb again stressed that the excise tax bill, as currently written, does not allow the County to waive the tax, noting that the only option the Council has is provide reimbursement utilizing County government funds.

Councilman Nichols expressed his understanding that over the past 12 years there has never been a business owner who has requested that the Council abate, waive or reimburse for excise tax. He said he has spoken with Council members in Calvert County who advised that they do not waive, abate or provide reimbursement for that jurisdiction's \$12,000 per home excise tax, noting that the housing market is steady in that county.

Mr. Chaney questioned whether the authorizing excise tax legislation was adopted when there was an economic boom. He cited figures he obtained regarding permits that were obtained in 2013 for properties in the City of Cambridge, of which 49 were for a development, which he said will generate future revenue in the form of real property taxes and through future property owner's purchases of goods and services in the County.

Mr. Satterfield suggested the Council consider a potential addendum to the proposed legislation to reduce excise tax by 25% in order to spur economic growth.

Councilman Bradshaw expressed his understanding that contractors in Wicomico County are asking that jurisdiction's Council members to consider waiving the excise tax if a developer constructs new infrastructure in infill areas. He said he believes that Dorchester County's excise tax should be reduced or eliminated.

Mr. Colaprete expressed his belief that the Council should not adopt the proposed legislation, reiterating his suggestion that they meet with community stakeholders to develop ways to stimulate economic growth. He noted that Habitat volunteers are currently developing two properties which will be added to the County's tax rolls once they are sold.

Mr. Simering said it is his understanding that the unemployment rate in the City of Cambridge is 17% employment and that 100 or more property owners in the County are currently facing foreclosure. He expressed his belief that contractors should also be included in any meetings regarding the excise tax.

Councilman Nichols again stressed that in the past 12 years he is not aware of any contractor approaching the Council about the excise tax being a deterrent to development. He noted that in 2005 the Council agreed to pay excise taxes on behalf of established churches that expand their facilities.

Mayor Spratt noted that individuals from the Towns of Secretary and Hurlock, including municipal representatives, have expressed their opposition to the passage of this legislation. She asked the Council to consider eliminating the excise tax.

Councilman Price said he has heard concerns from homeowners, contractors, and electricians regarding the payment of the excise tax in addition to the rising cost of construction materials and their belief that it is restricting home ownership and new construction. He opined that the excise tax should either be reduced or eliminated.

Councilman Travers noted that in the past the excise tax revenue has been used to fund local public school system projects and to purchase vehicles for the Sheriff's Office. He stated that over the last three to four years, due to the economic climate and limited construction this revenue has decreased from prior years. He noted the following: 1) in 2011 38 building permits were issued and \$237,000 in excise tax was collected; 2) in 2011 24 building permits were issued and \$83,000 in excise tax was collected; and, 3) in 2013 30 building permits were issued and \$249,000 in excise tax was collected.

Councilman Travers cited his opposition to the proposed legislation because it does not provide flexibility. He expressed his belief that in light of the current economic climate and in order to spur growth the excise tax should be suspended for two years and a study should be conducted to determine if new construction increases during this time period. Councilman Travers said it is very hard to choose which individuals/entities should receive an excise tax reimbursement, noting that by suspending this tax it will ensure that all business and homeowners are afforded the same opportunity. He explained that in order to provide potential homeowners and business owners the maximum benefit from this tax relief the elected officials from each municipality should also suspend impact fees in their jurisdictions in conjunction with the County's excise tax suspension.

Ms. Dukes expressed her belief that the municipal representatives that are present would be willing to meet with the Council to discuss a possible partnership and to spread the word to business owners and developers if the excise tax is suspended.

The Council agreed to not adopt legislation that would make it unlawful to waive, rebate or refund all or any portion of the County's excise tax, with Councilman Nichols opposing.

Mr. Merryweather opined that the application of the excise tax should be uniform, noting that the authorizing legislation for this tax did not allow for a waiver or abatement. He also expressed his opinion that a survey should be conducted of surrounding counties to determine what, if any, exemptions, reimbursement, or waiver provisions are included in their excise tax legislation.

Councilman Travers made a motion for legal counsel to prepare legislation to suspend the excise tax for two years for the Council's review and consideration at a future meeting.

