

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**May 21, 2013**

The County Council of Dorchester County met in regular session on May 21, 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; 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.

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

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

A moment of silence was held for Walter Lee Travers, a past County Commissioner, who recently passed. Councilman Price then led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council agreed to add the following items to the agenda: 1) a request regarding the allocation of funding to the Sheriff's Office by the Dorchester Community Partnership for Children to conduct underage alcohol stings; and 2) a discussion regarding the consideration of a policy by the Board of Education. The Council also agreed to remove the Economic Development Marketing presentation from the agenda, which will be rescheduled.

**APPROVAL OF MINUTES- MAY 7, 2013-MAY 14, 2013**

The Council approved the minutes of May 7, 2013 and May 14, 2013.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented.

#### FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$3,844,162.96.

#### EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on May 21, 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; 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.

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.

Councilman Newcomb announced that the Council reconvened into an Executive Work Session at 6:45 p.m. on May 14, 2013 to discuss the following items: 1) discussed a personnel matter relating to a contractual Economic Development position; 2) agreed to proceed preliminarily with a grant opportunity pertaining to personnel by a 3 to 2 vote; 3) discussed a matter relating to a request for proposals for an economic development project- agreed to continue discussions at its May 21, 2013 regular session meeting; 4) discussed with legal counsel local authorities regarding excise tax-took no action; and 5) discussed a possible economic development project-requested additional information.

He further announced that the Council convened into an Executive Session at 4:30 p.m. on May 21, 2013 to discuss the following items: 1) received information regarding a proposed economic development project; 2) discussed information relating to a County owned facility-requested additional information; 3) approved the request of the Public Works Director to hire an individual to fill a vacant Motor Equipment Operator IV position in the Landfill Division by a 4 to 0 vote; 4) approved the request of the Emergency Services Director to add individuals to the on-call Basic Life Support Provider list by a 4 to 0 vote; 5) recognized the certification of an on-call employee and agreed to adjust his/her salary accordingly by a 4 to 0 vote; 6) discussed a request from the Recreation and Parks Director regarding the proposed FY14 budget-denied; 7) approved request of Emergency Services Director to add individuals to the Advanced Life Support Provider list provided a list is submitted to Council by a 5 to 0 vote.

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.

## OTHER

Councilman Newcomb stated that the Council spoke to Jane Baynard, County Manager, prior to this meeting and that she asked him to thank the public for their thoughts and prayers while she is out on medical leave. He said her condition is improving.

At Councilman Newcomb's inquiry, Jeremy Goldman, Emergency Services Director, advised Council that Scott Wheatley was recently named the Emergency Medical Services Provider of the Year in the State of Maryland, noting that he works full time for Queen's Anne's County and has worked part-time for Dorchester County for the last twelve years. He said all of the Emergency Medical Services and 911 Communication Center employees who worked during the fire on Race Street, Cambridge, Maryland also received Stars of Life from Governor Martin O'Malley. The Council agreed to present a commendation to Mr. Wheatley congratulating him on obtaining this award at a future meeting.

## REGULAR SESSION

### BOARD OF HEALTH

Roger Harrell, Health Officer, provided the Council with a copy of a press release and power point presentation regarding the designation of Dorchester County as one of the five Health Enterprise Zones in the State of Maryland. He explained that the Health Enterprise Zone initiative is a four year pilot program with a budget of \$4.7 million. He further explained that funds in the amount of \$325,000 will be utilized in Dorchester County to establish a new mobile mental crisis team, whose members will work with Emergency Medical Services and law enforcement personnel with a focus on providing outpatient care to limit visits to medical facilities.

William Forlifer, Environmental Health Officer, provided the Council with a proposed schedule to increase Environmental Health Office fees. He said some of the fees on that schedule are referenced in Section 131, "Sanitary System Construction", of the County Code while others are either capped by State law or set by the State Board of Health. In response to a question from Mr. Forlifer, E. Thomas Merryweather, County Attorney, confirmed that this meeting is considered a public forum and therefore pursuant to Section 131 the Council can consider Mr. Forlifer's request.

Based on an inquiry from Councilman Travers, Mr. Forlifer said the fees were originally established in 1995 and due to an increase in workload he is requesting that they be raised. He stated that he is proposing that the annual food service permit be increased to \$300, which is the State cap, due to the number of inspections that Health Inspectors are required to perform. He explained that restaurants in the County are rated as low, moderate or high priority. He said three annual inspections must be conducted for a high or moderate priority restaurant while only one yearly inspection is required for a low priority restaurant. In response to a question from Councilman Bradshaw, Mr. Forlifer

explained that food preparation and handling are two factors that are used to determine how a restaurant is categorized.

Based on a question from Councilman Travers, Mr. Forlifer estimated that revenue generated by the increase will be approximately \$15,000 and noted that revenue is dependent on the number of permits issued annually.

In response to an inquiry from Councilman Price, Mr. Forlifer noted that the issuance of food service permits and well and septic replacement permits remain steady while building permits, site evaluations/perc tests and well and septic new construction permits are down.

