

**County Council of Dorchester County
Regular Meeting Minutes
March 21, 2017**

The County Council of Dorchester County met in regular session on March 21, 2017 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 Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, advised that: 1) after publication an Emergency Request to Replace Heat Pump-Health Department-Public Works was added to the agenda; and, 2) there is an addition, a request for a letter of support for the Cambridge Community Radio's application to the Maryland Historical Trust Grant. The Council approved the amended agenda.

APPROVAL OF MINUTES- March 7, 2017

The Council approved the minutes of March 7, 2017.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with an addition.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$7,677,934.97.

CLOSED SESSION SUMMARY

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)(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 on March 21, 2017 at 5:00 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) discussed legal and personnel matters relating to a County Department; 2) approved the recommendation of the Emergency Services Director to hire an individual to fill a Paramedic/Advanced Life Support position and to place two individuals on the on-call Advanced Life Support provider list by a 5 to 0 vote; 3) agreed to reorganize a County department and to advertise in-house for resulting vacancies by a 4 to 1 vote; 4) approved the request of the Planning and Zoning Director to hire an individual to fill an Inspector Technician position by a 3 to 2 vote; and 5) agreed to re-hire an individual as a Seasonal Maintenance Worker for the Recreation and Parks Department by a 5 to 0 vote.

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

COMMENDATIONS-NATIONAL OUTDOOR SHOW COMMENDATIONS

The Council presented commendations to Katelyn Robinson for being selected Miss Outdoors 2017, Makenzie Hayden for being named as Little Miss Outdoors 2017 and Karsten Scheele for being named Little Mister Outdoors 2017.

TUDOR FARMS PROPERTY UPDATE-YOUNG LIFE

Chad F. Martin, Operations Manager, Tudor Farms, provided an update on Young Life.

DONATION PROPOSAL- ROGLYN GONDER

Roglyn Gonder, resident, advised that she would like to donate funds to the County to purchase and install an Expressions Swing at the Sailwinds Park at the Visitors Center in memory of her son. She said she also wants to place a plaque by the swing. In response to inquiries from Councilman Travers, Ms. Gonder said the quote she obtained is from the same manufacturer for the equipment currently at that park and includes the County's 20% discount. She expressed her desire to have the swing installed prior to May 28, 2017, her son's birthday. The Council agreed to accept the donation and that staff will work with the installer to ensure that it is installed prior to May 28th. Mr. Goldman stated that this equipment will be covered under the existing maintenance contract.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND
PURSUANT TO THE AUTHORITY OF SECTION 9-236 OF THE TAX-PROPERTY
ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ENACT A NEW
ARTICLE XIX OF CHAPTER 144 OF THE CODE OF DORCHESTER COUNTY,

MARYLAND RELATING TO PARTIAL ABATEMENT OF COUNTY REAL PROPERTY TAXES FOR THE REHABILITATION OF STRUCTURES.

E. Thomas Merryweather, County Manager, said the legislation to be introduced will enact a new Article XIX of Chapter 144 of the Code of Dorchester County, Maryland relating to partial abatement of County real property taxes for the rehabilitation of structures. Mr. Goldman stated that one of the issues that was identified within the County was the declining property inventory. He explained that once a property has been rehabilitated it is reassessed. He said one way to encourage ownership is to offer a phase-in of the difference between the original real property tax and the new tax when a property is purchased and rehabilitated. He advised that the phase-in will be for a five year period and will apply to both commercial and residential properties. He noted that the goal is to spur rehabilitation and the construction economy through a tax incentive.

The Council agreed to proceed with publication of a public hearing on this matter.

The Council convened into Regular Session.

REGULAR SESSION

MANAGER'S COMMENTS

REWARD REQUEST-SIGN AND COUNTY OWNED PROPERTY DAMAGE-SHERIFF'S OFFICE

The Council approved the request of Sheriff James Phillips to give the Elliott's Island Volunteer Fire Department a \$1,000 reward for providing security camera footage which resulted in the arrest and conviction of an individual who was responsible for the malicious destruction of property involving road signs and other pieces of County owned property. Councilman Nichols noted that the Council agreed to establish a reward in 2002. He said this serves as an incentive.

LANDFILL TIPPING FEE WAIVER REQUEST-HISTORIC CAMBRIDGE DEVELOPMENT LLC

The Council discussed the the written request of Stanley Keyser, Director of Development, Historic Cambridge Development LLC, for a landfill tipping fee waiver for an estimated 800 tons of debris from the demolition of the Hearn Building at \$60 per ton for a total cost of \$48,000. Mr. Goldman noted that: 1) there has been no County cash utilized in this project; and, 2) Tom Moore, Public Works Director, and Cindy Smith, Grant Monitor, have provided comments regarding this request. He said he believes it is reasonable for the County to provide some assistance with this project, however, that is Council's decision.

