

**County Council of Dorchester County
Regular Meeting Minutes
February 20, 2018**

The County Council of Dorchester County met in regular session on February 20, 2018 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, said there are three additions for Council's consideration: Maryland General Assembly Legislative Update; Joint Venture between Dorchester County and City of Cambridge; and a Request for Modification of Capital Budget Request-Board of Education. The Council approved the amended agenda.

APPROVAL OF MINUTES- FEBRUARY 20, 2018

The Council approved the minutes of February 20, 2018

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Price abstaining for payments made to Hyatt.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$8,579,600.21.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on February 20, 2018 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly relating thereto; and, pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter. Present were:

Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on February 20, 2018 at 5:31 p.m. to discuss the following items: 1) approved the request of the Tourism Director to hire an individual as a seasonal Amphitheater Events Manager by a 5 to 0 vote; 2) agreed to hire an individual as the Recreation and Parks Director by a 3 to 2 vote; and, 3) discussed with legal counsel the possible acquisition of property and matters relating to the potential formation of a corporation. Present were: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist. The purpose of the Closed Session is also set forth in the Written Statement of Closing a Meeting Under the Open Meetings Act, which will be provided upon request. Voting in favor of the Closed Session were all of the present Council members.

REGULAR SESSION

LAND PRESERVATION AND PARK AND RECREATION PLAN PRESENTATION

Rebecca White, Executive Assistant, presented to the Council comments made by Program Open Space regarding the 2017 Land Preservation and Park and Recreation Plan.

Councilman Satterfield made a motion to adopt the Plan which was seconded by Councilman Bradshaw.

Councilman Nichols said the plan includes some key items. He noted that since he was a Council Member three parks have been developed within the City of Cambridge that are in his district. He expressed his understanding that only one is being used. Ms. White advised that minimal input was received from Cambridge citizens. She explained that surveys were sent to residents in that municipality as well as other areas, noting that addresses were randomly selected. She opined that some of the survey responses may be from City residents. She explained that additional fact finding regarding usage is necessary in order to determine that an area is not inundated when there is not a need. Councilman Nichols concurred that this step is necessary.

Councilman Travers questioned whether the renovation of some of the parks, including the one on the corner of Douglas Street, such as was done at the Meadow Avenue Park, will encourage usage. Councilman Nichols noted that park is the one the draws the most users. Ms. White said they were advised that the basketball equipment needs to be maintained.

Councilman Price queried as to whether the plan includes ongoing maintenance at tennis courts and upkeep in the parks in the smaller municipalities in the County. Ms. White expressed her belief that in the Capital Budget there are funds for a tennis court repair in the Town of East New Market which is slated for 2023. She said she can provide a copy of the budget to him. She noted that Recreation and Parks staff toured the tennis courts to assess their current condition around the County as and potential future need. Ms. White stated that in the last few years money has been spent on improving tennis courts. She said programming, which residents identified as a priority, will be a focus. Councilman Price explained that several citizens spoke about the parks in the smaller municipalities during public hearings during the plan process. He noted that he also receives inquiries from residents about Secretary Park, which also has tennis courts. Ms. White said maintenance funding is allocated in the budget for these types of projects. She reiterated that many people expressed their preference for more programs in the County, especially in Northern Dorchester. She noted that citizens in that area advised that they play sports in other areas outside of the County.

Councilman Satterfield inquired whether an intern program can be implemented with the public school system so a sampling can be conducted of which recreational areas are used at specific times of the day. Ms. White said she can reach out to them about this.

Councilman Travers expressed appreciation to Ms. White for her efforts and hard work in preparing the plan.

Councilman Price said he wants to share the plan with Hurlock. Ms. White noted that a draft has been posted on the Department of Natural Resources website and she will obtain a copy for the Town.

The Council adopted the 2017 Land Preservation and Park and Recreation Plan which will be placed on the County's website.

MANAGERS COMMENTS

FLAGS FOR HEROES-SAILWINDS AMPHITHEATRE-CAMBRIDGE ROTARY CLUB

The Council approved the request submitted by Amanda Fenstermaker, Tourism Director, on behalf of Cambridge Rotary Club, to use the amphitheater from May 25 to June 13, 2018 for the Flags for Heroes Program.