Councilman Nichols expressed concern that if this suspension is approved there may not be sufficient County funds available for the construction of a new North Dorchester High School or repairs/renovations to the South Dorchester K-8 School.

Councilman Newcomb cited his concern that Councilman Travers' motion did not include the caveat that the municipalities in the County must also suspend or reduce their impact fees during this time period. Councilman Travers said a meeting can be held with municipal representatives prior to the receipt of this legislation from Mr.

Merryweather so that they may discuss their concurrence in suspending their impact fees. He stressed that the excise tax suspension alone will not be a sufficient enough economic growth tool if municipalities do not also agree to suspend their impact fees. Councilman Newcomb noted that the Council will meet with municipal representatives at its April 1, 2014 meeting at which time a discussion can be held regarding their willingness to suspend impact fees during the proposed two year excise tax suspension.

Mayor Short said he will ask the Hurlock Town Council members to consider passing legislation to reduce impact fees in that jurisdiction. Councilman Nichols stressed that City of Cambridge representatives should also suspend impact fees during the proposed two year excise tax suspension.

The Council agreed that Mr. Merryweather should prepare legislation to suspend excise tax for a two year period for its review and consideration. Councilman Nichols opposed, citing his belief that the excise tax should not be suspended unless impact fees are also suspended in all of the municipalities in the County during the same time period.

## **REGULAR SESSION**

The Council adjourned into Regular Session.

## **UNIVERSITY OF MARYLAND EXTENSION UPDATE-SARA RICH**

Sara Rich, Area Extension Director for Caroline, Dorchester and Talbot Counties, thanked the Council members for their ongoing support of the local University of Maryland Extension Office. She expressed her appreciation for being provided the opportunity to update the Council on University of Maryland Extension administrative and programmatic updates. She said she joined the Extension Office in October 2013 and that prior to her employment each local office had a Director. She further explained that the regionalization of University of Maryland leadership and management that occurred four years ago, has been extended to all Maryland counties and that federal dollars are allocated for administration. She further explained that an Area Extension Director provides overall supervision at the Cooperative's county offices by serving as a liaison with county government and manages fiscal and human resource operations as well as public relations and marketing efforts.

Ms. Rich thanked Conrad Arnold, Senior Agent and the prior Dorchester County's Extension Director, for his assistance and support during the transitional period. She said after her update Jennifer Dindinger, Regional Watershed Restoration Specialist, University of Maryland Sea Grant Extension Program, will provide a summary of the work she has performed in the last two years.

Ms. Rich explained that Mr. Arnold is the Cooperative's 4H Youth Development educator who leads a team of volunteers who annually hold two to three 16 hour hunter education courses. She noted that 120 youth and adults typically attend each course. She

said he also provides leadership for the Thendora 4H Management Board that maintains and improves that facility which is used for 4H club meetings, overnight camping programs, beginning shooter courses, after school programs and in-school enrichment programs. Ms. Rich advised Council that 4H is partnering with the Cambridge Club Apartments to offer a career workshop in April, which will target middle and high school students.

She noted that Sudeep Matthew, Agent, is the Agriculture and Natural Resources Educator for the local Extensions Office. Ms. Smith explained that Mr. Matthew provides support for growers in the County, who farm a total of 90,000 acres, in order to promote successful crop by providing assistance in nutrient and pest management and disease and best management practices. She said farmers also have access to specialists from the University who will visit them at their property on an "as needed" basis. Ms. Rich advised Council that in Dorchester County, the largest potato producer in the State, 70 million pounds were grown last year. She noted that Mr. Matthew is also involved in two research projects which a goal of enhancing a farmer's ability to provide a safe and nutritious supply of potatoes to consumers. She said he also provides assistance to farmers with nutrient management planning services at no charge, which plans must be submitted pursuant to Maryland Nutrient Management regulations. Ms. Rich explained that in 2013 office staff updated 40 plans that covered 11,000 acres, including four new plans for 40 acres and 10 plans for poultry growers.

Ms. Rich advised Council that Dorchester County's Extension Office also has a Master Gardner program under which volunteers receive training by taking a 40 hour course. She explained that these volunteers, who contributed 832 hours in 2013, provide horticulture services to individuals, groups and the community at large in Dorchester County.

