

**County Council of Dorchester County
Regular Meeting Minutes
September 4, 2018**

The County Council of Dorchester County met in regular session on September 4, 2018 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; 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 Travers 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- AUGUST 21, 2018

The Council approved the minutes of August 21, 2018 with Councilman Bradshaw abstaining since he was not present at that meeting.

APPROVAL OF DISBURSEMENTS

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

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$2,990,009.66.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on September 4, 2018 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. Present were: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; 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. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened into a Closed Session on September 4, 2018 at 5:31 p.m. to discuss the following items: 1) approved the request of the Soil Conservation District Manager to hire an individual to fill a vacant Grant Technician position by a 4 to 0 vote; 2) approved the request of the Local Management Board Director to hire an individual to fill a Project Coordinator position by a 4 to 0 vote; 3) approved the request of the Emergency Services Director regarding compensation relating to trained Emergency Services personnel by a 4 to 0 vote; 4) approved the request of Director of Department of Corrections to promote a current employee to a Corporal Position by a 3 to 1 vote; and, 5) approved the request of the Emergency Services Director to establish a primarily grant funded Special Operations Manager position by a 3 to 1 vote. Present were: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; 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. 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

CAPITAL IMPROVEMENT PLAN UPDATE-BOARD OF EDUCATION

Beth Wilson, Director of Operations, presented the FY 2020 Board of Education's Capital Improvement Plan. She noted that the plan shows a return of \$3.4 million from the State for replacement of the North Dorchester High School.

In response to a questions from Jeremy Goldman, County Manager, Chris Hauge, School Facilities Engineer, said the \$660,000 for HVAC for South Dorchester K-8 is for engineering for the design and construction administration through delivery and does not include installation. Pursuant to queries from Councilmen Satterfield and Travers, Mr. Hauge advised that the \$2 million in 2021 is the County's local match for installation and the total cost is over \$7 million. Mr. Hauge explained that since this work will require the removal of the roof, per Code a sprinkler system will need to be installed. He advised that this is the only school that does not have ventilation air which is necessary for the safety of staff and students. Mr. Hauge confirmed for Mr. Goldman that the County pays the entire cost for engineering.

The Council agreed to conceptually approve the Board of Education's FY 2020 Capital Improvement Plan for planning purposes only, contingent upon future County budget approvals.

COMPREHENSIVE PLAN UPDATE-PLANNING AND ZONING

Brian Soper, Environmental Planner, provided a brief update of the public workshops held in July regarding the Comprehensive Plan Update: 1) workshops were held at Hurlock Elementary, South Dorchester K-8, the County Office Building; 2) the same information was provided at each; 3) there were a total of 50 attendees; 4) the citizens' vision was in agriculture, natural resources and seafood; 5) attendees felt the County's strengths were seafood, Blackwater Wildlife Refuge, tourism; 6) the challenges referenced were environmental, cellular, broadband.

He noted that Councilman Satterfield attended the meeting at South Dorchester K-8 at which there was an extensive discussion regarding cellular and broadband. He said the next steps are: 1) final review by the Planning Commission and distribution of a public opinion survey; 2) working with Department Heads and stakeholders; 3) meeting with the Farm Bureau; and, 4) scheduling a meeting with the Dorchester Chamber of Commerce. He said he has also reached out to the local watermen's association. He noted that the update is on schedule for the end of 2019. In response to an inquiry from Councilman Travers, Mr. Soper stated that: 1) the least attended meetings was in Hurlock at which Councilman Price was present; 2) the other two were well attended; and, 3) many citizens said it is time to update the plan to address issues that occurred since the last one in 1996.

The Council thanked Mr. Soper for the update.

ANNUAL TRANSPORTATION MEETING TOPICS

Jeremy Goldman, County Manager noted that in anticipation of the October 16, 2018 Annual Transportation Meeting with Maryland Department of Transportation officials this discussion is being held. He advised that based on its meeting with Pete Rahn, Secretary, Maryland Department of Transportation, at the Maryland Association Summer Conference, the following list of topics was compiled: Possible Trade-Visitors Center/Woods Road; Rails to Trails including implementation at previous rail crossing; and, Chateau Road. Mr. Goldman noted that MDOT staff provided a response regarding Chateau Road in that they are not interested in the original proposed solution. He suggested that this topic remain on the list and that a weight limit restriction be proposed for that road. The Council agreed to submit this list of topics.

