

**County Council of Dorchester County
Regular Meeting Minutes
November 19, 2019**

The County Council of Dorchester County met in regular session on November 19, 2019 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 Keith Adkins, County Manager, and Donna F. 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

After the publication of the agenda the following items were added: 1) Letter of Support Request-Deer Cooperator Permit; and, 2) Request to Replace Fresh Air Intake Unit-Department of Corrections.

APPROVAL OF MINUTES

The Council approved the minutes of November 5, 2019.

APPROVAL OF DISBURSEMENTS

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

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Nichols reported total cash and investments as \$12,360,661.69.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on November 19, 2019 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: William V. Nichols, President; Jay L. Newcomb, Vice President; Libby Handley Nagel; George L. Pfeffer, Jr. and Ricky C. Travers. Also present were Keith Adkins, County Manager; and Donna F. 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 November 19, 2019 at 5:31 p.m. to discuss the following items: 1) confirmed a decision to increase the salary for an individual filling a County vacancy by a 4 to 1 vote; and, 2) discussed the potential acquisition of property. 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 Keith Adkins, County Manager, and Donna F. 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

REQUEST FOR ASSISTANCE-FRIENDS OF HONGA RIVER

Gary McQuitty, member of the Friends of Honga River, a community group of business and property owners from Hoopersville said this entity was formed to obtain assistance in preserving Hoopersville Island and Hoopers Island. He explained that the group has been advised by Department of Natural Resources (DNR) staff of an opportunity to submit a Chesapeake and Coastal Grants Gateway Program grant, a community grant, to determine the measures that can be taken to address issues relating to shoreline erosion, rising sea levels and climate change. He asked the Council to apply for the grant on behalf of the group for funds to conduct a study. He said there is no local funding required. He noted that some group members can compose the narrative and DNR staff have expressed a willingness to assist them with the technical aspects.

In response to an inquiry from Councilman Newcomb, Cindy Smith, Assistant Finance Director, expressed the following concerns: 1) the identification of the individual/entity who would be responsible for preparing the grant application, preparing a request for proposals to hire a consultant, managing the project; and, 2) the potential commitment the County may have when approached by other communities about the same matter. She cited her belief it is a Federal, State and local issue since there are multiple areas in the County that are subject to erosion and flooding. She said the State recently received National Oceanic and Atmospheric Administration (NOAA) funding to conduct resiliency research on the Chesapeake Bay. She suggested seeking Dorchester County's inclusion in the research endeavor.

Pursuant to a query from Councilman Nichols, Ms. Smith explained that Jeannie Haddaway-Riccio, Secretary, Department of Natural Resources, met with members of the group. Mr. McQuitty confirmed that they met with Secretary Haddaway-Riccio and DNR staff.

Councilman Newcomb referenced the restoration of the Mid Bay Islands, noting that DNR staff and federal delegation may be able to assist in identifying solutions by

combining efforts. Mr. McQuitty said he has relayed to them that he is open to using spoils on the marshland on his property provided he can retain the hunting rights to the shoreline.

Based on an inquiry from Councilman Nichols, Ms. Smith said staff from State agencies will probably be amendable to providing assistance with this grant. She explained that if the grant is awarded, the County may be required to place restrictions on new construction or more stringent building standards and shoreline protection that will require amendments to the County Code to ensure coastal resiliency in the future. In response to a question posed by Councilman Nichols, Ms. Smith said the Comprehensive Plan update will be impacted if these types of changes must be made. Mr. McQuitty said in order to move forward they need Ms. Smith's assistance in submitting the grant. Ms. Smith stressed the need for letters of support. The Council agreed that Ms. Smith will assist with the submittal of the Chesapeake and Coastal Grants Gateway Program grant.

MANAGERS COMMENTS

LANDFILL TIPPING FEE WAIVER REQUEST-FINANCE

Mr. Adkins said: 1) before Council is the request of Katie Clendaniel, Downtown Cambridge, for a landfill tipping fee waiver for any type of debris from the renovation of the parking lot between Blackwater Bakery and the Lutheran Mission; 2) estimated disposal tonnage: asphalt pavement, 30 tons; concrete, 70 tons; and dirt/stone, 175 tons; 3) the project consists of removing the asphalt, concrete and stone/dirt from the parking lot between 421 and 429 Race Street in preparation of installation of a new parking lot which will be a green parking lot with storm water abatement features, sidewalk and plantings; and, 4) the County's Landfill Manager said this material can be used for landfill operations. Councilman Travers queried whether this project will result in Watershed Implementation Plan points for the County. Ms. Clendaniel said the sight was identified in the Cambridge Creek Watershed Analysis prepared by ShoreRivers. Pursuant to a query from Councilman Newcomb, Mr. Adkins confirmed that the material will not be deposited in the Landfill. The Council approved Ms. Clendaniel's request.

