

County Council of Dorchester County
Regular Meeting Minutes
June 16, 2020

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:00 p.m. on 16th day of June 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. Councilman Newcomb and E. Thomas Merryweather, County Attorney, joined the call from the Council's Meeting Room, Room 110.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Pfeffer led the invocation and pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Keith Adkins, County Manager, said there is an addition to the agenda: a discussion regarding the closure of the Landfill due to the fourth of July holiday. The Council adopted the amended agenda.

MINUTES

The Council approved the minutes of May 19, 2020.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$10,311,829.13.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on June 16, 2020 at 4:07 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 telephone conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Councilman Newcomb was 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 into a Closed Session on June 16, 2020 at 4:08 p.m. to discuss the following items: 1) discussed personnel matters relating to three County Departments; 2) approved the request of the Emergency Services Director to hire 11 individuals as on-call Emergency Medical Technicians by a 4 to 1 vote; 3) approved the request of the Recreation and Parks Director to hire two individuals as seasonal maintenance workers by a 5 to 0 vote; 4) approved the request of the Recreation and Parks Director to hire individuals as seasonal workers by a 5 to 0 vote; and 5) obtained legal advice from County Attorney regarding opening a County facility.

Present via conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr. and Ricky C. Travers. Councilman Newcomb was 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 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.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

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.

E. Thomas Merryweather, County Attorney, 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 public hearing. Mr. Merryweather said no one signed up to speak. He asked if anyone present wished to speak. There was no response.

The roll call for the adoption of Bill No. 2020-3 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

INTRODUCTION

BILL NO. 2020-4 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO REPEAL AND REENACT SECTION 68-25 ENTITLED "100-FOOT AND EXPANDED BUFFERS", SUBSECTION 68-25C(2) OF CHAPTER 68 OF THE DORCHESTER COUNTY CODE ENTITLED "CHESAPEAKE BAY CRITICAL AREA", PROVIDING FOR EXEMPTIONS TO ESTABLISHING THE BUFFER AREA IN THE CRITICAL AREA FOR AGRICULTURAL ACTIVITIES WHEN SUBDIVIDING PROPERTY.

Mr. Merryweather said Bill No. 2020-4, a Chesapeake Bay Critical Area Ordinance Text Amendment that provides exemptions to establishing the buffer area in the Critical Area for agricultural properties when subdividing their property, is scheduled for introduction. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

BILL NO. 2020-5 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT, AND PURSUANT TO SECTION 155-5 ENTITLED "AMENDMENTS" OF CHAPTER 155 ENTITLED "ZONING" OF THE DORCHESTER COUNTY CODE, TO REPEAL AND REENACT SECTION 155-37 ENTITLED "FLOODPLAIN MANAGEMENT DISTRICT" SUBSECTION 155-37C(4)(F) OF CHAPTER 155 ENTITLED "ZONING" OF THE DORCHESTER COUNTY CODE TO PROVIDE FOR THE CLARIFICATION OF SITE LOCATION FOR THE INSTALLATION OF ELECTRIC PANEL BOARDS ON PIERS SO THAT THE HEIGHT DOES NOT NEED TO BE LOCATED HIGHER THAN 36" ABOVE THE BASE OF THE PIER.

Mr. Merryweather said Bill No. 2020-5, a Zoning Ordinance Text Amendment that clarifies site location for the installation of electric panel boards on piers so the height does not need to be located higher than 35” above the base on the pier, is scheduled for introduction. The Council agreed to proceed with publication of a public hearing on this matter.

REGULAR SESSION

The Council convened into Regular Session.

PUBLIC HEARING-PROPOSED LEASES

The Council adjourned into a public hearing on the following: 1) the renewal of a lease for the Old Crapo Elementary School to the South Dorchester Community Foundation, a Maryland non-profit organization, for a term of twenty years at \$1 per year; and, 2) to lease to Cambridge Federal, LLC Office No. 8 in the Airport Terminal Building for six months at \$275 per month. There was no public comment. The Council agreed to enter into the leases. The public hearing was concluded.