She explained that there is an Extension Advisory Council, which consists of eight members, who meet four times a year, and guide program activities and identify local needs. She noted that Libby Nagel, one of those members, was present.

Ms. Rich said this year marks the 100<sup>th</sup> year of the signing of the Smith/Lever Act which created the Cooperative Extension system. She noted that an open house will be held on October 31, 2014 and that invitations will be extended to Council. She again thanked the Council members for supporting the local Extensions Office and said she is looking forward to assisting citizens in 2014.

Ms. Dindinger explained that she provides service to the lower shore as an educator and under the University of Maryland Extension Watershed Protection and Restoration Program, noting her area of focus is to provide education to residents on the impact of runoff from local streams and rivers and how to manage them. She said her clients include local governments, non-profit organizations and community members and that she utilizes science-based information to assist them in making informed choices.

She noted that she served on Dorchester County's Watershed Implementation Plan Team and assisted with the development of Phase II of that plan. She explained that she recently received a grant to hold a home septic owner maintenance clinic which includes surveying the attendees to gather information regarding potential barriers. She said Dorchester County was one of the seven jurisdictions that were chosen by a collaborative she works with to participate in free storm water management and financing series and as a result she has provided one on one assistance to County staff on ways to improve storm water management and septic system maintenance.

Ms. Dindinger said she recently worked with City of Cambridge representatives in obtaining an \$800,000 grant from the Chesapeake and Atlantic Coastal Bay Trust Fund for a complete overhaul of Maryland Avenue as a green street utilizing storm water management which is to be a gateway to both the County and the City.

She explained that she collaborated with Dorchester Citizens for Planned Growth, Master Gardeners and the League of Women Voters in the development of a Dorchester County "Backyard to Bay" booklet which provides homeowners with assistance with landscaping and yard work with a goal of protecting the Bay. She said her office funded the production of 200 of those booklets which are available at her office.

Ms. Dindinger advised that the Nanticoke Watershed Alliance is holding a backyard resource conversation fair at Rommels Ace Hardware on April 26, 2014 and that she will provide assistance to attendees.

She noted that an Environmental Club is held after school at elementary schools in the County during which she partnered with Kerry Turner, Extension Program Assistant, 4-H Youth Development, to share information storm water runoff which carries pollutants to rivers and mitigation with the K-12 students who participate in this club.

Ms. Dindinger explained that part of her job is Community and Economic Development, noting that she is new to that area. She stated that she will be participating in an event entitled "Coach Day" during which creating opportunities for affordable housing in the City of Cambridge will be discussed. She said at that event she will provide assistance to future homeowners on how to shape yard landscapes to maintain good water quality. She said she also met with Dorchester County Economic Development staff to discuss the County's "Water Moves Us" Campaign to gain insight on how she can incorporate it into her work.

Ms. Dindinger said another group she is working with is the South Dorchester Good Neighbors, noting that the members' goal is to promote community engagement. She said she is working with them on issues they have identified which include communication and transportation. She explained that she was also working on tree mitigation in relation to the proposed installation of a cell phone tower in the southern part of the County which will improve communication in the South Dorchester area.

She explained that in addition to Dorchester County she also services Somerset County, Wicomico County and Worcester County. She noted that her office is located on the second floor of the County Office Building and welcomed the Council and the public to visit her. She thanked the Council for allowing her to provide an overview of her activities in her role as Regional Watershed Restoration Specialist.

In response to a question from Councilman Travers, Ms. Dindinger confirmed that the City of Cambridge received an \$800,000 grant from the Chesapeake and Atlantic Coastal Bays Trust Fund, which is administered by the Maryland Department of Natural Resources. She explained that typically these funds are used for education and outreach; however, this year there was funding available for capital improvement projects.

Based on inquiries from Councilman Price, Ms. Dindinger explained that the Good Neighbors Group meets a couple of times of year and that its members have recently completed community emergency response training. She said they are currently trying to improve communication among South Dorchester residents in order to identify ways to provide assistance to those in need, particularly during severe weather events and medical emergencies.