Mr. Goldman noted that Ryan White, Public Works Director, also provided a list of proposed topics. Referring to that list, Councilman Travers noted that one of the topics is a Memorandum of Understanding (MOU) for using a paint truck from State Highway Administration (SHA). Mr. Goldman confirmed his statement that the State contracts out this work. He explained that the goal is to enter into a MOU with SHA so the County can automatically be placed on its contract. He noted that it took an exorbitant amount of time to piggyback on that contract for Palmers Mill Road. Councilman Travers cited the need to ensure approved topics be submitted to Jay Meredith, District #1 Engineer, State Highway Administration, in advance to the October 16th meeting. Mr. Goldman concurred, noting that he may be able to provide some information about the proposed topics prior to the meeting. Mr. Goldman referred to the item on Mr. White's list about funding assistance for causeway repairs. He said State funding may not be available since it is a County road. He explained that 32 yards of cement was recently placed at the causeway to fill holes for the third time. He advised that guardrails will be placed on either side; however, only one side can be completed this year due to funding constraints. He noted that the SHA staff have provided engineering assistance and advice regarding the causeway.

Councilman Travers questioned if Cindy Smith, Grant Administrator, can locate federal funding for stabilization projects due to the rising tide. Mr. Goldman explained that the majority of federal funding is only available if an event created damage above a certain threshold. Anna

Sierra, Emergency Services Director, said there is pre-disaster pre-mitigation money for which entities compete nationally. She explained that proposed projects must be shovel ready and the application process itself lasts 12 months. Councilmen Travers and Satterfield stressed the need to apply for this funding. Mr. Goldman noted that the County will be competing against areas that have a higher risk than Dorchester, particularly in the southern part of the country. Ms. Sierra said the County will be internally competing with Ellicott City.

The Council agreed to submit the following as topics as recommended by Mr. White:

- Woods road for Sailwinds swap
- Overlay placed on Chateau Road
- SHA providing salt for Chateau Road
- Adding storage area WB US50 turning south on to MD16 and Woods roads. Both intersections back up into the fast lane (left lane) on US50 causing potential for major rear-end accidents.
- Funding help for the Causeway repairs
- Memorandum of Understanding with State Highway Administration District for one the use of paint truck
- Temporary use of Cambridge SHA Truck Wash bay until County bay is constructed
- All concrete removed from nearby SHA projects to come to Highway department or landfill
- Tonnage reports from all SHA projects in Dorchester County for recyclable materials
- Need much better communication for road closures, lane closures, detours, and traffic light work
- Reminder that no response was received about purchases of old SHA snow plows
- Update on Worlds end pipe replacement
- Update on Church Creek Project
- Status on Lecompte Road drainage issue
- Improvements at Swan Harbor and MD335 SHA headwall gets run over on a regular basis
- Improvements at Meekins Neck Road and MD335 SHA headwall gets run over on a regular basis

Based on the suggestion of Councilman Price, the Council also agreed to inquire whether there any proposed future improvements to be made to the Route 14 and Route 392 intersection. Councilman Price expressed his understanding that there are plans to correct certain lineage to improve visibility.

MANAGERS COMMENTS

FY19 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT-DORCHESTER COUNTY HEALTH DEPARTMENT

The Council approved the request of Roger Harrell, Health Officer, to execute the FY 2019 Core Public Health Services Funding Agreement between the County and the Maryland Department of Health totaling \$698,250 to provide local health services at the Health Department. The Council acknowledged that this amount is equal to the County's FY19 budget appropriation.

FY19 SENIOR CARE ANNUAL PLAN-SOCIAL SERVICES

The Council approved the request of Kathleen Rineholt, Family Services Supervisor, Social Services, on behalf of Clare Spillance, Acting Director, to continue the Senior Care Program for Dorchester County with Maryland Department of Aging funding for the period of July 1, 2018 to June 30, 2019. The Council acknowledged that additional funding was awarded to move individuals from the waiting list.

FEDERAL AVIATION ADMINISTRATION GRANT AWARD-OBSTRUCTION REMOVAL-AIRPORT

The Council approved the request of Amber Hulsey, Airport Director, to accept a Federal Aviation Administration Grant for Obstruction removal in the amount of \$194,462. The Council acknowledged that: 1) this grant is for the work performed associated with land acquisition project for the removal of obstructions (trees) that penetrate the airspace on Runway 16-34; and, 2) three of the five parcels were secured and are covered by this grant.

REQUEST TO ADVERTISE FOR PROPOSALS-PIPE-PUBLIC WORKS

The Council approved the request of Ryan White, Public Works Director, to advertise for proposals for aluminized type 2 metal pipe and or HDPE drainage pipe for the period of November 1, 2018 to October 31, 2019.