Pursuant to a question posed by Councilman Price, Mr. Harrell said he is working with Delegate Adelaide Eckardt and Joyce Spratt, Mayor, Town of Hurlock, regarding the potential recruitment and retention of physicians in that municipality.

The Council approved Mr. Forlifer's request to increase Environmental Health fees as referenced on the Schedule of Fees effective July 1, 2013.

#### DISCUSSION-MAINTENANCE AND REPAIR ISSUES-CHESAPEAKE COLLEGE CAMBRIDGE FACILITY

Dr. Barbara Viniar, President, acknowledged that Dr. Barbara Houchen, Interim Vice President for Administrative Services, Chesapeake College, and Bob Boettger, Director of the College's Cambridge Center, are present.

Dr. Viniar noted that she submitted a FY 14 budget request to the five support counties of Chesapeake College (Dorchester, Talbot, Kent, Queen Anne, Caroline) which included a request for an increase in funding of \$150,000 for maintenance and repair, with a local share of \$28,500. She said she also asked for an additional \$1.2 million to replace the roof and exterior brick work on the Todd Performing Arts Building, which is located on the College's Wye Mills Campus, and to purchase a new sound system for that building. She noted that she did not provide any of the five support counties advance notice of the need to replace the roof on this facility, noting that College staff were advised in late fall that a replacement were necessary after a Queen Anne's County Engineer inspection was conducted.

She expressed dismay that the Dorchester County Council members sent correspondence to the other five support counties asking them to join them in providing level funding to the College.

Dr. Viniar noted that there are 646 individuals who attend the Cambridge Center of which 501 are Dorchester County residents. She said she and the College's Board members and staff have been searching for a new location for the Cambridge Center for the past six years.

Dr. Viniar further explained that in December 2011 there was concern that the HVAC system at the Cambridge Center was failing and that there was an estimated replacement cost of \$1 million. She explained that the HVAC system did not fail and is now functioning properly although it is anticipated that a \$75,000 repair to that system will need to be performed in the future.

She stressed the need for College staff to identify additional funds to perform the repairs at the Todd Performing Arts Building at the estimated cost of \$190,000 in lieu of replacement. Dr. Viniar explained that pursuant to audit and accreditation requirements the College is required to maintain a Fund Balance of 10%. She further explained that in the past due to increased enrollment/revenues funds above that amount were used to cover these types of costs. She explained that the Fund Balance is now at 10% and therefore no additional funds are available to perform the repairs to this building. Dr. Viniar noted that enrollment is declining. She clarified that at the present time she is not asking the Council to provide additional funds for the repairs to the HVAC system at the Cambridge Center nor for the repairs/replacement of the roof of the Todd Performing Arts Building.

Dr. Viniar advised Council that Chesapeake College has a five year commitment for the Cambridge Center to remain in its current location on Main Street. She said despite that commitment College representatives are currently searching for another location in Dorchester County because it may be cost prohibitive to renovate the current facility. She explained that additional space is needed to accommodate additional students and in order to allow them the opportunity to offer workforce training and science classes in Dorchester County.

Councilman Travers questioned whether Dr. Viniar's request for \$150,000 for maintenance and repairs was for the Wye Mills campus or the Cambridge Center. Dr. Viniar explained said they did not make that distinction.

In response to a question from Councilman Bradshaw, Dr. Viniar said the roof on the Todd Performing Arts building is 18 years old. Dr. Viniar advised the Council members that she will provide them a deferred maintenance list in 2014.

The Council members thanked Dr. Viniar for providing them information regarding Chesapeake College's Cambridge Center.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

Bill No. 2013-2 AN ORDINANCE concerning: 2013-2014 Annual Budget and Appropriation Ordinance of Dorchester County

E. Thomas Merryweather, County Attorney, said a public hearing is being held on the 2013 – 2014 Annual Budget Appropriation Ordinance.

There was no public comment.

The roll call on the enactment of Bill No. 2013-2 was as follows: Bradshaw-aye; Price-aye; Newcomb-aye; Travers-aye; Nichols-aye.

Councilman Price expressed his belief that the FY 2014 budget is responsive to the needs of County residents, noting that the real property tax rate remains unchanged despite a \$1.3 million reduction in the County's assessable property base. He expressed concern about the continued loss of State Highway User Revenues which were historically utilized to repair and maintain County roads. He also expressed concern that the number of unfunded State and Federal mandates has increased in the last few years noting that the Council is continuing to face budget challenges to meet those mandates. Councilman Price stated that in order to meet a Federal mandate to narrow band the County's pager system, the Council recently agreed to expend funds to upgrade that system. He said the Council, as stewards of the taxpayers, is continuing to challenge the Environmental Protection Agency requirements regarding Total Maximum Daily Loads.

