

County Council of Dorchester County
Regular Meeting Minutes
July 17, 2018

The County Council of Dorchester County met in regular session on July 17, 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

A moment of silence was held for the recent loss of three individuals who had connections with Dorchester County. Councilman Price led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Mr. Goldman advised that after publication of the agenda the item "Elevation Acceptance Grant Award-Maryland Emergency Management Agency-David Green Road-Finance" was removed in order to provide staff time to obtain further information. The Council approved the amended agenda.

APPROVAL OF MINUTES- JULY 3, 2018

The Council approved the minutes of July 3, 2018.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$4,977,249.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on July 17, 2018 at 5:40 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. Present were: Ricky C. Travers, President; Tom C. Bradshaw, Vice

President; William V. Nichols 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 July 17, 2018 at 5:41 p.m. to discuss the following items: 1) based on a recommendation, agreed to hire an individual as Recreation and Parks Director by a 4 to 1 vote with 1 vote via written proxy; 2) approved request of the Public Works Director for an additional CDL Driver position at the Landfill Division by a 5 to 0 vote with 1 vote via written proxy; and, 3) confirmed the hiring by the Sheriff to promote an individual to Dog Control Supervisor due to a resignation and to promote individuals at the Sheriff's Office as the result of a retirement by a 5 to 0 vote with 1 vote via written proxy. Present were: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols 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

COMMENDATION-RETIREMENT-JUDY HARDING

The Council presented a Commendation to Judy Harding congratulating her on her retirement and commending her for her 26 years of service to Dorchester County.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2018-5 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND, ACTING PURSUANT TO SECTION 12-203 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND PURSUANT TO SECTION 10-202 OF THE LOCAL GOVERNMENT ARTICLE TO REPEAL AND REENACT, IN ITS ENTIRETY, CHAPTER 110 ENTITLED "MINIMUM LIVABILITY CODE" OF THE DORCHESTER COUNTY CODE, PROVIDING FOR REGULATIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE IN RESIDENTIAL STRUCTURES AND PREMISES BY ESTABLISHING MINIMUM PROPERTY MAINTENANCE STANDARDS FOR BASIC EQUIPMENT AND FACILITIES USED FOR LIGHT, VENTILATION, HEATING AND SANITATION FOR RESIDENTIAL STRUCTURE AND PREMISES, AND FOR SAFE AND SANITARY MAINTENANCE OF RESIDENTIAL STRUCTURE AND PREMISES; AND ESTABLISHING MINIMUM

REQUIREMENTS FOR RESIDENTIAL STRUCTURE AND PREMISES FOR MEANS OF EGRESS, FIRE PROTECTION SYSTEMS AND OTHER EQUIPMENT AND DEVICES NECESSARY FOR SAFETY FROM FIRE; AND FIXING THE RESPONSIBILITIES OF PROPERTY OWNERS, OPERATORS AND TENANTS OF RESIDENTIAL STRUCTURE AND PREMISES; AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES.

Steve Dodd, Planning and Zoning Director, said: 1) Bill No. 2018-5 amended the County's Livability Code which was established in 1989 or 1990 pursuant to a Maryland General Assembly mandate; 2) the Code established State-wide standards for which no changes are proposed; 3) the only change of substance is the removal of the rental building inspection requirement and an annual registration fee since the County does not have adequate staff to perform this task; 4) individuals are required to pay the fee and provide proof that they meet State lead standards; 5) a survey of surrounding areas was conducted; 6) Dorchester is the only county on the Eastern Shore that requires rental registration; 7) Cambridge, Easton, Federalsburg and Salisbury have inspection programs of which the registration requirement is a component; 8) their inspections are complaint based; 9) there are approximately six to eight complaints per year which are usually submitted by a tenant being evicted; and, 10) the proposed revenue for the annual restoration fee was not included in the FY19 budget.

E. Thomas Merryweather, County Attorney, opined that the registration requirement was not successful. He said no one signed up to speak and asked if anyone in the audience had any comments. There was no response.

