

**County Council of Dorchester County  
Regular Meeting Minutes  
May 19, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 5:09 p.m. on the 19<sup>th</sup> day of May, 2020. A roll call of the members was conducted. Present on the conference 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 joined the call from the Council's Meeting Room, Room 110, in the County Office Building.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer led the invocation and the pledge of allegiance.

**CALLS FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council agreed to add to the agenda a discussion relating to the lease for the restaurant space at the Airport and approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of April 21, 2020; April 28, 2020; May 5, 2020; and May 12, 2020.

**APPROVAL OF DISBURSEMENTS**

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

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Newcomb reported total cash and investments as 2,173,643.05.

**CLOSED SESSION SUMMARY**

The Council convened into Regular Session on May 19, 2020 at 5:09 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 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 19, 2020 at 5:10 p.m. to discuss the following items: 1) Discussed with legal counsel an amendment to County's Rules and Regulations-agreed to add to open session; 2) Approved the request of the Public Works Director to hire an individual to fill a Motor Equipment Operator III vacancy for the Landfill Division by a 5 to 0 vote; 3) Discussed with legal counsel a proposed Payment in Lieu of Taxes Agreement; 4) Received advice from County Attorney regarding proposed legal agreement relating to a grant; 5) Obtained legal advice from County Attorney regarding items to Governor Hogan's Executive Order amendment-acknowledged will have discussion in open session; and, 6) Received legal advice from County Attorney regarding a lease agreement-agreed to discuss in open session. Councilman Newcomb announced that the Council met in a Closed Budget Work Session on Monday, May 18<sup>th</sup> at 5:30 p.m. via conference call.

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.

## **LEGISLATIVE SESSION**

The Council convened into Legislative Session.

## **PUBLIC HEARING**

**BILL NO. 2020-2 AN ORDINANCE CONCERNING: 2020-2021 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY**

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2020-2, an Ordinance concerning the adoption of the 2020-2021 Annual Budget. He noted that no one signed up to speak. He asked if anyone present wished to speak. There

was no response. Councilman Newcomb noted that for the record, he, Councilman Nichols and Mr. Merryweather are present in Room 110. In response to an inquiry from Councilman Travers, Councilman Newcomb noted that Council received information regarding adjustments to the proposed FY21 budget today via email. Councilwoman Nagel and Councilmen Newcomb, Nichols and Pfeffer said they are in favor of the proposed changes.

The roll call on the enactment of Bill No. 2020-2 was: Pfeffer-aye; Travers-nay; Nichols-aye; Nagel-aye; Newcomb-aye.

## **INTRODUCTION**

**BILL NO. 2020-3 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 20-805 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT THE BUILDING EXCISE TAX IS SUSPENDED FOR A PERIOD OF TWO YEARS COMMENCING ON JULY 1, 2020 AND ENDING ON JUNE 30, 2022 AND TO PROVIDE THAT THE BUILDING EXCISE TAX DOES NOT APPLY TO BUILDING PERMITS FILED BETWEEN JULY 1, 2020 AND JUNE 30, 2022.**

Mr. Merryweather said Bill No. 2020-3 which suspends the building excise tax for another two years from July 1, 2020 to June 30, 2022 is scheduled for introduction. The Council agreed to proceed with publication of a public hearing on this matter.

The Council adjourned into the Board of Health meeting.

## **BOARD OF HEALTH**

Roger Harrell, Health Officer, provided an overview of public health measures being taken as a result of COVID-19 which included testing, contact tracing and self-isolation as well as statistics relating to cases in the County and the percentage of individuals who have been tested in certain counties. He said he is working with businesses regarding compliance as well as William Jones, State's Attorney; Bill Christopher, Dorchester Chamber of Commerce and law enforcement to educate business owners and residents. He encouraged the Council members to contact him if they have any questions relating to this virus or other health related matters.

## **REGULAR SESSION**

The Council convened into Regular Session.

## **MANAGERS COMMENTS**

### **LANDFILL TIPPING FEE WAIVER REQUEST-CITY OF CAMBRIDGE**

A motion was made to approve the request of Pat Escher, Planner, on behalf of the City of Cambridge, for a landfill tipping fee waiver for 140 tons for the demolition of homes in the Pine Street Neighborhood as part of the revitalization in this area.

