

County Council of Dorchester County
Regular Meeting Minutes
September 1, 2020

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:05 p.m. on the 1st day of September, 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, were 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

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

The Council approved the minutes of August 4, 2020 and August 18, 2020.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$13,084,175.48.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on September 1, 2020 at 4:34 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)(10) to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans. 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 the conference call were E. Thomas Merryweather, County Attorney; 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, Councilman Nichols and Mr. Merryweather were also present in Room 110.

By conference call, the Council convened into a Closed Session on September 1, 2020 at 4:35 p.m. to discuss the following items: 1) agreed to interview for the Executive Assistant to County Manager/Human Resources position; 2) agreed to hire an individual to fill a full time Paramedic position by a 5 to 0 vote; 3) agreed to interview an individual to fill the vacant Planning and Zoning Assistant Director position by a 4 to 1 vote; 4) agreed to fill a vacant Fiscal Clerk Advanced position in the Finance Department by a 5 to 0 vote; 5) obtained a legal opinion from County Attorney regarding a matter directly related to acquisition of a property; 6) received advice from the County Attorney relating to a proposed legal agreement; 7) discussed the potential acquisition of property; and, 8) discussed a legal and public security matter with County Attorney. 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 the conference call 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 also present in Room 110.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

BILL NO. 2020-6 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 12-512(D) OF THE LOCAL GOVERNMENT ARTICLE AND PURSUANT TO SECTION 40-20 OF CHAPTER 40 OF THE DORCHESTER COUNTY CODE CLOSING AND ABANDONING CEDAR CREEK ROAD, A PUBLIC COUNTY ROAD SITUATE IN THE LAKES ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.

E. Thomas Merryweather, County Attorney, said scheduled for introduction is Bill No. 2020-6 to close Cedar Creek Road, a public County road situate in the Lakes Election District. He advised that if the Council agrees to introduce this legislation and proceed with a public hearing, property owners should be notified about the pending legislative action. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

BILL NO. 2020-7 AN ACT AMENDING AND SUPPLEMENTING BILL NO. 2017-6, PASSED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND (THE "COUNTY COUNCIL") ON JULY 18, 2017 AND EFFECTIVE ON SEPTEMBER 18, 2017 (THE "2017 BILL"), IN ORDER TO AUTHORIZE AND EMPOWER DORCHESTER COUNTY, MARYLAND (THE "COUNTY") TO USE AND APPLY A PORTION OF THE PROCEEDS OF THE GENERAL OBLIGATION BONDS DESIGNATED AS THE DORCHESTER COUNTY, MARYLAND PUBLIC FACILITIES BONDS OF 2018 AND ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$28,525,000 (THE "2018 BONDS"), INCLUDING CERTAIN SALE PROCEEDS OF THE 2018 BONDS IN ADDITION TO THE PAR AMOUNT OF THE 2018 BONDS, TO THE COSTS

OF CERTAIN ADDITIONAL PROJECTS IDENTIFIED HEREIN AS 911 CENTER REPAIRS, REPAIRS TO HOOPERS ISLAND CAUSEWAY, REPAIRS TO RAGGED POINT ROAD BULKHEAD, REPAIRS TO BESTPITCH FERRY BRIDGE AND 2021 INFRASTRUCTURE INITIATIVE, IN ADDITION TO THE PROJECTS IDENTIFIED IN THE 2017 BILL; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL SUPERSEDE AND CONTROL OVER THE PROVISIONS OF THE 2017 BILL WITH RESPECT TO THE APPLICATION OF PROCEEDS OF THE 2018 BONDS TO COSTS OF THE PROJECTS IDENTIFIED HEREIN; PROVIDING THAT THE PROVISIONS OF RESOLUTION NO. 617, ADOPTED BY THE COUNTY COUNCIL ON SEPTEMBER 18, 2018 AND EFFECTIVE ON SEPTEMBER 18, 2018 (THE "2018 RESOLUTION"), ARE AMENDED, SUPPLEMENTED, SUPERSEDED AND CONTROLLED BY THE PROVISIONS OF THIS ACT TO THE EXTENT CONTRARY TO OR INCONSISTENT WITH THE PROVISIONS OF THIS ACT; AUTHORIZING CERTAIN COUNTY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE REALLOCATION OF THE PROCEEDS OF THE 2018 BONDS PROVIDED FOR HEREIN; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS BILL FOR ALL PURPOSES; PROVIDING THAT THE PROVISIONS OF THIS ACT SHALL BE LIBERALLY CONSTRUED IN ORDER TO EFFECTUATE ITS PURPOSES; AND RELATING GENERALLY TO THE USE AND APPLICATION OF THE PROCEEDS OF THE 2018 BONDS.

Mr. Merryweather said scheduled for introduction is Bill No. 2020-7, which authorizes the Council to amend and supplement Bill No. 2017-6 passed by the County Council on July 18, 2017 and effective September 18, 2017 to authorize and empower the County to use and apply a portion of the proceeds of the General Obligation bonds designated as the Dorchester County, Maryland Public Facilities Funds of 2018 and issued in the original aggregate principal amount of \$28,525,000 for certain projects. The Council agreed to proceed with publication of a public hearing on this matter.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

FY 2020-2 OPERATING BUDGET AMENDMENT-BOARD OF EDUCATION

Based on the request of Dave Bromwell, Superintendent of Schools, the Council approved the FY 2020-2 Board of Education Operating Budget Amendment to transfer savings of \$755,000 from various lines items to cover costs for unexpected activities.

