County Council of Dorchester County Regular Meeting Minutes October 17, 2017

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

The Council approved the following additions to the agenda: Transfer of Tax Sale Property and Revised Tax Lien Property Repurpose Program.

APPROVAL OF MINUTES- OCTOBER 3, 2017

The Council approved the minutes of October 3, 2017.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$10,086,350.84.

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; pursuant to §3-305(b)(14) to before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; and, pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter on October 17, 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) approved the request of the Emergency Services Director to change an employee from full-time status as a Basic Life Support provider to on-call and to

hire an individual to fill the resulting vacancy by a 5 to 0 vote; 2) discussed a personnel matter; 3) confirmed the hiring by the Circuit Court Judge of an individual to fill an Administrative Assistant position by a 5 to 0 vote; 4) deferred an offer to purchase a tax sale property; 5) discussed an offer relating to the transfer of a tax sale property-agreed to discuss in open session; 6) discussed with legal counsel a proposed program relating to the acquisition of property-agreed to discuss in open session; and, 7) received legal advice from the County Attorney regarding proposed legislation.

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

UPDATE-HIGH INTENSITY DRUG TRAFFICKING AREAS DESIGNATION-SHERIFF JAMES PHILLIPS

Sheriff James Phillips advised that on October 1, 2017 Dorchester County was designated as part of the Washington/Baltimore High Intensity Drug Trafficking Area (HIDA). He said as a result of this designation grant monies and funding will be made available to the County. He noted that two years ago Governor Lawrence "Larry" Hogan began initiating his plan for the heroin and opioid situation. He said a local committee has been formed. He explained that since funding was being funneled through HIDA this past March Chief Mark Lewis, City of Cambridge; Chief Les Hutton, Town of Hurlock; William Jones, State's Attorney; a representative of the Maryland State Police; and he, met with a representative of HIDA. He advised that they made a group decision that day to pursue the designation since it will enhance their ability to fight the illegal narcotics trafficking in the area. He noted that there has been a narcotics taskforce, comprised of local and State police, in Dorchester County since 1990. He explained that partnerships with federal agencies will be realized by the County as a result of joining HIDA. He advised that one of those agencies, Homeland Security Investigations, will open an office in Dorchester County in 2018 in which there will be five investigators, two analysts and support equipment. Sheriff Phillips explained that last year HIDA seized over 70 million in illegal drugs in the local geographical area and led the nation in the number of seized assets. He said the main benefit is the ability to utilize analysts to process the information gathered from intelligent sources after an arrest to identify networks. He stated that Dorchester County has an initial budget of \$100,000 which can be spent on overtime, equipment, office space and manpower as well as for other purposes. He advised that he learned today about an available treatment component, noting treatment is a very important part of solving the heroin and opioid epidemic. He noted that this will supplement the efforts being undertaken by the County's Department of Corrections and Health Department.

The Council thanked Sheriff Phillips.

PRESENTATION-OYSTERFUTURES-HORN POINT LAB

Elizabeth North, Associate Professor and Scientists, University of Maryland Center for Environmental Science, Horn Point Laboratory, thanked the Council for the opportunity to speak to them. She noted that Horn Point employs about 109 individuals. She said she will be speaking about the OysterFutures Research Program, a research project, which is funded by the National Science Association. She explained that the purpose of the project is to test a consensus solutions process for the development of fishing regulations and restoration policies. She presented a power point on the program, which is attached.

Councilman Bradshaw said Ms. North recently attended an Oyster Advisory Commission meetings at which a suggestion was made for Ms. North to provide the Council an update on the project. Based on a query from Councilman Bradshaw, Ms. North said she has not received a response to the e-mail she sent to the Talbot County Council offering to provide them a presentation on the project. Councilman Bradshaw noted that issues relating to the Choptank River and Little Choptank are hot topics particularly since the seafood industry has been adversely impacted by the designation of areas as sanctuaries.

Ms. North said the same consensus process was utilized in Florida; however, the meetings were open to the public and comments were allowed. She explained that originally the decision was made to form a small group and close the Horn Point meetings since it was a research project. She stated that stakeholders then determined that meetings should continue to be closed. She noted that the process can be adapted and expanded to include other members and public process.

The Council thanked Ms. North.

FY19 CAPITAL IMPROVEMENT PLAN-BOARD OF EDUCATION

Dwayne Abt, Director of Operations, introduced Dr. Diana Mitchell, the new Superintendent of Schools. Dr. Mitchell thanked the Council for its collaborative relationship with the Dorchester County public school system and its continued support. She advised that this years' theme is "Championing for Children." She stated that the goal is to have sufficient funding in order to adhere to changing mandates in public education, whether it is protecting student's rights or a focus on special education.

