

**County Council of Dorchester County
Regular Meeting Minutes
January 19, 2016**

The County Council of Dorchester County met in regular session on January 19, 2016 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

CLOSED SESSION

The Council adjourned from a Regular Session and convened in a Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to 3-305(b)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §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.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Satterfield led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES- JANUARY 5, 2016

The Council approved the minutes of January 5, 2016 as amended.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented. Councilman Price opposed a payment to Facility Logix for the incubator project.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$9,542,689.57.

CLOSED SESSION SUMMARY

The County Council of Dorchester County convened in an Closed Session at 4:30 p.m. on January 19, 2016 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to 3-305(b)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §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.

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 below.

Action taken at the closed session: 1) received an update from a business/organization; 2) discussed a legal agreement relating to a tax sale property; 3) discussed an offer relating to a tax sale property; 4) discussed a public safety matter relating to the 911 Center; and 5) confirmed the hiring by the Circuit Court Judge of an individual to fill an Administrative Assistant position at the Family Access Center by a 5 to 0 vote with 1 written proxy.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

REGULAR SESSION

PROCLAMATION-NATIONAL MENTORING MONTH

The Council presented a Proclamation declaring January 2016 as National Mentoring Month. Jessica Mimms, Director of Big Brothers Big Sisters of the Greater Chesapeake, accepted the Proclamation.

AUDIT PRESENTATION-SB & COMPANY, LLC

William Seymour, Partner, SB & Company, LLC, presented the audit for the year ending June 30, 2015.

In response to questions from Councilman Price, Mr. Seymour said: 1) the auditors did not identify any financial misstatement risk relating to over expenditures; 2) no abnormalities were discovered nor was an item significantly out of line; and 3) the auditors viewed the County's fiscal policies, which were conservative.

The Council thanked Mr. Seymour for his presentation and Michael Spears, Finance Director, and his staff for working with the auditors.

EASTERN SHORE INNOVATION CENTER CONSTRUCTION COST UPDATE

Tom Moore, Public Works Director, provided the following update for the Eastern Shore Innovation Center construction project: 1) it is scheduled to be completed within the next couple of weeks; 2) the contract price includes a \$100,000 contingency; 3) pursuant to the contract with Willow Construction, the County receives 80% of individual line item savings and the company retains the other 20% as reward and/or incentive; 4) the County's share of the total line item cost savings is currently \$17,012.24; 5) to date changes total \$91,222.60; and, 6) the project is approximately \$26,000 under the total contract price.

In response to a question from Councilman Travers, Mr. Moore advised that after inspections are completed by Willow Construction and upon substantial completion, the County will take possession of the building. He explained that the property will then be placed on the County's insurance policies and utilities will be transferred. He said the hope is that the building will be available for occupancy by the beginning of February 2016.

Councilmen Travers and Satterfield expressed their understanding that the March 4, 2016 grand opening date may be changed since an Eastern Shore Caucus Day for legislators may be scheduled on that same date.

Pursuant to a question posed by E. Thomas Merryweather, County Attorney, Jeremy Goldman, County Manager, expressed his belief that 75% of the tenants have been secured for the facility. He advised Council that they will receive an email invitation for a "soft opening" shortly.

MANAGERS COMMENTS

EASTERN SHORE INNOVATION CENTER JANITORIAL SERVICE PROPOSAL RECOMMENDATION-ECONOMIC DEVELOPMENT

The Council approved the recommendation of Keasha Haythe, Economic Development Director, and Steve Dolbow, Incubator Manager, to award the bid for janitorial services for the Eastern Shore Innovation Center to Schuman's Cleaning Service, Inc., the lowest bidder, at the cost of \$832 per month. Councilman Price opposed, citing his opposition to the project. In response to an inquiry from Councilman Nichols, Mr. Merryweather said once executed the proposal becomes the contract. Councilman Travers noted that this document includes a detailed list of services to be provided, including how often they should be performed.

REQUEST TO SOLE SOURCE-TOWER AIR HANDLER-REPLACEMENT STUDY-COURTHOUSE-PUBLIC WORKS

The Council approved the request of Mr. Moore to sole source a contract with Gipe Associates, Inc. for performing a study of the tower air handler at the Circuit Court House in an amount not to exceed \$5,000 utilizing funds under the approved FY16 Capital Budget line item for the Courthouse Air Handler replacement.

MARYLAND AVIATION ADMINISTRATION SPECIAL GRANT AWARD-EQUIPMENT AND REPAIRS-AIRPORT

The Council approved the written request of Meighan K. Chisholm, Sr., Airport Manager, to accept a Maryland Aviation Administration (MAA) Special Grant award for runway and taxiway crack sealing and repainting and the procurement of a 4x4 pickup truck/snowplow combination. The Council acknowledged that the total cost is \$102,570, of which MAA will pay \$76,928 (75%) and the County will be responsible for \$25,643 (25%) utilizing FY15 Airport Capital funds.

