

**County Council of Dorchester County  
Regular Meeting Minutes  
December 17, 2019**

The County Council of Dorchester County met in regular session on December 17, 2019 with the following members present:, Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols, George L. Pfeffer, Jr. and Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer 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**

The Council approved the minutes of December 3, 2019 with Councilman Nichols 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.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as \$13,087,091.53.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on December 17, 2019 at 5:00 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; §3-305(b)(2) to protect the privacy or reputation of individuals with respect to a matter that is not related to public business; and §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto. Present were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and George L. Pfeffer, Jr. Also present were E.

Thomas Merryweather, County Attorney, 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 December 17, 2019 at 5:01 p.m. to discuss the following items: 1) approved the request of the Department of Corrections Director to laterally transfer an employee to fill a Correctional Officer II Records vacancy and to promote an individual to a Correctional Officer IV Lieutenant position by a 5 to 0 vote; 2) approved the request of the Department of Corrections Director to hire two individuals to fill Correctional Officer positions by a 4 to 1 vote; 3) discussed a request to unseal closed session minutes; 4) received information on the potential acquisition of two separate properties; and, 5) received an update on an entity's acquisition of property. Present were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr.. Also present were E. Thomas Merryweather, County Attorney, 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 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. Ricky C. Travers joined the meeting late.

## **REGULAR SESSION**

### **COMMENDATION-RETIREMENT-BOBBY SIMMONS**

The Council presented a Commendation to Bobby Simmons congratulating him on his retirement and commending him for 16 years of service to Dorchester County.

### **OTHER**

Councilman Nichols recognized Bruce Coulson, resident, was present.

### **MID CHESAPEAKE BAY ISLAND PROJECT BRIEFING-MARYLAND PORT ADMINISTRATION**

Dave Blazer, Chief of Outreach, Policy, and Permits, Maryland Department of Transportation, Maryland Port Authority (MPA) Department of Harbor Development, said: 1) MPA will begin pre-construction engineering and design on the Mid Chesapeake Bay Island Project project this winter for which they have funding; 2) soil and geotechnical borings will commence in the near future; 3) local support from the Council and citizens is necessary in order to obtain construction funding from the federal government including from the U.S. Army Corps of Engineers (Army Corps); and, 4) they would like to arrange a trip for the Council to view Popular Island. He presented a power point presentation, which is attached. He noted that Council can contact him or Ray Tracy, Project Manager, Army Corps, with any questions regarding the project. Mr. Tracy noted that surveying and soil collection will commence shortly. He encouraged the

Council to contact him if they have any technical questions. Mr. Coulson said the trip to Poplar Island is worthwhile.

Jennifer Guthrie, Legislative Manager, thanked the Council for providing Mr. Blazer the opportunity to provide a briefing on the Mid Bay Island Project as well as Congressman Andy Harris' and Senator Chris Van Hollen's office staff for this assistance with this project. She said the next step is to obtain construction funding. She explained that the Army Corps is preparing a proposed budget for submission to the President for the 2022 budget. She advised that either this Spring or Summer she will seek a letter from the Council supporting the inclusion of this funding in that budget. In response to a question from Councilman Newcomb, Ms. Guthrie expressed her belief that funding to complete the project will be allocated. Councilman Travers noted that James Island has eroded to the point that there may not be any land left when the project commences. Mr. Coulson noted that in the original plans there was to be a waterway through the two islands, James and Barren.

#### **INSURANCE PRESENTATION – CHET MCWILLIAMS**

Chet McWilliams, the County's insurance broker, presented the Council an \$18,000 prescription refund check.