TAX LIEN PROPERTY BID AWARDS-FINANCE

Mr. Adkins stated that Ms. Smith's recommendation to award bids to the following individuals for the purchase of tax lien properties is before Council: 1) 301 Willis Street, Cambridge to Doug Kyle, highest bidder, at \$32,500; 2) 723 Hughlett Street, Cambridge to Michael Johnson and Wayne Demby under the grant option of the Tax Lien Repurpose Plan who submitted the required 20% minimum price; and 3) 321 West End, Cambridge to Tyre Gordy, highest bidder at \$3,225, who has provided the required proof of financial capability to renovate this property. He explained that Mr. Johnson and Mr. Demby will be required to sign a Memorandum of Understanding with the County at the time the deed is signed, which will contain a reverter clause to ensure that they in fact renovate and live in the property for three years. Councilman Travers made a motion to approve the recommendations which was seconded by Councilman Pfeffer.

Ms. Smith noted that Ann Damianos, who submitted a bid for 321 West End, is present and wishes to speak. She said Mr. Gordy is also present.

Ms. Damianos said her bid was lower than Mr. Gordy; however, he did not submit the required deposit with his bid so she believes it should be disqualified. She advised that she was present at the bid opening, noting she is the only other bidder for this property. Mr. Gordy confirmed that he did not provide the deposit until after the bid proposals were opened and his bid was selected. He said Ms. Damianos failed to include her name on the bid form.

Ms. Damianos explained that she spoke to Ms. Smith about the possibility of deeding the property to a Limited Liability Company (LLC) prior to the bid opening and was advised that this was possible provided she and the LLC were the same. She said she inadvertently did not include her name or LLC on the first page. She referenced paragraph 1 of the bid form under "Agreement and Consideration" which states that the undersigned agrees to the terms of sale set forth in the bid form. She explained that she placed her name, phone number and address on the last page of the form. In response to a query from Councilman Pfeffer, Ms. Smith said the cost to advertise is \$210, noting that the advertisement runs in a news publication two weeks in a row. She said both Ms. Damianos and Mr. Gordy have proven they can renovate properties. Ms. Damianos noted that the City of Cambridge Code Enforcement Officer has provided an unfavorable response to her bid, noting she has violations for which this individual has no proof. Ms. Damianos said they had a difference of opinion about her selling personal effects out of a building she owns on Poplar Street. She explained that this building has remained in its same condition for many years, noting it is currently for sale.

Both Ms. Damianos and Mr. Gordy provided pictures of properties they renovated. Ms. Damianos also showed pictures of properties which are in disrepair based on comments made by the Code Enforcement Officer.

The Council approved the motion to award the bids based the recommendation of Ms. Smith. Pursuant to Ms. Damianos inquiry, Councilman Nichols noted that the Council accepted the recommendation which included selling the West End property to Mr. Gordy. He said because both she and Mr. Gordy failed to properly fill out the bid form, he chose to award the bid for the highest amount. Councilman Travers concurred.

FY20 MARYLAND HERITAGE AREA AUTHORITY GRANT AWARD-350TH DORCHESTER COUNTY CELEBRATION-TOURISM-FINANCE

The Council approved the request of Brittany Palmer, Grant Administrator, on behalf of the Tourism Department to accept a FY20 Maryland Heritage Authority Area non capital grant for "Dorchester Celebrates 350 Years: Marking a Milestone Anniversary" for funds of \$6,050 to offset costs for the 350 year celebration for Dorchester County. The Council acknowledged that a cash match of \$5,000 is included in the Tourism Budget and there is a \$1,050 in-kind match that consists of \$500 from the photographer for a group photo, \$500 from a volunteer and \$50 in volunteer support for the time capsule.