In response to questions from Councilman Travers, Ms. Smith confirmed that debris is currently being hauled to the landfill and Mr. Goldman said some construction material

can be crushed. Mr. Moore explained that concrete rubble is sometimes used for road bases pursuant to an inquiry from Mr. Goldman. Mr. Goldman stated that the majority will be from the interior debris due to the collapse of the roof. Ms. Smith advised that brick, windows and steel are being saved and catalogued for the Maryland Historical Trust. She said the safe has been removed.

Mr. Merryweather questioned whether any grant funds are available to cover the cost of the landfill tipping fee. Ms. Smith explained that the grants awarded through the State total about \$850,000 and cannot be used to pay these fees. She said the total cost for stabilization is \$1.3 million. She advised that if a waiver is granted it can be used as the County's required match for one of the grants. She said that another grant may then cover the remainder of that match. She stated that the developer is contributing \$450,000 for the stabilization phase and the project will cost close to \$5 million to \$6 million. She stressed that there is no additional State grant funding available for this project. She explained that Mr. Keyser is working directly with the Department of Housing and Community Development to obtain funding for the project as well as for two adjacent buildings and portions of other areas on that block. She said if the County owned the structure it would cost \$350,000 to dispose of material at the landfill.

Mr. Goldman referenced Mr. Moore's concerns that the landfill fund is a user fee based enterprise fund. He said there may be a need to consider creating a program to allow reasonable use.

Councilman Bradshaw made a motion to approve Mr. Keyser's request which Councilman Satterfield seconded for discussion. He referred to the written comments Ms. Smith provided Council, noting his concurrence with her statement that there will be a return on the investment in the form of an increase in jobs and taxes.

In response to a question from Councilman Travers, Councilman Bradshaw confirmed that his motion is to approve the \$48,000 waiver Mr. Keyser requested. Mr. Merryweather queried as to what will happen if the amount exceeds 800 tons. Ms. Smith said they will only receive a credit for the amount the Council approves.

Pursuant to an inquiry from Councilman Travers, Michael Spears, Finance Director, said the Council provides a total of \$6,000 for community clean-up to municipalities and unincorporated communities which is not used extensively. He stated that it is mostly for litter. Mr. Moore noted that the Council waived a certain amount of the landfill tipping fees for the Board of Education to dispose of debris from the demolition of the old North Dorchester Middle School.

Councilman Travers said he is more inclined to award a dollar value than tonnage, however, he is unsure about waiving the entire amount requested. He recognized that this will be an investment in the community and the Council members' prior commitment to not utilize taxpayers' funds for this property. Councilman Travers noted that he and Mr. Goldman viewed the progress of the project last week. He expressed his understanding that there were 1,000 gallons of water pumped out and hauled away. In response to a

question from Councilman Bradshaw, Councilman Travers suggested a waiver of \$20,000 or \$25,000. Councilman Satterfield said he is also concerned about preserving the landfill fund and cited \$25,000 as his preference. Based on Councilman Bradshaw's amended motion, the Council agreed to provide a landfill tipping waiver of \$24,000 with Councilmen Price and Nichols opposing.

TRAVEL REQUEST-DETENTION CENTER

The Council approved the request of Joseph Hughes, Director of Corrections, for senior staff and himself to attend the Maryland Correctional Administrator's Association Conference (MCAA) and Training in Ocean City from June 4, 2017 through June 6, 2017. The Council acknowledged that registration fees and housing costs of \$1,575 will be paid from the Detention Center budget under the mileage and conference line item. The Council requested that Director Hughes provide the names of the individuals who will be attending this conference and training.

REQUEST TO ADVERTISE FOR RENTAL-TERMINAL OFFICES-AIRPORT

The Council approved the request of Meighan "Chis" Chisholm, Airport Manager, to advertise the former Economic Development offices and those in the lobby at the Cambridge Dorchester Regional Airport Terminal for lease.

REQUEST TO ADVERTISE FOR FIXED BASE OPERATOR-HANGAR AND OFFICE SPACE-AIRPORT

The Council approved the request of Mr. Chisholm to advertise for a qualified fixed base operator, hangar and office space at the Airport.