MANAGERS COMMENTS

DISPOSITION-1103 MACE’S LANE (OLD MACE’S LANE SCHOOL PROPERTY), LETTER OF SUPPORT REQUEST-MACE’S LANE COMMUNITY CENTER

Keith Adkins, County Manager, said: 1) in lieu of a public hearing regarding 1103 Mace’s Lane, the Old Mace’s Lane School Property, a discussion on the disposition of this property, including the potential leasing to Mace’s Lane Community Center, Inc. (MLCC), is being held; 2) if the Council elects to enter into a lease with MLCC, direction should be provided to Mr. Merryweather on the lease term as well as any other terms and conditions; and, 3) if a decision is made to enter into a long term lease, the legislative process will be followed.

Mr. Merryweather noted that the Council was in the process of considering whether to transfer the property to MLCC when the organization asked that this action not be taken for financing purposes. He expressed his belief the Council should be able to review the plans and specifications for the proposed renovation of the building as well as provide feedback and approval and have veto power for the outside maintenance of the building to ensure it meets County standards. He said since MLCC may borrow monies for the project there should be a long term lease and the legislative process should be followed since many title companies expect legislative action. He noted that Maryland Historical Trust preservation easements include requirements which will result in the County assuming financial responsibility of the project. Councilman Nichols said he is opposed to entering into a preservation easement.

In response to a question from Councilman Newcomb, Reverend Keith Cornish, said: 1) MLCC is waiting for a letter of support for a Maryland Heritage Area Grant application

from the Council; and, 2) the City of Cambridge has provided monies for this project numerous times; 3) the Cal Ripken Foundation has made a funding commitment; and, 4) roughly \$3.4 million has been identified for the project. In response to a query from Councilman Nichols, Donna F. Lane, Executive Administrative Specialist, confirmed that the Council agreed not to proceed with correspondence committing to a Maryland Historical Trust Easement on the property.

The Council approved the request of Reverend Keith Cornish for a letter of support of the \$100,000.00 Maryland Heritage Area Authority Grant application submitted by the MLCC for the Edythe M. Jolley Museum and Cultural Center project. The Council acknowledged that these grant funds will continue the repurposing of the former Mace's Lane High School into the Mace's Lane Community Center.

The Council directed Mr. Merryweather to prepare a draft 50 year lease for \$1 a year which will include the items he listed previously. Mr. Merryweather said he will need a mission statement in order to proceed with the drafting of the lease.

FY21 LETTER OF AGREEMENT-BEHAVIORAL HEALTH-MID SHORE BEHAVIORAL HEALTH, INC.

The Council approved the request of Kathryn Dilley, Executive Director for Mid Shore Behavioral Health (Mid Shore), to execute the FY2021 Letter of Agreement with Mid Shore to act as Dorchester County's agent in oversight, planning and development of the Public Behavioral Health System in the County.

REQUEST FOR LETTER OF SUPPORT-MARYLAND HISTORICAL TRUST GRANT-GOOD SHEPHERD ASSOCIATION

The Council approved the request of Reverend Roslyn K. Watts to send a letter of support for the application of the Bazzel Church, in collaboration with the Good Shepherd Association, for a FY20 Maryland Historical Trust Capital Grant through the Maryland Historical Trust in the amount of \$100,000, in order to preserve the Bazzel Church, an African American historical site. The Council acknowledged that: 1) funds from this grant will help continue stabilization of the foundation, repair and/or restoration of the damaged area of the ceiling and side walls; and, 2) that the correspondence includes statement that the County is not required to provide funding nor are there monies available to participate in the project.

SURPLUS PROPERTY DECLARATION REQUEST

The Council approved the request of Dozia Rahilly, Emergency Services Director, to surplus a 2004 Ford Crown Victoria, VIN No. 2FAFP71W34X107199, which is inoperable.