Councilman Bradshaw made a motion to adopt the bill which was seconded by Councilman Nichols for discussion. Councilman Nichols expressed concern about potential buyers being unable to verify a house was a rental prior to purchase. He suggested having landlords register only when they obtain the property. Councilman Travers said individuals who own rental property must register with the State and pay a fee based on units. He advised that information regarding rentals can be obtained through the Maryland Department of Environment. Mr. Merryweather said property information, including whether a property is owner occupied, can be obtained from the State Department of Assessment and Taxation. Mr. Goldman said the County's GIS system links to that website.

Mr. Dodd said there are approximately 350 rental units in the unincorporated area of the County. He noted that the Municipal Utilities Commission is responsible for rental registration for the City of Cambridge, which has 3,200 registered units. Mr. Dodd reiterated that there is insufficient staff to run the registration program and to ensure compliance particularly if a property is not currently occupied.

In response to a question from Councilman Travers, Mr. Dodd said Dorchester will be consistent with other counties if the registration requirement is eliminated. Councilman Price questioned whether property owners who periodically rent out their homes during certain events have to be registered. Mr. Dodd advised that the registration requirement

only applies if a unit is being rented for more than four months at a time. He said the majority are annual rentals. Councilman Nichols said one option may be to place the registration fee on the property tax bill. He said a letter can be sent to remind an individual to register. Mr. Dodd said based on his experience, the revenue garnered does not equal the amount of staff time required to run the program.

The roll call on the enactment of Bill No. 2018-5 was as follows: Nichols- nay; Satterfield-aye; Bradshaw-aye; Price-nay; Travers-aye.

PUBLIC HEARING

BILL NO. 2018-4 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 10-8.1 OF ARTICLE 10 OF THE PUBLIC LOCAL LAWS OF MARYLAND, AND PURSUANT TO SECTION 10-202 OF THE LOCAL GOVERNMENT ARTICLE TO REPEAL AND REENACT SECTION 121-10(A) ENTITLED "COMPLAINTS" OF CHAPTER 121 ENTITLED "PROPERTY MAINTENANCE" OF THE DORCHESTER COUNTY CODE FOR THE PURPOSE OF DELETING THAT THE NAME OF THE COMPLAINANT IS A REQUIREMENT FOR THE COMPLAINT.

Jeremy Goldman, County Manager, noted that on December 12, 2015 the Council authorized him to start accepting anonymous complaints. He explained that the proposed legislation is a modification of the County Code to comply with that directive. He said it still allows flexibility, in other words, only verifiable anonymous complaints are pursued. Mr. Merryweather noted that no one signed up to speak and asked if anyone in the audience had comments.

Michael Dickinson, resident, stated that he represents himself and his family, noting he is President of Dorchester Lumber in Linkwood. He said he is opposed to accepting anonymous complaints. He expressed his belief that individuals should be willing to disclose their name. He opined that a person can submit a complaint anonymously for an unsavory purpose. He stressed the need to ensure transparency in local government.

Bennett Dickinson, resident, echoed Michael Dickinson's statement that an individual can submit a complaint anonymously for unsavory purposes. He said they were able to determine the person who submitted a complaint against their property was a disgruntled family member.

Mr. Goldman referenced the Council's 2015 directive based on an abundance of valid complaints and in light of individual's fear of retribution. Councilman Nichols said he opposed the acceptance of anonymous complaints then. He noted that individuals are required to sign letters to the editor. He opined that individuals who file a complaint should have to do the same. Councilman Nichols expressed his belief the anonymous complaint process can be used for retaliation purposes.

Councilman Satterfield said he is interested in providing citizens a 30 day written comment period. He expressed his belief that individuals should be required to sign their name when filing a complaint. He noted that there is a negative side, in that individuals can use a complaint as leverage. Mr. Goldman said currently there are approximately three complaints are received per week, almost all of which are submitted anonymously. He advised that most of the complaints cannot be verified. The Council agreed to a 30 day written comment period.

REGULAR SESSION

The Council adjourned into Regular Session.

