

County Council of Dorchester County
Regular Meeting Minutes
May 7, 2019

The County Council of Dorchester County met in regular session on May 7, 2019 with the following members present: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

After publication of the agenda, the Emergency Operations Relocation-Airport item was removed and the following items were added: FY19 Paving-Public Works and Joint Committee-County Council-City of Cambridge, and Recruitment and Retention-Detention Center.

APPROVAL OF MINUTES- APRIL 30, 2019

The Council approved the minutes of April 30, 2019.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$5,046,529.10.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on May 7, 2019 at 5:00 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; and, pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. 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 May 7, 2019 at 5:01 p.m. to discuss the following items: 1) discussed personnel matters relating to a County department-agreed to discuss in open session; 2) approved the request of an individual to remain in an hourly on-call status as a 911 Dispatcher by a 5 to 0 vote; 3) approved the request of the Emergency Services Director to hire an individual to fill a vacant Emergency Medical Services Manager position by a 5 to 0 vote; 4) approved the request of the Acting Planning and Zoning Director to hire an individual to fill a vacant Zoning Technician position by a 5 to 0 vote; 5) approved the request of the Acting Planning and Zoning Director to hire an individual to fill a part-time vacancy by a 5 to 0 vote; 6) approved the request of the Recreation and Parks Director to hire an individual as a seasonal maintenance worker by a 5 to 0 vote; 7) agreed to extend annual leave for County employees who are in a "use or lose" status by a 5 to 0 vote; 8) approved the request of the Emergency Services Director to hire an individual to fill a Paramedic vacancy by a 5 to 0 vote; and, 9) received legal advice regarding the audio and video recording in County ambulances. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. 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-FIRST CLASS TEACHER OF THE YEAR-KATHRYN ADAMS

The Council presented a Commendation to Kathryn Adams for being named Dorchester County's First Class Teacher of the Year.

PROCLAMATION-CORRECTIONAL OFFICERS WEEK

The Council presented a Proclamation declaring May 5 to May 11, 2019 as Correctional Officers Week.

ANNUAL REPORT PRESENTATION-LETTER OF AGREEMENT-MID SHORE BEHAVIORAL HEALTH

Kathryn Dille, Executive Director for Mid Shore Behavioral Health (Mid Shore), along with the Bridgett Keeley, Behavioral Health Coordinator, presented the Annual Report for Mid Shore. The Council agreed to the execution of the FY2020 Letter of Agreement with Mid Shore to act as Dorchester County's agent in oversight, planning and development of the Public Behavioral Health System in Dorchester County.

RAILROAD RIGHT OF WAY ACQUISITION PRESENTATION-OFFICE OF FREIGHT AND MULTIMODALISM-MARYLAND DEPARTMENT OF TRANSPORTATION

Councilman Nichols said this is an informational presentation and there will no public comment.

Harry Romano, Rail Program & Policy Manager, Maryland Transit Administration, Maryland Department of Transportation (MDOT), presented information about the proposed transfer of railroad rights-of-way of a Hurlock to Cambridge rail line (“Cambridge Track”) and a Hurlock to Preston rail line, (“Preston Track”) to the County. He said the Council by correspondence dated October 30, 2017 requested these rights-of-ways based on its intent to railbank them for preservation for possible restoration of service and/or to permit interim recreational use. He said MDOT agreed to pursue transfer in early 2016. He stated that service west of Hurlock on the approximately 15 mile Cambridge track ended May 2016 due to potentially unsafe track conditions whereas service on the Preston track, consisting of about six miles, ended around 2003. He explained that it was determined in the summer of 2016 that the Cambridge track would not be returned to service due to cost and low traffic potential. Mr. Romano said at the present time the Maryland & Delaware Railroad is responsible for the Cambridge Track but not the Preston Track. He cited MDOT’s preference of transferring both rights-of-ways in their entirety to the County despite opposition from Caroline County about a portion of the Preston Track which runs through that jurisdiction. He said the transfer will assist the County in the Airport runway extension project as well as the expansion of the landfill. He explained that the next steps include the completion of the review process, drafting documents and presenting to the matter to the Board of Public Works for approval to execute the transaction. In response to a question from Councilman Pfeffer, Mr. Romano clarified that after railbanking, the County and not the State will be the owner of the rail. The Council thanked Mr. Romano.

