

County Council of Dorchester County
Regular Meeting Minutes
February 4, 2020

The County Council of Dorchester County met in regular session on February 4, 2020 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

The Council approved the following deletions to the agenda: Reconsideration - Determination of Use of Office Space.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

OTHER

Councilman Newcomb said the County's computer system was hacked. He noted that the Federal Bureau of Investigation is investigating and that he appreciates the public's patience regarding this matter.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$7,185,961.63.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on February 4, 2020 at 4:30 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: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and, pursuant to §3-305(b)(10) to discuss public security, if the public body

determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans. Present were: 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. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on February 4, 2020 at 4:31 p.m. to discuss the following items: 1) approved the request of an individual to remain on-call as an Paramedic by a 5 to 0 vote; 2) approved the request of the Emergency Services Director to change the status of an individual from on call to a full time Paramedic position by a 5 to 0 vote; 3) approved the request of the Director of the Department of Corrections, by a 5 to 0 vote to: a) promote two employees to fill vacant Sergeant positions; b) promote three employees to fill vacant Corporal positions; c) hire two individuals as Probationary Correctional Officers; 4) approved the request of the Planning and Zoning Director to hire an individual to fill a vacant GIS position by a 5 to 0 vote; 5) confirmed the hiring by the Sheriff of an individual to fill a part-time grant funded position by a 5 to 0 vote; 6) discussed filling a position in a County Department; 7) received legal advice from County Attorney regarding a contract for services; 8) received legal advice from County Attorney on a payment of lieu of taxes agreement; 9) discussed the potential acquisition of property; 10) discussed a matter relating to public security plans; and, 11) discussed a legal matter. Present were: 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. 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.

REGULAR SESSION

PROCLAMATION-NATIONAL OUTDOOR SHOW

The Council presented a Proclamation declaring February 2020 as National Outdoor Show Month.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2020-1 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON THE WEST SIDE OF THE MACES' LANE, CONTAINING 3.964 ACRES OF LAND, MORE OR LESS, IN THE CITY OF CAMBRIDGE, CAMBRIDGE ELECTION DISTRICT OF

DORCHESTER COUNTY, MARYLAND KNOWN AS 1103 MACES' LANE, CAMBRIDGE, MARYLAND 21613 AND BEING THE OLD MACES' LANE SCHOOL PROPERTY, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE SALE OF THE PROPERTY TO MACE'S LANE COMMUNITY CENTER, INC., A MARYLAND NON-PROFIT CORPORATION AND AN IRS SECTION 501 (C)(3) ORGANIZATION, AT AND FOR THE PURCHASE PRICE OF ZERO DOLLARS AND WITHOUT A REVERTER CLAUSE.

E. Thomas Merryweather, County Attorney, said before Council is legislation to declare 1103 Maces Lane, the old Maces' Lane school property, is no longer needed for public use and providing for its sale to Mace's Lane Community Center, Inc. He expressed his understanding that Reverend Keith Cornish, who is associated with this organization, wishes to make a preliminary statement.

Reverend Cornish stated that yesterday he met with Kenneth Holt, Secretary, Department of Housing and Community Development, his staff, the fundraiser for the Boys and Girls Club and a member of the Cal Ripkin Foundation. He advised that during that discussion: 1) the Association was offered a \$3.4 million proposal; and, 2) the recommendation was made that the property remain with the County and be leased to the Association or the City of Cambridge assume ownership which will enhance its ability to obtain funding. He stated that an environmental review must be conducted, noting the owner is responsible for the cost of that review. He said the Association has one bond bill of \$200,000 which is moving forward as well as a Maryland Heritage Area Authority Grant in the amount of \$100,000. Reverend Cornish confirmed for Mr. Merryweather that the Association is asking the County not move forward with this legislation and instead retain ownership of the property or ask the City to fill that role. The Council deferred this matter in order to provide the Association the opportunity to consider potential options including entering into a lease with the County. At Councilman Nichols's request Reverend Cornish confirmed that he and three of the Association's members will meet with him.

Councilman Pfeffer asked that legislation be drafted for introduction to provide a \$500 tax credit for any member of a bona fide volunteer fire company in the County.

REGULAR SESSION

The Council convened into Regular Session.

IRONMAN MARYLAND EVENTS UPDATE-RACE DIRECTOR

Angie Hengst, Race Director, IRONMAN Maryland, provided an update on last years' IRONMAN Maryland events and proposed changes to this years' race(s) as noted on the attached summary.