MANAGERS COMMENTS

RESERVE DOCKAGE REQUEST-ANNUAL CHOPTANK HERITAGE SKIPJACK RACE

The Council approved the request of Lou Hyman, Race Committee Chair, to reserve dockage along the bulkhead of the County Office Building and parking lot on Friday, September 21, 2018 and Saturday, September 22, 2018 for visiting skipjacks for the Annual Choptank Heritage Skipjack Race.

LETTER OF SUPPORT-GRANT APPLICATION-NATIONAL OUTDOOR FOUNDATION

The Council approved the request of Marlene Meninger, on behalf of the National Outdoor Foundation, for a letter of support of the organization's application for a Heart of Chesapeake Country Heritage Area mini-grant to assist with the February 2019 Outdoor Show.

REQUEST TO PURCHASE-COMPUTER DIAGNOSTIC DEVICE-PUBLIC WORKS

The Council approved the request of Ryan White, Public Works Director, to purchase a Heavy Equipment Computer Diagnostic Device from Cornwell, which submitted the lowest quote of \$4,999.95, utilizing FY19 Capital funds. The Council acknowledged that three quotes were obtained.

REQUEST TO PURCHASE-COLD PLANER-PUBLIC WORKS

The Council approved the request of Mr. White to purchase a Cold Planner from Alban Cat for \$10,619.90 since it is a higher quality machine and due to parts availability, utilizing FY19 Capital funds.

REQUEST TO PURCHASE-TRENCH ROLLER-PUBLIC WORKS

The Council approved the request of Mr. White to purchase a trench roller from Kubota Engine for \$29,488 utilizing FY19 Capital funds.

BID AWARD-HURLOCK TRANSITION HOME-COMMUNITY DEVELOPMENT BLOCK GRANT-DELMARVA COMMUNITY SERVICES-FINANCE

Jeremy Goldman, County Manager, advised that: 1) Cindy Smith, Grant Administrator, has submitted a recommendation from Delmarva Community Services to award a bid to lowest bidder, for the renovation of a home located on Academy Street, Hurlock, into a women's and children's transition home; and, 2) funding has been received under a Community Development Block grant for this purpose. The Council agreed to award the bid to J & L Services.

FEDERAL LANDS ACCESS PROGRAM AWARD-TRANSPORTATION SYSTEM-FEASIBILITY STUDY-FINANCE

Mr. Goldman presented the request of Ms. Smith to accept a Federal Lands Access Program (FLAP) Award of \$75,000 with a \$20,111 match and an Eastern Shore Federal Lands Highway Division share of \$6,000 which will be used to conduct a feasibility study for a potential visitor transportation system to the Blackwater National Wildlife Refuge and Harriett Tubman Visitor Center. He said: 1) the County has been awarded a partial grant to commence the project; 2) after the study is complete FLAP will consider funding the phases of a Pilot program and full implementation which will include tour buses and improvement to routes; and 3) this study will be tied into the Transportation Development Plan already in progress. Mr. Goldman stated that the proposed system is for two loops from downtown Cambridge with the long loop being guided. The Council accepted the award.

TAX SALE CERTIFICATE TRANSFER REQUEST-FINANCE

Mr. Goldman said Ms. Smith has submitted a request for approval to transfer the tax sale certificates for the following properties that did not sell at auction on June 19, 2018: a 4,920 square foot lot on E/S Market Street, Vienna, Property No. 03-039579 for \$2,000 and 419 Leonard's Lane, Cambridge, Property No. 07-166389 for \$12,500. He noted that the offers exceed the minimum sale price at the auction. The Council agreed to the transfer of both properties.

LETTER OF SUPPORT-MEDICAL FACILITY

Mr. Goldman said before the Council is a proposed letter of support for University of Maryland Shore Regional Health's Certificates of Exemption to convert the current hospital in Cambridge to a freestanding facility and to consolidate medical/surgical and behavioral health beds to the existing hospital in Easton. He explained that the hospital reached out to the County Council and some Department Heads for a statement of

support. Mr. Goldman said if any statement is submitted, it will be provided by the County Council. The Council agreed to send a letter of support based on the location and description of the facility presented to them by Shore Health with Councilman Price abstaining. The Council further agreed that clarification should be included in that correspondence that the support does not pertain to any modifications in the location and proposed facility including potential reductions of service.