Councilman Nichols thanked Michael Spears, Finance Director; Robert Willey, Assistant Finance Director; and the Council's staff for assisting the Council members during the budget process. He also commended Mr. Goldman; Tom Moore, Public Works Director; Keasha Haythe, Economic Development Director; and any other Department Head who attended budget work sessions. Councilman Nichols expressed dismay that although budget work sessions are open to the public attendance was low. He said while the City of Cambridge Council chose to increase the City's real property tax rate by 2 cents per \$100 of assessed property value, the County Council did not raise the County's rate. He expressed concern that State representatives continue to raise taxes even though there has been an economic downturn.

Councilman Nichols noted that the Council agreed to utilize surplus funds to cover certain capital expenditures and that no layoffs were implemented for FY 2014. He expressed concern about the financial outlook for Dorchester County government in the next two years stressing the need to not continue to rely on the use of reserve funds to cover costs. He noted that there are no unallocated County funds available to provide to Chesapeake College, the Dorchester County Board of Education or any other entity additional funding for FY 14. He said the Council received more requests for funding exceeded available funds.

Councilman Nichols expressed concern about the passage of unfunded State and Federal mandates to local jurisdictions, including the Environmental Protection Agency TMDL requirements. He said as a result of the establishment of TMDL allocations the Council is required to adopt and implement a Phase II Watershed Implementation Plan which will cost an estimated \$87 million. He noted that Dorchester County's FY14 budget is substantially less than that amount. Councilman Nichols thanked the other Council members for working together to adopt a budget.

Councilman Bradshaw referenced Dr. Viniar's earlier reference to the letter the Council sent to the other four counties that provide funding support for Chesapeake College noting that those local jurisdictions are also facing budget constraints. He explained that not only has Council had to defer the maintenance and repair of County facilities and roads, capital expenditures have been delayed. He noted that the replacement of Sheriff Office vehicles has also been postponed despite the fact that they are four to five years old and have high mileage. Councilman Bradshaw expressed concern about the negative impact the increase in the State's motor fuel tax will have on consumers. He explained that legislation was passed during the 2013 Maryland General Assembly Legislative Session to implement this increase. He expressed dismay that the legislation also states that counties must impose an additional tax on motor fuel up to 5 cents for each gallon within three years or State representatives will impose that fee for the local jurisdiction and utilize those funds for the State budget.

Councilman Newcomb thanked the Council members and Finance staff for their hard work during the budget process, noting it is unusual for a budget to be adopted by a 5 to 0 vote.

## **REGULAR SESSION**

The Council adjourned into Regular Session.

### **PUBLIC HEARINGS-FY14 CDBG APPLICATIONS-DELMARVA COMMUNITY SERVICES- CHANNEL MARKER**

Councilman Newcomb announced that public hearings are being held on applications to be submitted for FY14 Community Development Block Grant funding through the Department of Housing and Community Development (DHCD).

Cindy Smith, Grants Monitor, explained that DHCD requires all Grantees to conduct a public hearing for the purpose of obtaining the views of citizens on community development and housing needs and to provide the public the opportunity to review applications which the Council proposes to submit.

Ms. Smith said the first public hearing is being held on a proposed application from Channel Marker for \$60,000 to replace aging roofs and to improve the kitchens at homes located at 503 and 505 Academy Street in Cambridge, Maryland with no local match. She acknowledged that Rick George and Debbie Jackson from Channel Marker are present. Ms. Jackson thanked the Council for considering the submission of this application on behalf of Channel Marker, noting that clients, with staff supervision, reside in these homes.

There was no public comment.

The Council acknowledged its May 7, 2013 acceptance of the submission of this grant.

Ms. Smith explained that the second public hearing is being held on a proposed application from Delmarva Community Services for \$740,000 to develop land for the construction of the Chesapeake Grove Intergenerational Center and Senior Housing with no local match.

Santo Grande, President/CEO, Delmarva Community Services (DCS), explained that he plans to develop 10 acres of a 20 acre property owned by DCS and place on that site 90 housing units, a child care center and a senior center. He explained that DCS staff is preparing requests for proposals for site development which will be advertised shortly. He further explained that he is requesting \$740,000 for filling, clearing and seeding the land as well as for stormwater management and the installation of utilities. He estimated that he will add 50 additional positions to DCS staff and approximately 150 jobs in the construction field. He commended Katie Clendaniel, Coordinator, Housing and Community Development, DCS, for her work in bringing the proposed project to fruition.

There was no public comment.

The Council acknowledged its April 16, 2013 acceptance of the submission of this grant.

The Council adjourned the public hearings.

#### REQUEST FOR EXCISE TAX REIMBURSEMENT-701 HIGH STREET-HABITAT FOR HUMANITY CHOPTANK

Greg Whitten, Vice President of the Board of Directors, Habitat for Humanity Choptank (Habitat), said he is present to request that the Council provide a reimbursement of excise tax for a property owned by Habitat located at 701 High Street, Cambridge, Maryland which will shortly be sold to Patsy and James Hines, County residents. He noted that Habitat purchased this property in February 2011 at which time the real property taxes were \$32.57. He explained that due to the improvements made to the property those taxes will increase to \$2,200.