BUDGET PUBLIC HEARING

E. Thomas Merryweather, County Attorney, said this is the second of two budget public hearings on the draft FY2020 budget. He noted that no one signed up to speak. He asked if anyone present wished to speak. There was no response. Councilman Nichols said the legislative public hearing/adoption of the proposed budget is being held on May 21, 2019. The public hearing was adjourned.

CONSTANT YIELD HEARING

Mr. Merryweather said no one signed up to speak at this Constant Yield hearing. He inquired as to whether anyone wished to provide comments. There was no response. The public hearing was adjourned.

MANAGERS COMMENTS

PLANNING COMMISSION APPOINTMENT

The Council agreed to the appointment of William “Bill” Windsor as the District 4 representative on the Planning Commission.

RAGGED POINT MARINA BOAT RAMP PROJECT-ADDITIONAL WORK-PUBLIC WORKS

Keith Adkins, County Manager, said pursuant to Ryan White, Public Works Director: 1) the original Ragged Point Marina Boat Ramp Project was covered under two Department of Natural Resources grants which did not require a County funding commitment; 2) in the interim between the design of the project and the advertising for proposals several years later, issues at the boat ramp have worsened as the bulkhead immediately after the ramp has failed and the parking lot is deteriorating; and, 3) the contractor awarded the bid for this project has viewed materials in the Public Works yard to determine if they can be used for any additional work. Mr. Adkins said Mr. White also advised that he: 1) and the contractor developed a plan to repair 90 foot of the worst area at the cost of \$46,000 for labor and a few items in addition to materials the County already owns; 2) believes the repairs should be made; and, 3) spoke with DNR representatives who are willing to provide the County \$19,000 which was unused from 2013 as a favor and to make an attempt to push two \$5,000 grants through next week.

Mr. Adkins said the request before Council is to proceed with the additional work and to approve the use of \$17,000 from the County's contingency fund. He explained that if this work is not completed at the same time as the current project additional funds will be required for plans, bids, equipment, transportation and as a result it may take a year to complete. He said there is a potential safety issue as well. He advised Council that he will review all projects from this point forward and include oversight review to anticipate future issues in order to avoid change orders.

Councilman Newcomb expressed concern that the additional deterioration of the bulkhead and parking area were not discovered until the Ragged Point Marina Boat Ramp project bid award. He asked for an explanation on why it went unnoticed. Mr. White said approximately a year and a half ago the design phase of the project commenced, the design was revised, and then the permit was obtained. Councilwoman Nagel questioned the reason this project did not proceed in a timely fashion. Mr. White explained that the project was discussed beginning in 2014 or 2015, the permit was applied for and a grant application was submitted in the Spring of 2016. He cited the shifting of the responsibility for this project to existing staff in addition to their duties, due to the lack of a County Engineer for several months, as one of the reasons for the delay. Councilman Newcomb noted that many residents expressed their belief that the pouring of cement on the parking lot was the reason the bulkhead bulged outward. Mr. White said he believes that is false.

The Council approved the use of \$17,000 from the County's Contingency Fund for the additional work.

PUBLIC HEARING-FY 2019 AGRICULTURAL LAND PRESERVATION EASEMENTS

Mr. Merryweather said a public hearing is being held for the Council's annual review of agricultural land preservation easement applications. He noted that no one signed up to speak. Rodney Banks, Acting Planning and Zoning Director, outlined the criteria that must be met to be included in the Agricultural Land Preservation Program, which all of the applicants have met. He said currently there are 91 farms consisting of about 15,000 acres in the County under easements. The Council approved the FY19 Agricultural Land Preservation Easement

applications and the ranking order of the applicants presented in writing by Mr. Banks. Councilwoman Nagel abstained.