REQUEST TO WAIVE INTEREST AND PENALTY

The Council denied the request of Kenneth and Janis Gold to waive interest and penalties on FY18 property taxes for 3538 Green Point Road, East New Market.

BOARD APPOINTMENTS

The Council agreed to appoint Katie Eberspacher to the Agricultural Reconciliation Committee and Chris Griffith to the Agricultural Land Preservation Board.

Based on the request of the Dorchester County Department of Social Services, the Council made the below appointments.

Dorchester County Social Services Board

- Brandon Hesson
- Reverend Charles Cephas
- James Pinkett

Adult Public Guardianship Review Board

- Jessica Dukes, representing Maryland Department of Human Services
- Chico Simmons, representing the disabled
- George Adams, representing the lay individual

FY18 BUDGET TRANSFERS-FINANCE

The Council approved FY18 Budget Transfers for 911 Communications Center, EMS, Planning and Zoning, Economic Development for the Eastern Shore Innovation Center, Circuit Court and Recreation and Parks.

REQUEST TO PURCHASE EQUIPMENT-EMERGENCY SERVICES

The Council approved the requests of Anna Sierra, Emergency Services Director, to purchase the following equipment utilizing FY19 Capital Funds: two physio-control LUCAS-2 devices for \$38,440.88; replacement cardiac monitor for \$29,964.09; and six video laryngoscopes for \$5,669.83. Mr. Goldman explained that there is only one manufacturer for this equipment, Physio Control, which has set pricing.

PUBLIC COMMENTS

There were no public comments.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Satterfield expressed sorrow for the recent loss of three individuals associated with the community. He commended law enforcement and emergency responders for their service to citizens. He also recognized them and County employees, particularly those within the Public Works Department, who are working during the high temperatures. He referenced the removal of white barrels, but not the posts from the Hooper's Island Causeway and recent calls about the disposal of household trash near the posts. The Council agreed to the removal of the poles and the installation of signage in English and Spanish in that area prohibiting the disposal of trash.

Councilman Price said his thoughts and prayers are with those families who recently lost loved ones. He explained that he voted against the amendment of the Minimum Livability Code based on his belief that a record of rentals should be maintained including when there are events within the County. He stated that Governor Lawrence "Larry" Hogan held a Mid Shore Cabinet meeting in the County today, spoke to local officials as well as business owners and recognized the Task Force and Delmarva Community Services. Councilman Price said last week he attended an interim Maryland Association of Counties (MACo) Legislative Committee meeting. He provided a summary of items discussed including MACo's involvement during the 2018 legislative session. He recognized the 10 and 12 year old girls Tri City League softball team for winning the State Championship. He said they will travel to Connecticut to attend the East Regional Playoff which will be on ESPN 2 beginning Saturday.

Councilman Bradshaw echoed the comments of Councilman Satterfield regarding Public Works and law enforcement. He said one of the individuals who passed away was his nephew. He thanked those who called, sent texts and provided words of comfort.

Councilman Travers recognized the importance of having Governor Hogan and his entire cabinet in the community today, who visited agencies, viewed facilities and spoke to local officials and business owners. He cited their commitment to Dorchester County and rural Maryland, which is unique. He advised that Governor Hogan signed a Memorandum of Understanding for a Maryland Apprentice Program with the Dorchester County Board of Education, which is the first on the Eastern Shore to participate in this program. He referenced the commitment of Kenneth Holt, Secretary, Housing and Community Development, to Dorchester County, noting he has directed money among other things to this area. He stressed the importance of connections and commitments from the State level. He thanked staff for showing the officials around the County. He said awards were given by the Governor to two County employees as well as others for the jobs they perform in the County as well as the Task Force. He noted that Clay Stamp, Executive Director, Opioid Operational Command Center/Senior Emergency Management Advisory to the Governor, provided statistics and other information relating

to the opioid crisis. Councilman Travers noted that the Council members participated in various events/activities along with the Governor and the cabinet secretaries.

Councilman Travers announced that the next meeting will be held on August 3, 2018 at 6 p.m.

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 7th day of August, 2018.