

**County Council of Dorchester County
Regular Meeting Minutes
July 21, 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 21st day of July, 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, Councilman Nichols 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 the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Keith Adkins, County Manager said after publication of the agenda:

- Items titled Grant Extension-Coastal Resiliency Grant-Hurst Creek Project, and Replacement Request-Compressor-Airport Terminal Building were added; and,
- The following items were removed: 1) Request of the Dorchester Center for the Arts to use the County Office Building Parking Lot, Court House Grounds and Electric for a Dorchester Showcase Event since its Board decided last night to cancel the event due to COVID-19.

The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of June 16, 2020 and July 7, 2020. Councilman Travers abstained for the July 7, 2020 minutes since he was not present at this 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 \$11,012,188.16.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on July 21, 2020 at 4:45 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) 7) to consult with counsel to obtain legal advice on a legal matter. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President and William V. Nichols. Also present were E. Thomas Merryweather, County Attorney and Keith Adkins, County Manager. Voting in favor of the Closed Session were the present Council Members. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were present in Room 110.

By conference call, the Council convened in a Closed Session on July, 2020 at 4:46 p.m. to discuss the following items: 1) conducted an interview for a County position; 2) discussed personnel matters relating to a County Department; 3) approved a request to hire an individual to fill a vacant Zoning Technician position in the Planning and Zoning Department by a 4 to 0 vote; 4) approved a request of an individual to change their status from on call to full time as a Paramedic by a 4 to 0; and, 5) discussed with legal counsel a legal matter regarding a lease agreement. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and, Ricky C. Travers. Also present were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were present in Room 110.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session to conduct public hearings on two bills.

PUBLIC HEARING

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.

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2020-4, an amendment to the Zoning Ordinance initiated out of the Planning and Zoning Office for agricultural farming industries which provides additional exceptions to establishing the buffer area in the Critical Area for agricultural activities when land is subdivided. He noted that no one signed up to speak. He asked if anyone wanted to provide comments. There was no response. The roll call on the enactment of Bill No. 2020-4: Travers-aye; Pfeffer-aye; Newcomb-aye; Nagel-aye; Nichols-aye.

PUBLIC HEARING

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 a public hearing is being held on Bill No. 2020-5, an amendment to clarify the requirement that electrical panel boards do not need to be higher than 36" above the base on the pier which was initiated by Planning and Zoning. He said this amendment makes the requirement less burdensome on citizens. He noted that no one signed up to speak. He asked if anyone wanted to make any comments. There was no response. The roll call on the enactment of Bill No. 2020-5: Travers-aye; Pfeffer-aye; Newcomb-aye; Nagel-aye; Nichols-aye.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

REQUEST TO PURCHASE-AIR CONDITIONING UNIT-DEPARTMENT OF CORRECTIONS

The Council approved the request of Joseph Hughes, Director, Department of Corrections, to contract with Gannon's Refrigeration Service, Inc. for the purchase and installation of a new Mitsubishi PUZ-P36NA7 three ton wall unit to provide extra air and redundancy to the existing system at the 911 Center at the cost of \$12,950. The Council acknowledged that funds for this purpose will be paid from the FY18 Capital budget of \$9,291 (CAD Server, \$8,000.00, administrative computer, \$972.00 and UPS batteries, \$319.00) and FY21 Contingency (\$3,659).

REFERRAL TO PLANNING COMMISSION-MAP AMENDMENT TO COUNTY ZONING ORDINANCE-PLANNING AND ZONING

The Council approved the request of Keith Adkins, Acting Planning and Zoning Director, to refer a Map Amendment to the County's Zoning Ordinance to the Planning Commission. The Council acknowledged that Threesome Auto Salvage, LLC is seeking the reclassification of property on Tax Map No. 42, Grid 16, parcel 315 located on the eastward side of Cordtown Road for the extension of the adjacent salvage yard.

AMENDMENT TO ITEM - REQUEST TO PURCHASE-AIR CONDITIONING UNIT-DEPARTMENT OF CORRECTIONS

The Council amended its decision on the request of Director Hughes to contract with Gannon's Refrigeration Service, Inc. for the purchase and installation of a new three ton wall air conditioning unit to include a sole source approval.

FY2021 RURAL MD PROSPERITY INVESTMENT FUND GRANT APPLICATION REQUEST-EASTERN SHORE INNOVATION CENTER-ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Director, Economic Development, to submit a FY2021 Rural Maryland Prosperity Investment Application for \$400,000 to purchase an increased filtration and cooling system for expanded production volume as well as for salaries and wages for professional personnel to include University graduates to expand the capability of the Wet Lab at the Eastern Shore Innovation Center. The Council acknowledged that the grant will be matched with a \$100,000 contribution from SunX Analytical and there will be no cost or in-kind services required of the County.

CARES ACT MEMORANDUM OF UNDERSTANDING-DORCHESTER COUNTY HEALTH DEPARTMENT-RECREATION AND PARKS

Mr. Adkins said: 1) funds were provided to the Maryland Department of Health under the Coronavirus Aid, Relief and Economic Security (CARES) Act; and, 2) Frank Stout, Recreation and Parks Director, is seeking the Council's authorization to enter into a Memorandum of Agreement (MOA) with the Dorchester County Health Department to be able to obtain reimbursement for COVID-19 related expenses from these CARES Act monies. The Council agreed to enter into the MOA.