CAMBRIDGE WATERFRONT DEVELOPMENT, INC. UPDATE

Jeff Powell, County representative on the Board of Directors, provided an update on Cambridge Waterfront Development Inc.'s (CWD) recent activities. He listed the other Board members as follows: Richard Zeidman, President, City appointee; Daryl Butcher, Vice president, City appointee; Frank Narr, nominee of Sailwinds Park, Inc.; Michael Frenz, Executive Director of Maryland Stadium Authority, Governor's appointee; Patrick Comiskey, City Manager, and Keith Adkins, County Manager. He explained that this is a joint effort of the County, City and State for the redevelopment of the Dorchester General Hospital site. He noted that Mr. Narr is present. He thanked the Council for including funding for this entity in the proposed FY2020 budget. He stressed that economic development and redevelopment in the County is not simple. He noted that according to University of Maryland Shore Regional Health personnel the DGH site will be vacant in the Summer of 2021. He said he and Mr. Narr are cognizant of the need to ensure that the appropriate actions are taken to improve that area for the benefit of the City and County. He advised that meetings are held on the first and third Fridays of the month at the Cambridge-Dorchester Regional Airport at 9 a.m., noting that the Council Members and public are welcome. He noted that some of the City of Cambridge Commissioners have attended meetings.

Sandra Tripp-Jones, Interim Executive Director, said the Board is working with neighbors on activating the site. She stated that she is available to answer questions. She thanked the Council for being a partner in this endeavor.

Mr. Powell advised that Charles "Chip" MacLeod is CWD's attorney. He thanked Donna Lane, Executive Administrative Specialist, for representing the County at meetings during the interim and her input. He said in the future CWD will be seeking assistance from the County Council with lawn care and clean up. He commended the members for serving on the Board. He said Amanda Fenstermaker, Tourism Director, and Frank Stout, Recreation and Parks Director, have also been very helpful. Mr. Powell asked the Council to stay the course. Councilman Nichols expressed appreciation to the members of the CWD Board Directors, noting he attended a meeting. Councilman Nichols thanked Mr. Powell, Mr. Narr, Ms. Tripp-Jones and the Board Members.

MANAGERS COMMENTS

BID AWARD-CRUSHED STONE-PUBLIC WORKS

The Council approved request of Ryan White, Public Works Director, to award the bid for crushed stone for the period of May 1, 2019 to April 30, 2020 to Chaney Enterprises, the lowest bidder.

REQUEST TO AMEND WORKING HOURS-HIGHWAY DIVISION-PUBLIC WORKS

The Council approved the request of Mr. White to amend the current Highway Division schedule from 7:00 a.m. to 3:30 p.m. to 7:30 a.m. to 4:00 p.m. with Councilwoman Nagel and Councilman Nichols opposing.

OFFER-TAX LIEN FORECLOSURE PROPERTY-FINANCE

Based on the recommendation of Cindy Smith, Assistant Finance Director, the Council agreed to sell the following three properties to Patricia J. Graham for \$100 each: 609, 613 and 615 Cross Street, Cambridge. The Council acknowledged that the properties are currently owned by Jim Chaney and are being foreclosed upon by the County.

TAX LIEN FORECLOSURE PROPERTY SALES-FINANCE

Based on Ms. Smith's recommendation the Council agreed to award the following properties to the highest bidders as follows: 1) 4929 Vienna Back Street, Vienna to Minerva Tobat for \$3,000; 2) 503 Clinton Street, Cambridge to Kim Abdel Motaal of \$7,100; 3) 1003 Locust Street, Cambridge to Kim Abdel Motaal for \$5,101; and, 4) a .50 acre lot NW of Bobtown Road to Brad Smith for \$500.

SPECIAL EVENTS AGREEMENTS-FINANCE

The Council agreed to enter into the following Special Events Agreements: 1) between The Annapolis Bicycle Racing Team, County Council and Sheriff for public safety services for the Church Creek Time Trials on June 29, 2019 and August 17, 2019 in the form of four vehicles and four deputies; and, 2) between IRONMAN Maryland, the County Council and the Sheriff for public safety services for the Ironman 70.3 Eagleman on June 9, 2019 in the form of 15 vehicles and deputies.