VEHICLE PURCHASE RECOMMENDATION-LANDFILL-PUBLIC WORKS

Based on the recommendation of Mr. White, the Council approved the purchase of a new tractor and implements for the Landfill Division from Burke Equipment, which provided the lowest quote, at the cost of \$81,847 utilizing FY19 Capital funds.

REQUEST FOR APPROVAL OF EASTERN SHORE INNOVATION CENTER LOGO-ECONOMIC DEVELOPMENT

Pursuant to the request of Jeff Trice, Economic Development Director, the Council approved the Eastern Shore Innovation Center Logo and tagline.

RESOLUTION-COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION SUBMISSION-FINANCE

Mr. Goldman presented the request of Cindy Smith, Grant Administrator, for the adoption of a resolution to support the submission of a grant, with the Council as sponsor and partner in a Homelessness Long Term Planning Initiative for Dorchester County. He said the estimated amount to be requested is \$500,000 which includes two contractual consultants for two years at \$150,000 each and \$200,000 for site plans, design and business planning. He noted that a pre-application public hearing was held on August 21, 2018 pursuant to Community Development Block Grant requirements. The Council adopted the resolution.

TAX SALE PROPERTY OFFERS-FINANCE

The Council accepted the offer of Arreal Tilghman to purchase a lot on Edgewood Ave, Property Identification No. 07-133561, for the minimum price of \$500 for lots less than 5,000 square feet. The Council acknowledged that this lot is adjacent to two he already owns.

Mr. Goldman referenced the Council's June 5, 2018 decision to sell 728 Race Street to 808 Pine LLC for \$2,500. He explained that: 1) the owners started the process to obtain approvals from the City for use of the property; 2) the first problem they encountered was that the property cannot be kept a duplex; 3) it is cost prohibitive to make it a mixed use due to the estimated cost of the installation of a new sprinkler system; 4) the owner is willing to renovate the existing structure to a single family residence which is acceptable to the City; and 5) they are seeking a reduction in the price to \$1,000. The Council agreed to reduce the purchase price to \$1,000.

REQUEST TO PURCHASE VEHICLE-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director, Department of Corrections, to purchase a 2019 Ford Transit Van through the Maryland State contract with Hertrich Fleet Services, Inc. at the cost of \$30,812 utilizing FY19 Capital Budget funds.

REQUEST TO REPLACE EXISTING EQUIPMENT-FURNACES-DEPARTMENT OF CORRECTIONS

The Council approved the request of Director Hughes to contract with Gannon's Refrigeration Service, Inc., which submitted the lowest quote, for the purchase and installation of a replacement gas furnace at the cost of \$44,450 utilizing FY19 Capital Budget funds.

SALE OF PROPERTY-GOOTEES NECK

Mr. Goldman stated that: 1) at its January 17, 2017 meeting, the Council held an informational hearing on the disposition of 3186 Shorters Wharf Road, Crapo, Maryland, also known as the Gootee's Neck School property; 2) after the hearing, the Council declared the property surplus and agreed to move forward to dispose of the property pursuant to COMAR to include obtaining the approval of the Maryland Board of Public Works; 3) the Board of Works has approved the disposition of the property through a competitive sealed bid process; and, 4) the method of sale for this property needs to be selected. Based on the suggestion of E. Thomas Merryweather,

County Attorney, the Council authorized him to prepare a bill to dispose of the property via sealed bid. Councilman Bradshaw expressed dismay about the dual process outlined in COMAR since the Board of Education also has to obtain the same approvals prior to conveying the property to the County. The Council acknowledged that seeking an amendment to COMAR to remove this duplicative process will be pursued. Pursuant to an inquiry from Councilman Bradshaw, Donna Lane, Executive Administrative Specialist, confirmed that Bill Heur is still interested in acquiring the property.

CHESAPEAKE COLLEGE-BOARD OF TRUSTEES-DORCHESTER COUNTY REPRESENTATIVE

Mr. Goldman said: 1) Don Bradley's term on the Board of Trustees for Chesapeake College as Dorchester County's representative expired on June 30, 2018; 2) he cannot be reappointed since he has served three terms; 3) in the past Council has sent letters of support for nominees to the local delegation; and, 4) he contacted Dr. Cliff Coopersmith, President to ask him to provide a recommendation to the Council. The Council agreed to place this on its September 18, 2018 meeting.