REQUEST TO SUBMIT ANNUAL UPDATE OF AIRPORT CAPITAL IMPROVEMENT PLAN-AIRPORT

The Council approved the request of Mr. Chisholm to submit an annual update of the County's Airport Capital Improvement Plan to the Federal Aviation Administration (FAA) and Maryland Aviation Administration (MAA) which addresses project phases to 2022. The Council acknowledged that: 1) the runway extension analysis will be submitted via separate correspondence; 2) updates will continue to be made annually; and, 3) change notifications can be submitted at any time.

BID AWARD-TAX SALE PROPERTY GRASS CUTTING CONTRACT-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to award the tax sale property grass cutting contract to Marshall Property Management, LLC, the only bidder, at a per yard price of \$24 to include picking up litter, cutting, string trimming and blowing. Mr. Goldman noted that there are ten properties. Councilman Nichols expressed his desire to consider in the future whether the youth in the County can be utilized for this type of work.

SURPLUS PROPERTY DECLARATION REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Moore to surplus an old Ricoh copier, miscellaneous equipment in the yard and parts for the 1966 Cat Grader/Roanoke cutter which was sold through an online website. The Council acknowledged that Cat Grader/Roanoke cutter parts will be sold through Foxwell Auctions since this equipment was sold locally.

REQUEST TO CONTRACT LAWN MAINTENANCE-COURT HOUSE-COUNTY OFFICE BUILDING-LIBRARY-PUBLIC WORKS

The Council approved the request of Mr. Moore to contract with Marshall Property Management, LLC, (Marshall) the lowest bidder, for lawn maintenance at the Circuit Courthouse, the County Office and the Library properties at the cost of \$170 for each cutting on a trial basis for a one month period. The Council acknowledged that a savings in equipment, fuel and labor costs will be achieved. In response to a question from Councilman Travers, Mr. Moore said the work will be completed after hours or on the weekends.

ADOPT A BOAT RAMP PROPOSAL

The Council recognized that: 1) that at its December 2, 2016 meeting Charles Foxwell, Jr. expressed interest in adopting the County boat ramp between Vienna and Salem in memory of his daughter; 2) its directive for Public Works staff to draft a proposed Adopt-A-Boat Program. The Council adopted the policy Mr. Moore submitted and approved Mr. Foxwell's request to adopt the boat ramp.

BID AWARD-HAZARD MITIGATION RISK-ASSESSMENT AND SURVEY FOR HISTORIC RESOURCES-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to award the bid for a Hazard Mitigation Risk-Assessment and Survey for Historic Resources to Smith Planning & Design LLC at the cost of \$43,950. The Council acknowledged that the Heart of Chesapeake Country Heritage Area received a grant of \$44,000 to support this project with no County cash commitment.

EMERGENCY REQUEST TO REPLACE HEAT PUMP-HEALTH DEPARTMENT-PUBLIC WORKS

The Council approved the request of Mr. Moore for the emergency replacement of a heat pump at the Health Department at a cost not to exceed \$15,774.49 utilizing funds in the FY16 and FY17 Capital Budgets dedicated to the replacement of the heat pumps.

LETTER OF SUPPORT-MARYLAND HISTORICAL TRUST GRANT- CAMBRIDGE COMMUNITY RADIO

The Council approved the request of Mike Starling, Chief Volunteer, Cambridge Community Radio, for a letter of support for the station's application for a Maryland Historical Trust grant for a \$5,000 feasibility study to convert the old "Cambridge Gas Works" building to a "Community Media Center" for radio, music, public events, and community meeting spaces. In response to an inquiry from Councilman Travers, Mr. Starling confirmed that they intend to move the current facility on Poplar Street to this location. He explained that current facility only has two studios whereas the new location will consist of four studios and a street level performance arts space in the front.

POLL CONFIRMATIONS

The Council confirmed its decision in the interim between meetings, by means of a poll, to send the following letters of support by a 4 to 1 (1 no answer) vote: 1) the Maryland Heritage Area Authority grant application of the Eastern Shore Land Conservancy for \$100,000 for the rehabilitation of the smokestacks at the Packing House; 2) Senate Bill 108 "Property Tax Credit-Erosion Control Measures-Nonstructural and Structural Shoreline Stabilization;" and, 3) House Bill 384 "Bay Restoration Fund-Eligible Costs-Expansion" and the cross-filed Senate Bill.