WALMART COMMUNITY GRANT SUBMISSION REQUEST-EMERGENCY SERVICES

The Council approved the request of Ms. Rahilly to submit a request for funding to Walmart and the Walmart Foundation for Emergency Services for public use AED's for County Office Buildings with no match. The Council acknowledged that the store that will process the application has \$10,000 available to provide to a public safety agency for a public purpose.

BEULAH LANDFILL RECYCLING AREA PAVING REQUEST-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to use FY21 Landfill Capital Budget Funds of \$64,413 and proceed with Russell Paving to pave the recycling area at the Beulah Landfill.

Pursuant to an inquiry from Councilman Pfeffer, Mr. Edwards advised that he has submitted a request to reallocate funding from the FY20 budget to the FY21 budget to utilize unused funding to pave the Secretary transfer station but was advised that he could not do so until after July 1, 2020. Donna F. Lane, Executive Administrative Specialist, noted that reallocation cannot be considered until FY 2021 begins, which will require a legislative process.

REQUEST TO PROCEED-SOLE SOURCE--ENVIRONMENTAL MONITORING-LANDFILL STATIONS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Environmental Monitoring and Assessment, LLC, the same company utilized last year, to update the environmental monitoring program at the Golden Hill and Secretary Transfer Stations for \$3,450 per station for a total of \$6,900 using FY21 Solid Waste Division Operating Budget funds.

REQUEST FOR ADDITIONAL DUMPSTER-CURRENT MARINE CONTRACT-PUBLIC WORKS

The Council approved the request of Mr. Edwards to add an additional dumpster for the fishing area on the Hoopers Island Causeway to the existing Marine Facilities contract with Waste Management for the rest of the season at the cost of \$281.13 per month for weekly service utilizing Marine Facilities line item funds.

REQUEST TO RESURFACE-KEY WALLACE DRIVE CAUSEWAY-STATE FUNDS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to proceed with the resurfacing of the causeway on Key Wallace Drive in the amount of 0.3 miles. The Council acknowledged that: 1) in 2015 \$31,680 of State Aid funds were approved for the County to use towards this project; 2) Russell Paving will complete this project for \$31,680; 3) FY21 funds from

the State Aid Projects and Contractual Services line items will be used until reimbursement is received; and, 4) the work must be performed and then documentation of payment can be submitted to the State for reimbursement of costs incurred.

REQUEST TO HOLD PUBLIC HEARING-CEDAR CREEK ROAD CLOSURE-PUBLIC WORKS

Mr. Edwards presented his request to hold a public hearing to close Cedar Creek Road, a dead end dirt road, 2.07 miles in length. He said there are no residences on the road, which is sinking and has been blocked at one end for a period of time. Mr. Merryweather said the Council has the right to withdraw its maintenance and close the road; however, it does have the right to remove residual rights for landowners to access their property. He noted that in the past when dirt roads of a considerable length were being considered for closure, property owners were advised via correspondence. The Council agreed to proceed with a public hearing on the closure of this road and acknowledged that Mr. Edwards will ensure the property owners are notified about the legislative public hearing if Council chooses to close the road at a future public hearing.

CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT) GRANT UPDATE

Mr. Adkins announced that Dorchester County has received Coronavirus Aid, Relief and Economic Security Act (CARES Act) Grant funds of \$2.7 million. He said these funds will be used for a COVID Grant Relief Program for businesses in the County who have experienced a disruption and to cover other costs relating to this virus. He noted that these funds expire in December 2020. Councilman Nichols suggested that Board members should be required to sign a confidentiality statement so information regarding businesses is not publicly released. He expressed his understanding that some businesses may not have filed their 2019 taxes. Councilman Newcomb said it is his understanding that funds will not be distributed to a business until documentation is received. The Council acknowledged the program and accepted the funds.