#### **MANAGERS COMMENTS**

#### **FY20 MATCHING GRANT -REQUEST TO SUBMIT APPLICATION-OFFICE OF RURAL BROADBAND PILOT-BAY COUNTRY COMMUNICATIONS**

Brian Roche, on behalf of Bay Country Communications (BCC), presented a request for authorization to submit a Department of Housing and Community Development, Office of Rural Broadband, Broadband Pilot FY2020 Matching Grant application, a pass through grant to BBC. He explained that the grant includes a 50% match which will be funded by BCC to build fiber from Horn Point Road to Morris Neck Road for the purpose of expanding internet to unserved areas. He said if BCC's application is approved, a Memorandum of Understanding will have to be finalized with the assistance of County staff. The Council approved his request to submit the grant application and for a cover letter. The Council acknowledged that a recent W-9 for Dorchester County must also be included in the grant application packet.

#### **POTENTIAL DISPOSITION OF PROPERTY-MACE'S LANE**

Keith Adkins, County Manager, said confirmation was recently received: 1) from the Interagency Commission on School Construction that the transfer of this property has been approved; and, 2) from Mr. Merryweather that COMAR has been revised to eliminate the need to obtain the approval of the Maryland Board of Public Works. He stated that, based on the Council's informal discussions regarding the transfer of the old Mace's Lane School property to an entity associated with the Mace's Lane Alumni Association, this item has been placed on the regular session agenda. Mr. Adkins said

according to Reverend Keith Cornish, a non-profit organization, Mace's Lane Community Center, Inc. (MLCC) has been formed and they would like to property to be transferred to that entity. Mr. Adkins noted that Council has discussed the inclusion of a reverter clause in the deed to ensure that the property is utilized for a public purpose, and more specifically for a community center, was previously discussed.

In response to inquiries from Councilman Nichols, E. Thomas Merryweather, County Attorney, said: 1) it is difficult to obtain a mortgage if a deed includes a reverter clause; 2) a subordination clause can be included in a deed so the mortgage holder will be able to sell the property free and clear; 3) pursuant to the subordination clause the mortgage will be first priority and then the County. Mr. Merryweather said the Council can exclude the reverter clause which will eliminate its control of the property. Councilman Nichols questioned whether MLCC's Charter or other organizational document be amended to require that one of the Council members sit on its Board. He noted that neighbors in the area have expressed concern that an apartment complex may be constructed on the Mace's Lane property. Mr. Merryweather said the Council can require MLCC to include a Council member on its Board; however, this entity can revise their articles or organization or resolution to remove the Council member at a later date.

Reverend Cornish noted that if the non-profit organization dissolves the money for a community center on the Mace's Lane property reverts to the entity that provided the funding. He said: 1) Maryland General Services, which has provided \$300,000, will be required to be on the insurance policy for the property; 2) the City has contributed \$300,000; 3) the Council has indicated a willingness to transfer the property to an entity associated with the Mace's Lane Alumni Association; and, 4) Kenneth Holt, Secretary, Department of Housing and Community Development, is considering providing \$3 to \$4 million. He expressed his belief that a reverter clause will negatively impact their fundraising capabilities. Mr. Merryweather opined that since the entities Reverend Cornish listed provide public funding there will not be a conflict if a reverter clause is included in the deed. Reverend Cornish noted that he met with Ncall Loan Fund representatives last night. He cited his concern that this company may not wish to invest in the project if there is a reverter clause.

Tyrus Farrell said he understands the Council's concerns about the property being used for another purpose. He advised that MLCC intends to place a community center on that property, for which there is a \$5 million budget. He stressed that the community needs services. He expressed a desire for the reverter clause not to be included in the deed, noting that it is the Council's decision on whether or not to include it.

The Council agreed to proceed with the legislative process without requiring a reverter clause, with the understanding it can added during the process if they so choose to do so.

**LOCAL RE-ENTRY PROGRAM AGREEMENT-DEPARTMENT OF PUBLIC  
SAFETY & CORRECTIONAL SERVICES-DEPT OF CORRECTIONS**

The Council approved the request of Joseph Hughes, Director, Department of Corrections, to enter into an agreement between the County and the Department of Public Safety and Correctional Services for a Local Re-Entry Program which includes a 30 day termination clause. The Council acknowledged that: 1) under this program inmates originally from Dorchester County who will to return after release will be moved to the Detention Center for the last year of their sentence during which they will be provided assistance in obtaining a job, housing, etc.; 2) the County will be paid \$45 a day per inmate; and, 3) costs relating to major sickness/illness/injury will be covered by the State.

