

**County Council of Dorchester County
Regular Meeting Minutes
August 4, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session on the 4th day of August, 2020. A roll call of 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. Councilman Newcomb was also present in Room 110 of the County Office Building. Also present via telephone was Keith Adkins, County Manager, E. Thomas Merryweather, County Attorney and Donna Lane, Executive Administrative Specialist. Mr. Merryweather was also present in Room 110.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council agreed to the addition of a Solar Payment in Lieu of Taxes Agreement Discussion and adopted the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of July 21, 2020.

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 \$12,810,034.11.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on August 4, 2020 at 4:39 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)(7) to consult with counsel to obtain legal advice on a legal matter; and, pursuant to §3-305(b)(4) to consider

a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; and, George L. Pfeffer, Jr. Also present were E. Thomas Merryweather, County Attorney, and Keith Adkins, County Manager and Donna F. Lane, Executive Administrative Specialist. Voting in favor of the Closed Session were the present Council Members. Councilman Newcomb and Mr. Merryweather were present in Room 110. Voting in favor of the Closed Session were the Council Members listed above. The telephone conference call open to the public ended. The Written Statement for Closing a Meeting Under the Open Meetings is available upon request.

By conference call, the Council convened in a Closed Session on August 4, 2020 at 4:40 p.m. to discuss the following items: 1) discussed personnel matters; 2) approved the request of the Emergency Services Director to hire two individuals to fill 911 Dispatcher positions by a 5 to 0 vote; 3) discussed personnel matter relating to a County agency; 4) received advice from County Attorney regarding a Payment in Lieu of Taxes; 5) obtained advice from County Attorney regarding the potential legal ramifications of allowing the use of a County property for a specific purpose; 6) discussed a matter relating to a potential business relocation to the County; and, 7) discussed another matter relating to a potential business relocation to the County. 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 conference call were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Councilwoman Nagel joined the meeting late. Councilman Newcomb and Mr. Merryweather were also present in Room 110.

PUBLIC HEARING-CLOSURE/ABANDONMENT-BESTPITCH BRIDGE AND CEDAR CREEK ROAD

E. Thomas Merryweather, County Attorney, said an informational public hearing to provide the public an opportunity to speak on the proposed closures of the Bestpitch Bridge and Cedar Creek Road is being held. He asked if anyone wished to speak, noting that three written comments have been received which he will provide afterwards.

Allen Willey, resident, said he is opposed to the closure of the Bestpitch Bridge which he thought was being fixed. He said his boat is on the other side of the bridge, at the boat ramp. He cited concerns about not being able to travel through Decoursey Road, due to its poor condition, and instead having to use Bucktown Road for access. He noted that monies have been allocated for road repairs in the southern part of the County. He opined that funds should be allocated to ensure that roads are repaired throughout the County.

Mr. Merryweather asked if there was anyone on the conference call in favor of the bridge closure. No response was received. Mr. Willey expressed his belief that many residents are unaware of the potential closure of the bridge.

Mr. Merryweather summarized the written comments: 1) Carol Price opposes the closure which she believes is used by emergency responders; 2) Charles Tinley opposed the closure based on his belief the bridge is on the Harriet Tubman Byway and Scenic Route for Maryland; and, 3) Tom Bradshaw opposed the closure and expressed his opinion that the bridge is on the Maryland Historical Trust list of historic structures and may be on the National Historic Trust List. Mr. Merryweather said verification regarding whether or not the bridge is listed as a historical structure should be obtained as well as the amount of federal or state money, if any, that was used for the bridge which may have to be reimbursed. He explained that if the Council agrees to move forward with the closure the legislative process must be followed. He asked if anyone else wished to speak. There was no response.

In response to a question from Councilman Newcomb, Dave Edwards, Public Works Director, said he has not received a response from either Federal or State staff regarding whether the County must submit reimbursement for any monies provided for this bridge. Pursuant to Councilman Pfeffer's query, Mr. Edwards said he will provide Council the weight limit for the bridge at a later date. Mr. Merryweather advised that Council can choose to move forward with the closure contingent upon the receipt of confirmation. Councilman Travers made a motion to defer until more information is received.