Mr. Abt explained that the presentation of this plan is necessary in order for the school system to be eligible for State of Maryland construction funds. He advised that he and Chris Hauge, Facilities Engineer, met with the Interagency Committee on School Construction yesterday to receive feedback on the plan. He said Dr. Mitchell, members of the Board, Mr. Hauge and himself will be appearing before the Governor and the other members of the State of Maryland Public Works Board in Annapolis to plead a case for funding this coming year. Mr. Abt explained that this is a new process and consequently they are unsure of what to expect at that meeting. He stated that the North Dorchester High School project continues to be their number one priority. He noted that a tour of the construction site for Council has been scheduled for this

Thursday at 10 a.m. beginning at the auditorium. He said they have partnered with the Town of Vienna to use an old Ocean City Boardwalk trolley to tour the campus.

Mr. Hauge thanked the Council for its support. He said another Board of Education priority is maintaining existing facilities. He explained that the second priority is to replace the HVAC system at South Dorchester K-8 which was renovated in the 1970s and the third and fourth priorities are roof replacements. He stated that the State of Maryland requires a roof for a school facility to have a life span of 20 years, noting that the Board of Education's goal is to maintain them longer, if possible. He said the two schools for which roof replacement is proposed are Vienna Elementary and the old vocational school that is currently being used as the New Directions Learning Academy as well as the maintenance and operation facility. He stated that both roofs are beyond their design life and are in dire need of replacement.

Councilman Nichols questioned the status of a new funding recommendation for new school construction. Mr. Hauge noted that the legislature established a group called the Knott Commission, which is to review the funding process through the legislature's perspective. He said at the same time the Maryland Board of Public Works has hired a new executive director for public school construction, Robert Gorrell from New Mexico, who has his own ideas regarding this funding. He advised that he is unsure of the outcome. He expressed his understanding that almost \$50 million in high schools in the State are halfway through construction. He said the Board of Education has been successful in garnering funds under the current system and receiving support from the County.

In response to Councilman Travers' query, Mr. Hague said the school system was able to utilize various organizations' volunteer hours for Ironman Maryland Triathlon events as a local match to obtain grant monies to implement over \$6 million in improvements. He explained that grant funding was obtained through the Qualified Zone Academy Bond Program which requires a 10% match. He said it can be in the form of cash, manufacturer discounts, partnerships with local business or, in this case, monetizing volunteer hours. Mr. Hauge explained that this past year about \$.5 million in work was performed over the course of eight weeks in the summer to: 1) replace the parking lot, sidewalks, curb, gutter and playscape at Sandy Hill Elementary; and, 2) paving at Cambridge South Dorchester High School (CSD) in the bus parking area and the staff loop which also serves as a rest area for Ironman Maryland bicyclists. He said in the prior year \$625,000 was used for the following improvements to the gym at CSD: 1) the replacement of the floor using hardwood maple; 2) the replacement of basketball goals; 3) the installation of power operating wrenches to raise the goals up for graduation and other events; 4) the installation of a new sound system; and, 4) the replacement of the scoreboard. Mr. Hauge explained that the gym floor is now NCAA length which makes it attractive for tournaments and events which bring people and resources to the County. He said the press box at Viking Field was replaced. He advised that the school is now a designation event space for regional tournaments and championships outside of regular competitions. He noted that visitors from across the reason are spending money on admissions to events as well as concession stands who also solicit local businesses and restaurants. Mr. Hauge confirmed for Councilman Travers that these renovations were at zero expense to County taxpayers.

Councilman Nichols commended Mr. Abt for providing him the opportunity to use space at a local school to start and hold a winter league for children. He noted that last year there was a packed gym for two days. He said some Amateur Athletic Union leagues have expressed a desire to play in Dorchester County. Dr. Abt thanked Councilman Nichols. He expressed his belief that the public school system is also a community center for the County. He said he is glad that the program was successful. He noted that the Board of Education has also partnered with the Recreation and Parks Department, the local YMCA and other groups.

The Council agreed to conceptually approve the Board of Education's FY18 Capital Improvement Plan for planning purposes only, contingent upon future County budget approvals.

FINAL DISCUSSION-2018 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION

Councilman Travers said this is the final discussion prior to the November 7th meeting with legislators.