Based on an inquiry from Councilman Bradshaw, Ms. Dindinger explained that Ms. Turner runs the after school Environmental Club at which she provides information regarding storm water runoff and pollutants. Councilman Bradshaw said he would like to attend one of the club's meetings during one of her presentations. Ms. Dindinger said she will be attending the April 10<sup>th</sup> and April 15<sup>th</sup> meetings and that she will provide Councilman Bradshaw with the times and places for both via e-mail.

The Council thanked Ms. Rich and Ms. Dindinger for providing updates.

### **TRIATHLON UPDATE – WORLD TRIATHLON CORPORATION – GERRY BOYLE**

Gerry Boyle, the prior Local Event Coordinator for the Columbia Triathlon Association "Tri-Columbia," advised Council that several weeks ago the Association's Board of Directors initially made the decision to close and declare bankruptcy. He said after that decision was made several organizations expressed an interest in providing assistance to the organization. He explained that World Triathlon, also known as IronMan, the parent company who licensed the "Iron Man" trademark to Tri-Columbia, decided to purchase the outstanding debt of this company with the intention of continuing the current races, the EagleMan Ironman 70.3 and ChesapeakeMan, which were previously held by Tri-Columbia. He noted that Steve Meckfessel, Event Licensing, World Triathlon, met with the community members to assess the level of popularity of these races in Dorchester County before this decision was made. He expressed his understanding that this is the first time World Triathlon assumed the ownership of a company, noting that they normally purchase individual races. Mr. Boyle explained that initially he and other members of Tri-Columbia were re-employed by that company and that he is hopeful that he hired by World Triathlon in the next few days to continue as the local community

organizer for the races in Dorchester County. He said an official World Triathlon announcement regarding the takeover is pending.

Mr. Boyle noted that the Council previously submitted a letter of support for Tri-Columbia holding the EagleMan and ChesapeakeMan events in the County through 2015. He requested, on behalf of Mr. Meckfessel, a letter of support for the continuation of these races for the next five years.

In response to a question from Councilman Travers, Mr. Boyle explained that World Triathlon will not transfer management of these events to another entity and will continue to offer the same opportunities to County organizations to use the events as fundraising and to run various stations. He noted that unlike Tri-Columbia, World Triathlon is a for profit company. He said it is listed on the stock market and owns 150 races around the world and stressed that the company will not ask for a local monetary contribution.

The Council agreed to send a letter supporting the continuation of the EagleMan event in Dorchester County through 2018.

## **MANAGERS COMMENTS**

### **MARYLAND EMERGENCY MANAGEMENT CONFERENCE TRAVEL REQUEST- EMERGENCY MEDICAL SERVICES/EMERGENCY SERVICES**

The Council approved the request of Jeremy Goldman, Emergency Services Director, for Steve Garvin, Emergency Planner, and himself to attend this year's Maryland Emergency Management and Homeland Security Conference to be held in Ocean City from May 27 to May 30, 2014. The Council acknowledged that the costs for Mr. Goldman to attend the conference will be covered by a Maryland Emergency Management Agency grant whereas Mr. Garvin's costs will be covered by an Emergency Management Planning Grant and; therefore, no County funding is required.

### **FY15 GOVERNORS OFFICE OF CRIME CONTROL & PREVENTION GRANT APPLICATION REQUEST(S)-SEX OFFENDER AND COMPLIANCE ENFORCEMENT-SHERIFF'S OFFICE**

The Council approved the request of Sheriff James Phillips to submit a FY15 Governor's Office of Crime Control & Prevention Grant application for Sex Offender and Compliance Enforcement Program funding in the amount of \$7,130, with no local match and a grant period of July 1, 2014 to June 30, 2015, which will be used to offset the salary of the deputy assigned by the Sheriff to monitor sex offenders. The Council acknowledged that these funds are not for overtime and are only to be used as a subsidy for the salary.