Pursuant to a concern expressed by Councilman Nichols, Cindy Smith, Assistant Finance Director and Mrs. Richardson confirmed that there was an error in calculating the cost, which is a total of \$8,680 based on \$62 a ton. Council Nichols queried whether the amount of tons of material deposited at the Landfill will be monitored. Pursuant to a question posed by Councilman Newcomb, Councilman Pfeffer clarified that his motion was for a waiver for the following seven homes: 403 Pine Street, 810 Pine Street, 600 Douglas Street, 522 High Street, 811 Park Lane, 813 Park Lane. He amended his motion to approve the request with no limit on the amount of tonnage which was seconded by Councilman Travers. Councilwoman Nagel opposed the motion. In response to a query from Councilman Nichols, Ms. Smith confirmed that grant funds are not available to cover the landfill tipping fee costs. She explained that: 1) there is Community Development Block Grant funding for the entire program; 2) the goal is to maximize those monies and use them for rehabilitation and construction costs. Based on a question from Councilman Newcomb, Ms. Smith outlined the process for landfill tipping fee waivers as follows: 1) the contractor will dispose of the material at the Landfill; 2) the contractor will receive a bill from the County; and, 3) staff in the Accounting Office will apply a credit to the contractor's bill. She noted that the City of Cambridge purchased these properties from the County, which were tax lien properties, for the entire amount of unpaid taxes, fees and interest on each.

The Council approved the request with Councilwoman Nagel opposing.

### **REQUEST TO USE AMPHITHEATER-FLAGS FOR HEROES**

The Council approved the request of Amy Craig, on behalf of the Rotary Club of Cambridge, to place Flags for Heroes on the grounds of the amphitheater near the Visitor's Center and Hospital on May 21, 2020.

### **MARYLAND DEPARTMENT OF COMMERCE GRANT MODIFICATION- MARKETING-TOURISM**

The Council approved the request of Amanda Fenstermaker, Tourism Director, to modify a Department of Commerce Office of Tourism and Film grant for marketing funds to extend the grant term from July 1, 2019 to September 30, 2020 due to delays as a result of COVID-19.

#### **BID AWARD-ROLL OFF CONTAINERS-LANDFILL-TRANSFER STATIONS-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to award the bid for roll off containers for the for the Landfill and the Transfer Stations to EPak Manufacturing, the lowest bidder, at \$3,225 per 20 yard container for a total of four containers and \$3,740 per 30 yard container for a total of eight containers utilizing funds from FY20 Capital Budget.

#### **BID AWARD-CUSHIONS-COURTROOM CIRCUIT COURTHOUSE –PUBLIC WORKS**

The Council approved the request of Mr. Edwards to award the bid to replace 29 cushions in the Courtroom of the Court House to A&K Custom Upholstery, the lowest bidder, at the cost of \$9,550 using funds from the FY20 Public Works Operating Budget.

Council Nichols commended Mr. Edwards for his performance, noting that five constituents spoke about him positively about the actions he has taken to address their concerns. Councilwoman Nagel commended the Highway Division staff for marking the Verizon boxes and on the road next to them so those cutting grass can avoid them which will save money.

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

Councilman Newcomb said: 1) pursuant to Cindy Smith, Assistant Finance Director, Wayne Hilmer has withdrawn his bid for 309 S. Main Street, Hurlock; and, 2) the next highest bid is from Nicole Santoro and Jeremy Trice, \$6,100. The Council accepted their bid.

#### **EXTENDED WARRANTY REQUEST-911 CONSOLE-EMERGENCY SERVICES**

The Council discussed the request of Dozia Rahilly to purchase a 10 year extended warranty on the 911 Manager console at the cost of \$58,609. Michael Spears, Finance Director, confirmed that bond funds cannot be used for extended warranties. Pursuant to a query from Councilman Newcomb, Dozia Rahilly, Emergency Services Director, and Troi Lynn Faith, Administrative Associate, acknowledged that they are on the conference call. Ms. Faith said there are no funds in the current budget for this purpose. In response to an inquiries from Councilman Pfeffer: Ms. Faith said: 1) she is unable to confirm whether or not an extended warranty was purchased for the other 911 consoles since the prior administration made that decision; 2) the extended warranty will cover damage to the software and hardware; and, 3) she is unaware if there is a deductible. Pursuant to queries from Councilman Newcomb, Ms. Faith advised that an extended warranty cannot be added after the one year manufacturer warranty and the console has not been ordered. The Council deferred this item until its June 1, 2020 meeting.

## LETTER OF SUPPORT REQUESTS-MACE'S LANE COMMUNITY CENTER

The Council discussed the request of Keith Cornish, on behalf of Mace's Lane Community Center, Inc. (MLCC) for a letter of support for grant from the Maryland Heritage Area Authority Grant for \$100,000 and for a letter to the Maryland Historical Trust (MHT), Maryland Heritage Areas Authority Program (MHAA), confirming the Council's willingness to convey to MHT or other eligible entity a preservation easement or easement modification for property located at 1103 Mace's Lane, Cambridge. The Council also discussed the request of Carol Richardson, Director of Economic Development, City of Cambridge, for a letter of support for an application for the purpose of rehabilitating 1103 Mace's Lane, to the City of Cambridge for a FY20 Community Legacy Grant award from the Department of Housing and Community Development to develop construction drawings for the renovation of the school building on the property.

In response to a question from E. Thomas Merryweather, County Attorney, Ms. Richardson said the City of Cambridge has made an appropriation from its budget for the FY20 Community Legacy Grant.