Mr. Whitten explained that Habitat builds and sell homes at cost. He further explained that Habitat provides financing in the form of a thirty year mortgage with zero interest and that included in the monthly mortgage payment is the purchase price of the land, construction costs and taxes, which include the excise tax. He noted that Habitat has completed 58 homes, mostly for first time and/first generation homebuyers, including six in the city of Cambridge, with only one foreclosure. Mr. Whitten explained that Habitat began constructing homes in that municipality in 2005.

David DeLuca, President of the Board of Directors, read a statement from Ms. Hines, in which she briefly provided an overview of the sweat equity she put in the home and expressed her appreciation for Habitat representatives, who not only provided her the opportunity to own instead of lease a property but provided her with financial counseling.



Mr. Whitten thanked the Council members for not raising County real property taxes in FY14, as well as their past support of requests to reimburse excise tax for Habitat homes and their consideration of the new request.

Councilman Nichols noted that pursuant to the State legislation that established the excise tax the Council members cannot waive or abate the excise tax, however, they can provide a reimbursement utilizing County budget funds. He stated that the reason the tax was established was to raise revenue for public safety, the local school system and emergency services. He expressed concern about setting precedence, noting that in the past the Council denied the request of a Kendall Sims, a resident and retired Veteran. He said, in his opinion, the Council should be consistent in their decisions relating to excise tax. He also expressed his opinion that the Council should either withdraw the legislation which established the tax or oppose all requests for reimbursement.

In response to a question from Councilman Bradshaw, Mr. Whitten said the foreclosed property was resold.

Based on a question from Councilman Newcomb, Mr. DeLuca noted that the City Council agreed to waive impact fees for Habitat for a five year period and that waiver ends in 2014.

Portia Johnson-Ennals, resident, expressed her belief that the Council members should be consistent in their decisions regarding the excise tax, noting concerns about utilizing funds from the County budget to provide reimbursement.

Councilman Nichols noted that the Council denied a request for the reimbursement of excise tax for two Habitat properties in March 2011 and Mr. Simms' request in 2007. He expressed his understanding that the City of Cambridge staff issued a building permit without collecting the County's excise tax, despite their responsibility to do so.

The Council approved the request of Mr. Whitten for the reimbursement of excise tax for a property owned by Habitat for Humanity Choptank located at 701 High Street, Cambridge, Maryland with the understanding that Habitat representatives will provide the Finance Office with proof of payment prior to reimbursement. Councilman Nichols opposed.

## **MANAGERS COMMENTS**

### **REQUEST TO HOLD 5K RUN/WALK RACE-YOUNG LIFE**

The Council approved the request of Clint Falduto, Area Director, Young Life, to hold a 5k Run/Walk race at Snows Turn Park on Egypt Road across the street from Maple Elementary to raise funds on Saturday, July 20, 2013 from 7 a.m. to 12 p.m.

RESOLUTION-FY14 COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION-DELMARVA COMMUNITY SERVICES

The Council approved the request of Cindy Smith, Grant Monitor, for the execution of a Resolution authorizing the submission of an application from Delmarva Community Services for FY14 Community Development Grant funding of \$740,000 for the Chesapeake Grove site development and infrastructure for the Intergenerational Center and Senior Housing project.

COUNTY FAIR HOUSING AND EQUAL OPPORTUNITY PLAN UPDATE-  
COMMUNITY DEVELOPMENT BLOCK GRANT/GRANT MONITOR

The Council approved Ms. Smith's request to update the County's Fair Housing and Equal Opportunity Plan which is required in order for the County to receive funding from the Department of Housing and Community Development through the Community Development Block Grant Program via Housing and Urban Development (federal funding). The Council acknowledged that the plan will be effective for a three year period after execution.

FY14 SCHOOL BUS SAFETY ENFORCEMENT APPLICATION-GOVERNORS  
OFFICE OF CRIME CONTROL & PREVENTION-SHERIFF'S OFFICE

The Council approved the request of Ms. Smith, on behalf of the Sheriff's Office, to submit an application to the Governor's Office of Crime Control & Prevention through the Dorchester School Bus Safety Enforcement Program for FY14 funding of \$35,000 to pay for overtime support to address drivers who fail to stop for school buses that are unloading and loading passengers. The Council acknowledged that there is no local match and that the grant period is July 1, 2013 to June 30, 2014.

EXECUTION OF MOTOROLA PAGER SYSTEM CONTRACT CONTINUED  
DISCUSSION-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, for the execution of a contract between the County and Motorola Solutions, Inc. for a pager system upgrade, at the cost of \$643,499 from the FY14 Emergency Services budget, which contract was revised based on the recommendations of E. Thomas Merryweather, County Attorney. The Council acknowledged its May 7, 2013 request for revisions to the contract and that Motorola representatives accepted all of those changes except their request to extend the payment time frame from to 60 days. The Council further acknowledged that Motorola representatives, however, did agree to change that time frame from 20 days to 35 days post invoice.

