

**County Council of Dorchester County
Regular Meeting Minutes
December 18, 2018**

The County Council of Dorchester County met in regular session on December 18, 2018 with the following members present: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Nichols led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, said after the publication of the agenda the following items were added: 1) Request to Enter Into Agreement-State Highway Administration-Salt Aggregate-Public Works; 2) Bid Award-Grant Funded Repairs-Tax Sale Property-Finance; and, 3) Poll Confirmations. The Council agreed to adopt the amended agenda.

APPROVAL OF MINUTES- DECEMBER 4, 2018

The Council approved the minutes of December 4, 2018.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$13,565,684.85.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on December 18, 2018 at 5:40 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: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; 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 in a Closed Session on December 18, 2018 at 5:41 p.m. to discuss the following items: 1) approved the request of the Finance Director to hire an individual to fill a vacant Accountant position by a 5 to 0 vote; 2) approved the request of the Emergency Services Director to hire individuals to fill vacant 911 Dispatcher positions by 4 to 1 (1 abstention to one specific individual) vote; and, 3) discussed the Planning and Zoning Department Director position which will become vacant soon due to the retirement of the current Director. Present were: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; 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

COMMENDATION-RICK PRICE

The Council presented a Commendation to Rick Price congratulating him on his retirement.

REQUEST FOR SUPPORT-BOND BILL-DORCHESTER CENTER FOR THE ARTS

Alicia Hoffman, President, Dorchester Center for the Arts Board of Directors, acknowledged that Will Dennehy, a Board Member, is also present. She presented a request for a letter of support for Dorchester Center for the Arts' (DCA) State of Maryland Bond Application for \$50,000 with a 50% match which has been secured by DCA. The Council agreed to send a letter of support. The Council acknowledged that: 1) the funds will be used for repairs and improvements to the Nathan Building; and, 2) Christopher Adams, Delegate and Johnny Mautz, Delegate will introduce the bond bill in the House and Senator Adelaide Eckardt will do so in the Senate.

MANAGERS COMMENTS

ELLIOTT'S ISLAND PAVILION REPLACEMENT REQUEST-PUBLIC WORKS

Ryan White, Public Works Director, presented his request to award a bid for the replacement of the pavilion at Elliott's Island Marina. He explained that Department of Natural Resources funds will be used for the replacement and Public Works staff will demolish the existing structure. Councilman Newcomb noted that there is a large difference in the quotes. In response to Councilman Newcomb's question, Mr. White said he is satisfied with the bid proposal from the lowest bidder, which Mr. White suggested Council accept. Mr. White expressed his belief that the larger quotes included travel time. The Council approved his request to award the bid for the replacement of the pavilion at the Elliott's Island Marina to T.J. Farms, the lowest bidder, at the cost of \$10,025.

REQUEST FOR NEW/REPLACEMENT RECYCLING CONTAINERS/BINS-PUBLIC WORKS

The Council approved the request of Mr. White to purchase two recycling containers for the Chesapeake Drive recycling location from Winfield Container, lowest bidder, for \$12,150 utilizing FY18 Capital Budget funds.

REQUEST TO OPEN ROAD-HICKORY COVE-PUBLIC WORKS

Jeremy Goldman, County Manager, said before the Council is a request to open a road. Mr. White stated that Hickory Cove meets County standards. The Council agreed to schedule a public hearing for the acceptance of the new road pursuant to Section 40-19 of the County Code.

350TH ANNIVERSARY LOGO REQUEST-ECONOMIC DEVELOPMENT

Mr. Goldman said the next item is a request for authorization to hold a contest to design a 350th Anniversary logo. Jeff Trice, Economic Development Director, said: 1) 2019 marks 350 years for Dorchester County; 2) his proposal is to have a design contest which will be open to schools, colleges, the public and design businesses; 3) Council will be provided the logo submissions and will choose the winner; 4) \$250 from the Economic Development Budget will be the prize; 5) the County will then own the design which can then be used by all agencies and through the local government for one year. In response to a question from E. Thomas Merryweather, County Attorney, Mr. Trice confirmed that he will seek approval from the Board of Education before offering the opportunity to students to submit a design. The Council agreed to proceed with the contest.