Councilman Newcomb said South Dorchester residents feel the IRONMAN events should be shifted to another part of the County due to congestion. He noted that church services are cancelled due to these events. He said there are concerns about someone being injured since

there are no bicycle lanes from Gootee's Marine to the Harriet Tubman Underground Railroad National Historical Park. Ms. Hengst explained that they considered making that change last year; however, they were not able to identify a suitable location. She advised that she will speak to law enforcement about this possibility.

MANAGERS COMMENTS

TRANSFER POLICY-EMERGENCY MEDICAL SERVICES

Keith Adkins, County Manager, said before Council is a request for approval of a Transfer Policy to establish a guideline for unit Emergency Medical Services transfers within Dorchester County with the goal of providing the maximum amount of service within the County with the units available for dispatch. Councilman Travers cited his belief there are other ways to address this matter. He suggested investigating the possibility of adding an additional Advanced Life Support/Basic Life Support crew from 7 a.m. to 7 p.m. Councilman Newcomb expressed concern about transferring a unit outside of its area which results in loss of coverage and additional costs being incurred.

The Council deferred the request and agreed to discuss the potential addition of a new 12 hour ALS/BLS crew.

MOSQUITO CONTROL BUDGET-2020 SEASON-DEPARTMENT OF AGRICULTURE

The Council approved the written request of Brian Prendergast, Program Manager, Mosquito Control Division, Maryland Department of Agriculture, for a commitment of \$435,391 for mosquito spraying for the 2020 season from the County's FY20 budget.

BID AWARD-HARRIET TUBMAN BYWAY INTERPRETIVE SIGNS-MEMORIAL GARDEN-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to award the bid for the fabrication of the Harriet Tubman Byway Interpretive Signs at the Memorial Garden to Pannier, the only bidder at the cost of \$3,094. The Council acknowledged that there are funds in the budget for this purpose including a match from the Tourism Operating Budget marketing line item.

2021 RURAL LEGACY APPLICATIONS-PLANNING AND ZONING

The Council approved the request of Steve Ball, Planning and Zoning Director, to submit 2021 Rural Legacy Applications for preservation funds allocated through the Maryland Department of Natural Resources. The Council acknowledged that the Nanticoke River is the first priority area, followed by the Harriet Tubman Rural Legacy Focus Area and then the Eastern Shore Heartland Rural Legacy.

AUTHORITY TO PROCEED LETTER SUBMISSION REQUEST-AIRPORT

The Council approved the request of Meighan "Chis" Chisholm, Airport Director, to submit Authority to Proceed letters, one for the contractor and the other to AECOM, the County's

consultant, to the Maryland Aviation Administration for the runway pavement maintenance project which will enable planning, scheduling and administration arrangements to commence.

LICENSE AGREEMENT-EASTERN SHORE INNOVATION CENTER-ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Economic Development Director, to enter into a License Agreement with OS Therapies for Suite #106 at the Eastern Shore Innovation Center commencing on February 1, 2020 and ending on February 1, 2022 at \$250 per month.

FY20 MARYLAND HERITAGE AREAS AUTHORITY GRANT AWARD-VIRTUAL & AUGMENTED REALITY TOUR-TOURISM-FINANCE

The Council approved the request submitted by Brittany Palmer, Grants Administrator, on behalf of the Tourism Department to accept a FY20 Maryland Heritage Areas Authority Grant award from the Maryland Historical Trust in the amount of \$38,500 for a project entitled "Virtual & Augmented Reality tours along the underground railroad". The Council recognized that there is a 75% cash and 25% in-kind match required from the County for which there is \$10,000 available in the operating budget and \$27,000 in a deferred revenue account from grant savings to cover this amount.

OFFER-TAX LIEN FORECLOSURE PROPERTY-FINANCE

The Council accepted the offer of Roberta Wongus, submitted by Cindy Smith, Assistant Finance Director, to purchase 406 Pine Street, Cambridge, Maryland at the cost of \$9,103.25 which represents the total taxes and foreclosure costs under a payment plan contingent upon the deed not being transferred until the funds have been paid in full. The Council acknowledged that if the deed is transferred to Ms. Wongus, Habitat Choptank is ready to assist her with repairs.

UPDATED DOCUMENT APPROVAL-AIRPORT RULES AND REGULATIONS AND MINIMUM STANDARDS

Based on the request of Mr. Chisholm, the Council approved updated Airport Rules and Regulations and Minimum Standards for businesses offering aviation related services at the Cambridge-Dorchester Regional Airport.

REQUEST TO EXTEND CONTRACT-COUNTY PROPERTY MOWING-PUBLIC WORKS

Dave Edwards, Public Works Director, said he is seeking the extension of the contract between the County and Marshall Property Management for lawn mowing and property maintenance of County owned properties through this mowing season. He noted that the properties for which these services are provided are: tax lien properties, the Library, Eastern Shore Innovation Center, Harriet Tubman House, Mace's Lane, County Office Building, Circuit Court and Trenton Street Park. In response to question from Councilman Newcomb, Mr. Edwards said the list can be modified as needed. The Council approved the contract extension.