The Council confirmed that the following Article 2 B "Alcoholic Beverage" amendments are to be included in the 2018 legislative packet:

- to amend §19-1601 "Distance restriction from place of worship or school" to seek an exemption for Hurlock instead of a distance restriction, which already applies to premises in Cambridge and Secretary
- to amend §19-1304 "Beer and wine festival license"
 - to provide the Board of License Commissioners (BOE), at its discretion, the ability to limit the issuance of Class "D" Beer and Wine Festival License
 - include the language that the BOL
 - o shall only approve festivals to be held on weekends, Friday through Sunday inclusive,
 - o shall not approve more than one festival for any given weekend
 - provide that the BOL shall approve a location that is not already licensed
 - change "Festival" to "festival"
- to amend §19-1309 "Class C per diem beer and Class C per diem beer and wine licenses" and §19-1310 "Class C per diem beer, wine and liquor license" to specify that events for which these licenses will be issued must be "conducted by a club"

The Council also confirmed that the following local budget impact discussion topics will also be included in the legislative packet: 1) restoration of highway user revenues; 2) the cost of the shifting by the State of a portion of pensions for teachers; and, 3) maintenance of effort-statewide moving average and its impacts.

In response to a question posed by Councilman Nichols, Councilman Travers explained that pursuant to State law establishments for which a Tavern license has been issued must be located 300 foot or more from a church. He said individuals under 21 years of age are not allowed in taverns.

Rebecca White, Chief of Staff, referenced legislation passed during the 2017 legislative session that established a payment in lieu of taxes (PILOT) for counties in which there is a certain amount of State owned property. She said Dorchester County was removed from the legislation and that staff is working with Delegate Johnny Mautz to include the County. In response to a question from Councilman Travers, Ms. White said the eligibility criteria was specific to acreage and the property tax rate. Jeremy Goldman, County Manager, advised that Dorchester and Somerset were the only counties carved out of the legislation.

MANAGERS COMMENTS

REQUEST TO ADVERTISE FOR PROPOSALS-PROPERTY MAINTENANCE CONTRACT-PLANNING AND ZONING

The Council approved the request of Gene Harper, Zoning Inspector, to advertise a request for proposals for property maintenance.

TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS

Mr. Goldman advised that the Traffic Safety Committee met on September 15, 2017 to discuss several items and has provided recommendations for Council's review and consideration. The Council deferred Penny Johnson's request for higher visibility traffic signs or flashing lights for a school bus stop near 5893 Palmer Mill Road since she was unavailable to attend that meeting.

The Council approved the Committee's recommendation to install a "Curve Ahead" sign on Brooks Road by a 90 degree turn and chevron signs along the curve in both directions. The Council acknowledged that Public Works staff will address vegetation growth in that area which reduces visibility.

Based on concerns expressed by residents regarding speeding and large tractor use on Palmers Mill Road, Mr. Goldman said the Committee recommends: 1) the installation of 35 mph speed limit signs in both directions; 2) notifying the Sheriff's Office of speeding and truck traffic concerns; and, 3) adding and/or relocating "School Stop Ahead" signs for better visibility as part of Ms. Johnson's concerns.

Councilman Price said from each direction going toward the 90 degree turn on Palmer Mill Road there is only one "School Stop Ahead sign which had been vandalized. He noted that there also concerns regarding visibility from the other direction. In response to a question from Mr. Goldman, Councilman Price said all of Ms. Johnson's requests have not been addressed at the September 15th Committee meeting to allow her the opportunity to speak to them at a future meeting.

The Council approved the Committee's recommendation to add and/or relocate "School Stop Ahead" signs on Palmers Mill Road.

Councilman Bradshaw stated that he has heard multiple complaints from citizens about truckers using Palmers Mill Road. He expressed his understanding that Global Position Systems (GPS) units guide individuals to utilize the road. He noted that GPS units have also provided false

information about a public campground at the end of Cedar Grove Road. He said Palmers Mill Road is used as a shortcut from Federalsburg to Salisbury and vice versa. Councilman Bradshaw expressed his belief that no matter what action is taken large trucks will still travel on this road. Councilman Price recognized that truck traffic cannot be regulated. Councilmen Travers and Bradshaw expressed their understanding that the speed limit varies on this road. Councilman Price recalled that the speed was lowered in some areas to 35 mph in 2006 as a result of road washouts. Councilman Nichols questioned whether residents on Palmers Mill Road are agreeable to changing the speed limit on either a portion or the entire road. The Council agreed to send this request back to the Committee to conduct a further review of the potential actions to take including a possible speed limit change.