2017 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION DISCUSSION

Rebecca White, Executive Assistant to the County Manager, provided the following updates on legislation being considered during the 2017 Maryland General Assembly Legislative Session:

- Senate Bill 307 "Maryland Open Transportation Investment Decision Act-Application and Evaluation" (Road Kill Bill Repeal)-passed in Senate, has been amended slightly, is in House Appropriations and Environment and Transportation Committees, it creates a new panel of people to create a fairer scoring system
- Senate Bill 1103 "Home Sprinkler and Fire Safety Assistance Fund" - unfavorable in Education, Health & Environment Committee
- House Bill 918 "Environment-Water Services - Water Affordability Program"- unfavorable in committee
- Senate Bill 957 "Counties and Municipalities-Land Bank Authorities"-passed out of the Senate, in the House, first reading,
- House Bill 1168 "Counties and Municipalities-Land Bank Authorities"-second reading, passed with minor amendments
- Senate Bill 1033 "Residential Property-Vacant and Abandoned Property-Expedited Foreclosure"-Senator Adelaide Eckardt has offered amendments to match the House Bill, this bill should move through the Senate committee quicker

- House Bill 702 “Residential Property-Vacant and Abandoned Property-Expedited Foreclosure”-third reading, passed 139-0
- House Bill 1200 “Aquaculture-Leases-Submerged Aquatic Vegetation-Delegate Johnny Mautz introduced this bill two weeks ago to set up committee, similar to Oyster Advisory Commission, to learn how to work through lease bottom and submerged vegetation issues, passed 140-0, in Senate Education, Health and Environmental Affairs Committee
- Senate Bill 230 “Labor and Employment-Maryland Healthy Working Families Act”- passed 28-19, appears to have support in the House
- House Bill 1326 “Criminal Procedure-Immigration-Community Trust”-passed 83-55, Governor Lawrence “Larry” Hogan” has stated that he will veto the bill, she will talk to Senator Eckardt when she tags along with her tomorrow
- Senate Bill 266 “Environment-On-Site Sewage Disposal Systems-Best Available Technology for Nitrogen Removal”-was drastically amended and is now similar to House Bill 537 “Environment-On-Site Sewage Disposal Systems and Funding for Wastewater Treatment Facilities and Sewerage Systems.”
- House Bill 1592 “Local Jurisdictions-Zoning Authority-Generating Stations and House Bill 1350 “Public Service Commission-Application for Certificate of Public Convenience and Necessity-Consistency with Comprehensive Plan” are sitting in committee.

In response to a question from Councilman Travers, Ms. White noted that the Crossover Date was Monday; therefore, she does not believe House Bills 1592 and 1350 will pass and may instead go to summer study.

Pursuant to another question posed by Councilman Travers, Ms. White advised that Senate Bill 885 “Environment-Recycling-Special Events” passed. She explained that: 1) it applies to any special event that is expected to have 100 or more attendees which could include weddings; 2) organizers will have to obtain permit and will be responsible for clean-up; and 3) there will be a financial impact on the County since staff will have to process the permit paperwork and ensure that the recycling requirements are met.

In response to an inquiry from Mr. Goldman, Councilman Bradshaw said House Bill 924 “Natural Resources-Oyster Management-Prohibited Actions” was passed by the House with amendments. He stated that the last amendment was that the Maryland Department of Natural Resources will receive the last two sanctuaries and will not increase the size. He noted that the bill is now in the Senate. He expressed his understanding that several of the Eastern Shore Senators are trying to stop the passage of the bill. Ms. White advised Council that Senator Eckardt has asked if they will send a letter in opposition to this bill to the Senate. The Council agreed to send the letter in opposition. Councilman Bradshaw noted that the Department of Natural Resources (DNR) staff vehemently opposed this bill. In response to a query from Mr. Goldman, Councilman Bradshaw said it is his understanding that the Coastal Conservation Association, the Chesapeake Bay Foundation and the Oyster Recovery Partnership support this legislation. Ms. White expressed her belief that this bill contradicts the role of the Oyster Advisory Commission

to advise DNR on matters relating to oysters and strategies to rebuild and manage the oyster population under the Chesapeake Bay Oyster Management Plan. Councilman Bradshaw noted that if necessary, the Council can invoke coordination on the sanctuaries in the local waters in the County because watermen are not allowed to clear sediment in the sanctuaries to ensure the viability of the oyster population. Councilman Price expressed dismay about the limitations placed on local watermen due to the oyster sanctuaries. Councilman Bradshaw expressed concern that due to a dry spell this summer Dermo disease figures are rising and the potential impact if it occurs again next year.

PUBLIC COMMENTS

Wendell Foxwell, resident, thanked Council for the sympathy card due to the passing of his wife.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price made a motion to place a moratorium on large scale solar facilities of 25 acres or more in the County which Councilman Bradshaw seconded for discussion. Councilman Bradshaw said in theory he supports such a moratorium; however, since the Public Service Commission (PSC) has pre-emption authority it would be ineffective. He noted that he and Mr. Goldman have had multiple discussions with Charles MacLeod, Special Legal Counsel, regarding a proposed moratorium. He stated that legislation introduced during the 2017 legislative session to lessen PSC's pre-emption authority failed. Councilman Price expressed his belief that this legislation is still being pursued. Ms. White opined that since the bills have not crossed over they will not move forward. Councilman Price advised that residents have expressed to him their environmental and farming concerns about solar facilities.

