

County Council of Dorchester County
Regular Meeting Minutes
May 5, 2020

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:00 p.m. on the 5th day of May, 2020. A roll call of the members was conducted. Present on the teleconference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols, George L. Pfeffer, Jr. and Ricky C. Travers. Also present via telephone were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager and Donna F. Lane, Executive Administrative Specialist. Councilmen Newcomb and Nichols as well as Mr. Merryweather joined the call from the Council's Meeting Room, Room 110, in the County Office Building.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Donna F. Lane, Executive Administrative Specialists, said after publication of the agenda an item titled "Equipment Purchase Request-Emergency Services" was added. The Council adopted the amended agenda.

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 \$2,147,888.90.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on May 5, 2020 at 5:31 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; 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)(7) to consult with counsel to obtain legal advice on a legal matter.

Present via teleconference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Councilmen Newcomb and Nichols were also present in Room 110 of the County Office Building. Also present via conference call were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Mr. Merryweather was also present in Room 110. Voting in favor of the Closed Session were all of the present Council Members.

The Council convened in a Closed Session on May 5, 2020 at 5:32 p.m. to discuss the following items: 1) deferred a discussion regarding an amendment to the County's Rules and Regulations; 2) approved the request of the Director of the Department of Corrections to hire three individuals as Probationary Correctional Officers by a 4 to 1 (abstention) vote; 3) approved the request of the Planning and Zoning Director to hire an individual to fill a Zoning Technician position by a 5-0 vote; 4) discussed the potential acquisition of property; and, 5) obtained legal advice from County Attorney regarding proposed Payment In Lieu of Taxes Agreement-deferred based on concerns about legal protections as drafted-additional time and information is needed.

Present were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Councilmen Newcomb and Nichols were also present in Room 110. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Mr. Merryweather was also present in Room 110. 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-CORRECTIONAL OFFICERS WEEK

The Council presented a Proclamation declaring May 3 to May 9, 2020 Correctional Officers Week.

MEETING WITH MUNICIPALITIES-TAX DIFFERENTIAL/REBATE

Michael Spears, Finance Director, stated that Section 6-306 of the Property Article of the Annotated Code of Maryland is designed to lower County taxes for municipal residents who do not utilize certain County services since their municipality provides them. He said this lower tax rate can be in the form of a rebate, which is provided for seven towns in the County, or in the form of a tax differential. He said a tax differential, which is directly placed on property owner tax bills, is provided to the residents live in the City of Cambridge or Town of Hurlock. He noted that Cambridge's tax differential is 7.33 which equates to \$563,391 whereas Hurlock's is 8.21 which equates to \$98,232.

Commissioner Stephen Rideout, City of Cambridge, speaking as a resident, expressed concern that the tax differential for the City, as calculated, when coupled with increased property assessments, may result in an increase in property taxes for its residents. He opined that citizens in the other municipalities may not experience this type of increase. He said, like the County Council, the City Council is faced with funding challenges, noting that the municipality will use reserves and borrow money. He asked the Council to adopt the budget based on constant yield for the City citizens. He thanked them for their consideration of his request.

Michael Spears, Finance Director, said the proposed budget focuses on only a few core functions of county government. He explained that the Council had multiple items they wished to pursue; however, the Council was very passionate about taking a conservative approach due to uncertainty as a result of COVID-19. He noted that new money has been placed in the Contingency fund to cover future costs, if necessary. He explained that the focus of the budget is on core items: public safety, education and health. He said the rate for the City tax differential did not change. Pursuant to an inquiry from Councilman Travers, Mr. Spears said the calculation originally established with Mayor Rippons in 2016 was refreshed and any modification to reduce that figure will negatively impact future County revenue.

Patrick Comiskey, City Manager, noted for the record that he joined the meeting via teleconference call. He echoed Commissioner Rideout's comments.

BUDGET PUBLIC HEARING

The Council convened into a Budget Public Hearing. E. Thomas Merryweather, County Attorney, said the public hearing is on the proposed FY2021 budget. There were no public comments. Mr. Merryweather noted that the next public hearing on the budget will be held on May 12, 2020. The Council adjourned the public hearing.

MANAGERS COMMENTS

CIRCUIT COURTHOUSE ROOF REPAIR REQUEST-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Peninsula Roofing Company, Inc. for roof repairs to the Circuit Courthouse roof at a cost not to exceed \$11,400 using FY2020 maintenance budget funding.