EXTENSION REQUEST-TERMINATION AGREEMENT-3 CEDAR STREET TOWER-T-MOBILE

Pursuant to the written request of Trip Rice, Site Acquisition Specialist, T-Mobile, the Council agreed to extend the termination date for T-Mobile to move its equipment from the tower at the Health Department from August 31, 2019 to September 30, 2019.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND
PURSUANT TO SECTION 9-232 OF THE TAX PROPERTY ARTICLE OF THE
ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 144-56(C)**

AND SECTION 144-57(F) OF ARTICLE XVIII OF CHAPTER 144 OF THE DORCHESTER COUNTY CODE TO PROVIDE THAT RESIDENTIAL PROPERTIES CONSTRUCTED BETWEEN JULY 1, 2019 AND JUNE 30, 2022, AND INCLUDE A COMPLETE AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM, AND ARE USED AS THE PRINCIPAL RESIDENT OF THE HOMEOWNER, ARE QUALIFIED FOR THE RESIDENTIAL SPRINKLER SYSTEM TAX CREDIT, AND TO PROVIDE THAT THIS ACT SHALL EXPIRE ON JUNE 30, 2023, AND TO PROVIDE THAT THIS ACT SHALL APPLY TO THE REAL PROPERTY TAX BILLINGS AS OF JULY 1, 2019.

E. Thomas Merryweather, County Attorney, said scheduled for introduction is legislation to extend the residential sprinkler system tax credit, which currently expires on June 30, 2019 for additional two years, July 1, 2019 to June 30, 2022. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT, AND PURSUANT TO AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND THE USE CATEGORY OF "UTILITIES" CONTAINED IN CHAPTER 155 ENTITLED "ZONING" OF THE DORCHESTER COUNTY CODE IN ATTACHMENT 1 ENTITLED "TABLE OF PERMITTED USES BY ZONING DISTRICT DORCHESTER COUNTY, MARYLAND", CITED AS 155 ATTACHMENT 1:16. TO ADD COMMUNICATION TOWERS AS A SPECIAL EXCEPTION USE IN THE V, VILLAGE ZONING DISTRICT, AND TO ADD A MINIMUM LOT OR PARCEL SIZE FOR A COMMUNICATION TOWER IN THE VILLAGE ZONING DISTRICT.

Mr. Merryweather said the bill scheduled for introduction is sponsored by the Neck District Volunteer Fire Company for a text amendment to the Zoning Ordinance to allow communication towers in a Village zoning district, the district the company is in, which will allow them to proceed with obtaining a communication tower in the Neck District. The Council agreed to proceed with publication of a public hearing on this matter.

OTHER

Councilman Newcomb advised Council that the local legislative delegation failed to act on its request to pursue legislation to allow the use of golf carts in the Upper and Middle sections of Hooper's Island during the 2019 Maryland General Assembly Legislative Session. E. Thomas Merryweather, County Attorney, noted that he prepared the proposed bill. The Council agreed to seek this legislation during the 2020 legislative session.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

HEART OF CHESAPEAKE COUNTRY HERITAGE AREA MANAGEMENT BOARD APPOINTMENTS

Keith Adkins, County Manager, advised that: 1) in the past the County Manager, in addition to a Council Member, has been appointed as the County Council's representative; 2) pursuant to Resolution 353 which established the Heart of Chesapeake Country Heritage Area Management Board, two of the members are to be "elected from the County Commissioners at any regularly scheduled meeting who shall serve for the duration of the term of their elected office;" and, 3) currently there are no County Council members on this Board. The Council recognized that ten meetings are held per year on a Thursday at 8:45 a.m. which last typically 90 minutes. Mr. Adkins said the Council has the option to appoint two Council Members to the Board or adopt an amended resolution to allow them the opportunity to appoint individuals in lieu of a Council Member, for instance the County Manager. Mr. Merryweather concurred. The Council asked staff to prepare an amended resolution for its review.

SPECIAL EVENTS AGREEMENT-BOAT DOCKING-LONG WHARF

The Council approved the request of Bill Christopher, President/CEO, Dorchester Chamber of Commerce, for public safety services in the form of an ATV and one crew from Dorchester County Emergency Services through the Emergency Medical Services Division for the Boat Docking Event at Long Wharf on June 2, 2019 and to waive fees. The Council also agreed to execute a Special Events Agreement for this event.

CLEAN CHESAPEAKE COALITION-EXECUTIVE COMMITTEE-COUNTY REPRESENTATIVE

The Council agreed to appoint Councilwoman Nagel to be the Council's representative on the Executive Committee of the Clean Chesapeake Coalition.