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CHANGE ORDER-CONSULTANT CONTRACT-COUNTY COMPREHENSIVE PLAN-PLANNING AND ZONING

Steve Ball, Planning and Zoning Director, presented his request for approval of a change order in the amount of \$45,000 to AECOM for consulting services for the Comprehensive Plan update due to the need of the consultant to: 1) review and analyze additional technical documents; 2) provide up to date data which was only recently made available from the federal government; 3) to include additional information required by Maryland which was not included in the original request for proposal; and, 4) for additional meetings. He explained that funds of approximately \$15,000 will have to be transferred later this year within the Planning and Zoning Department Budget to the contractual services line item to cover the additional costs. He noted that work that occurs during FY21 will be funded from that fiscal years' contractual services account. In response to a question from Councilman Nichols, Chris Rogers, AECOM representative, advised that the original cost was \$124,000.

Based on a query from Councilman Travers, Mr. Rogers said the majority of the additional cost is due to the amount of additional information being requested by County staff including: 1) an additional six meetings; 2) update of date using American Community Service Data; 3) the revision of four chapters already written; and, 4) addressing a tier map which was not in the original scope of work. He explained that a tier map is required by the State, noting that five years ago the Council passed on adopting a tier map. He said as a result development is restricted in a little over 90% of the County. He said if a tier map is adopted in the plan which will be placed before the Council for its consideration eventually, it addresses the State requirement and will allow more development in some of the more proposed suburban areas. Mr. Rogers explained that legally they are obligated by the State to include the items it requires. He said he

wants to ensure that there is sufficient time to conduct public meetings as well as consideration of comments and appropriate responses. Councilman Travers noted that meetings were included in the original bid. Mr. Ball explained that he requested additional meetings based on his experience in other places. He said some of the data needs to be brought up to current. In response to questions from Councilman Pfeffer, Mr. Roger said: 1) the tier map was not included in the original proposal despite it being a State requirement; 2) County staff and the Planning Commission members want to include the map in the draft updated Comprehensive Plan; and, 3) since AECOM staff started drafting the various chapters, census data has been updated. Mr. Rogers said since the proposed Comprehensive Plan process began the data has been updated, noting that without the new data the plan, if adopted in 2020 will reference 2018 data. He stated that the majority of the additional scope of work was requested by Mr. Ball based on another query from Councilman Pfeffer. The Council deferred Mr. Ball's request. Councilman Nichols expressed concern about the additional cost.

RETURN OF EQUIPMENT-EMERGENCY SERVICES

Mr. Adkins said the item before Council is the consideration of the possible return of County equipment, more specifically a Gator, to the Emergency Services Department which is currently housed at the Rescue Fire Company (RFC). Councilman Pfeffer expressed his understanding that there is a Memorandum of Understanding (MOU) between RFC and the County for the housing of this equipment. He said RFC purchased a trailer and equipment for the Gator, noting that they used it recently. Donna Lane, Executive Administrative Specialist, clarified that the MOU was not executed by all parties. Pursuant to a query from Councilman Pfeffer, Councilman Newcomb said since the agreement has not been executed this discussion was added to the agenda.

Councilman Travers made a motion to move forward with obtaining signatures for the existing agreement which was seconded by Councilman Pfeffer. At the request of Councilman Pfeffer, Councilman Travers amended the motion to include that the equipment must remain at its current location during the process of obtaining an executed agreement. Councilwoman Nagel said several different fire companies have expressed their belief that the equipment should be rotated among them. Councilman Travers noted that a second Gator is an enclosed trailer at the Public Safety Complex. He expressed his understanding that this Gator has not been used recently by Emergency Service. Adam Pritchett, Chief, RFC said the Gator was used recently by the volunteer fire company, to retrieve a patient who fell 15 feet from a tree. Councilwoman Nagel suggested amended the motion to defer this matter and consider placing the other Gator at another location. Councilman Travers expressed a desire to act on this motion. He expressed his belief that Sheriff Phillips may have used the Gator located at the Public Safety Complex several times for law enforcement purposes. The Council agreed to seek legal review of the existing MOU prior to its placement on a future agenda.

REQUEST TO ADVERTISE-RECREATION AND PARKS

The Council approved the requests of Frank Stout, Recreation and Parks Director, to: 1) advertise for two additional maintenance staff for the season; 2) re-hire swimming pool seasonal staff who work the front desk and snack bar at the County pool; 3) hire up to six individual individuals to add to the list of seasonal employees who can work sporadically as gym/program supervisors within the Recreation and Parks budget; and, 4) any additional seasonal positions needed.