AMENDMENT TO RULES AND REGULATIONS-HUMAN RESOURCES

Becky Dennis, Human Resources Director, said pursuant to Council's approval, an Amendment to the Rules and Regulations to change eligibility for retirees receiving the insurance subsidy and the ability to defer retirement and come back on County insurance was posted for employee comment. She advised that: 1) the City of Cambridge Emergency Medical Services (CEMS) employees who came over to the County when the City abandoned their system submitted comments; and, 2) a Sheriff's Deputy expressed a desire for the 16 years of County service to include military time. She said the County's insurance broker provided the following comments: 1) he does not have an issue with extending subsidized health benefits to the eight employees from CEMS since that event was not within their control; 2) he is amicable to crediting military time as long as it is limited to either four or five years of service and it is in a full time, active duty capacity;

and, 3) he expressed concern about individuals being eligible to obtain the County's health insurance for life if they leave employment and then return.

A discussion ensued regarding the proposed deferred retirement language change. Dozia Rahilly, Emergency Services Director, spoke in support of grandfathering the prior CEMS employees. A motion made by Councilman Travers to not approve the proposed amendment was seconded by Councilman Pfeffer. In response to an inquiry from Councilman Pfeffer, Councilman Travers clarified that he opposes the amendment as written. The motion failed with Councilman Nichols, Councilman Newcomb and Councilwoman Nagel opposing.

Councilman Pfeffer made a motion to honor veterans by providing them credit towards health insurance for up to five years of active full time duty military service which will assist in recruitment and retention that was seconded by Councilman Travers. Ms. Dennis recommended that the Maryland State Retirement System determine whether or not an individual qualifies for this credit and the amount of time to be credited, in lieu of Human Resources or County staff. Councilman Nichols said it is his understanding that veterans receive health care benefits when they retire regardless of years of service. He expressed his preference to contact other counties to determine if they apply the same credit to employees who served in the military. The motion to provide a credit for active full time duty military service failed with Councilman Newcomb, Councilwoman Nagel and Councilman Pfeffer opposing. Based on a motion made by Councilwoman Nagel, the Council requested that Ms. Dennis obtain further information on the medical benefits veterans receive when they leave military service. Councilwoman Nagel left the meeting. A motion made by Councilman Nichols to grandfather the prior CEMS employees died due to the lack of majority.

WEED CONTROL COOPERATIVE AGREEMENT- MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Julianne A. Oberg, Deputy Secretary, Maryland Department of Agriculture (MDA), to execute a Noxious Weed Control Cooperative Agreement between MDA and the County with no funds being provided by the County or MDA for the control and eradication of specific noxious weeds for the period of July 1, 2020 through June 30, 2021.

EV CHARGING STATION INQUIRY-DELMARVA POWER

Mr. Adkins advised that: 1) Delmarva Power is interested in placing EV Charging Stations in the Dorchester County Office Building parking lot; 2) there will be no cost to the County; 3) the company is also interested in the placement of stations in one or two different locations in the County; and, 4) the company is anticipating a large use of EV's in 2025. The Council approved the placement of two stations in the Dorchester County Office Building parking lot.

ACQUISITION OF PROPERTY

Mr. Adkins announced that: 1) the Council has signed a contract to purchase a five acre, more or less, parcel of land located at 4556 Ocean Gateway, Vienna, Maryland, for \$500,000 for a new Dog Control facility; and, 2) the property is improved with a former pet resort.

LANDFILL CLOSURE-HOLIDAY

The Council agreed that the Beulah Landfill and transfer stations will be open on July 3, 2020 and closed on Saturday, July 4, 2020.

DISCUSSION- OPENING OF COUNTY POOL OPENING

Frank Stout, Recreation and Parks Director, referenced the discussion at the last meeting regarding the opening of the County pool. In response to his inquiry, Councilman Newcomb advised that the Council agree that the pool can open July 1, 2020 and the maximum occupancy at this time is 200. Mr. Stout said the pool passed the Health Department's inspection today.

ADJOURNMENT

With no further business to discuss, the Council adjourned.

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 21st day of July, 2020.