FEE STRUCTURE-USE OF FACILITY-RECREATION AND PARKS

Mr. Adkins said: 1) on November 5, 2019, Council agreed to enter into a Memorandum of Understanding between the Recreation and Parks Department and Bay Country Racquet Club to use this facility for programming subject to the approval of by Council of a fee schedule; 2) the following fee schedule has been provided for approval: tennis clinics, \$20 an hour; use of tennis court space, \$25 an hour; and, \$25 an hour for use of upstairs space. The Council approved the fee schedule and the revised Memorandum of Understanding to include it as "Exhibit A."

PROPOSED ADDITIONS-FY2020 ANNUAL PROGRAM-PROGRAM OPEN SPACE-RECREATION AND PARKS

The Council approved the request of Mr. Stout to add the following three potential projects to the FY2020 Annual Program for resubmission to the Department of Natural Resources for their approval:

- Cambridge Land Acquisition for Recreational Property/Facility with no required County match
- Sailwinds Safety Surface Installation – with the match being provided by Sailwinds Park, Inc.
- Vienna Parcel Site Design for the potential development of a County owned parcel of land in the Vienna area for public recreation space with a \$1,000 proposed match for which funding has not been identified

The Council acknowledged that a project being identified in the Annual Program in no way guarantees that the project will be addressed during the fiscal year, but merely provides the jurisdiction discretion to pursue the project should it so choose, and subsequently request Program Open Space funding.

350TH ANNIVERSARY LUNCHEON AND TIME CAPSULE EVENT-TOURISM

The Council approved the request of Julie Gilberto-Brady, Manager, Heart of Chesapeake Country Heritage Area, on behalf of Amanda Fenstermaker, Tourism Director, to hold a 350th Anniversary luncheon on a weekday in mid-December to include the sealing of a new time capsule to be opened in 2069.

NATHAN FOUNDATION GRANT REQUEST-TOURISM

The Council approved the request of Ms. Fenstermaker to apply for a Nathan Foundation grant in the amount of \$4,000 to stabilize the Bayly Cabin. The sources of the \$22,000 local match are Preservation Maryland, \$10,000 and State Highway Administration, \$10,000; Tourism Budget, \$1,500 and \$500 from the property owner as well as an in-kind match of \$1,000 will be project management by the property owner.

FY20 ADVENTURE DIVERSION RENEWAL AGREEMENT-DEPARTMENT OF JUVENILE SERVICES

The Council approved the request of Nancy Shockley, Local Management Board (LMB) Director, to enter into a FY 20 Adventure Diversion renewal agreement with the Department of Juvenile Services for \$74,845. The Council acknowledged that: 1) the Adventure Diversion program is an alternative program for juveniles who have been referred to the Department of Juvenile Services; 2) YMCA of the Chesapeake is the subcontractor and employs all staff required to implement the program; and, 3) funds of \$6,000 have been allocated to offset expenses of LMB for managing the requirements of the grant.

REQUEST TO EXPEND CAPITAL FUNDING-AMBULANCE PURCHASE-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director, to expend \$244,396 for the purchase of a new ambulance from Atlantic Emergency Solutions, the Maryland dealer for Road Rescue Emergency Vehicles, using FY20 Capital Budget monies allocated for this purpose with Councilman Travers opposing. In response to inquiries from Councilman Travers, Ms. Rahilly said: 1) the County currently owns five Demurs ambulances; 2) the inside of these units are deteriorating; 3) the company replaced the plastic steps due to safety concerns; and, 4) Demurs and Road Rescue Emergency Vehicles both offer a 25 year warranty.

MARYLAND EMERGENCY MANAGEMENT AGENCY MITIGATION GRANTS-EMERGENCY SERVICES

Steve Garvin, Emergency Planner, provided the following information regarding four potential Maryland Emergency Management Agency Mitigations Grants:

- Dorchester County Multi-Hazard Mitigation Plan
 - to update the five year plan which must be updated/adopted by 2022
 - total approximate cost, \$33,600
 - 75% FEMA / 25% County match
- Dorchester County Flood Mitigation Plan
 - to update current plan
 - now required by Maryland Department of Natural Resources and Maryland Department of Planning pursuant to State law
 - total approximate cost \$30,000
 - \$22,500 FEMA/County \$7,500
- Twin Point Cove Shoreline Resiliency Project
 - due to flooding in Twin Point Cove/Cooks Point Road area residents met regarding possible funding for shoreline stabilization
 - At last meeting only 8 residents expressed interest
 - Study/plan with recommendations to stabilize shoreline and Twin Point Cove/Cooks Point Roads