GENERATOR SERVICE AND MAINTENANCE CONTRACT REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award a Generator Service and Maintenance Contract for generators located at the County Office Building, Court House and Highway Division to Kelly Generator & Equipment, which submitted the lowest quote, at the cost of \$3,212.90 using FY20 Public Works Budget funds.

FY20 SCHOOL RESOURCE OFFICER-ADEQUATE COVERAGE GRANT AWARD-FINANCE

The Council approved the request of Sheriff James Phillips, submitted by Ms. Smith, to accept a Safe Schools MD (Maryland Center for School Safety) FY20 School Resource Officer-Adequate Coverage for funding to be used for School Resource Officer(s) for Vienna Elementary, Warwick Elementary and South Dorchester K-8. The Council acknowledged that: 1) there is sufficient funding to cover payroll taxes; 2) additional monies are available for overtime at premium rate for current deputies to fill gaps; 3) this is an annual grant formula, based on the number of schools in the County; 2) each year, based on the total funding amount, the amount will be determined using this formula therefore, any unemployment costs incurred after the grant period may possibly be paid for by future years' funding.

OTHER

A motion made by Councilwoman Nagel to consider entering into an agreement for use of the second Gator by other volunteer fire companies which can be used by anyone in Emergency Medical Services and housing at another location was approved.

PUBLIC COMMENTS

Dave Ryan, Dorchester Banner, questioned the reason the reconsideration of the use of office space in the Public Safety Complex was removed from the agenda. Councilman Newcomb said after viewing the space, he spoke with Sheriff James Phillips about the potential use or other areas in the building for office space. He explained that additional time is necessary in order to discuss other options.

Kathy Abbott, resident, expressed appreciation for the repair of the culverts on Punch Island Road. In response to her inquiry, Councilman Newcomb said the Smithville Dock is closed temporarily for repairs. Ms. Abbott suggested signage be placed at that location noting the closure. Dave Edwards, Public Works Director, apologized for the inconvenience, noting that a temporary ramp is now available which has been posed on the Department of Natural Resources website. He explained that a concrete slab has been damaged and they are currently in the process of obtaining bids.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilwoman Nagel noted that the building at the ballfields in Hurlock currently utilized by Tri City Little League (Tri City), which is owned by the Board of Education (BOE) is in need of repair. She suggested that the County, the BOE and Tri City each contribute \$1,500 for repairs. She noted that several contractors have donated metal and have made some repairs. She explained that for several years Recreation and Parks, through the County budget and with the use of Program Open Space funds have provided assistance with maintenance of the fields. Beth Wilson, BOE Director of Operations, explained that an agreement with Tri City is necessary noting that the roof is leaking and as a result of an electrical issue the building was shut down due to liability concerns. She said she was in favor of Councilwoman Nagel's suggestion of a three party agreement. In response to Councilwoman Nagel's inquiry, Ms. Wilson said BOE staff can repair the electrical issues. Councilwoman Nagel made a motion for each of the three parties to contribute \$1,500 for the repairs and enter into an agreement. Councilman Pfeffer seconded the motion and concurred that all parties need to work together. Frank Stout, Recreation and Parks Director, said a contractor estimated the roof repairs, without taking measurements, at approximately \$6,000. Pursuant to Councilwoman Nagel's question, Ms. Wilson said the monies the BOE expends to make electrical repairs will not be part of its one-third contribution. The Council agreed to contribute \$1,500 from the Contingency Fund and moving forward with a three party agreement.

Based on a motion made by Councilman Pfeffer, the Council agreed to send letters of opposition to House Bill 223 Entitled "End Ineffective Business Subsidies Act of 2020"; and, 2) House Bill 565 Entitled "Income Tax-Business and Economic Development Tax Credits-Termination." Councilman Travers noted that the Maryland General Assembly is also considering changes to the State sales tax and cigarette tax during this legislative session.

The Council approved the request of Samuel Horseman, President, Madison Volunteer Fire Company, for letters supporting the fire company's request for a Maryland State Fireman's Association loan to purchase equipment in which it was noted that the Council does not have any 508 or other County funding available towards this endeavor.

Councilman Newcomb announced that: 1) a Budget Work Session will be held on February 13, 2020 at 5 p.m.; and, 2) the next Council meeting will be on February 18, 2020 at 6 p.m.

With no further business to discuss, the Council adjourned.

ATTEST:



Keith Adkins
County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



Jay L. Newcomb, President



Libby Handley Nagel, Vice President



William V. Nichols



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 3rd day of March, 2020.