REFERRAL TO PLANNING COMMISSION-CRITICAL AREA TEXT AMENDMENTS-PLANNING AND ZONING

Mr. Goldman presented the request of Brian Soper, Environmental Planner, for the referral of two proposed Critical Area text amendments to the County's Critical Area Ordinance to the Planning Commission for an investigation and recommendation. He stated that: 1) the first amendment addresses comments from the Critical Area Commission (CAC) after adoption last year of a new Chapter 68 of the County Code; 2) the second bill addresses minor changes in wording and additional language to assist landowners with buffer calculations; 3) the CAC has expressed its preference for two separate bills; 4) staff will request comments from the CAC before the Planning Commission meets; and 5) The CAC has previously expressed no opposition to the proposed changes. The Council agreed to refer the two Critical Area Text Amendments to the Planning Commission for its review and recommendation.

REQUEST FOR SUPPORT-COURT OF APPEALS PETITION-WASHINGTON COUNTY OFFICE OF LAW

Mr. Goldman said: 1) pursuant to Christopher Drummond, Attorney, Washington County will be filing a Petition For Certiorari in the Court of Appeals regarding the Perennial Solar decision by the Court of Special Appeals which essentially removed Washington County from the approval process of a large solar project; 2) the Court ruled that the Public Service Commission (PSC)

needs only to give "due consideration" to local land use regulations; 3) even if a solar project cannot be approved under a County's zoning code, the PSC can issue a Certificate of Public Convenience and Necessity (CPCN) for a solar project; 4) local setbacks, landscaping, and site plan standards could be ignored; 5) Washington County believes the decision is in error or at a bare minimum is far too broad; 6) the Washington County Office Of Law would like to see support from other similarly situated counties; 7) Queen Anne's and Kent Counties have agreed to join in. Mr. Drummond is offering to represent a consortium at a rate of \$175 an hour with each County providing funds. He referred to the Council's prior adoption of legislation relating to the taxation of personal property used in the generation of electricity for sale. He said that this tax allows the steering of solar projects. He noted that as part of the CPCN process for the three solar farms approved in the County, the Council sought and received the inclusion of language in the final decision that the County's planning laws, regulations and process be a part of that process. He explained that the Council has the ability to determine whether or not a Payment in Lieu of Taxes is provided to a solar company.

Councilwoman Nagel expressed her belief that this item should be deferred. Pursuant to an inquiry from Councilman Nichols, Mr. Goldman expressed his understanding that there is no deadline. Mr. Goldman noted that there is also no cap on attorney fees. Mr. Merryweather opined that the Council is in a strong position due to the adoption of the legislation Mr. Goldman referred to earlier. He noted there is a personal property tax of \$2.44 for machinery and equipment used to generate electricity for sale. He said the County can place a cap on attorney fees and other fees if they so choose to join the other counties. He stressed that the Council can choose not to participate.

The Council agreed to defer this matter until its next meeting and requested that staff contact Queen Anne's County and Kent County to inquire as to whether they have placed a cap on fees.

MADISON VOLUNTEER FIRE COMPANY REQUEST-PURCHASE OF VEHICLE

Based on the request of Samuel Horseman, President, Madison Volunteer Fire Company, the Council agreed to send a letter of support of the fire company's application to the Maryland State Firemen's Association Voluntary Company Assistance Fund for funding to replace equipment which will note that no County funding nor 508 Funds are available for this purpose.

2019 MARYLAND ASSOCIATION OF COUNTIES LEGISLATIVE COMMITTEE NOMINATIONS-MEMBER AND ALTERNATE

The Council agreed to nominate Councilman Nichols as Dorchester County's member on the 2019 Maryland Association of Counties Legislative Committee.

BOARD APPOINTMENTS-COUNTY REPRESENTATIVES

The following appointments were made:

City/County Meetings

Councilman Travers

Councilman Nichols

BOE/County Meetings

Councilman Travers
Councilman Pfeffer

Town of Hurlock/County

Councilman Pfeffer

Traffic Safety Committee

Councilwoman Nagel

Tiping Fee Waiver Committee

Councilwoman Nagel

Local Emergency Planning Commission

Councilman Pfeffer

Mr. Goldman noted that a County representative needs to be appointed for the Delmarva Water Transport Committee. He said Brian Soper, Environmental Planner, has been attending these meetings on behalf of the County.