TRAFFIC SAFETY COMMITTEE REFERRAL-DRAWBRIDGE ROAD

The Council agreed to refer the written request of Calvin J. Mitchell, Sr. for a lower speed limit or hidden entrance sign on Drawbridge Road prior to the entrance of the public boat ramp to the Traffic Safety Committee. The Council acknowledged that Mr. Mitchell is concerned about public safety in this area due to the blind curve and speeding motorists.

LETTER OF SUPPORT REQUEST-SELECTION OF HARRIET TUBMAN-CURRENCY

Based on the request of Colin Byrd, the Council agreed to send letter of support to Jacob J. Lew, Secretary, U.S. Department of Treasury, for the selection and placement of Harriet Tubman on the \$10 bill.

PLANNING COMMISSION RECOMMENDATION-DONATION BINS

The Council, based on the Planning Commission's recommendation, agreed to take no action on regulating donation bins in the County.

EXCISE TAX DISCUSSION-PLANNING AND ZONING

Mr. Goldman referenced the Council's suspension of the development excise tax for two years, effective July 1, 2014, which is scheduled to sunset on June 30, 2016. He noted that due to the length of the local legislative process this information is being provided to the Council members in case they wish to either continue or permanently enact the suspension.

Councilman Price made a motion to continue to temporarily suspend the excise tax.

Mr. Merryweather queried as to the length of the continued suspension. In response to a question from Councilman Bradshaw, Councilman Nichols said City of Cambridge officials suspended that municipality's impact tax for four years. Mr. Goldman noted that this suspension began at the same time as the County's excise tax suspension.

Councilman Price advised that he is seeking the continuation of the temporary suspension based on the concerns he has received from contractors and prospective homeowners. He explained that Planning and Zoning staff said there was a spike in permits in either May or June followed by a slow down then a halt. He attributed the stoppage to the passage of the State mandated sprinkler system requirements. He said legislation to provide relief from these requirements has been introduced during the current legislative session.

Councilman Satterfield inquired as to whether a four year extension will result in a savings in legislative costs. Mr. Merryweather said that cost is insignificant.

Councilman Travers expressed his belief that extending the suspension will continue to benefit residents and the local economy. He noted that in addition to the development of an adult community there are plans to improve a shopping center in the City of Cambridge.

The Council agreed to suspend the development excise tax for an additional two year period. Councilman Nichols opposed, noting his understanding that there was not a construction boom after the original suspension. He stressed that he is in favor of progress; however, he feels it is not necessary to continue to suspend this fee since it has not resulted in a significant increase in construction in the County. Councilman Nichols expressed his understanding that construction has decreased on the Eastern Shore.

FY17 RURAL LEGACY APPLICATION-PLANNING AND ZONING

The Council approved the written request of Rodney Banks, Assistant Planning and Zoning Director, to submit applications for the Marshyhope Rural Legacy Focus Area and Nanticoke Rural Legacy Focus Area to the State for FY 2017 Maryland Rural Legacy Program preservation funds, which are allocated through the Maryland Department of Natural Resources, with the Marshyhope area being the priority application for the year and the Nanticoke Rural Legacy Area being priority two.

WATERSHED IMPROVEMENT PROJECT-VISITORS CENTER-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to sole source with Environmental Concern to conduct a site survey, watershed analysis and development designs for improving the waterfront at the Visitors Center as well as interact with regulatory organizations at the estimated cost of \$4,400 utilizing funds allocated in FY16 budget under the Watershed Improvement line item (\$5,000).

Councilman Travers questioned whether this proposed project is part of the storm water management demonstration project the Dorchester Citizens for Planned Growth were interested

in constructing at the Visitors Center. Mr. Moore said that the project has not commenced, noting they are seeking additional grant funding.

In response to an inquiry from Councilman Price, Mr. Moore said this is a watershed improvement project.

Mr. Goldman clarified that Ms. Fenstermaker is only seeking funding for the planning phase of this project, which needs to be completed before the County is eligible for grant funding.

REQUEST TO ADVERTISE FOR PROPOSALS-PHASE 1 JAMES G BUSICK TENNIS COURTS-PROGRAM OPEN SPACE-RECREATION & PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to advertise for proposals for Phase 1 of the James G. Busick Tennis Court project. The Council acknowledged that Program Open Space funds in the amount of \$160,000 were approved as part of the County's FY15 Capital Budget for this project. The Council requested a layout of the proposed changes.

FY16 MARYLAND TRANSIT ADMINISTRATION GRANT AWARD-DELMARVA COMMUNITY SERVICES-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services (DCS), to accept the FY16 Maryland Transit Administration grant award for operating funding for transportation services, consisting of \$285,467 in Federal Funds, \$443,329 in State funds and a DCS match of \$287,742, for the following programs: Section 5311 Operating Assistance, Americans with Disabilities Act compliant transportation and Statewide Special Transportation Assistance. The Council also accepted the FY16 Maryland Transit Administration capital grant award which consists of \$228,265 in Federal funds, \$28,534 in State funds and a DCS match of \$28,534 for preventive maintenance and the purchase of three small cutaway vehicles.