POLL CONFIRMATIONS

The Council confirmed its decisions in the interim between meetings, by means of a poll:

- to send a letter opposing State Board of Election salary increases and suggesting that the Board determine salary increases for each local Board of Elections based on the salary increase the county government is providing its workforce, as a member of the Rural Counties Coalition, by a 5 to 0 vote; and,
- to replace the siren controller at the Lakes and Straits Volunteer Fire Company at the cost of \$16,515 utilizing funding under the FY19 911 Communications Center Budget contractual line item and \$3,460 remaining in the FY17 Capital budget for sirens by a 5 to 0 vote.

FY19 PAVING-PUBLIC WORKS

Mr. Adkins said the Council has before it a proposed paving list for FY19. Councilman Travers noted that there are 49.43 roads listed that need hot mix even though there are only enough funds in the FY19 budget to do 4.5 miles. Pursuant to an inquiry from Councilman Newcomb, Ryan White, Public Works Director, advised that his goal is to finish the 2017 tar and chip list and start on the 2018 list in FY19 with the intention of continuing that list after July 1st. He explained that today he and his staff developed the following list of roads they believe are in need of repair: a section of Palmers Mills Road (which is not on the list provided to the Council), Williamsburg Church Road, and a portion of Elliott's Island Road. He expressed his opinion that the worst areas on Elliott's Island Road should be patched and then it should be taken back to tar and chip. In response to a question from Councilman Newcomb, Mr. White said this list was prepared prior to winter. Pursuant to an inquiry from Councilman Pfeffer, Mr. White said it is not prioritized. He noted that in the past there has been an annual evaluation and ranking of roads in the County; however, that did not occur this year. He said he prepared an emergency list with staff to provide to Council tonight.

Councilman Travers suggested having the Highway Division staff rate the list. Mr. White said they have until June 30, 2019 to spend money in the current fiscal year for paving. Councilman Newcomb questioned whether it is more beneficial to pave Palmers Mill Road in it's entirely instead of sections, one in this fiscal year and another in the next. Pursuant to his query, Michael Spears, Finance Director, said \$419,000 is available for paving this fiscal year and in FY 2020 there is \$460,000 allocated in the Capital Budget and \$922,000 in the Operating Budget. Mr. Adkins said if the funds available now are used for paving there will not be any money to tar and chip. Council discussed with Mr. White options regarding paving and tar and chip. A motion made by Councilwoman Nagel for the Highway Division to prioritize and return the list to the Council of the most crucial roads to pave or tar and chip was withdrawn. The Council recognized the need to provide information regarding the road repairs in order so Russell Paving can schedule the work prior to the end of the current fiscal year. Councilman Newcomb asked Mr. White to ensure that any crosspipes are replaced, if necessary, prior to blacktopping. The Council concurred with his request. Mr. White said he will submit a list by the close of business tomorrow.

JOINT COMMITTEE-COUNTY COUNCIL-CITY OF CAMBRIDGE

The Council agreed to the formation of a joint committee with the City of Cambridge Council to address issues relating to the public school system on which two Council Members and two City Commissioners will serve.

RECRUITMENT AND RETENTION-DEPARTMENT OF CORRECTIONS

As a recruitment and retention tool, the Council approved the request of Joseph Hughes, Director, Department of Corrections, to establish a shift differential.

PUBLIC COMMENTS

In response to an inquiry from Dave Ryan, Editor, Daily Banner, Mr. Adkins said he is not aware of any action taken to terminate six Emergency Medical Services providers by email.

COUNCIL'S COMMENTS/ADJOURNMENT

The Council agreed to reappoint Andrew Pasden to the Ethics Commission and the following individuals to the Council for Senior Citizen Services: Daniel Henry, Charlotte Lankford and Constance Elliott.

Councilman Newcomb said "Happy Mother's Day."

Councilman Nichols announced that the next Council meeting will be held on May 21, 2019 at 6:00 p.m. during which the Budget Legislative Hearing/Adoption will be held.

With no further business to discuss, the Council adjourned.

ATTEST:



Keith Adkins
County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:

absent

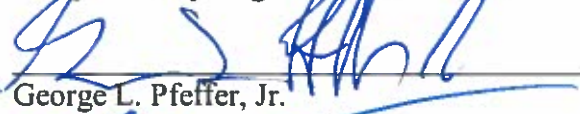
William V. Nichols, President



Jay E. Newcomb, Vice President



Libby Handley Nagel



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 4th day of June, 2019.