BID AWARDS-PUBLIC WORKS

Office Trailers-Secretary and Golden Hill Transfer Stations

The Council approved the request of Mr. Edwards to award the bid to Monumental Modular, the lowest bidder, for office trailers for the Secretary and Golden Hill transfer stations. The Council acknowledged that the costs are: 1) Secretary Transfer Station, \$23,991; 2) Golden Hill Transfer Station is \$22,671, and; 2) FY20 Capital funds have

been allocated for this purpose Pursuant to inquires from Councilmen Pfeffer, Mr. Edwards confirmed that the restrooms are self-contained with sinks and must be pumped out, the same as a portable toilet. In response to a question from Councilman Newcomb, Mr. Edwards said they require minimal maintenance.

Landfill Bathroom Repairs

The Council approved the request of Mr. Edwards to award a bid for repairs to the bathroom at the Landfill to Maintenance Solutions, LCC, the lowest bidder and a County based company, at the cost of \$7,900 for which Operating Budget funds will be utilized.

TRACTOR MOWING SERVICES BID RESULTS DISCUSSION-PUBLIC WORKS

Mr. Edwards advised Council that: 1) bids have been received for tractor mowing services; 2) during this grass cutting season there can be five mowing cycles; 3) based on bid amounts the cost to perform these services by using two temporary employees to utilize County equipment to mow the southern end of the County is less expensive; and 4) FY20 and FY21 operating fund are available to pay for temporary workers. The Council agreed to utilize temporary workers to perform the grass cutting to use County equipment to mow the southern end of the County.

REQUEST TO ADVERTISE FOR PROPOSALS-PRESSURE WASHING SERVICES-COUNTY OFFICE BUILDING-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for pressure washing services for the County Office Building (building, steps and sidewalks) for which FY20 maintenance funding is available. In response to a question from Councilman Newcomb, Mr. Edwards said he will include pressure washing in the project scope for the painting of the Circuit Courthouse.

PARKING ISSUES-OFF ROAD FISHING-PUBLIC WORKS

Councilman Newcomb stated that: 1) complaints have been received from residents about traffic issues and County property damage due to individuals parking on sides of County roads; 2) the farming community has been negatively impacted as well as Emergency Medical Services' response; 3) items regarding roads and signage are usually forwarded to the Traffic Safety Committee; 4) due to public safety concerns this matter is being addressed by the Council. Mr. Edwards suggested erecting no parking signs on the following roadways which experience heavy traffic: 1) Schnoor Rd; 2) Maple Dam Rd; 3) Decoursey Bridge Rd; 4) Drawbridge Rd; and 5) Key Wallace Drive. He advised that he has spoken with staff at the Department of Natural Resources (DNR), the Blackwater National Wildlife Refuge (Refuge) who are in support of the placement of the signs and are willing to enforce that restriction if the Council so chooses to take this action. He noted that many citizens have contacted DNR staff who cannot enforce no parking on these roadways due to the lack of signage.

Councilwoman Nagel made a motion to post no parking signs on the travel portion of the roads Mr. Edwards listed which was seconded. Councilman Travers questioned where individuals will park if they allowed to fish. Councilman Newcomb noted that some of the areas have sufficient parking on the shoulders while individuals can also park at the Refuge Visitor Center and walk. He said since many are parking close to the middle of the roadway it is difficult for farming equipment to use them. Councilwoman Nagel noted that on Sunday on Transquakin Road and New Bridge Road vehicles were parked on the travel portions. Councilman Pfeffer recommended that staff work with Sheriff James Phillips to ensure enforceability. Councilman Newcomb stressed that the goal is to keep roads open for all motorists and farmers and not to discourage citizens from fishing. In response to an inquiry from E. Thomas Merryweather, County Attorney, Councilman Newcomb said some of the areas have pull offs where vehicles can park; however, they are sometimes wet as they are close to the water. Councilwoman Nagel expressed concern about the safety of property owners on the roads in question when they are leaving their driveways. She noted that residents cannot see a Hidden Entrance sign for one driveway from Airey's Road due to poor visibility.

The Council agreed to place "No Parking" signs on the travel portions of the following roads: 1) Schnoor Rd; 2) Maple Dam Rd; 3) Decoursey Bridge Rd; 4) Drawbridge Rd; and 5) Key Wallace Drive. The Council asked Mr. Edwards to coordinate with the Sheriff's Office, DNR and the Refuge regarding this matter.

REQUEST TO ADVERTISE FOR PROPOSALS-SMITHVILLE BOAT RAMP REPAIRS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for proposals for repairs to the Smithville Boat Ramp using FY20 funds allocated for boat ramp repair.

SOLE SOURCE REQUEST-INSTALLATION OF HANDRAILS-CIRCUIT COURTHOUSE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with E R Harvey Metal Working Company to install handrails at the side entrance and employee entrance of the Circuit Court House at the cost of \$5,000 using FY2020 maintenance budget funding. The Council acknowledged that this company is the only one that can provide the specific handrail for this installation.