FY 2019-2020 BUDGET ADOPTION SCHEDULE

The Council adopted the FY 2019-2020 Budget Adoption Schedule.

FY 18-19 COUNTY COUNCIL THIRD AND FOURTH QUARTERLY MEETING SCHEDULE

The Council adopted the FY 18-19 County Council Third and Fourth Quarterly Meeting Schedule.

REQUEST TO ENTER INTO AGREEMENT-STATE HIGHWAY ADMINISTRATION - SALT AGGREGATE-PUBLIC WORKS

The Council approved the request of Ryan White, Public Works Director, to enter into a three year agreement with the State Highway Administration (SHA) for salt aggregate for the winter of 2018-2019 and 2019-2020 through August 31, 2020 utilizing Highway Division snow and ice funds in the current fiscal year budget.

BID AWARD-GRANT FUNDED REPAIRS-TAX SALE PROPERTY-FINANCE

Cindy Smith, Assistant Finance Director, provided information regarding 321 West End, Cambridge, a property the County acquired via tax sale, which is historic in significance. She explained that the property is in need of repairs, after which she believes it will be more saleable. She advised that no one is interested in acquiring the property in its current condition. Ms. Smith noted that a grant application was submitted to the Department of Housing and Community

Development for \$20,000 to repair the roof and porch of the residence on this property which will be awarded to the County. She said individuals have expressed an interest in purchasing the property if a roof is installed. She noted that the cost of the demolition of the structure and the repairs are about the same. She explained that several historians have toured the building. She advised that the individual conducting an inventory of historic sites in Dorchester County and Somerset County for the Maryland Historical Trust has agreed to add this property to his list. Mr. Merryweather said the demolition order against this property that was issued by the City of Cambridge needs to be lifted. Ms. Smith stated that two bids, which were far apart were received. She explained that Kevin Hill, Hill-Kimmell Contracting, who assisted with the preparation of the grant application, believes the highest bidder is being too conservative. A motion to accept the lowest bidder by Councilman Travers, was seconded by Councilman Nichols. Based on a query from Councilman Newcomb, Ms. Smith said if additional funds are needed to complete the repairs, County funds will be used and those monies will be recouped when the house is sold along with foreclosure costs and fees which are recouped before profits are distributed. Mr. Merryweather explained that all expenses will be deducted from the sale amount then they will be pro-rated for taxes. The Council agreed to award the bid for repairs to B.A.S. at the cost of \$21,814.70.

POLL CONFIRMATIONS

Mr. Goldman announced that in the interim between meetings, via poll, the Council took the following actions:

- agreed to send correspondence to the local legislative delegation supporting the Department of Natural Resources efforts for the State placement of temporary buoys in Slaughter Creek to replace those to be removed by federal agencies by a 5 to 0 vote;
- agreed to submit a grant application to the Maryland Emergency Management Agency (MEMA) for funds not to exceed \$70,000 with a \$12,000 match that has been placed in the Economic Development FY2020 Capital Budget request, which will be installed at the Eastern Shore Innovation Center, a backup location for the Emergency Operations Center, by a 4 to 1 vote.

OTHER

By motion made by Councilwoman Nagel and seconded by Councilmen Nichols and Newcomb the Council agreed to adjourn to Closed Session at 7:10 p.m. to discuss the employment of the County Manager.

The Council reconvened into Open Session at 7:47 p.m.

REGULAR SESSION

Councilman Nichols said a discussion was held about the County Manager position during the Closed Session. He noted that in the past this discussion was held during the first meeting in December of an Election year. He explained that a three to two vote was made to release Mr.

Goldman effective immediately. He advised that the Council will abide by Mr. Goldman's contract which includes severance pay. He said in the interim an Acting County Manager will need to be appointed. The Council agreed to appoint Donna Lane as Acting County Manager during the interim and that regardless of performance she will return to her prior position at the same pay. Councilmen Travers and Pfeffer opposed.