REQUEST TO USE VISITOR CENTER-2018 MD FREEDOM SWIM-TCR EVENT MANAGEMENT

The Council approved the request of Jason T. Chance, TCR Event Management, for authorization: 1) to set up registration and the finish line for the 2018 Maryland Freedom Swim on Sunday, May 20, 2018 from 7 a.m. to 10 a.m.; 2) for participants and spectators to use the parking lots on the same date at and near the Dorchester County Visitor Center

from 7 a.m. to 9:30 a.m.; and, 3) for the finish line to be on the beach at the Visitors Center. Tents will be set up out of the way of other uses of outdoor areas (playground, entrance to building, etc.). The Council acknowledged that: 1) the event is in final stages of approval by the U.S. Coast Guard; 2) the event organizers are communicating with Power Boat Regatta Committee members to ensure both events can safely occur on the same date.

The Dorchester County Visitor Center, City of Cambridge and other parties deemed necessary will be indemnified and named in an insurance policy, purchased by the event. Ms. Fenstermaker is in favor of this use.

LETTER OF SUPPORT REQUESTS-SNIP/TUCK, INC-FIXING CATS FOR SHORE, INC.

Snip/Tuck, Inc.

The Council approved the request of Tiffany Geib, President, Board of Directors, Snip/Tuck, Inc., for a letter of support for the organization's application for grant funding through the Maryland Department of Agriculture Spay and Neuter Grants Program for FY2018 to continue its mission to control the feral cat population.

Fixing Cats for Shore

The Council approved the request of Donna Flaggs, DVM, for a letter of support for Fixing Cats for Shore, Inc. which is submitting an application for grant funding through the Maryland Department of Agriculture Spay and Neuter Grants Program for FY2018 to double the numbers of cat neuters/spays and to reduce the fee for promoting a free spay/neuter program.

REQUEST TO REJECT PROPOSAL-JANITORIAL SERVICES-EASTERN SHORE INNOVATION CENTER-ECONOMIC DEVELOPMENT

The Council approved the request of Jeff Trice, Economic Development Director, to reject the one bid solicitation received for professional janitorial services at the Eastern Shore Innovation Center and to allow Economic Development Office staff to reach out to local vendors to solicit proposals.

REQUEST TO ADVERTISE-MARINE FACILITIES PORTABLE TOILET REQUEST FOR PROPOSALS-PUBLIC WORKS

The Council approved the request of Ryan White, Public Works Director, to advertise for requests for proposals for portable toilets which will be placed at 12 marine facilities in the County for the period of May 1, 2018 to October 31, 2018 which are maintained by the Public Works Department. The Council acknowledged that reimbursement for the contract for this service will be through a Department of Natural Resources Waterway Improvement Grant. Mr. White said that while there is no guarantee, chances are it will be fully funded through that grant.

SURPLUS PROPERTY DECLARATION REQUEST-PUBLIC WORKS

The Council approved the request of Mr. White to surplus approximately 50-70 chairs from various County Departments which will be disposed of if broken with the remainder being sold at auction.

REQUEST TO PURCHASE VEHICLE FOR MOSQUITO CONTROL-PUBLIC WORKS

The Council approved the request of Mr. White to expend FY18 Capital Funds to purchase a new Toyota truck for Mosquito Control to replace a totaled vehicle from Koons Easton Toyota for \$25,199 minus any taxes for which the County is exempt.

EXTENSION OF TIME-ADMINISTRATIVE OFFICE OF THE COURTS-SECURED ENTRY SYSTEM-CIRCUIT COURT-GRANT ADMINISTRATOR

The Council approved the request of Cindy Smith, Grant Administrator, to extend a project approved by the Administrative Office of the Courts, which was accepted by the Council in March 2017, to install a secured entry system on the front doors of the Circuit Court House to April 1, 2019. The Council acknowledged that due to the transition of the Public Works Director and Historic Preservation Commission of the City of Cambridge and Maryland Historic Trust oversight additional time is needed.

FY18 COMMUNITY DEVELOPMENT BLOCK GRANT AWARD-TRANSITION HOME REHABILITATION-DCS-GRANT ADMINISTRATOR

The Council approved the request of Ms. Smith to accept a FY18 Community Development Block Grant Award for funding of \$275,000 to Delmarva Community Services (DCS) for the Rehabilitation of a Women's & Children's Transition Home at 206 Academy Street, Hurlock and to execute a Sub-Recipient agreement with DCS.