Amanda Fenstermaker, Tourism Director, said the Tubman Byway goes to the bridge and turns around and that she is not aware of any Underground Railroad history related to the bridge. Based on a question posed by Cindy Smith, Assistant Finance Director, Councilman Newcomb confirmed that the action being considered is closing the bridge for traffic permanently due to the cost of repairs. Ms. Smith said the historic aspect of the bridge can be preserved without it being opened to traffic.

The Council agreed to defer the abandonment/closure of the Bestpitch Bridge until more information is received.

Mr. Merryweather said an informational public hearing is also being held on the closure of Cedar Creek Road, consisting of 10,929.60 feet. He asked if anyone wished to speak. Bill Fitzhugh, a Dorchester County taxpayer, cited concern about not preserving history in the southern part of the County. He noted that he will still be able to access his property if this road is closed. Mr. Fitzhugh suggested asking the State for some funds to improve the road, since State land goes to the ramp. Councilman Newcomb said the road is in bad shape, noting that vehicles are getting stuck. Mr. Fitzhugh concurred. In response to a question from Councilman Newcomb, Mr. Merryweather explained that if the road is closed: 1) property owners will still have a right to access the road; and, 2) the County will not maintain the road.

Mr. Merryweather said Mr. Bradshaw, in his written comments, cited his opposition to closing the road as many local kept boats at the end of the road and there are burial sites along it so access should be maintained. Mr. Merryweather stated that pursuant to the tax map, the State of Maryland, Audubon Societies and other preservation organizations own property on the road.

The Council agreed to proceed with the closure of Cedar Creek Road and for Public Works staff to advise the property owners prior to the public hearing on the legislation.

MANAGERS COMMENTS

FY21 SENIOR CARE ANNUAL PLAN-SOCIAL SERVICES

Based on the written request of Clare Spillane, Assistant Director, Dorchester County Social Services, the Council agreed that this entity will continue the Senior Care Program for Dorchester County with Maryland Department of Aging funding for the period of July 1, 2020 to June 30, 2021.

LEASE-1103 MACE'S LANE-MACE'S LANE COMMUNITY CENTER, INC.

Mr. Adkins said: 1) E. Thomas Merryweather, County Attorney, has provided a proposed lease between the County Council and Mace's Lane Community Center, Inc. (MLCC) for the old Mace's Lane School located at 1103 Mace's Lane, Cambridge, Maryland for Council's review and consideration; 2) pursuant to Mr. Merryweather Council needs to review Article 10 which concerns the construction of renovations for the project, capital budget and oversight role of the County during the construction period; and, 3) once Council has reviewed and any desired changes are made, the lease will be provided to MLCC.

Councilman Travers made a motion to approve the lease and provide it to MLCC which Councilman Pfeffer seconded. In response to a question from Councilman Nichols, Mr. Merryweather said pursuant to the lease, as written, MLCC can assign or sublease without the County's approval. Mr. Merryweather stated that Article 10 is the most important as the Council has the oversight at each step of the project and can terminate the lease at any stage. He stressed that the County needs to take an aggressive role in the design and construction of this project and once completed the lease converts into a regular commercial lease.

Pursuant to a query from Councilman Travers, Mr. Merryweather said the County can waive any provision. Mr. Merryweather said he can modify the lease according to Council's wishes, noting that the first step is to obtain feedback from MLCC. The Council agreed to send the lease to MLCC for review.

RESUSCITATION MEDICATION SYSTEM PROGRAM PURCHASE REQUEST-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director, to sole source with Pediatric Emergency Standards, Inc. to purchase a Handtevy Pediatric and Adult Resuscitation System at an initial cost of \$3,809.00 for the program startup kit for set up and a recurrent annual cost of \$1,100 for the program, apps, annual protocol updates and other items using FY21 Operating Budget funds. The Council acknowledged that this is the only vendor that offers interface with the integration of

Maryland Protocols as it is Maryland Institute of Emergency Medical Systems (MIEMSS) approved and the Image Trend patient care reporting system.