LETTER OF SUPPORT REQUEST-CERTIFICATE OF NECESSITY-EASTON MEDICAL FACILITY-SHORE HEALTH

The Council agreed to send a letter of support for the Certificate of Need (CON) application submitted by University of Maryland Shore Regional Health for a relocated replacement hospital in Easton, to meet the needs of citizens for a modern, state-of-the-art health care facility for inpatient, outpatient and specialty care. Councilman Price abstained due to a potential conflict.

POLL CONFIRMATIONS

The Council confirmed its decisions, in the interim between meetings, via a poll, to:

- authorize the County Manager to send a letter of interest to IRONMAN Maryland in hosting the the 2021 IRONMAN 70.3 World Championship for the North American Region by a 3 to 2 vote with 1 abstention and 1 no answer;
- send a letter of support for ShoreRivers' grant to conduct an Urban Tree Canopy assessment to determine possible tree plantings on public and private property in the City of Cambridge by a 4 to 1 vote with 1 no answer.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

BILL NO. 2018-4

BILL NO. 2018-4 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 10-8.1 OF ARTICLE 10 OF THE PUBLIC LOCAL LAWS OF MARYLAND, AND PURSUANT TO SECTION 10-202 OF THE LOCAL GOVERNMENT ARTICLE TO REPEAL AND REENACT SECTION 121-10(A) ENTITLED

“COMPLAINTS” OF CHAPTER 121 ENTITLED “PROPERTY MAINTENANCE” OF THE DORCHESTER COUNTY CODE FOR THE PURPOSE OF DELETING THAT THE NAME OF THE COMPLAINANT IS A REQUIREMENT FOR THE COMPLAINT.

Mr. Merryweather noted that a public hearing was held on Bill No. 2018-4 on July 17, 2018 and the matter was deferred to allow time for additional comments. He said it is scheduled for disposition.

Councilman Bradshaw made a motion to defeat the bill which Councilman Satterfield seconded for discussion. Gene Harper, Zoning Inspector, said he supports maintaining the current policy to accept anonymous complaints, noting he has been employed with the County for approximately 11 years. He stated that a large number of citizens have advised them that they do not want to submit their name for fear of retaliation. He said one individual was hesitant to submit a complaint about an alleged drug dealer until they learned it can be made anonymous. He said that person: 1) was in violation of the property maintenance and zoning codes; 2) is working with him to ensure compliance; and, 3) did not ask about the source of the complaint. He noted that the proposed bill only amends Chapter 121 “Property Maintenance.” He explained that there are a lot of properties which he cannot view from the roadway, noting that several complaints were for those types of properties for which violations were noted.

Councilman Satterfield said he has had conversations with law enforcement about concerns about an increased risk to residents if anonymous complaints are not allowed. He noted that the purpose of accepting complaints is to address those properties for which Mr. Harper cannot view that have violations, including failing septic systems which adversely impacts public safety. The roll call on not adopting the bill was: Nichols-absent; Satterfield-nay; Bradshaw-aye; Price-nay; Travers-aye.

REGULAR SESSION

The Council convened into Regular Session.

PUBLIC COMMENTS

There were no public comments.

COUNCIL’S COMMENTS/ADJOURNMENT

Councilman Price reminded motorists to be careful since schools are now open. He expressed his hope that students have a safe and successful school year.

Councilman Bradshaw referenced a Maryland Association of Counties blog about an unreported decision by the Maryland Court of Special Appeals regarding the test used to determine when State law prohibits local government zoning regulations. He noted that the “Board of of County Commissioners of Washington County v. Perennial Solar, Inc.” decision allows the Public Service Commission to preempt local government zoning for solar projects. He said in one case the Court sided with Kent County because it was a historical site and cultural resources would

have been impacted. Mr. Goldman noted that in the Kent County case the judge clearly stated that the Board of Public Works had the right to issue pre-emption; however, there were other sites in the County that could accommodate a solar project without such impact. He advised that in the Washington Case the Judge did rule for pre-emption. He stated that the majority of the counties in the State have followed the Council's example of adopting legislation for a personal property tax which provides a mechanism to steer a project to another site.

Councilman Travers announced that: 1) the next meeting will be held on September 18, 2017; and, 2) Members of the County Council may attend a September 7, 2018 event at which Thomas Hurley, will be recognized for his 30 years of service as a City of Cambridge Police Officer and his retirement.

With no further business to discuss, the Council adjourned.

ATTEST:




Jeremy Goldman
County Manager

DORCHESTER COUNTY COUNCIL:



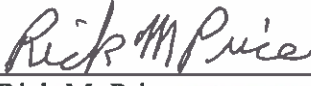
Ricky C. Travers, President



Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 2nd day of October 2018.