### **FY15 GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT APPLICATION – GUN VIOLENCE REDUCTION GRANT – SHERIFF'S OFFICE**

The Council approved the request of Sheriff Phillips to submit a FY15 Governor's Office of Crime Control & Prevention Grant application for Gun Violence Reduction Grant Program funding in the amount of \$15,000, with no local match, to be used for overtime support for implementing and developing strategies specifically intended to reduce gun related crime, including the attendance of Sheriff's Office personnel at gun bashes and auctions as well as visits to pawn shops and gun shops to locate stolen weapons. The Council acknowledged that the grant period is July 1, 2014 to June 30, 2015. The Council agreed to exempt the overtime paid from this grant from the 171 hour over a 28 day period overtime threshold with the understanding that the terms relating to this approval will be outlined in further detail upon receipt and acceptance by the Council of any grant award.

#### PRIORITY FUNDING AREA CERTIFICATION-NORTH DORCHESTER HIGH SCHOOL-BOARD OF EDUCATION/PLANNING AND ZONING

The Council approved the request submitted by Rodney Banks, Assistant Planning and Zoning Director, on behalf of the Dorchester County Board of Education, for the execution of a letter by Council President Jay L. Newcomb certifying that the North Dorchester High School property meets the qualifications for designation as a Priority Funding Area under the Smart Growth Areas Act of 1997 and as amended by House Bill 1141. The Council acknowledged that the Board of Education is pursuing this designation in order to qualify for State funding from the State Board of Public Works.

#### BID AWARD- SHOP BUILDING LOWER ROOF REPLACEMENT-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to award the bid for the replacement of the lower roof of the Public Works shop building to Apostle Construction, the lowest bidder, in the amount of \$26,409. The Council acknowledged that \$25,000 from FY13 Public Works Highway, Capital Outlay line item and \$1,409 from FY14 Public Works Highway, Roof Repairs line item, will be used to cover these costs. The Council recognized that the work will include removal of old asphalt and stone roof, replacement of an estimated 1,000 square feet of deteriorated steel decking, replacement of approximately 150 feet of wood edge blocking, installation of 1.5 inch of insulation board, installation of a new 0.060 TPO membrane system, installation of new flashing, coping, edging and installation of new gutters and down spouts.

#### ADOPT A ROAD REQUEST – BLACKWATER PADDLE AND PEDAL ADVENTURES – PUBLIC WORKS

The Council approved the request of James Meredith, Blackwater Paddle and Pedal Adventures, LLC, through Mr. Moore, for that company to adopt a section of Key Wallace Drive from Maple Dam Road to the Little Blackwater Causeway under that company name. The Council acknowledged that under the County's Adopt-a Road program the County will purchase and place signs at each end of this area and the company will be responsible for picking up litter along this section of road. The Council

also acknowledged that the signs cost under \$100 each and that \$500 originally budgeted for this program is still available.

#### HIGHWAY PRIORITY FUNDING REQUEST LETTER SUBMITTAL - MARYLAND DEPARTMENT OF TRANSPORTATION – PUBLIC WORKS

Based on recommendations made by Mr. Moore, the Council agreed to revise the Council's 2013 request for potential transportation improvements along State Highways in the County for future State of Maryland funding consideration to James T. Smith, Maryland Department of Transportation Secretary, by amending the request to remove the resurfacing of Golden Hill Road, Maryland 336 to structure 9010 over Blackwater River which has been completed and to remove installation of traffic control devices at the intersection of Airey's Spur Road (west end) and U.S. 50 because the State Highway Administration installed traffic control to deny crossovers. The Council agreed to continue to include in this correspondence the following items: 1) Neelson Street, Town of Hurlock; 2) correction of access limitations for farm equipment to access property along U.S. Route 50 between Big Mill Pond and Vienna, associated with the installation of guardrails; and 3) the Church Creek Streetscape project. Councilman Newcomb noted that the Council members will have the opportunity to provide additions to this list prior to the submission of this correspondence, which is due April 1, 2014.

In response to a question posed by Councilman Travers, Mr. Moore said, according to Jay Meredith, Resident Agent, State Highway Administration, as a result of the installation of sidewalks on Route 50 near Wal-Mart, two of the lanes will be 12 foot wide and one will be 11 foot wide. Councilman Newcomb expressed his understanding that the speed limit in that area may also be lowered. Mr. Moore said the sidewalks will be extended to Route 16 past Wal-Mart.