Mr. Merryweather expressed concern that the preservation easement or preservation/maintenance agreement referenced in the MHT letter, if required, poses a financial obligation upon the property owner and a legal encumbrance/lien upon the easement property. He also cited concerns about the wording in the second paragraph certifying there are no leases, particularly, if the Council does decide to lease the property to MLCC. Reverend Keith Cornish noted that they used the MHAA template. He expressed his understanding that there will not be an easement requirement.

The Council approved Ms. Richardson's request for a letter of support contingent upon Mr. Merryweather revising the correspondence. The Council deferred the requests for letters of support from MLCC.

## FY20 EMERGENCY MANAGEMENT PERFORMANCE GRANT-EMERGENCY SERVICES

The Council approved the request of Steve Garvin, Emergency Planner, on behalf of Dozia Rahilly, Emergency Services Director, to accept a FY20 Emergency Management Performance Grant in the amount of \$71,159.44 which covers the Emergency Management Planner salary and some of the Emergency Management operational budget line items. The 100% match is covered by 911 expenses.

## MARYLAND DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT BOND ALLOCATION REQUEST

The Council approved the written request of Maddy Ciulu, Director, Single Family Housing, Maryland Department of Housing and Community Development (DHCD), to transfer Dorchester County's 2020 tax-exempt housing bond allocation of \$1,175,927 to the Community Development Administration (CDA) for the CDA Maryland Mortgage

Program. Based on a query from Mr. Merryweather, Donna F. Lane, Executive Administrative Specialist, said: 1) the Internal Revenue Service sets a limit on each County to issue bonds to raise capital for mortgage loans; 2) Council can elect to establish a mortgage plan to assist residents by utilizing this bond allocation which will require county funding; and, 3) in the past Council has transferred the allocation to the DHCD to administer the funds.

#### AMENDMENT - COUNTY COUNCIL OF DORCHESTER COUNTY MEETING SCHEDULE THIRD/FOURTH QUARTER FY 19/20

The Council agreed to change the June 2, 2020 meeting date to June 1, 2020 as the Primary Election is being held on that date.

#### EXTENSION- DECLARATION OF STATE EMERGENCY AND EXECUTIVE ORDER COVID-19 PUBLIC HEALTH EMERGENCY

The Council agreed to extend the Declaration of Local State of Emergency and Executive Order, which expires on May 23, 2020, to June 23, 2020.

#### POLL CONFIRMATION

The Council, confirmed its decision, by means of a poll, in the interim between meetings, agreed to be included in a Maryland Association of Counties letter to the Governor suggesting that the State provide half of the local CARES funding immediately with a distribution process for the remainder to be announced at a later date by a 4 to 1 (no response) vote.

#### DISCUSSION-EXECUTIVE ORDER-GOVERNOR HOGAN

The Council acknowledged that Governor Lawrence Hogan amended and reinstated his Order of May 6, 2020 allowing the reopening of certain businesses and facilities, subject to local regulation. The Council agreed to send correspondence to Governor Hogan asking him to, at minimum, allow restaurants to open outdoor seating areas.

#### RESTAURANT-AIRPORT

The Council, due to COVID-19 and the Executive Order of Governor Hogan regarding business restrictions, the Council agreed to: 1) waive rent payments for the restaurant space at the Cambridge-Dorchester Regional Airport as outlined in the Lease Agreement between the Council and Katie Rhea beginning March 9, 2020 until the Governor lifts the restrictions; 2) that she will be responsible to pay for propane and the sewerage charges; and, 3) all other terms and conditions of the lease will remain the same; 4) waive rent payments for the tenants at the Innovation Center who will be responsible for utilities. The Council will consider adjusting the rent if, during this pandemic, Governor Hogan amends business restrictions to allow for a certain amount of seating capacity.

## OTHER

The Council agreed to extend the deadline for employees to obtain physicals, as part of the County's wellness program, until December 31, 2020 due to COVID-19. The Council also agreed that: 1) those employees currently working at home will return to their offices as of May 26, 2020; 2) County Offices will continue to be closed, by appointment only; and, 3) Council meetings will continue to be conducted by conference call and there will be limited public access in the Council's Meeting Room. The Council also agreed to proceed with an amendment to the County's Rules and Regulations which will be posted for employee comment.

Councilman Newcomb announced that the next Council meeting will be held on Monday, June 1, 2020 at 6 p.m.

## ADJOURNMENT

With no further business to discuss, the Council adjourned the meeting.

ATTEST:



Keith Adkins, County Manager

THE COUNTY COUNCIL OF  
DORCHESTER COUNTY, MARYLAND



Jay L. Newcomb, President



Libby Handley Nagel, Vice President



William V. Nichols



George L. Pfeffer, Jr.



Ricky C. Travers

Approved the 19<sup>th</sup> day of May, 2020.