REQUEST FOR SOLE SOURCE-REMOVAL OF TREES-CIRCUIT COURT HOUSE- PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Eastern Tree Services to remove trees at the Circuit Court House at the cost of \$1,200 using FY20 maintenance funds.

LETTER OF SUPPORT REQUEST-FEDERAL HIGHWAY NATIONAL SCENIC BYWAY PROGRAM-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to send a letter of support to the Federal Highway administration for the nomination of the Chesapeake Country National Scenic Byway as an All American Road.

TAX LIEN PROPERTY BID AWARDS-FINANCE

Based on information and recommendations provided by Cindy Smith, Assistant Finance Director, the Council awarded bids for the acquisition of tax lien properties as follows:

- 323 Henry Street, Coastal Seafood, \$11,951
- 305 Henry Street, Coastal Seafood, \$10,840
- 301 Franklin-Henry Street, Ruddy Duck, LLC, \$12,245
- 513 to 515 Rigby Avenue, Tyre Gordy, \$1,052
- 309 S. Main Street, Hurlock, \$10,000, 4 Ten Holdings Corp
- 1101 Rosyln Avenue, Cambridge, \$8,000, Steve Middleton Sr.
- 403 Henry Street, Cambridge, Ruddy Duck, LLC, \$42,360

AUDIT COMMITTEE-FINANCE

The Council acknowledged that: 1) pursuant to the terms of the recently issued Auditing Services Request for Proposals, the Audit Committee is comprised of the County Manager, the Director of Finance, the Assistant Director of Finance, and two additional members named by the County Council; 2) the purpose of the Committee is to review and evaluate the responses to the RFP, and submit a recommendation to the Council for appointment of the auditor; 3) past members appointed by Council have been Ted Brooks and David Thomas, both local certified public accountants; 4) Mr. Spears has confirmed that Mr. Brooks is willing to serve, and left a voice message asking the same of Mr. Thomas; 5) Bob Willey, past member of committee as Assistant Finance Director, is also willing to serve. The Council agreed to re-establish the Audit Committee based on the Request for Proposals and appointed Mr. Brooks and Mr. Willey to the Committee.

SHORT TERM NOTE-EQUIPMENT FINANCING-FINANCE

The Council recognized that: 1) pursuant to Michael Spears, Finance Director, the 1880 Bank has quoted a rate of 2.36% for a five year note, paid semi-annually, with a principal of \$683,100; 2) the bank's loan committee meets on May 12, 2020; 3) he is asking the Council to consider approving financing for the following adopted Fiscal Year 2020 capital budget projects to be financed with debt: a) Ambulance w/Powerload, \$250,100; b) Tandem Axle Gradall, \$405,000; and c) 66" cleanout bucket, \$10,000. He advised that he is also asking that the County Manager be allowed to execute the necessary documents at the appropriate time. In response to a question from Councilman Pfeffer, Mr. Spears confirmed that the items for which the note is being sought were approved by the Council

through last year's budget with the intention of obtaining financing. Pursuant to a query from Councilwoman Nagel, E. Thomas Merryweather, County Attorney, confirmed that Councilman Newcomb as President signs legal documents on behalf of the County. The Council approved proceeding with obtaining the note with the 1880 Bank and acknowledged that Councilman Newcomb will sign the necessary documents.

U.S. DEPARTMENT OF JUSTICE APPLICATION--CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM-SHERIFF'S OFFICE

The Council approved the request of Valerie Mann on behalf of the Sheriff's Office to submit a U.S. Department of Justice Application under the Coronavirus Emergency Supplemental Funding Program for \$58,008 which will be used for the following: 1) 17 Avon APR masks at 346.33 per for a total of \$5,887.61; 2) Tyvek suits, gloves, sanitizer, and NIOSH approved masks; 3) law enforcement security at Dorchester General Hospital and other designated sensitive resource sites; 4) training; and, 5) travel.

CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT GRANT APPLICATION REQUEST-AIRPORT

The Council acknowledged that pursuant to Steve Nuwer, Airport Director: 1) as part of the Federal CARES Act funds are being disbursed to General Aviation airports nationwide to help mitigate losses incurred due to the Corona Virus Pandemic; and, 2) \$30,000.00 has been awarded to Airport for "Operating and Maintenance Costs." The Council approved his request to submit an application to claim the CARES Act monies.