DONATION-CITY OF CAMBRIDGE-811 FAIRMOUNT AVENUE-GRANT ADMINISTRATOR

Ms. Smith said the Tax Lien Property Repurpose Program allows the Council to consider donating properties in municipalities adjacent to property already owned by the City/Town. She advised that the house on 811 Fairmount Avenue, Cambridge, which is adjacent to a property owned by the City of Cambridge, has been demolished. She said the City is willing to accept the donation of this property. In response to Councilman Nichols' inquiry, Ms. Smith said City officials have not specified how they will use the property. She explained that pursuant to her usual procedure she identified the property as being adjacent to a City property and contacted them to obtain their interest in acquiring the property. The Council agreed to donate the property to the City of Cambridge.

**MEMORANDUM OF UNDERSTANDING-GRANT PROGRAM-TAX LIEN
PROPERTY REPURPOSE PROGRAM-GRANT ADMINISTRATOR**

Ms. Smith advised that E. Thomas Merryweather, County Attorney, has prepared a template Memorandum of Understanding (MOU) between Dorchester County, Maryland and Owners of Property that will be used for the Tax Lien Property Repurpose Grant Program. She explained that under the Program there is an incentive for individuals who purchase homes which will be owner occupied which is 20 cents on a dollar on the minimum price. She said four properties have been sold that will be owner occupied, one of which must follow special conditions. She said the MOU provides that the owner will bring the property up to maintenance code standards in one year and they must live in the residence for five years. The Council approved the use of the MOU and deed template under the Tax Lien Property Repurpose Program.

**LETTER OF SUPPORT REQUEST-CHESAPEAKE BAY TRUST GRANT
APPLICATION-SHORERIVERS**

Ms. Smith advised that she formed a group, Dorchester Coalition for Positive Impact Projects, for the purpose of developing a list of potential projects for which grant funds will be requested. She said this will result in a list that can be utilized when grant opportunities become available and will hopefully streamline the grant/support process. She said the group consists of individuals from the County, the City of Cambridge, the State of Maryland, Cooperative Extension, ShoreRivers and the Health Department. She stated that ShoreRivers, also known as the Mid Shore River Keepers, is applying to the Chesapeake Bay Trust for a Flood Control and Livability Project to cover the cost for a design of stormwater management along the County Office Building.

Mr. White noted that Brian Soper, Environmental Planner, and Ryan White, Public Works Director, are available if Council has any questions. Ms. Smith said Brett Jett, Engineer, City of Cambridge, is also present. She noted that the proposed project is an environmental system which requires maintenance beyond lawn care, which is a concern.

In response to a query from Councilman Travers, Mr. Soper confirmed that this project would count under the Watershed Improvement Plan initiative.

Mr. Soper advised that this project does not fall under the Planning and Zoning purview; however, as an Environmental Planner he provided input. He said: 1) it is a highly visible project; 2) there is a definite need; 3) the focus is on the parking lot; 4) drainage flows to other areas on and surrounding the property; and, 5) mostly sediment load will be taken in and not nitrogen and phosphorus. Mr. Soper advised that a secondary goal is to establish a pathway, a future grant funded project. He said this proposed improvement: 1) will have an environmental impact since sediment flows to the creek will be reduced; 2) can be part of the Health Department's efforts to increase walkability; and, 3) may be connected to a City creek walk for residents' use.

Ms. Smith referenced an e-mail the County Council received from Jennifer Dindinger, Watershed Restoration Specialist, University of Maryland Sea Grant Extension, expressing support for this proposed project which references potential educational opportunities. Ms. White said native grasses with the pathway will require some maintenance.

Ryan White, Public Works Director, said his only contribution to the discussion on this project is regarding maintenance including the anticipated cost. He advised that he has concerns about aesthetics because the grass will be in a natural state. Councilman Travers stressed the need to ensure that the site can be maintained properly. Ms. Smith said the grant is for monies to design the project. She noted that the Council will part of the design process.

The Council agreed to send the letter of support and recognized that it includes language that the County cannot provide funding.

MOSQUITO CONTROL BUDGET-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Brian Prendergast, Program Manager, Maryland Department of Agriculture, for a commitment of \$435,391 for mosquito spraying for the 2018 season from the County's FY19 budget.

BOARD APPOINTMENT

The Council agreed to reappoint Lin Spicer to the Agricultural Reconciliation Committee.

SPECIAL EVENTS AGREEMENT

The Council agreed to enter into a Special Events Agreement between the County Council, the Sheriff of Dorchester County and Jenny Whitten, Founder, Race2Erase PTSD, to provide three vehicles and three deputies at the cost of \$600 for the event to be held on April 8, 2018 from 8 a.m. to 11:30 p.m./noon for which costs are based on premium overtime pay rates.