- consultant would be required to do study/plan working with County Roads, DNR and ME
- Study estimated around \$50,000 (75% / 25% match)
- \$37,500 FEMA/Local Share \$12,500
- if approved project residents are responsible for local match as a community unless County or other agency (DNR or MDE) contributes funding
- 3600 Green Point Road Elevation Project
 - resident request to apply for mitigation elevation grant for their property located on Green Point Road
 - 75% / 25% match with estimated FEMA cost of \$68,703.75 and residents cost of \$22,901.25 with any additional costs over the total amount of \$91,605 being the responsibility of the property owners
 - as in past this the County will be the pass through agent of any invoices and reimbursements as well as subgrantee monitor
 - residents will follow all building codes and permit process required by the County

The Council agreed to submit the grant applications. The Council also agreed to send a letter to Governor Lawrence Hogan requesting that Dorchester County be a priority funding obligation under the National Oceanic and Atmospheric Administration grant to the State of Maryland of \$25,000 for research focused on the resiliency of the Chesapeake Bay with copies to the federal delegation.

BOARD APPOINTMENTS-PLANNING AND ZONING

The Council recognized an appointment is necessary for the Board of Appeals due to a member's out of County relocation as well as a reappointment for which the current member wishes to serve. The Council also recognized the term expiration of an individual from the Planning Commission who wishes to continue to serve needs to be addressed. The Council deferred the Board appointments/reappointments.

SOCIAL SERVICES BOARD APPOINTMENT

The Council approved the request of Lisa Hartman, Director, Department of Social Services, to appoint Sergeant Enrique Hernandez to serve on the Social Services Board for a three year term commencing on November 1, 2019 and expiring on June 30, 2022.

EMERGENCY MEDICAL SERVICES BILLING AGREEMENT DISCUSSION

Keith Adkins, County Manager, said: 1) the Council requested information about Emergency Medical Services (EMS) billing collection return percentages relating to a current EMS billing agreement; 2) this information has been provided to the Council; 3) if the County remained with the initial billing company currently utilized by Caroline County and Talbot County, an additional \$141,608.87 in revenue may have been realized; and, 4) if the County uses the billing company these counties use to invoice

three times an additional \$379,518.47 may be received. Councilman Newcomb made a motion to terminate the agreement between the County and the current emergency medical services billing company due to revenue declines and a stoppage in reporting the amounts billed and collected to the Department of Emergency Services. Councilwoman Nagel seconded the motion. Councilman Travers recognized prior comments from E. Thomas Merryweather, County Attorney, about sending correspondence to the company prior to any action to terminate the agreement. He noted that it was Mr. Merryweather's suggestion that a timeframe to comply with requests to increase the number of invoices and to begin submitting reports again be included in such correspondence. Councilman Newcomb amended his motion to send a letter requesting that monthly updates and three billing cycles begin prior to the end of the year. Councilwoman Nagel seconded the amended motion. The Council agreed to send the correspondence.

POLL CONFIRMATION

The Council confirmed its decision in the interim between meetings, by means of a poll, to close the Landfill and Transfer Stations the day after Thanksgiving by a 5 to 0 vote.

LETTER OF SUPPORT REQUEST-DEER COOPERATOR PERMIT

The Council agreed to send letters of support for the Deer Cooperative permits submitted to the Department of Natural Resources by Bill Malkus, Lee Lyons, Phil Jackson Sr., Phil Jackson Jr., Curtis Windsor and Shawn Hall.

REQUEST TO REPLACE FRESH AIR INTAKE UNIT-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director, Department of Corrections to replace a fresh air intake unit at the Detention Center to Gannon's Refrigeration Services, Inc., the lowest bidder, at cost of \$24,950 using funds included in the FY20 Capital Budget allocated for this purpose.

PUBLIC COMMENTS

Glenna Heckathorn, League of Woman Voters, asked the Council to reconsider its decision not to live stream meetings. She provided copies of the position paper that was prepared on this subject which will be published in next week's Dorchester Banner. She said the goal of league is to have educated citizenry so they are prepared are vote. Councilman Nichols said Council discussed this issue four times. Donna Hooper, resident, advised that she does not have the ability to live stream from her residence.

In response to a question from Donald Gray, Councilman Nichols said a job offer has been extended for the Public Works Director position and if that individual accepts the position, the name of that person will be announced at the next meeting.

Paul Jensen, resident on Twin Point Cove Road, said there is no internet or cell phone coverage on this road.