Councilmen Price, Nichols and Bradshaw voted in favor and Councilmen Travers and Satterfield voted in opposition. Based on questions regarding the wording of the motion, the Council set aside the vote. Councilman Travers called for a vote of those in favor of a moratorium. Councilmen Price and Nichols voted in favor.

Councilman Bradshaw again referenced the PSC's pre-emptive authority and recognized that other counties have implemented a moratorium. He noted that he has also heard concerns from multiple residents about the potential environmental and agricultural impact of solar facilities. He said one of the reasons Council agreed to pursue solar tax legislation is to utilize it as a steering mechanism.

Councilmen Bradshaw, Travers and Satterfield opposed the moratorium.

Councilman Travers explained that even if a moratorium is established and an individual is not required to go through the Planning Commission they can obtain approval from the PSC. He said the proposed solar tax legislation gives the Council authority to enter into a Payment in Lieu of Taxes with a developer. He said even if the PSC exercises its pre-emptive authority, the Council can utilize it as a location incentive.

Mr. Goldman expressed his belief that if a moratorium was implemented it would be legally challenged with the end result being the substantial expenditure of funds for legal counsel and a loss due to the PSC's pre-emption authority. In response to a question from Councilman Price, Mr. Goldman said unlike Talbot County's moratorium, Kent County's was challenged. He said the Judge ruled that PSC's pre-emption was valid; however, the proposed site was not appropriate for other reasons.

Councilman Price expressed his understanding that another individual is interested in the placement of a solar facility in the North Dorchester area. In response to a question from Councilman Travers, Mr. Goldman said there are currently nine proposed facilities. Councilman Travers noted that a facility on Bucktown Road and one at a school has been built. Mr. Goldman explained that the solar facility on the school property is a modified project based on its scope and location and is not included in the figure he provided. Councilman Satterfield said he understands the need to ensure that there are controls in place; however, it does not make sense to spend money when the PSC can exercise its pre-emption authority.

In response to an inquiry from Councilman Price, Mr. Goldman referenced his February 7, 2017 statement that the Council has received strong wording that indicated some type of relief from the Zero Waste Executive Order will be forthcoming at the end of the legislative session.

Councilman Price referenced a study being conducted about broadband access in the County. He said several individuals who operate businesses from their homes have advised him they are having trouble accessing the internet. In response to his question, Mr. Goldman asked him to provide the addresses so he may ascertain whether they are part of the area being studied.

Councilman Price expressed his hope that additional areas will be opened up for oyster harvesting.

Councilman Bradshaw said he received a notice from the Wetlands Division of the Board of Public Works about the re-licensure of the Little Choptank Oyster Restoration Project, which the Council's Office did not receive. Based on a motion made by him, the Council agreed to send correspondence to Mark Belton, Secretary, Department of Natural Resources regarding concerns about DNR's effort to re-start the project by resubmitting a three year old request to the Maryland Department of the Environment.

Councilman Bradshaw expressed dismay about the negative economic impact the sanctuaries are having on waterman in Dorchester County and Talbot County.

Councilman Travers thanked staff, Tourism, law enforcement, Emergency Medical Services, Emergency Management and the other individuals that made the Harriet Tubman Underground Railroad National Historical Park weekend a success. He said the visitor count was in excess of 5,000 for the two day event which was covered by 47 media outlets.

He advised the he also attended an event on Friday at the Packing House at which Senator Benjamin Cardin spoke in reference to federal tax credits and the possibility of placing that property back on the tax rolls. He said here was a good turnout at this event.

Councilman Travers announced that: 1) Members of the Council will attend a regional meeting with representatives of the support counties of Chesapeake College to discuss the College's budget on April 5, 2017 at 5 p.m. in Grasonville; 2) the next Council meeting will be held on April 4, 2017; 3) The April 6, 2017 Budget Work Session has been cancelled and will not be rescheduled.; 4) The Council reserves the right to meet in closed session prior to regular session.

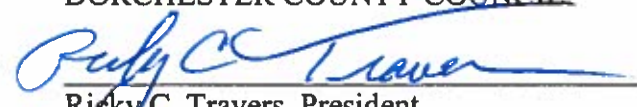
With no further business to discuss, the Council adjourned.

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 4th day of April, 2017.