POLL CONFIRMATIONS

The Council confirmed its decision in the interim between meetings, by means of a poll, took the following actions:

- approved the request of the Brett Wilson, Circuit Court Judge, to use Transfer Tax Funds for the construction of an additional employee bathroom in the Office of the Clerk of Court; acknowledged that the Administrative Office of Courts (AOC) is willing to contribute \$10,000 towards this project; and agreed to sole source with Glenn P. Ruark, Inc. at the cost of \$24,637 by a 4 to 1 vote (1 no answer).

- agreed to enter into a Memorandum of Understanding with the Administrative Office of Courts for security enhancements for the Circuit Court Building at the cost of \$37,590, for which there is no local match, by a 4 to 1 (1 no answer).
- agreed to send a letter in support for House Bill 518 “Reform on Tap Act of 2018” by a 4 to 1 vote (1 no answer).
- agreed to send a letter of support for Governor Lawrence “Larry” Hogan’s FY19 budget allocation for the following Core Revitalization Programs-Community Legacy, Neighborhood Business Works and Strategic Demolition Fund, by a 4 to 1 vote (1 no answer) based on the request of Raynell Cooper, Junior Project Manager, Division of Neighborhood, Department of Housing and Community Development.

JOINT VENTURE-DORCHESTER COUNTY AND CITY OF CAMBRIDGE

Jeremy Goldman, County Manager, advised that the County and City officials have been discussing the possibility of forming a corporation for revitalization work for the mutual benefit of both parties. He explained that the proposal is for a Board of Directors to manage the corporation, which will be chosen both by City and County officials. The Council agreed to enter into this joint venture.

REQUEST FOR MODIFICATION OF CAPITAL BUDGET REQUEST-BOARD OF EDUCATION

Mr. Goldman presented the Board of Education’s request to modify its FY19 Capital Budget request. He stated that the State of Maryland will provide the Board of Education a little over \$10 million towards the North Dorchester High School replacement in FY19. He said the BOE also submitted four other projects that was part of the plan submitted to and approved by the Council in concept only. He explained that the State has offered to provide \$10 million for the school replacement or reduce that amount by \$500,000 and add \$500,000 for a roof project for which the County’s share will be \$460,000. He said although the State cannot guarantee whether and if so, when, the difference from the school project will be made. However, it is assumed that those monies will be included in the 2020 distribution of slightly over \$1.3 million which will result in the State having earmarked an addition \$1 million of capital for the public school system. He said a modification in the proposed FY19 budget will be necessary if the decision is made to approve the BOE’s request. He advised that the building earmarked for the roof is the old technology center roof in which the New Directions Learning Academy resides. He said the concern is that if that facility can no longer be housed there, that building will not be eligible for a cash match from the State for capital projects. In response to a question from Councilman Travers, Mr. Goldman confirmed that this proposed project was not included in the BOE budget request since they received the offer from the State on Friday. He said the BOE met this morning and the State needs a response within 2 days. He explained that the State is aware that a County budget will not be adopted until May. Mr. Goldman noted that the State is seeking the identification of a match prior to then, if

the Council chooses to move forward with this option. Mr. Goldman recommended that the Council choose the guaranteed \$10 million in funding for NDHS. He referred to the Council's agreement with the Board of Education to fund this project, and only this project, until its completion. The Council agreed not to modify the request.

MARYLAND GENERAL ASSEMBLY LEGISLATIVE UPDATE

Mr. White provided a Maryland General Assembly legislative update. She advised that Anna Sierra, Emergency Services Director, will be testifying on House Bill 634 "Commission to Advance Next Generation 9-1-1 Across Maryland-Establishment" tomorrow, for which the Council has been provided her testimony. She stated that she will provide her testimony to the 911 Commission at the request of the Maryland Association of Counties. She said Senator Stephen S. Hershey, Jr.'s staff called this morning to ask for a letter of support for Senate Bill 1056 "Rural Health Collaborative Pilot" which will create a pilot health collaborative program. She explained that this legislation is the by-product of discussions of the Rural Health Commission of which Ms. Sierra is a member. She asked the Council if they wish to support this legislation.

She advised that she is following the bills relating to the tax laws of which there are 16. She confirmed for Councilman Travers that these bills are relating to the federal tax changes. She noted that she is collaborating with Michael Spears, Finance Director, and Robert Willey, Assistant Finance Director. She explained that there is uncertainty about the impact on individuals and/or local jurisdictions of the new federal tax law. She expressed her understanding that if a married couple takes the Federal standard deduction of \$24,000 they must take the Maryland standard deduction.