AMENDMENT TO RULES AND REGULATIONS-HUMAN RESOURCES

Mr. Adkins said: 1) at its July 7, 2020 meeting Council agreed to post for employee comment proposed revisions to the Medical Benefits section of the County's Rules and Regulations; 2) no comments were received from employees; and, 3) should Council choose to move forward with the revisions, a resolution must be adopted. In response to a question from Councilman Nichols, Becky Dennis, Human Resources Director, said the County will accept the military time the Maryland State Retirement approves. Pursuant to an inquiry from Councilman Pfeffer, Ms. Dennis said the State of Maryland Retirement System gives employees 10 years for retirement and up to five years for active duty. The Council adopted the resolution.

LANDFILL TIPPING FEE WAIVER REQUEST-PAT GRAHAM

The Council approved the request of Pat Graham to waive landfill tipping fees for the demolition of a structure on 609 Cross Street, Cambridge that she purchased from tax sale. The Council acknowledged that: 1) the property belonged to her grandmother and her plan is to rebuild the home for herself; and, 2) she does not know the amount of material that will be left after the demolition.

FEDERAL AVIATION ADMINISTRATION GRANT AWARD-OBSTRUCTION REMOVAL PHASE 1 PROJECT-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to accept a Grant Award from the Federal Aviation Administration for funds of \$396,151 to cover 100% of the cost of the Cambridge-Dorchester Regional Airport's Obstruction Removal Phase 1 project and agreed to execute the Grant Agreement.

REQUEST TO HIRE HOST COMPLIANCE-INCREASE SHORT TERM RENTAL TAX PAYMENT COMPLIANCE-FINANCE

The Council acknowledged that: 1) Cindy Smith, Assistant Finance Director and Amanda Fenstermaker, Tourism Director, conducted research on how to increase hotel tax revenue; 2) they are asking Council to consider sole sourcing and contracting with a company to increase short term rental tax payment compliance; and, 3) if the decision is to do so, they need to know if the Council will agree to having the company attempt to collect back taxes or want to move forward for compliance only.

Pursuant to questions posed by Councilman Pfeffer, Samantha White, Granicus, said: 1) they asking for a set fee not based on collection percentage; 2) data will be collected and once the owner's address and identification is obtained compliance letters will be sent to them; 3) there is a tax collection component and auditing program to ensure individuals are paying the correct amount; 4) only the 5% hotel tax will be collected; 5) the system

will be updated every three days to account for a marketplace variance; 6) short term renters will submit the taxes voluntarily; 7) an audit can be conducted; 8) it is their hope for voluntary compliance. The Council agreed to sole source with Host Compliance at the cost of \$25,697.16 for twelve months. No action was taken on the collection of back taxes.

OFFER TO PURCHASE-TAX LIEN PROPERTY-SHORTERS WHARF ROAD-FINANCE

Pursuant to the request of Ms. Smith, the Council agreed to accept the offer of Sam Gerhart to purchase a .50 acre property on NW/S Shorters Wharf Road at the cost of \$100 plus the cost to transfer the title. The Council acknowledged that Mr. Gerhart and his father recently purchased the land surrounding this property.

ASSIGNMENT OF TAX SALE CERTIFICATE-FINANCE

Based on the request of Ms. Smith, the Council accepted an offer from Charles C Powell Joint Asset Trust to purchase the tax certificate for Property ID#07-132638 located at 610 Race Street Cambridge, MD 21613 for the full amount of the certificate: \$17,562.38 plus legal fees of \$1,556.80 incurred to date for a total of \$19,119.18.

FY2020 BUDGET TRANSFERS-ECONOMIC DEVELOPMENT

The Council approved Budget Transfer requests submitted by Ms. Smith for the Economic Development Department and the Eastern Shore Innovation Center to transfer funds to cover line items that have overrun the budget and more specifically: 1) for Economic Development to transfer funds from other expenses, mileage and water line items at the total amount of \$3,838 to the contractual line item; and, 2) for the Eastern Shore Innovation Center to transfer \$1,070 from other expenses to rental equipment.