Speed Bumps or Other Traffic Calming Devices for Richardson Road

Mr. Goldman said a request was submitted to the Committee for speed bumps or other traffic calming devices for Richardson Road. He noted that in order to be able to install speed bumps on County roads an amendment to the County Code is necessary. He explained that there are maintenance concerns about utilizing speed bumps, including the damage that may occur to snow plows and emergency vehicles. He said the Committee recommends that "Children at Play" signs be installed in both directions. Councilman Price advised that there are residential areas at each end of road and the Committee members felt the signs could placed in those spots. The Council approved the Committee's recommendation.

FUEL CONTRACT EXTENSION REQUEST-PUBLIC WORKS

The Council approved the request of Greg LeBlanc, Engineer, to extend the fuel contract with Cato, Inc. for one year at 2016 prices for which the company has agreed to honor.

BULK DIESEL FUEL TANK-BEULAH LANDFILL-PUBLIC WORKS

Mr. Goldman said the Council's approval to purchase a 3,000 gallon, double walled bulk diesel storage tank and the necessary equipment for pumping, to be located at the Beulah Landfill, is being sought. He explained that this will allow personnel on site to refuel equipment thereby eliminating the need for fuel to be delivered by the County Highway Division. He said the landfill will also be able to purchase diesel fuel at a discounted bulk rate.

In response to a query from Councilman Travers, Mr. Goldman said a supplier will deliver fuel directly to the landfill. He expressed his belief that since over 30,000 gallons is used monthly it will be delivered on a three week cycle. Councilman Satterfield said the proposal does not referenced a dike to prevent flooding in the case of a catastrophic event such as the one required for the Airport. Mr. Goldman explained that the tank for its proposed use meets all of the State requirements.

The Council approved the purchase of the tank and necessary equipment for pumping through Westmor Industries, LLC, which submitted the lowest quote, at the cost of \$9,927.50.

RESOLUTION- LANDFILL DISPOSAL/TIPPING FEE WAIVER POLICY AND PROCEDURE

Mr. Goldman stated that at its October 3, 2017 meeting, the Council agreed to adopt a Landfill Disposal/Tipping Fee Waiver Policy and Procedure. He explained that a resolution to formalize this policy and procedure has been provided for Council's adoption. Councilman Bradshaw made a motion to adopt the resolution which Councilman Satterfield seconded.

Councilman Price questioned whether the amount of waste being disposed of at the landfill during the last three to five years and revenue has increased or decreased. Mr. Goldman said both have increased. He noted that during the 2018 budget process, the County agreed: 1) to raise the per ton cost to counter an increase in fees at landfills in nearby counties to halt the migration of waste from other counties to the County; and, 2) to set aside a portion of the increase to establish a landfill tipping fee waiver grant. Pursuant to another inquiry from Councilman Price, Mr. Goldman said there will not be an impact to the Landfill Enterprise Fund.

Councilman Price noted that the Council has approved such waivers in the past which has set a precedent. He asked Mr. Goldman to provide additional information regarding the waiver/grant process. Mr. Goldman said \$1 from each ton is placed into a grant fund and once those monies are exhausted there will be no more waivers until the next fiscal year. Councilman Price noted that the Council has approved tipping fee waivers for the owner of the Hearn Building and the Town of Hurlock. Councilman Travers said the County also provides community clean up funds to municipalities and unincorporated communities.

Councilman Satterfield cited the demolition of blighted structures as the reason for establishing the policy and procedure. Mr. Goldman said if a requester meets the requirements and money is available a landfill tipping fee waiver is granted. Based on a query from Councilman Price, Mr. Goldman noted that the Landfill Enterprise has sufficient funding for new cells and to close existing cells. In response to another query from Councilman Price, Councilman Bradshaw said pursuant to the resolution there will be a Review Commission which will consist of one County Council member, the County Manager, the Finance Director, the Public Works Director, and a member of County staff chosen by the Review Committee. Ms. Smith said the intent of the policy/procedure is to encourage the removal of blight in communities, promote infill and enhance economic development. She explained that the resolution outlines the application process.

Libby Nagel, resident, questioned whether an application to remove a structure on a farm would be considered. Ms. Smith said anyone can submit a request.

Councilman Price advised that concerns were expressed to him about a possible delay in vertical expansion due to this policy. Mr. Goldman noted that material will be landfilled, even if a waiver is provided.

Lin Spicer said he believes there should be no exceptions to the tipping fee since the cost to landfill material is borne by taxpayers. He expressed dismay that treating each request on a case by case basis may create dissatisfaction. He advised that he does not use the landfill.

Councilmen Satterfield and Travers explained that the Landfill Enterprise Fund is funded through tipping fees and other items not property tax revenue. They confirmed for Mr. Spicer that the landfill is self-sustaining. Mr. Goldman and Councilman Satterfield reiterated that the per ton price was increased beginning this fiscal year to offset landfill tipping fee waivers.