REQUEST TO AMEND 911 ADVISORY BOARD MEMBERSHIP-EMERGENCY  
SERVICES

The Council approved Mr. Goldman's request to accept a resolution to revise the membership of the 911 Advisory Board to: 1) remove the following: 911 Director, core member; Emergency Medical Services Director, core member, and the appointee from Cambridge Emergency Medical Services, non-core member; 2) add the following as core members: 911 Operations Chief; Emergency Medical Services Operations Chief; 3) and increase the number of core members from seven to eight by adding the Director of Emergency Services. The Council acknowledged that the removal of the Cambridge Emergency Medical Services appointee will reduce the number of non-core members from five to four.

#### 911 ADVISORY BOARD APPOINTMENT-EMERGENCY SERVICES

The Council approved the request of Mr. Goldman to appoint Nicholas Kovach as the 911 Dispatcher representative on the 911 Advisory Board and acknowledged his term will expire on June 5, 2015.

#### BID AWARD-HEATER UNIT-DETENTION CENTER

The Council approved the request of Steve Mills, Warden, to award the bid for the replacement of a Reznor Heater Unit at the Detention Center to Dorchester Services Associates, the lowest bidder, at the cost of \$23,181 from the Detention Center budget.

#### TRAFFIC SAFETY RECOMMENDATION-VINCENT ROAD

Councilman Price said the Traffic Safety Committee members met on May 10, 2013 to review a request to allow truck traffic to seasonally use the east end of Vincent Road through the village of Linkwood, instead of the west end, to access the Perdue Grain facility. He explained that Councilman Bradshaw, on behalf of local farmers, expressed concern that the trucks turning across eastbound Route 50 are unable to view oncoming traffic due to a curve in the highway. He noted that Department of Public Works staff expressed concern at the Traffic Safety Committee meeting that Vincent Road is not suitable for truck traffic due to its narrow width and condition.

The Council approved the Committee members recommendation to submit the following requests to the State Highway Administration: 1) to perform a sight distance study during grain season (the months of June, October and November) at the intersection to determine and to maintain the adjacent wood line along Route 50 to provide the necessary sight distance; and 2) to install a "Trucks Entering Highway" sign and flashing yellow warning lights at the Vincent Road intersection to alert motorists on Route 50.

#### REQUEST TO ADVERTISE FOR BIDS-BITUMINOUS MATERIALS-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to advertise a request for proposals for the supply and delivery of bituminous materials for the period of July 1, 2013 to June 30, 2014 from the Public Works budget.

## WETLAND MITIGATION SITE MONITORING AND COMPLIANCE FUNDING- PUBLIC WORKS

Mr. Moore noted that at its April 2, 2013 meeting Council agreed to waive bids and sole source with KCE Engineering to provide professional engineering and surveying services for the preparation of a Monitoring Plan and to record drawings of the County's mitigation bank at the Peach Orchard Creek property at the cost of \$18,072.56. He explained that he erroneously read the quote from the subtotal section of that company's response to the request for proposals and that the total amount of contract should be \$18,572.56 and therefore he is requesting that Council amend their approval to reflect this amount. Additionally, he explained that no source of funding was identified at the April 2<sup>nd</sup> meeting and that he is requesting that this work be charged to the diesel fuel account line item of the current Public Works Department budget.

In response to a question from Councilman Bradshaw, Mr. Moore explained that the County's mitigation bank is used as mitigation for County projects where wetland impacts occur. He further explained that Maryland Department of Environmental staff inspected the site and determined that it is being impacted by phragmites encroachment and therefore are now requiring that a monitoring and maintenance plan for the restoration of the bank be provided as a condition for future use of the bank. Councilman Bradshaw noted this is another example of an unfunded State requirement.

The Council approved Mr. Moore's request to accept the amended cost of \$18,572.56 and to charge the professional engineering and surveying services to be performed by KCE Engineering to the diesel fuel account line item of current Public Works Department budget.

## REAL ESTATE BROKER SERVICES REQUEST FOR PROPOSALS-TECHNOLOGY PARK- CONTINUED DISCUSSION-ECONOMIC DEVELOPMENT

The Council recognized its April 16, 2013 decision to accept the recommendation of Keasha Haythe, Economic Development Director, to award a one year contract to Cassidy and Turley, a site selection firm/commercial real estate brokerage, to market the Dorchester Regional Technology Park. The Council acknowledged that a 5% commission is to be paid only when a lot is sold if no co-broker is used and 7% if co-broker is utilized.

## EXECUTION OF MORTGAGE AND AGREEMENT-INTERSTATE CORRPACK

Based on the recommendation of Mr. Merryweather, the Council agreed to execute an Agreement and Mortgage granting a mortgage to the Economic Development Administration on the County owned property located at 903 Woods Road, Cambridge, Maryland which is leased to Interstate Corrpac, LLC. The Council acknowledged the receipt and acceptance of grant funds from the Economic Development Administration in the amount of \$607,750 pursuant to a April 11, 2011 Financial Assistance Award agreement entered into by the parties for renovations to this building. The Council also

recognized that pursuant to Special Condition No. 11 of that grant agreement, a recorded shared mortgage with the Economic Development Administration is required.