**APPOINTMENT-DORCHESTER COUNTY LOCAL EMERGENCY MANAGEMENT  
DIRECTOR**

The Council agreed to appoint Dozia Rahilly, Emergency Services Director, as Emergency Manager for Dorchester County.

**LETTER OF COMMITMENT-REQUEST FOR PROPOSALS-911 TECHNOLOGY  
SERVICES-EMERGENCY SERVICES**

The Council approved the request of Ms. Rahilly to join the following Eastern Shore counties, in support of regional efforts to identify and select a vendor through a single request for proposals to provide and implement Next Generation 9-1-1 technology services by executing a Commitment Letter.

**REQUEST TO CONTINUE CHESAPEAKE COLLEGE CLINICAL ROTATION-  
EMERGENCY SERVICES**

The Council approved the request of Ms. Rahilly to renew a Clinical Rotation Agreement between Chesapeake College's Emergency Medical Services Program and Dorchester County Emergency Services for a three year period commencing January 1, 2020 and ending December 31, 2023. The Council acknowledged that under this agreement Chesapeake College students ride and learn alongside selected preceptors from Dorchester County.

**REQUEST TO RE-ADVERTISE REQUEST FOR PROPOSALS-INTERPRETIVE  
SIGNS-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to re-advertise a request for proposals for interpretive signs for the Harriet Tubman Underground Railroad Byway which will be placed at the Memorial Garden across from Food Lion to replace weathered signs removed earlier this year. The Council acknowledged that there are approximately \$29,000 in monies from a federal highway grant in 2013 that will be used to fund this project.

#### REQUEST TO ADVERTISE FOR PROPOSALS-FIRE EXTINGUISHER SERVICE-REPLACEMENT-PUBLIC WORKS

Dave Edwards, Public Works Director, noted that currently the County does not have a central vendor for fire extinguisher service-replacement. The Council approved his request to advertise a request for proposals for this service.

#### REQUEST TO OPEN ROADS-THE PRESERVE AT WRIGHTS WHARF SUBDIVISION-PUBLIC WORKS

Based on the request of DMS Hurlock, LLC, the Council agreed to hold a public hearing on the acceptance of the following roads in The Preserve at Wright's Wharf Subdivision into the County Road system: Jayar Way, Karli Court and Ben's Lane.

Councilman Nichols left the meeting.

#### GOLDEN HILL COMPACTOR CONTAINER REPLACEMENT REQUEST-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Mid-Atlantic Waste System to purchase a replacement compactor container at the cost of \$8,630.00 utilizing funds in the FY20 budget approved for this purchase.

Councilman Nichols re-joined the meeting.

#### REQUEST TO PROCEED WITH SAILWINDS BOARDWALK REPAIRS-PUBLIC WORKS

The Council approved Mr. Edwards' request to award the bid for boardwalk repairs at the Sailwinds/Tourism building to Living Ecosystems at the cost of \$18,850. The Council acknowledged that County insurance funds will be used to pay for these repairs.

#### NON-BINDING EXPRESSION OF INTENT-ECONOMIC DEVELOPMENT

Susan Banks, Economic Development Director, said a local company has expressed an intent to expand its business and relocate to the Dorchester Regional Technology Park. She explained that the Maryland Department of Commerce is willing to provide the company a Maryland Economic Development Assistance Authority and Fund (MEDAF) conditional loan in the amount of \$150,000. She stated that the MEDAF loan requires a 10% match from the County. She said she spoke to Michael Spears, Finance Director, and he believes a property tax credit/abatement is appropriate. She asked the Council to execute a non-binding expression of intent. Ms. Banks said if the business moves forward as planned a resolution must be executed. E. Thomas Merryweather, County Attorney, concurred. The Council agreed to execute the non-binding expression of intent.