PUBLIC COMMENTS

Donald Gray, resident, expressed his understanding that during a Council meeting the Council agreed to blacktop and raise a portion of Elliott's Island Road before the bridge if money is available. Mr. White said during a conversation with Mr. Gray he advised him that: 1) if funds are available after winter operations work can commence; and, 2) due to the unexpected closure of the asphalt plant as a result of a fire and other extenuating circumstances, including the cold weather, paving has been delayed. Mr. Gray said it is his understanding that money was already allocated for this work. Councilman Nichols noted that funding can be allocated for this purpose during the upcoming budget process.

Dave Ryan, Dorchester Banner, questioned the need for a new County Manager. Councilman Nichols said the majority of the board want to move in a different direction and agreed it was time for a change. In response to Mr. Ryan's inquiry, Councilman Nichols, said the vote was three to two to appoint Ms. Lane as Acting County Manager with Councilmen Pfeffer and Travers opposing.

Shay Lewis Brisco said as a parent and lifelong citizen of the County as well as a community advocate, she is an advocate for the local educational system. She expressed her hope Council will increase funding allocations to the Board of Education for additional staffing and to invest in the youth, the next generation. Ms. Brisco expressed concern that as a resident of Cattail Crossing she was not notified that work was being performed on Route 343. Councilman Nichols said since it is a State road she will need to contact the local State Highway Administration office about her concerns.

Diana Mitchell, Superintendent of Schools, said she is looking for Council's support for the Board of Education budget. She noted that 91% of the public schools in the County scored a 3,4 or 5.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilwoman Nagel said she hopes everyone has a wonderful holiday.

Councilman Pfeffer stressed the need for transparency in County government. Based on his motion, the Council agreed to obtain costs for the streaming and video archiving of Council meetings. Councilman Pfeffer cited his opposition to the removal of the County Manager.

Councilman Travers thanked Mr. Goldman and his staff for the progress they made moving Dorchester County forward. Mr. Goldman said it was his honor and pleasure. Councilman Travers expressed hope that the County will continue to move forward.

In response to an inquiry from Councilman Newcomb, Donna Lane, Acting County Manager, explained that the local legislative delegation was advised, as they were in 2014, due to the Election there would be no meeting with them regarding legislative initiatives for the Maryland General Assembly Legislative Session. She said they will be provided a legislative packet for initiatives for the 2019 session. She noted that they were invited to attend the Annual Transportation Meeting.

Councilman Newcomb noted that several residents would like the opportunity to operate golf carts in the Upper and Middle of Hoopers Island. He said he would like that request added to the legislative packet for the 2019 session. A discussion ensued regarding whether the use of golf carts will be permitted on Hoopers Island since some roads are owned by the State. The Council agreed to pursue this matter and acknowledged that Mr. Merryweather will conduct research to address the issue regarding road ownership.

Councilman Nichols referenced actions taken by prior Councils to appoint a new County Manager after an Election. He wished everyone a Merry Christmas and Happy New Year. He announced that: 1) Council Members will attend the Maryland Association of Counties Winter Conference at the Hyatt Regency in Cambridge from January 2 to January 4, 2019; 2) Dorchester County Offices will be closed on December 24th and December 25th in observance of Christmas as well as December 31st and January 1st in observance of the New Year; and 3) the next Council meeting will be held on January 8, 2019.

With no further business to discuss, the Council adjourned.

ATTEST:




Donna F. Lane
Acting County Manager

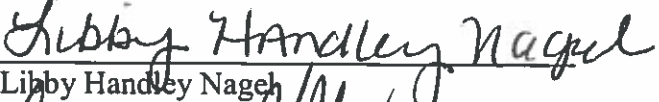
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



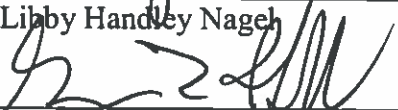
William V. Nichols, President



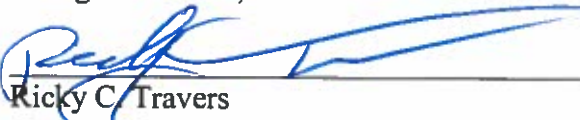
Jay L. Newcomb, Vice President



Libby Handley Nagel



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 5th day of February, 2019.