REQUEST TO EXTEND WETLAND MITIGATION CREDIT AGREEMENT OF SALE-AIRPORT

The Council acknowledged that: 1) as part of the requirement of the CGE Obstruction Removal - Phase 1 project, Council approved an agreement of sale with Maple Dam Conservation LLC on June 18, 2019 to acquire Wetland Mitigation Credits in the amount of 79,626 sq. ft; 2) the agreement with a closure date of October 31, 2019 was extended by Council to March 31, 2020 due to delays receiving Maryland Department of the Environment (MDE) authorization; 3) MDE authorization is complete, however the March 31, 2020 deadline has passed; 4) Maple Dam Conservation, LLC has agreed to honor the original agreement, terms and conditions; 5) Mr. Nuwer is asking Council to approve a second amendment extending the original agreement of sale to May 31, 2020. Mr. Merryweather queried whether the agreement should be extended longer than March 31, 2020 to avoid having to enter into another amendment if the closing is extended. Mr. Nuwer said AECOM, the County's Airport consultant, believes that date can be met. The Council agreed to extend the agreement to March 31, 2020.

FIRST AMENDMENTS-HOST AGREEMENTS-EAGLEMAN AND IROMAN MARYLAND

Based on the request of Angie Hengst, Race Director, the Council agreed to execute First Amendments to the Host Agreements for Eagleman and Ironman Maryland events to change dates.

LEASE RENEWAL REQUEST-ATM-STATE EMPLOYEES CREDIT UNION

The Council agreed to renew the lease between the County and the State Employees Credit Union for an ATM on the County Health Department property for an additional two year period.

DISCUSSION-POTENTIAL RENEWAL OF EXCISE TAX SUSPENSION

Councilman Newcomb noted that the suspension of the excise tax expires June 30, 2020. The Council agreed to proceed with the legislative process to extend the suspension for two years.

FY21 HOLIDAY SCHEDULE

The Council adopted the FY21 County Holiday Schedule

DISCUSSION-EMPLOYEE DEPARTMENT OF TRANSPORTATION PHYSICALS

Councilman Newcomb referenced a letter that was sent to his attention regarding concerns about a change in the company that provides Department of Transportation (DOT) physicals for County employees. He asked Council for any concerns or comments. In response to a question posed by Councilman Newcomb, Mr. Edwards said when he left the State Highway Administration, the policy was that the State would pay for a DOT physical if the employees used its approved vendor and if they chose another vendor or went to their primary physician they were required to pay. Councilman Newcomb expressed his understanding that this is the same policy used by the County. Councilman Travers said he wants to ensure that small businesses are utilized. Councilman Nichols made a motion that regardless of the vendor the County will pay the cost of a required DOT physical. Councilman Travers seconded the motion. Pursuant to a query from Councilwoman Nagel, Becky Dennis, Human Resources Director, explained that in some Departments if a Department Head feels an employee cannot perform their duties they may be sent for an evaluation. The Council approved the motion.

AVIGATION EASEMENT CLAIM-OBSTACLE REMOVAL PROJECT-AIRPORT

The Council approved the request of Mr. Nuwer, based on the recommendation of Patrick Thomas, Esquire, MacLeod Group, to file a claim on the Elkridge Willey Estate for an avigation easement on a Bucktown Road property, Tax Map 42, Grid 22, Parcel 94. Mr.

Merryweather concurred with Mr. Thomas' recommendation, noting that an easement on this property is critical for the future of the Airport.

EQUIPMENT PURCHASE REQUEST-EMERGENCY SERVICES

The Council discussed the request of Dozia Rahilly, Emergency Services Director, to purchase equipment with bond funds. In response to a question from Councilman Pfeffer, Troi Lynn Faith, Administrative Associate, advised that before Council is the final list of items that are needed for the radio project. She explained that the items were supposed to be included in the first phase of the project but were removed. Pursuant to a query from Councilman Newcomb, Ms. Faith said she is not aware of any other County Department that has a voiced a need for additional equipment.

The Council approved the request of Ms. Rahilly to purchase the following with bond funds:

- 18 portables and 23 vehicle chargers at a cost of \$107,186.28
- 2 mobile dual control radios at a cost of \$19,814.32
- 11 MCD 5000 Desksets at cost of \$19,800.00
- Console for 911 Manager Office at a cost of \$119,423

OTHER

Councilman Newcomb announced the following:

Citizens will have the opportunity to speak at the March 12, 2020 public hearing on the proposed FY2021 budget which begins at 6:02 p.m. The Constant Yield Hearing will also be held on that date at 6:30 p.m. A Budget Legislative Adoption/Public Hearing will be held at the Council's May 19, 2020 meeting, during which citizens will also have an opportunity to provide their comments. The adoption of the budget is scheduled to occur on this date as well. Both meetings will be held via telephone conference with very limited access to Room 110 of the County Office Building. Citizens will be able to provide their comments on the proposed budget via the telephone. They can also submit comments via e-mail or to the Council's Office.

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 5th day of May, 2020.