#### NOTICE OF INTENT TO EXTEND LEASE TOWER LICENSE-AT&T/NEW CINGULAR WIRELESS-INFORMATION TECHNOLOGY

The Council, based on a written request submitted by Brandon Smalls, Manager, Lease Renewals and Terminations, agreed to extend the lease between the County Council and New Cingular Wireless, PCS, LLC (AT&T) for space on the County owned tower located at 2946 Greenbriar Road in Cambridge, Maryland for an additional five year term from September 18, 2013 through September 17, 2018 at the annual rate of \$9,533.50. The Council acknowledged that the original agreement with New Cingular dated September 18, 2008 allows for three five-year extensions with 15% increases in the rental fee for each extension if proper notice is given. The Council further acknowledged that this is the first extension request.

#### SPECIAL EVENTS AGREEMENT-IRONMAN/EAGLEMAN-CHURCH CREEK TIME TRIALS

The Council agreed to execute a Special Events Agreement between the Columbia Triathlon Association, the Dorchester County Council and the Dorchester County Sheriff's Office, to provide public safety services for the Ironman 70.3 Eagleman Triathlon to be held on June 9, 2013. The Council acknowledged that pursuant to the agreement public safety services will be provided by the Dorchester County Sheriff's Office to include 19 Sheriff's Office vehicles and 19 deputies.

The Council also agreed to execute two Special Events Agreements between the Annapolis Bicycle Racing Team, the Dorchester County Council and the Dorchester County Sheriff's Office, to provide public safety services for the Church Creek Time Trial Bicycle Races to be held on June 23, 2013 and on August 17, 2013. The Council acknowledged that pursuant to those agreements public safety services will be provided by the Dorchester County Sheriff's Office to include four Sheriff's Office vehicles and four deputies at each event.

The Council agreed to pay the Sheriff's Office deputies who volunteer for these events at an overtime rate regardless of whether a deputy reaches the 171 hour over a 28 day period overtime threshold. The Council recognized that Robert Willey, Assistant Finance Director, has advised that the fee for services for the above referenced Special Events Contracts is calculated at the average overtime pay rate for a deputy.

#### REQUEST TO TRAVEL-ECONOMIC DEVELOPMENT

The Council approved the request of Ms. Haythe for authorization to travel and attend the 2013 International Economic Development Council's Annual Conference to be held October 6 to October 9, 2013 in Philadelphia, Pennsylvania at the total cost of \$2,200

which includes conference registration, vehicle, lodging and meal expenses, to be paid from the Economic Development budget. Councilman Bradshaw opposed.

#### REQUEST FOR DORCHESTER COUNTY FLAG/FLY POW/MIA FLAG-CHARLES COUNTY COMMISSIONERS

The Council approved the request of Ben Yeckley, on behalf of the Charles County Commissioners, to provide the Commissioners with a Dorchester County flag to be displayed at the Maryland Veterans Museum and in return accept a POW/MIA flag to fly in Dorchester County.

#### FY14 HOLIDAY SCHEDULE

The Council approved the Dorchester County FY14 Holiday Schedule.

#### FIRST AND SECOND QUARTER FY13-14 MEETING SCHEDULE

The Council approved the First and Second Quarter FY13/14 Meeting Schedule.

#### UNDERAGE ALCOHOL STING CONTRACT APPROVAL REQUEST-DORCHESTER COMMUNITY PARTNERSHIP FOR CHILDREN

The Council acknowledged that the Dorchester Community Partnership for Children has received funds in the amount of \$29,000 to implement the Communities Mobilizing for Change on Alcohol members strategy to prevent underage drinking. The Council further acknowledged that the committee members have identified the need to conduct underage alcohol stings and to provide coverage for prom, after prom and other community events to prevent underage drinking and therefore have allocated \$4,500 in FY13 and \$4,500 in FY14 funds in "overtime" pay to the Sheriff's Office for the period of January 2013 through June 2014. The Council accepted this grant allocation and agreed to exempt the hours spent by Deputies specific to this allocation from the 171 hour over a 28 day period overtime threshold with the understanding that once the grant period ends or grant funds have been depleted that exemption terminates. The Council also reserved the right to review any future grant renewals to determine the pay policy with regard to overtime.

#### BOARD OF EDUCATION-CONSIDERATION OF A NEW POLICY

Councilman Newcomb noted that the Council recently received a copy of a proposed grading guideline policy that the Dorchester County Board of Education is considering. The Council agreed to extend an invitation to Dr. Henry Wagner and the Board of Education members to attend a regular session to discuss the proposed policy and to address rumors that the alternative school is being closed.

#### PUBLIC COMMENTS

Donald Gray, resident, questioned the need to continue to expend County funds on the Dorchester Regional Technology Park based on his concerns that it may take several years before businesses locate to that facility. He also inquired as to whether marketing efforts have commenced, citing his understanding that the project has been several years in the making. Mr. Gray said, in his opinion, another focus of the Council and Economic Development Office staff should be the marketing of the vacant commercial buildings in Dorchester County in order to provide employment opportunities for residents.