In response to an inquiry from Stanley Trice, resident, Councilman Nichols said the item regarding radios will be on the next agenda.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Newcomb made a motion to: 1) ask Becky Dennis, Human Resources Director, to compose a spreadsheet consisting of comments received from staff at the Detention Center; and, 2) for Council to meet with Joseph Hughes, Director, Department of Corrections, to discuss the comments. Councilwoman Nagel seconded the motion. In response to a query from Councilman Pfeffer, Director Hughes said since the Council made the decision regarding a suggestion box, it has been at the Detention Center. Councilman Pfeffer questioned whether the box was locked. Councilwoman Nagel advised that she has access to the box, noting she, Director Hughes and another individual retrieve the comments which are then placed in a bank bag and provided to Ms. Dennis. She said there is a log which is signed each time this action is taken.

A discussion ensued regarding sections of the Charter relating to the duties of the County Manager with Councilman Pfeffer expressing concern about Mr. Adkins not being involved in the opening of the suggestion box. Councilman Travers cited his concerns about addressing anonymous letters, noting in the past Council has taken no action on them. Councilman Nagel underscored her goal of ensuring that employees at the Detention Center are able to submit their concerns and comments to the Council. Councilman Nichols noted that the vote for the suggestion box was unanimous. The Council agreed to sit down and discuss the comments from the suggestion box after receiving the spreadsheet from Ms. Dennis with Councilmen Pfeffer and Travers opposing.

Councilman Pfeffer thanked Director Hughes for his hard work. He wished everyone a Safe and Happy Thanksgiving. He expressed his appreciation to the League of Woman Voters for voicing their opinion about livestreaming. He noted that the majority of his constituents are in favor of livestreaming.

Councilman Newcomb showed the Council the information he referenced at last week's meeting which noted that Dorchester County is restricting liquor licenses. He said it was from the Maryland Beverage Association magazine. Councilman Travers said he will ask Roger Short, Liquor Inspector, to address the matter. He advised that there are currently no restrictions on the number of liquor licenses issued nor has there been any recent discussions regarding taking such action. Councilman Travers said the Board of License Commissioners' (BOL) public hearing last night regarding for-profit businesses serving alcohol during promotional events was well received. He explained that the BOL tasked Mr. Short with moving forward with a policy and/or waiver which will be vetted by the State's Attorney and Comptroller's Office and then be brought before the Board.

Councilman Travers said he had learned that a legislative amendment to reflect the changes made during the 2012 Maryland General Assembly Legislative Session in Section 19-2005 of the Alcoholic Beverages Article of the Annotated Code of Maryland entitled "Beer, wine and liquor licenses" is not necessary. He expressed his understanding the changes will be made.

Councilman Nichols said he will sit on the Board of License Commissioners. He announced that: 1) The next Council meeting will be held on December 3, 2019 at 6 p.m.; and, 2) members of the Dorchester County Council will attend the Delmarva Community Services, Inc. Dorchester County MAC Senior Program Annual Thanksgiving Luncheon on Thursday, November 21st at 11:00 a.m. in Cambridge, Maryland.

With no further business to discuss, the Council adjourned.

ATTEST:

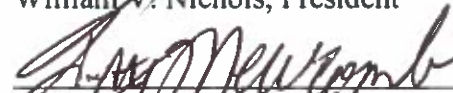


Keith Adkins
County Manager

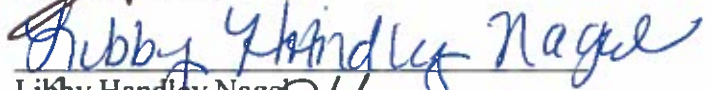
THE COUNTY COUNCIL
OF DORCHESTER COUNTY:

absent


William V. Nichols, President



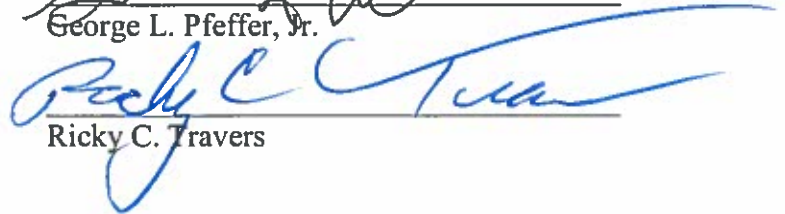
Jay L. Newcomb, Vice President



Libby Handley Nagel



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 3rd day of December, 2019.