#### REQUEST TO TRAVEL-SAFETY INSPECTION OF IN-SERVICE BRIDGE COURSE – PUBLIC WORKS

The Council approved the request of Mr. Moore for Greg Leblanc, Engineer, to attend a two week course offered by the National Highway Institute in Newark Delaware, in June 2014 in order to obtain certification to oversee the County's bridge inspection program which is managed by the State Highway Administration. The Council acknowledged that the estimated cost of \$3,500 includes a \$2,000 course fee, \$100 per night lodging and \$50 per day for meals, which will be funded through existing budget line items in the Highway Division Budget, specifically Other Administration, Conferences, Meetings and Training Expense. Additionally, the Council acknowledged that Mr. LeBlanc will be going home for the weekend.

#### MID SHORE COMMUNITY FOUNDATION GRANT APPLICATION – MURALS INSTALLATION – TOURISM

Amanda Fenstermaker, Tourism Director, advised Council that in conjunction with the Heart of Chesapeake Country Heritage Area (HCCA) Board members, she was present to

seek Council's approval to submit a grant application to the Mid Shore Community Foundation for funding for the creation and installation of five roadside murals along the Michener Chesapeake Country Scenic Byway throughout the County.

Councilman Bradshaw expressed his belief that the HCCA Board members should reconsider the proposed mural locations to ensure that they are placed in areas which are highly visible to the public.

In response to inquiries from Councilman Price and Libby Nagel, resident, Ms. Fenstermaker explained that the Tourism Office staff picked the locations based on the highlighted themes outlined in the Corridor Management Plan and with the goal of promoting heritage tourism. She said they chose areas that either had access to a main road or for which there was a high potential for visitor interaction. She said they also took into consideration the historic value of a building and/or the condition of the facility including wall structure and the willingness of the property owner.

Pursuant to a question posed by Ms. Nagel, Ms. Fenstermaker said the mural locations include Layton's Chance Vineyard and Winery ("Layton's Chance"); Vienna Community Center; the rear of the Harriet Tubman Museum which faces Cannery Way; the Nause Waiwash Band of Indians Longhouse; and the East New Market Historical Fire Hall.

Ms. Nagel commended Tourism staff for selecting an agriculture theme for one of the murals and expressed trepidation about some of the selected locations based on concerns regarding visibility and farming activity, noting that Layton's Chance is a winery. She suggested that the following sites be reviewed as potential locations: Breckenridge Farm on Route 50, the old Jay Meredith store which was patronized by Harriet Tubman, Emily's Produce on Route 16 and farm land owned by Lin Spicer which is located on Golden Hill Road at Burch Dam.

Ms. Fenstermaker said more funding may be procured in the future which can be utilized to place murals in additional locations throughout the County or remaining funds from this grant, if any, can be used for additional murals.

In response to a question from Ms. Nagel, Ms. Fenstermaker stressed that Tourism staff chose the proposed mural locations based on the Corridor Management Plan that was developed after a public process and did not garner additional input from the public.

Ms. Nagel expressed concern, as a taxpayer, about utilizing grant funding to place a mural on a building at the Layton's Chance because it is located on privately owned land that is not easily accessible or visible from a roadway. Ms. Fenstermaker noted her understanding that the Layton family has farmed this land in the past and that this facility is patronized by a large volume of visitors/tourists and; therefore, in her opinion is well suited for a mural depicting the history of agriculture.

Ms. Nagel said it is her understanding that when the Layton family advised Council about their intention to open Layton's Chance they advised that it was in order to subsidize

their farming operation due to a decline in that industry. She noted that the winery has only been in business for five years and opined that other locations in the County are better suited to represent the history of farming.

She expressed concern about motorists traveling at high rates of speed and in a reckless manner on Ravenwood Road, on which her residence is located, particularly individuals who are visiting the winery as well as the condition of the roadway due to the increased traffic.

Jennifer Layton said she is present as a member of the Dorchester County Chamber; however, as an owner of the winery, felt it was necessary to stress that the Layton family did not ask Ms. Fenstermaker to consider placing a mural of one of the winery's buildings. She also cited her opinion that the Ravenwood Road is not being adversely impacted.