## **TAX LIEN PROPERTY BID AWARD RECOMMENDATION-FINANCE**

Based on the recommendation of Ms. Smith, the Council agreed to award the purchase of 314 West End Avenue, Cambridge, a tax lien property, to Julio Vasconcelos, highest bidder, for \$7,000.

## **STATE OF MARYLAND BOND BILL PROGRAM GRANT-DORCHESTER CENTER FOR THE ARTS**

Mr. Adkins presented the request of Will Dennehy, Vice President, Dorchester Center for the Arts, to accept a State of Maryland Bond Bill Program Grant and enter into a Capital Projects Grant Agreement between the State, Board of Directors of the Dorchester Center for the Arts, Inc. and the County Council for \$80,000 for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement and capital equipping of the Arts Performance Hall. He said: 1) the County has a 20 year lease with DCA that expires in 2022 with an automatic renewal for another 20 years; 2) DCA will provide the required match of \$80,000 of which \$50,000 is in an account with the remaining being pledged; and, 3) the State will not disburse the funds until they are matched. He noted that the following are items the Council should consider: 1) the grant requires that the Board of Public Works give written consent if the County decides to dispose of the property (sale, transfer) and if such consent is granted can request repayment of a portion of the grant; and, 2) requires the County to name the State as an additional loss payee on the County's insurance. The Council approved Mr. Dennehy's request.

## **PUBLIC COMMENTS**

Joan Lane, resident, thanked the Council for planning for a permanent facility for Dog Control. She cited concerns about the current housing conditions of the dogs. She said since it will take several months to secure a location she requests that the dogs be moved to a humane society. Councilman Newcomb explained that the Dog Control Division is under the purview of Sheriff James Phillips so she must contact him. In response to a question from Councilwoman Nagel, Ms. Lane said she has not reached out to Sheriff Phillips about her concerns. Councilman Newcomb recognized that John Stichberry, Chief Deputy, Sheriff's Office, is present.

## **COUNCIL'S COMMENTS/ADJOURNMENT**

Councilman Pfeffer wished everyone a safe and happy holiday season.

Councilwoman Nagel said Merryweather Christmas and that she hopes everyone enjoys the holidays.

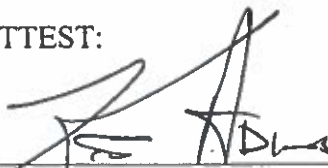
Councilman Travers wished everyone a Merry Christmas. He encouraged residents to remember those who do not have family and those in need, including the homeless.

Councilman Nichols thanked County employees for their hard work and service and wished them a Merry Christmas and a Happy New Year.


Councilman Newcomb said the next Council meeting will be held on January 7, 2020 at 6 p.m.

With no further business to discuss, the Council adjourned.


ATTEST:

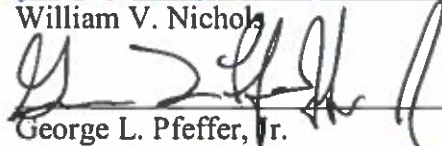
  
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Keith Adkins  
County Manager

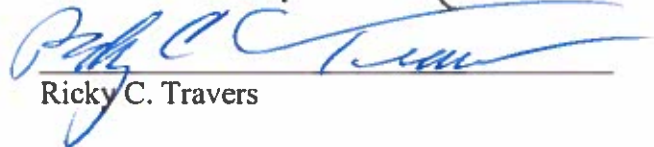
THE COUNTY COUNCIL  
OF DORCHESTER COUNTY:

  
\_\_\_\_\_  
Jay E. Newcomb, President

  
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Libby Handley Nagel, Vice President

  
\_\_\_\_\_  
William V. Nichols

  
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George L. Pfeffer, Jr.

  
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Ricky C. Travers

Approved the 7<sup>th</sup> day of January, 2020.