DISCUSSION-FALL YOUTH SOCCER SEASON-RECREATION AND PARKS

The Council approved the request of Frank Stout, Recreation and Parks Director, to proceed with the Fall Youth Soccer Season pending legal comment with the understanding that Roger Harrell Health Officer, is amicable to the plan to address issues relating to COVID-19. Councilman Nichols opposed. The Council recognized that Mr. Merryweather will be reviewing a waiver form for this youth activity.

SURPLUS PROPERTY DECLARATION REQUEST-PUBLIC WORKS

The Council approved the request of Dave Edwards to surplus the following vehicles that were previously used by the Solid Waste Division due to their age and poor condition: 1) 2005 Chevy Blazer, VIN No. 1GNDDT13XX5K101296; 2) 1994 Perterbuilt Roll Off Truck, VIN No. 1XPZLAOXORD707735; and, 3) 2000 Chevy Pickup, VIN No. 1GCGK29R1YF508993.

PURCHASE REQUEST-LANDFILL SCALE SOFTWARE UPGRADE-GOLDEN HILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to purchase upgraded landfill scale software for the Golden Hill Transfer Station from Paradigm Software, a company that specializes in this type of software at cost of \$7, 770.00 using FY21 Landfill Enterprise Operating Budget funds. In response to questions posed by Councilman Newcomb, Mr. Edwards said this system is compatible with the one previously purchased for the Beulah Landfill and allows the rotation of employees if necessary.

STORMWATER AGREEMENTS-PUBLIC WORKS

Based on the request of Mr. Edwards the Council agreed to execute a Stormwater Management Agreement with Todd Solar, LLC for a project located North West of the intersection of Ennals Road and Palmers Mill Road. Councilwoman Nagel opposed. The Council also agreed to execute a Stormwater Management agreement with Louis E. Fritz and Mary Jane Fritz for the Fritz Storage Building Project which is located at 5234 Bucktown Road.

REQUEST TO PURCHASE-DOZER-LANDFILL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source and purchase a 2020 CAT D6 Trash Dozer to replace the current dozer which is beyond its life cycle for everyday use from Carter/Alban Cat at a \$ 525,800.00 purchase price minus \$ 32,000.00 for trade in value of the old dozer for a final price of \$ 493,800.00, which was the CAT dealership that provided the lowest quote, using FY21 Capital Budget monies. Councilman Travers opposed. Pursuant to the query of Councilman Pfeffer, Councilman Newcomb noted that while the Council deferred all capital investment until January 2021 due to COVID-19, the funding for the Dozer is under the Landfill Enterprise Fund, which is supported by revenue and not subject to State cuts.

POLL CONFIRMATION

The Council, by means of a poll, in the interim between meetings, agreed to send a letter in support of Delmarva Community Services' submission of a Maryland Rural Council grant to fund playground equipment for children and exercise stations to be used by adults and individuals with disabilities at the Harry and Jeanette Weinberg Intergenerational Center with no County commitment by a 5 to 0 vote.

SOLAR PAYMENT IN LIEU OF TAXES

The Council agreed to enter into a Payment in Lieu of Taxes Agreement between the County and Glassywing Solar, LLC, a Delaware limited liability company, and Kimberlee A. Bisker and Blair M. Bisker, relating to the development, installation, construction and operation of a ground-mounted solar photovoltaic electric generating

facility on a portion of the parcel of land designated as Map 32, Grid 06, Parcel 10 among the tax records of the County.

OTHER

The following announcements were made: 1) Herve Hamon has joined the County as the new Planning and Zoning Director effective August 17, 2020; and, 2) Council has closed on the purchase of a property for a new Dog Control facility.

Based on a motion made by Councilman Pfeffer, the Council agreed to send a letter in opposition to the Board of Public Works regarding the proposed reduction of the Police Medivac Helicopter and the closing of bases which will have a negative impact on the medical care of County citizens due to travel times to hospitals and trauma centers. The Council agreed to copy the local legislative delegation on the correspondence.

ADJOURNMENT

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 1st day of September 2020.