The Council formally adopted the policy by resolution which Councilman Price opposed.

REQUEST TO PURCHASE ADDITIONAL CAMERAS-COUNTY OFFICE BUILDING-EMERGENCY SERVICES

The Council approved the request of Anna Sierra, Emergency Services Director, to purchase six additional cameras for the existing camera security system at the County Office Building from Absolute Security at the cost of \$5,152.02 utilizing FY16 State Homeland Security Grant. The Council acknowledged that no additional County funding will be required.

REQUEST FOR PROPOSALS-COMMUNICATION SERVICES-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to advertise for proposals for communication services for the Tourism Department. The Council acknowledged that funds for the project are from Heart of Chesapeake Country Heritage Area FY18 Management Budget and the FY18 Tourism Operating Budget.

GRANT ACCEPTANCE-FY17 STATE HOMELAND SECURITY GRANT-EMERGENCY SERVICES

The Council approved the request of Cindy Smith, Grant Administrator, to accept a FY17 State Homeland Security Grant Program award in the amount of \$85,785, which requires no County match, for the period of September 1, 2017 to July 31, 2019.

BOARD REAPPOINTMENT-PLANNING COMMISSION

The Council agreed to reappoint Robert Hanson to the Planning Commission.

REQUEST TO AMEND RULES AND REGULATIONS-SOCIAL MEDIA-HUMAN RESOURCES

The Council approved the request of Becky Dennis, Human Resources Director, to move forward with the 10 day posting for comments of an amendment of the County's Rules and Regulations to adopt a countywide social media policy to cover all County employees. The Council acknowledged that comments will be provided as well as any recommended changes for its review and consideration.

COUNTY COUNCIL FY17-18 THIRD-FOURTH QUARTER MEETING SCHEDULE

The Council agreed to adopt the County Council FY17-18 Third-Fourth Quarter Meeting Schedule.

FY19 BUDGET ADOPTION SCHEDULE

The Council agreed to adopt the FY19 Budget Adoption Schedule.

DISCUSSION-TRAVEL REQUEST APPROVALS

The Council members agreed that travel requests will continue to be provided for their review and consideration.

TRANSFER OF TAX SALE PROPERTY

The Council agreed to transfer the property at 501 Dunns Court, acquired by the County via tax sale, to the Dorchester Elks Lodge #223. The Council acknowledged that the organization is responsible for transferring the title and all costs related to that transfer.

REVISED TAX LIEN PROPERTY REPURPOSE PROGRAM

The Council approved the revised Tax Lien Property Repurpose Program to sell tax sale properties in a more equitable manner and to encourage purchases by citizens for use as a primary residence.

PUBLIC COMMENTS

Wendell Foxwell, resident, said the Horn Point Open House which was held Sunday was well attended and informative.

Donald Gray, resident, expressed dismay that despite several individuals contacting the County's Health Department, no action has been taken to mow certain properties with tall grass. He explained that he submitted a written complaint at this facility and has received no response nor has the property been mowed. In response to a question from Councilman Travers, Mr. Gray said the lawn at 8 Merryweather Drive has not been mowed. Councilman Travers explained that after receiving Mr. Gray's complaint, he contacted an individual at the Health Department who advised him that the property will be mowed. He said will re-contact that individual. Mr. Gray referenced a property in Hudson which has been reported, but has not been mowed. In response to an inquiry from Councilman Satterfield, Mr. Gray said he will provide an address for that property. Pursuant to an inquiry from Mr. Gray, Councilman Travers advised that the Health Department is a State run agency.

Councilman Satterfield said he recently shared information with the Health Department staff this morning about 902 Hudson Road. In response to a question posed by Mr. Gray, Councilman Satterfield advised that property is not located next to the store. Councilman Satterfield explained that today he was made aware that action is being taken regarding the property by the Hudson Store. Mr. Gray noted his understanding that the owner of that property has been sent two violations, on which there are multiple bicycles, wood and untagged vehicles. He expressed his belief that the County's ordinance should be changed to allow one untagged vehicle per property.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price commended the organizers and participants of the Hurlock Fall Festival and East New Market Heritage Day which were held last weekend. He encouraged motorists to be mindful of pedestrians since it is getting dark early and, in particular, during Halloween.

Councilman Travers announced that the next Council meeting is scheduled for November 7, 2017 and that on this date there will be an Annual Meeting with Maryland Department of Transportation officials. He said there will also be a discussion with the local legislators regarding legislative proposals for the 2018 Maryland General Assembly Legislative Session then. He further announced that 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 7th day of November, 2017.