Councilman Newcomb explained that the Council recently awarded a bid to a real estate firm to market the lots in the Technology Park as well as a bid to a contractor to prepare designs and plans for an incubator facility. He further explained that the incubator will be constructed utilizing Department of Business and Economic Development and Maryland Technology Development Corporation (TEDCO) funding which was received for the project.

Councilman Newcomb noted that the Council, the City of Cambridge Council and State officials collaborated together on the Technology Park project. He said extensive negotiations were undertaken with the City of Cambridge Council and City representatives for approximately 10 years in order to obtain the City Council's concurrence relating to the water and sewer and other aspects for the Technology Park, which included a revision in the size of the water main due to concerns expressed by the Rescue Fire Company Chief. He explained that water and sewer service, fiber optic conduit and electrical conduit are available and the Council is hopeful that those services will attract businesses to relocate to the Technology Park.

In response to a question from Mr. Gray, Councilman Newcomb explained that the office space in the incubator facility will be available for small businesses to lease with the hope that once their businesses expands they will purchase a lot in the Technology Park to construct their own facility. Based on another inquiry from Mr. Gray, Councilman Newcomb noted that State and Federal funding has been allocated for this facility and reiterated his earlier statement that the Council has selected a contractor to prepare designs and plans for this project.

Councilman Nichols reinforced Councilman Newcomb's comments regarding the extensive length of time it took to finalize the Technology Park project and the fact that the incubator will be constructed with State and Federal funding. He commended Ms. Haythe and John Mason, Business Attraction and Expansion Manager, for their efforts in marketing Dorchester County and in securing the retention of two local businesses.

Mr. Gray expressed his opinion that the public is not properly notified regarding proposed economic development projects. He questioned the need for an Economic Development Office, noting his understanding that the only new business that has been opened in Dorchester County is the Hot Spot Cool Eats restaurant. He said several individuals have also expressed these same concerns to him.

Councilman Nichols explained that private corporations, partnerships or business owners often require that any preliminary information they provide to the Economic Development Office regarding their plans, intentions or interest in locating, relocating or expanding any business activities be kept confidential. He advised Mr. Gray that there have been several businesses that have relocated to Dorchester County other than Hot Spot Cool Eats. He encouraged Mr. Gray and residents to contact him if they have any further questions regarding economic development. He noted that Economic Development staff make every effort to provide the public with information regarding economic development projects and activities and to that end prepare an Annual Report each calendar year which is presented in a regular session County Council meeting.

Pete Macinta, a Dorchester County resident, said the public can access more information regarding economic development on the Economic Development Office's website.

In response to questions from Mr. Macinta, Councilman Newcomb explained that the incubator facility will be located on one of the County owned lots in the Technology Park and will be able to accommodate several businesses.

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

Councilman Bradshaw referenced a May 17, 2013 Baltimore Sun article regarding the United States Department of Labor announcement that the private sector eliminated 6,200 jobs in April 2013. He expressed his belief that Maryland is not "business friendly" particularly since there have been increases in taxes in the past several years which have adversely affected business owners. He reinforced Councilman Nichols' earlier statement that Economic Development Office staff are often unable to disclose information they receive regarding proposed plans for new businesses or business expansion until those plans are finalized.

Councilman Bradshaw noted that at the first public hearing on the proposed FY14 budget Dorchester County Board of Education members stressed the need for additional funding for local public schools. He explained that the proposed budget included an additional \$220,000 in maintenance of effort funding for FY14 due to increased enrollment. Councilman Bradshaw expressed concern that pursuant to legislation passed during the 2012 legislative session maintenance of effort will be calculated based on a statewide five year moving average beginning in FY15 which will negatively affect the Council's ability to balance future budgets.

He referenced Dr. Viniar's earlier comments regarding her request for additional repair and maintenance funding for the Todd Performing Arts Center roof replacement, noting that she submitted that budget request towards the end of the Council's budget process. Councilman Bradshaw expressed his understanding that Dr. Viniar suggested that the Queen Anne's County Commissioners add their portion of those costs to their bond allocation for their share of the cost for the Center for Allied Health and Athletics project. Councilman Bradshaw explained that although the Council was not opposed to that project they voted not to proceed at the present time due to uncertainty about the



County's future financial outlook. He further explained that despite their opposition local representatives of three of the five counties agreed to proceed with the project and therefore the Council must incur debt service in the amount of \$120,000 annually for the next 20 years to fund its share of the project.

Councilman Bradshaw noted that County projects, including the maintenance and repair of roads, have also been deferred due to lack of available funding, which include the loss of Highway User Revenue funds. He said it is his understanding that while the municipalities in the State are receiving a 90% restoration of Highway User Revenues, those funds are not being restored to county governments. He encouraged constituents to contact him regarding any concerns that they may have, including items concerns or questions relating to economic development.

Councilman Price acknowledged that there is an untrue perception that the Technology Park project is not moving forward.