SITE APPROVAL REQUEST-PERSONAL PROTECTIVE EQUIPMENT STORAGE BUILDING-EMERGENCY SERVICES

Troi Lynn Faith, Administrative Associate, Emergency Services Department, said Coronavirus Aid, Relief and Economic Security (CARES) Act funds from the Maryland Department of Health which have been earmarked for emergency preparedness are available for Personal Protective Equipment (PPE) and storage. Ms. Faith explained that County staff along with Keith Adkins, County Manager, viewed several locations including at the Cambridge-Dorchester Regional Airport and the Public Safety Complex. She advised that all parties involved in the visits agree that the best location to erect a pole building for the storage of PPE is at the Public Safety Complex. She noted that Joseph Hughes, Director, Department of Corrections, has

selected a location on the property for the structure. Ms. Faith said they are seeking Council's permission to proceed with the building at the selected location. In response to Councilman Pfeiffer's question, Ms. Faith said: 1) the building will be used to house PPE equipment for the Emergency Services Department and the Dorchester County Health Department; 2) depending on the volume of the equipment there may be space for law enforcement and the Detention Center to utilize to store their PPE. Pursuant to a query from Councilman Newcomb, Director Hughes said the selected area is open and is not being used. The Council approved the site and installation of a new 28x36 storage building for PPE at the Public Safety Complex on Fieldcrest road at the approximate cost of \$46,000 with no cost to the County. The Council acknowledged that Emergency Services staff are obtaining quotes for the HVAC system for this building, for which CARES Act funding will also be used.

ROAD IMPROVEMENT REQUEST-OLD HOUSE POINT ROAD-LODGE HALL ROAD-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to improve the following roads that flood frequently for which there have been many complaints:

- Old House Point Road in the area of Cannon Road, wedge 0.10 miles, at the estimated cost of \$10,000
- Old House Point Road between Lodge Hall Road to Hoopers Island Road, 0.10 miles at the estimated cost of \$10,000
- Lodge Hall Road, wedge and level, the at estimated cost of \$20,000

Pursuant to a query from Councilman Pfeiffer, Mr. Edwards explained that a wedge is the raising or leveling of a road which will improve ride conditions.

LANDFILL SCALE SOFTWARE UPGRADE PURCHASE REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Paradigm to purchase upgraded landfill scale software which includes credit card use, which company specializes in this type of software, at the cost of \$17,333.96 using FY21 Landfill Operating Budget funds. Mr. Adkins said Don Keyes, Information Technology Director, and Finance staff were involved in the selection of this software. Councilman Pfeiffer referenced discussions a while ago regarding the use of credit cards at the scale house. He inquired whether the infrastructure for this purpose has been completed. Mr. Edwards said the software installation will allow the use of credit cards at the main landfill. He noted that infrastructure is not needed.

REQUEST TO PROCEED-PAINTING OF CIRCUIT COURTHOUSE-PUBLIC WORKS

Councilwoman Nagel made a motion to approve the request of Mr. Edwards to sole source with a company to paint the exterior of the Courthouse. Mr. Adkins noted that Mr. Edwards is seeking the use of FY21 Capital Budget funds that the Council agreed to hold until January 2021, so if Council chooses to proceed, the motion should include the release of these funds for this purpose. In response to a questions posed by Councilwoman Nagel, Mr. Edwards: 1) opined that due to the condition of the outside of the Courthouse he believes the painting should be done prior to the winter season; and, 2) expressed his belief that there is a one year warranty. Councilwoman Nagel amended her motion to include the release of the FY2021 Capital Budget

funds which Councilman Nichols seconded. The Council approved the request of Mr. Edwards to source with R&R Coatings for the painting of the Courthouse exterior at the cost of \$40,695 and the release of FY21 Capital Budget funds allocated for this purpose.

REQUEST TO PROCEED-CORRECTION OF COURTHOUSE SPRINKLER DEFICIENCIES-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Johnson Controls to perform necessary repairs to address a sprinkler deficiency in the Circuit Courthouse, which was revealed during an inspection at the estimated cost of \$4,392 using monies from the FY21 Maintenance Division budget designated for the Courthouse.

LEASE RENEWAL REQUEST-STATE DEPARTMENT OF ASSESSMENTS AND TAXATION-VETERANS OFFICE

Based on the written request submitted by Damon Conway, Leasing Agent, Department of General Services, Office of Real Estate, the Council agreed to proceed with the renewal of leases for the following rooms at the County Office Building at the current lease rate: 1) Room No. 204, State Department of Assessments and Taxation, for five years at \$24,780 per year with one five year renewal; and, 2) Room No. 101, Veterans Office, for five years at \$1.00 per year with one five year renewal. The Council acknowledged that the next step in the lease process is a public hearing.