Ms. White and Councilman Price noted that he will testify on Senate Bill 516 "Transportation-Highway User Revenues-Distribution" on March 7, 2018. She explained that Maryland Association of Counties staff asked Commissioners and Council members to testify and/or be in the audience for this public hearing.

Ms. Smith provided information on legislation she is following regarding revitalizing the State of Maryland's tax sale property law to provide some flexibility on foreclosures and protections for property owners.

PUBLIC COMMENTS

Captain Robert Newberry, Chairman, Delmarva Fisheries Association, thanked the Council for its support of watermen. He said he is concerned about the leasing of bottom in the County which is impacting watermen and seafood industry. He provided them some of the issues that have arisen due to the aquaculture leases. He expressed his belief that the County should receive notification from the Department of Natural Resources (DNR) when leases are being sought. He recognized that the Council will meet with Mark Belton, Secretary, DNR, on February 23, 2018 regarding the future continuation of the Little Choptank River Oyster Restoration project. Captain Newberry applauded the proactive efforts the Council has taken regarding this project.

In response to a question from Councilman Bradshaw, Captain Newberry said there are over 105 aquaculture leases in the pipeline, 85% of which are in Dorchester County. Based on a motion made by Councilman Bradshaw, the Council agreed to request that they be notified when leases in County waters are being sought.

Captain Newberry provided information about a lawsuit filed by the Talbot County Waterman' Association about an aquaculture lease they they lost since there is definition of a clams bottom in the legislation establishing these leases. He advised Council that Secretary Hershey's Senate Bill 926 Senate Bill 926 "Natural Resources-Oyster Planting-Substrate Material," states that non-indigenous material cannot be placed in the Chesapeake Bay.

In response to an inquiries from Gloria Dolan and Donald Gray, residents, Captain Newberry provide an overview of the history of and information regarding aquaculture leases.

The Council agreed to send letters of support for Senate Bill 926 "Natural Resources-Oyster Planting-Substrate Material," and SB1056 "Rural Health Collaborative Pilot."

Bobby Whaples, President County Seafood Heritage Area, expressed concern about aquaculture leases which adversely impact watermen's harvesting activities.

Dwayne Paul, a Dorchester County watermen, said he recently learned that he cannot harvest areas he previously did due to a proposed aquaculture lease.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols recognized the passing of Dr. Gloriateen Pinkett.

Councilman Satterfield referenced the recent shooting in Florida and offered his condolences to those affected by this tragedy. He thanked roads employees, emergency services and law enforcement. He said he will carry the comments of Captain Newberry, Mr. Whaples and Mr. Paul to Secretary Belton. He noted that Councilman Bradshaw keeps him information about issues related to local watermen and the seafood industry.

Councilman Satterfield noted that in the recent Department brief referenced was made to a landing fee for the Airport. Ms. Hulsey provided information regarding a proposed pilot program. Councilman Travers asked her to submit a request to pursue this pilot program for Council's review and consideration.

Councilman Price echoed Councilman Satterfield's condolences to those involved in the incident in Florida. He thanked the watermen for coming before the Council. He commended Public Works staff for removing recycling material at the recycling location in Hurlock. He noted that containers were full so material was placed on the ground.

He thanked Ms. White for presenting the Recreation Plan to the Town of Hurlock. He provided an overview of speakers at the recent MACo legislative committee meeting. Based on a motion made by Councilman Price, the Council agreed to send a letter of support for Senate Bill 516 "Transportation-Highway User Revenues-Distribution."

At the request of Councilman Bradshaw, the Council agreed to send letters of support for House Bill 1426 "Natural Resources-Aquaculture Leases-Location" submitted by Delegate Christopher Adams and House Bill 1174 "Natural Resources-Oysters-Tolerance for Seafood Dealers," submitted by Delegate Jay Jacobs.

Councilman Travers provided an overview of the discussion he and Mr. Goldman had with Senator Chris Van Hollen regarding the status of Barren Island Gaps. Mr. Goldman noted that Senator Van Hollen has asked him and Councilman Travers testify on Capitol Hill about the need to dredge this channel.

Mr. Paul referenced the damage of marine vessels due to the silting in of the Tar Bay channel which Councilman Travers acknowledged.

Councilman Travers announced that the next meeting will be held on March 6, 2018.

With no further business to discuss, the Council adjourned.

ATTEST:



Jeremy Goldman
County Manager

DORCHESTER COUNTY COUNCIL:



Ricky C. Travers, President



Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 6th day of March, 2018.