He stated that Choptank Community Health's Hurlock facility did close on Friday, May 17, 2013 which resulted in the loss of four jobs and stressed that the Council members and Economic Development Office staff are dedicated to attracting new business to Dorchester County to provide more job opportunities for residents.

Based on a motion made by Councilman Price, the Council agreed to reappoint David Andrews to the Planning Commission and acknowledged that his term will expire on June 6, 2015.

Councilman Price noted that local watermen have relayed to him their concerns regarding issues relating to the jetty at Elliott's Island. Mr. Moore said he will have staff follow-up on this matter.

Councilman Travers noted that many economic development initiatives must be discussed in executive session until plans have been finalized. He stated that the Council has met with Shore Health representatives twice in a closed confidential session regarding Dorchester General Hospital (DGH) to discuss the importance of the retention of medical services and physicians at that facility. He said there are rumors circulating that there may be cutbacks at DGH and encouraged the public to be proactive to ensure the continued viability of this facility.

Councilman Travers commended the Council members and Finance staff for working together during the FY14 budget process. He referenced the Council members' 5 to 0 vote to pass the budget, noting that they did not raise the real property taxes. He expressed concern about the continued passage of unfunded State and Federal mandates to local jurisdictions.

Councilman Newcomb stated that despite facing budget challenges the same services are being provided to residents in FY14 which includes the continuation of the County's road program.

Councilman Bradshaw said, due to the continued loss of Highway User Revenue funds, the focus is now on the maintenance and repair of County roads in lieu of the construction/repaving of County roads.

He referenced the Council's prior opposition to Pepco Holding's application for a Certificate of Need to proceed with the Mid Atlantic Power Pathway Project, the proposed installation of high voltage transmission lines through Dorchester County. He said the application has since been withdrawn.

Councilman Bradshaw advised that the Council members are now concerned about the Environmental Protection Agency (EPA) requirements regarding Total Maximum Daily Loads (TMDLs) and related Watershed Implementation Plans, noting that as a result of those concerns they extended an invitation to all of the counties in Maryland to join them as part of the Clean Chesapeake Coalition. He said that invitation was accepted by officials of six local governments. Councilman Bradshaw explained that the Council's opposition to the EPA requirements is based on concerns that the data utilized to establish TMDLs is flawed since it does not take into account the largest contributing sources to the sediment and nutrient loading of the Chesapeake Bay which are the Susquehanna River and the Connoting Dam. He said the Council is also concerned about the proposed \$87 million cost to implement a Phase II Watershed Implementation Plan for Dorchester County. He expressed his belief that the EPA requirements are based on a "one size fits all approach" instead of being tailored to the individual needs of each local jurisdiction. Councilman Bradshaw explained that Exelon Corporation has filed an application to relicense the Connoting Dam with the Federal Energy Regulatory Commission and that some of the coalition members will tour the dam with members of that commission on May 22, 2013.

Councilman Newcomb expressed dismay that the Department of Natural Resources staff relied heavily on findings of the winter dredge survey, which was conducted in February and March of this year, to amend crabbing regulations for this year's season, based on his belief that it does not account for the crabs that migrate to waterways other than those surveyed. He noted that as a result of that survey limits have been placed on the amount of female crabs a commercial waterman can catch. Councilman Travers noted that watermen in the State of Virginia also catch crabs in the Chesapeake Bay and expressed concern that they do not have the same restrictions.

Mr. Gray expressed his understanding that Dr. Michael Moran will no longer be performing digestive disease services at Dorchester General Hospital and expressed concern about the loss of these services. Councilman Travers noted that the Council members have addressed their concerns about Dr. Moran's intention to join with other physicians to establish an endoscopy suite in Easton with Shore Health several times in the past few months.

Councilman Newcomb announced that the next County Council meeting will be held on June 4, 2013.

With no further business to discuss, the Council adjourned.

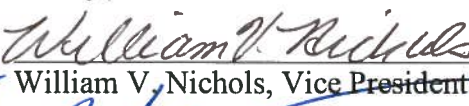
ATTEST:

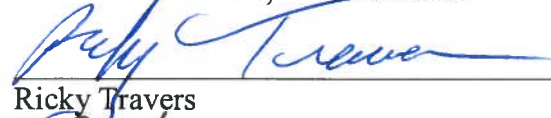
  
\_\_\_\_\_  
Julie Baynard, County Manager

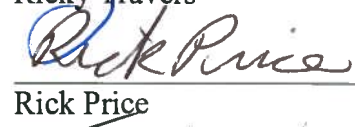
*Donna FLane*  
*Executive Administrative Specialist*

DORCHESTER COUNTY COUNCIL:

  
\_\_\_\_\_  
Jay L. Newcomb, President

  
\_\_\_\_\_  
William V. Nichols, Vice President

  
\_\_\_\_\_  
Ricky Travers

  
\_\_\_\_\_  
Rick Price

  
\_\_\_\_\_  
Tom Bradshaw

Approved the 4th day of June, 2013.