PROPERTY TAX ASSESSMENT APPEALS BOARD NOMINATIONS

The Council acknowledged that replacements are needed for: 1) Phyllis North, member, who has moved to Talbot County; and 2) for an alternate member due to resignation of Melanie Hampton. Councilmen Bradshaw and Satterfield advised that they have identified persons who are interested in serving on the board, however, they have not filled out the biographical information form. The Council agreed to defer these nominations until its February 2, 2016 meeting. Councilman Travers stressed the need to submit three names for nomination for each vacancy pursuant to State law.

PUBLIC COMMENTS

Donald Gray, resident, cited Councilman Nichols prior comments during a discussion regarding excise taxes. He said it is his understanding that several businesses have located to Talbot County in the past year and more and scheduled to move into that jurisdiction in the future. He

expressed his belief taxes may be the reason for the lack of development in Dorchester County. Mr. Gray noted that one company has cited taxes as a reason for relocating from Maryland to Delaware.

Councilman Nichols clarified that his earlier comments were relating to the excise tax on new construction in Dorchester County which has not substantially increased. He explained that a report he obtained from the Maryland Association of Counties shows that overall growth on the Eastern Shore from year to year is about the same.

Councilman Travers acknowledged Bob Shubert, and his wife, Sherry Shubert, residents and owners and operators of Sherry's Barber Shop in Cambridge, Maryland. Mr. Shubert said his wife will speak on their behalf.

Ms. Shubert said their business is located at 123 Washington Street and they are present to voice their opposition to Anchor Point, LLC's intention to utilize an adjacent property as a homeless shelter/day center and training center. She explained that their concern is the safety of nearby children, including those who patronize the County pool and the public play area at the Salvation Army. Councilman Travers noted that since it is not owned by the County, the Council does not have any authority or control over the property. He said they should address their issues regarding the proposed use with City of Cambridge officials.

Richard Lakla, a Dorchester County resident, expressed concern about the potential impact the Hearn Building may have on the environment based on the age and condition of the property. He said he believes that the building should be demolished. He referenced the recent media announcement that the Town of Hurlock received funds to demolish properties. In response to his inquiry, Councilman Travers explained that those properties are not in a Historic District, like the Hearn Building. He said no monies are available to demolish the Hearn Building. He advised that the Council members' goal is to stabilize the building so the road can be reopened, hopefully in February 2016.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price thanked emergency responders for their assistance during recent events. He wished everyone a safe weekend, particularly in light of a possible weather event at the end of the week, as well as any emergency responders, Public Works and other County staff who may be called in to work. He said he will begin attending Maryland Association of Counties (MACo) Legislative Committee meetings beginning Wednesday and will provide the Council periodic updates.

Councilman Bradshaw noted that he has provided the other Council members a copy of Senate Bill 161 "Criminal Procedure-Seizure and Forfeiture," which has been introduced in the 2016 Maryland General Assembly Legislative Session. He asked them to review it since he will probably ask to send a letter in opposition due to the impact this will have on local law enforcement. Councilman Price said he will seek the MACo Legislative Committee members' opinion on this legislation.

Councilman Bradshaw advised that on Sunday, January 24, 2016, weather permitting, he and Mr. Goldman will attend a Delmarva Fisheries Association meeting.

Councilman Bradshaw explained that in the early 1900s individuals submitted to the State the assessed values for their properties and if there was a dispute the State sent a response. He showed the Council members a copy of a 1917 form a resident sent regarding his property and a 1911 letter from the State to an individual disputing the property assessment.

Councilman Travers echoed Councilman Price's comments about public safety. He expressed sorrow for the loss of a community member. He then stressed the need for mentoring programs for youth in the County to combat violence.

Councilman Travers asked the public to look out for neighbors, the elderly and pets during the winter and the upcoming inclement weather event. He said County staff will be prepared to assist during that event and that Emergency Management will continue to monitor the weather.

Councilman Travers announced the following: 1) the Council will sit as the Board of Estimates for the purpose of conducting a Budget Worksession on January 28, 2016; 2) the next Council meeting is scheduled for February 2, 2016; and 3) the Council reserves the right to convene into closed session after regular session.

With no further business to discuss, the Council adjourned.

ATTEST:

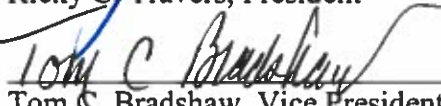


Jeremy Goldynan
County Manager

DORCHESTER COUNTY COUNCIL:



Ricky C. Travers, President




Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 2nd day of February, 2016.