RESOLUTION-DISBAND 911 ADVISORY BOARD

Mr. Adkins said: 1) Council agreed to disband the 911 Advisory Board at its July 7, 2020 meeting; 2), E. Thomas Merryweather, County Attorney, has confirmed that the Board was not created pursuant to the County Code and the original resolution to establish it was adopted by resolution without a public hearing; and, 3) before Council is a resolution to disband the Board for adoption.

Councilwoman Nagel queried whether there are any legal repercussions if this board is disbanded. She explained that she has been advised that the County can be sued if it takes this action. Mr. Merryweather noted that the County can be sued for a multitude of reasons which is the reason for having insurance. He said he is not aware of any requirement, even in the Code, that requires the County to have this Board. He explained that since it was created by a resolution the same mechanism can be used to disband it.

Councilman Travers noted that the Council discussed this at the last meeting for which he was not present. He spoke in favor of keeping the Board intact. He referenced prior Council discussions regarding amending the membership and including a mission statement. He expressed his understanding that this Board has been instrumental in resolving some issues within the 911 Center between volunteer fire companies and other entities in lieu of providing them to the Council.

Councilman Pfeffer said he spoke with several stakeholders, including Sheriff James Phillips, volunteer fire company members and law enforcement individuals who expressed their belief the

Board should not be disbanded since it provides a non-biased avenue for the review of complaints.

Councilwoman Nagel recognizing that complaints need to be addressed, expressed her concern about the Board doing so on issues relating to County staff. Councilman Travers noted that the Board answers to the Council. He said the Board mitigates certain issues which reduces the amount of items the Council needs to address. Councilwoman Nagel said Sheriff Phillips cited to her his belief that additional law enforcement representation should be added to the Board. A discussion ensued regarding the prior decision to disband the Board.

The Council agreed to re-evaluate the 911 Advisory Board and its membership at its August 18, 2020 regular session meeting. Councilmen Nichols opposed.

MARYLAND DEPARTMENT OF TRANSPORTATION REQUEST FOR CORRESPONDENCE-RAIL LINE RIGHT-OF WAY

Mr. Adkins advised that: 1) the Maryland Department of Transportation (MDOT) has inquired whether the County was interested in the rail line from Hurlock to Preston; 2) at a previous meeting Council was asked for direction which led to a conversation that the Town of Hurlock may have interest in the line; 3) he contacted John Avery, Hurlock Town Manager, who stated that the town is not interested in this portion of the rail; 4) MDOT is requesting a letter stating whether the County is interested in the line; and, 5) the Maryland Delaware Railroad is interested in acquiring it for storage of rail cars if the County has no interest.

Councilman Travers questioned the impact of not pursuing this portion of the rail line will have on the County's Landfill. He noted that the Cambridge to Hurlock rail line is around the Cambridge-Dorchester Regional Airport. A discussion ensued regarding Caroline County's current opposition to Dorchester County obtaining the right-of way to the Hurlock to Preston rail line. Mr. Adkins said he spoke to Harry Romano, Rail Program and Policy Manager, MDOT, Office of Freight and Multimodalism, last week who: 1) expressed his opinion that Caroline County has not changed its stance; and, 2) MDOT legal counsel has advised him not to submit the request for Dorchester County to obtain the right-of-way for the Hurlock to Preston rail line due to the potential dispute between Caroline County and Dorchester County. The Council agreed to defer this matter to obtain further information with Councilman Nichols opposing.

DECLARATION TO CONTINUE LOCAL STATE OF EMERGENCY AND EXECUTIVE ORDER COVID-19 PUBLIC HEALTH EMERGENCY

The Council agreed to execute a resolution continuing the Local State of Emergency and Executive Order due to COVID-19, a public health emergency, until August 23, 2020.

POLL CONFIRMATION

The Council, by means of a poll, in the interim between meetings, agreed to send a letter in support of the proposed feasibility study of anaerobic digestion in Dorchester County described in a proposal Maryland Environmental Services is submitting in response to an Environmental Protection Agency Solicitation by a 4 to 1 (no response) vote.

GRANT EXTENSION-COASTAL RESILIENCY GRANT-HURST CREEK PROJECT

The Council approved the request submitted by Brittany Palmer, Grant Administrator to extend the grant deadline for the Hurst Creek Shoreline Design to September 30, 2020 since due to COVID-19 the final processes have not be completed. The Council acknowledged that this is the last extension that will be granted for this project.

REPLACEMENT REQUEST-COMPRESSOR-AIRPORT TERMINAL BUILDING

The Council approved the request of Steve Nuwer, Airport Director, to sole source with Gannon's Refrigeration Service for the replacement of one of the AC compressors serving the south end of the Terminal Building of the Cambridge-Dorchester Regional Airport, which has failed, at the cost of \$7,650.00 using FY2020 Operating Funds.

ADJOURNMENT

Councilman Nichols advised that some businesses who received funds from the County's COVID Grant Relief Program will be sending correspondence to the County to express their appreciation. Mr. Adkins said another program enrollment will be held the first or second week of August.

Councilman Newcomb noted that the next Council meeting will be held on Tuesday, August 4, 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 4th day of August, 2020.