The Council approved the request of Ms. Fenstermaker and the Heart of Chesapeake Country Heritage Area, to submit a grant application to the Mid Shore Community Foundation for funding in the amount of \$15,000, for the creation and installation of five roadside murals throughout the County and along the Michener Chesapeake Country Scenic Byway. The Council acknowledged that the cash match will consist of \$20,000 from National Scenic Byway grant funding and \$50,000 from Maryland Heritage Area grant, which application is pending. The Council further recognized that the total cost of the project will be \$85,000.

The Council did not approve placement of murals at the following locations, which were referenced in the grant application: Laytons Chance Vineyard and Winery, Vienna Community Center, Harriet Tubman Museum, Nause Waiwash Band of Indians Longhouse and the East New Market Historic Fire Hall. The Council requested that Heart of Chesapeake Country Heritage Area Board members meet to reconsider those suggested locations and requested that each member be provided a copy of the map of the Michener Chesapeake Country Scenic Byway for this discussion. The Council agreed to consider locations for the murals at a future meeting, once possible locations have been identified by those Board members.

#### FY15 MARYLAND HERITAGE AREA AUTHORITY GRANT APPLICATIONS – MANAGEMENT GRANT/MARKETING GRANT /CHESAPEAKE ROADSIDE MURALS PROJECT GRANT/KAYAK LAUNCHING PROJECT GRANT – TOURISM

The Council approved the request of Ms. Fenstermaker, on behalf of Heart of Chesapeake Country Heritage Area (HCCHA), to submit the following grant applications to the Maryland Heritage Area Authority: 1)FY 2015 Management Grant for funds in the amount of \$100,000 to support the continued management, programming and operations of HCCHA with a \$100,000 match to include \$25,000 in kind services match and \$75,000 cash match which consists of: \$2,500 from a National Scenic Byway grant to support the development of roadside murals; \$10,000 from the private sector in mini

grants and donated services; and \$57,500 from the FY2015 Tourism Operating Budget and the standard annual county cash match of \$5,000. 2) FY 2015 Marketing Grant for funds in the amount of \$50,000 for future implementation of the Dorchester County "Water Moves Us" marketing campaign with a \$50,000 match of which \$37,500 is included in the FY 2015 Dorchester County Tourism Marketing budget and \$12,500 will be in the form of in-kind services. 3) FY 2015 Project Grant: Chesapeake Country Roadside Murals for funds in the amount of \$50,000 to expand the development of public art murals throughout the County along the Chesapeake Country Scenic Byway with a \$50,000 match to include a \$37,500 cash match which consists of \$17,500 from a National Scenic Byways grant; \$15,000 from the Mid Shore Community Foundation (grant pending) and \$5,000 from prior years cost savings accounted for in deferred revenue as well as in-kind services of \$12,500. The Council acknowledged that this application is matched to the Mid Shore Community Foundation Grant application previously approved by the Council for submission and a National Scenic Byways grant that is shared with Caroline County and that the \$5,000 County match is available from prior years deferred revenue. Furthermore, the Council acknowledged that there will be no impact to the FY15 budget. Council also approved Ms. Fenstermaker's request to submit a FY 2015 Project Grant: titled "Kayak Launch at the John Smith Center on the Nanticoke River" for funds in the amount of \$100,000 to complete a public kayak launch into the Nanticoke River in the Town of Vienna and to provide an access point to the National Park Service John Smith National Water Trail with a cash match of \$100,000 from a National Park Service Chesapeake Bay Gateways Network Grant, which is pending. The Council also authorized Councilman Newcomb to execute a letter of support for the submission of these applications to the Maryland Heritage Area Authority.

#### **BOARD APPOINTMENT**

The Council acknowledged that there are several non-district and district Board and Committee appointments to be made and agreed to consider those appointments at its April 1, 2014 meeting.

#### **PUBLIC COMMENTS**

Mr. Simering commended the Council for pursuing legislation to suspend the excise tax for a two year period.

Ms. Nagel advised Council that she is in receipt of an e-mail from the Department of Natural Resources which states that Pepco Holdings, Inc. is allowed to collect \$85 million through consumer invoicing over a three year period in 14 states to recoup the expenses they incurred for the Mid Atlantic Power Pathway project, which was cancelled. She expressed concern about this authorization in light of the fact that the company pursued the acquisition of right of ways without first receiving approval to proceed with the project. She said after reading that e-mail it is her understanding that Pepco representatives have obtained all of the right-of-ways in Dorchester County they needed to proceed with the project, except for one. She noted that Pepco paid \$1 million for

right-of-ways for two properties in the County. In response to a question from Councilman Travers, Ms. Nagel said it is also her understanding that the company will have to re-submit an application if they wish to proceed with MAPP in the future.

Councilman Bradshaw expressed his understanding that prior to the cancellation of the project consumer invoices included additional fees to cover the cost of MAPP.

### **COUNCIL'S COMMENTS/ADJOURNMENT**

Councilman Price said during the Farm Bureau's Banquet, which was held on March 14, 2014, attendees were provided information regarding the negative impact the new proposed phosphorous management changes will have on farming in the County and Charles "Chip" MacLeod, Special Legal Counsel, provided a presentation on the mission and efforts of the Clean Chesapeake Coalition. He noted that Mr. MacLeod stressed that the members of the coalition are in favor of improving the health and water quality of the Chesapeake Bay provided cleanup efforts are performed in a practical and frugal manner.

Councilman Price advised that he attended the recent "Everything Oyster" event that was hosted by the Dorchester County Historical Society which focused on oyster harvesting on the Eastern Shore and at which members of the public received information regarding the hardship watermen are facing due to increased license fees and continued harvest area restrictions.

Councilman Nichols noted his continued concerns about the potential loss of excise tax revenue which may result in reduced funding for education. He expressed his belief that Councilman Travers' took the appropriate action by asking the local municipalities to consider suspending their impact fees, in light of his motion for legislation to be prepared to suspend the County's excise tax for a two year period. He stressed that there will be no campaigning at County Council meetings.

Based on motions made by Councilman Bradshaw the Council agreed to send letters of support for: 1) House Bill 40 entitled "State Government-Commemorative Months-American Indian Heritage Month" which will designate the month of November as American Indian Heritage Month, which is currently recognized on a federal level and the cross-filed Senate bill; and 2) House Bill 41 entitled "Maryland Indian Status-Standards for Recognition" which alters several requirements for the recognition of Maryland Indian status for an Indian community.

Councilman Bradshaw noted that a Senate bill is not cross-filed with House Bill 41; however, it is his understanding that the Senate President will allow the entire Senate to vote on the legislation. He said it is also his understanding that some opponents of this legislation are under the fallacy that Native Americans want to establish gambling facilities in the State. He explained that pursuant to the Federal Indian Gaming Act the Bureau of Indian Affairs has to hold land in a trust in order for gambling to be allowed in the State, which has not been done since 1934. He noted that there is no Federal Reservation land in the State of Maryland. Councilman Bradshaw said this legislation

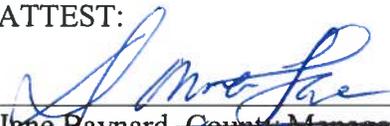
will provide Maryland Indians the same opportunities and tax incentives as individuals in the African American community.

Councilman Newcomb announced that the Council will sit as Board of Estimates for the purpose of conducting a Budget Work Session on Thursday, March 27, 2014 at 5 p.m. He also announced that the next County Council meeting will be held on April 1, 2014 at 6 p.m.

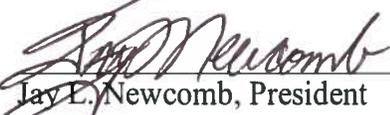
Councilman Newcomb asked the public to keep Jane Baynard, County Manager, in their prayers, noting that she will have another surgery on March 28, 2014.

With no further business to discuss, the Council adjourned.

ATTEST:

  
Jane Baynard, County Manager  
*Donna FLane*  
Executive Administrative Specialist

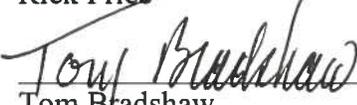
DORCHESTER COUNTY COUNCIL:

  
Jay L. Newcomb, President

*Absent*  
William V. Nichols, Vice President

  
Ricky Travers

  
Rick Price

  
Tom Bradshaw

Approved the 1<sup>st</sup> day of April 2014.