REQUEST TO USE COURT HOUSE PROPERTY-DISPLAY OF SCULPTURE

The Council approved the request of Amy Craig, Clerk of the Court, and Adrian R. Holmes, President and Program Director, Alpha Genesis Community Development Corporation, for permission to display a traveling sculpture of Harriett Tubman on the front apron of the Court House at the High Street entrance for 30 days beginning September 9, 2020 and to hold a socially distanced ceremony on September 12, 2020 on the Court House lawn.

REQUEST TO HOLD INFORMATIONAL PUBLIC HEARING-ROAD CLOSURE-CANNON ROAD AND BOAT RAMP-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to hold an informational public hearing on the closure of Cannon Road, 0.07 miles in length, off of Asquith Island Road and the boat ramp at the end of the road. He noted that the property owners have provided a Road Closure, Shared Access and Joint Maintenance Agreement and the ramp is in subpar condition. In response to a question from Mr. Merryweather, Mr. Edwards said Department of Natural Resource Program Open Space funds have not been used for the ramp.

EXTENSION OF FUEL BID REQUEST-PUBLIC WORKS

The Council approved the request of Mr. Edwards to extend the current fuel oil contract with Cato for the period of October 1, 2020 through September 30, 2021 at the same terms and conditions.

FY 2021 WATERWAY IMPROVEMENT FUND GRANT AWARDS-DEPT. OF NATURAL RESOURCES-PUBLIC WORKS

The Council approved the request of Mr. Edwards to accept the following FY 2020 Department of Natural Resources Waterway Improvement Fund Grant Awards for funds to be used in FY 2021, with no local match: 1) \$250,000 for renovation of the Hoopersville boat ramp facility to replace the boat ramp and surrounding failing bulkhead structures; and; 2) \$250,000 for countywide engineering for renovation plans and permits for the following boating facilities in the County: Trenton Street, Smithville, Toddville, Madison, Crocheron and Tylerton.

REQUEST TO ADVERTISE-SNOW REMOVAL CONTRACTING SERVICES-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for Snow Removal Contracting Services using a contract based on the State Highway Administration's contract and what has been used in the past.

PAINT COLOR SELECTION-CIRCUIT COURT HOUSE-PUBLIC WORKS

The Council selected "Rich Clay" as the paint color for the exterior of the Circuit Court House. The Council acknowledged that R and R coatings was previously approved as the contractor for this project.

PROGRAM OPEN SPACE REQUESTS-RECREATION AND PARKS

Based on the request of Frank Stout, Recreation and Parks Director, the Council accepted the Revised FY2021 Annual Program to be submitted to the Department of Natural Resources (DNR) for Program Open Space (POS) funds to include the restoration of approximately 216 feet of bulkhead and installation of new asphalt immediately surrounding the bulkhead at the Madison boat ramp at the cost of \$150,000 and proceed with the submission of the POS application to move forward with the Madison Public Water Access Development Project. The Council recognized that the following previously budgeted funds will be used as the 10% match:

1) FY 2020 funds of \$2,000 for Madison Public Water Access Planning / Design; 2) FY 2020 funds of \$2,500 for Christ Rock Development Plan; 3) FY 2020 funds of \$3,000 for Christ Rock Development Phase 1; and, 4) FY 2021 funds of \$7,500 for Madison Public Water Access Development Phase 1.

The Council also approved the requests of Mr. Stout for authorization to submit the following POS applications:

- for \$75,000 to proceed with the Sailwinds Visitor Center Park Improvement Plan in the FY 2021 Annual Program to relocate a “Mommy and Me” swing feature to a suitable area within the existing playspace and installing appropriate safety resurfacing for which Sailwinds Inc. will provide the required 10% match;
- for \$25,000 to assist in creation of the County’s FY 2022 Land Preservation Parks and Recreation Plan which requires no matching funds; and
- to utilize some of the remaining \$13,250 POS funds from the installation of ProBounce surfaces on the Glasgow Street Tennis Courts to paint lines for at least four additional Pickleball Courts on two tennis courts with no additional capital funding from the County budget since the required 10% match may be donated by the local Pickleball association, the Busick Foundation or may be met with Operating funds.

EASTERN SHORE INNOVATION CENTER LICENSE AGREEMENT-AWE HEMP, LLC-ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, Economic Development Director, to enter into an Eastern Shore Innovation Center License Agreement with Awe Hemp, LLC for Suite No. 018 consisting of 200 square feet for 24 months at \$250 per month commencing on approximately September 1, 2020 and ending on September 1, 2022. In response to a question from Councilman Pfeffer, Ms. Banks said the company is renting office space and will be working with SunX in the lab.

MID SHORE GRANT MOU-ECONOMIC DEVELOPMENT ADMINISTRATION SUPPLEMENTAL FINANCIAL ASSISTANCE-ECONOMIC DEVELOPMENT

Ms. Banks said: 1) the Mid Shore Regional Council (MSRC) was awarded an Economic Adjustment Assistance Grant through the U.S. Economic Development Administration 2) the grant will be used to assist the region in gathering data in creating four or five dashboards that will track the economic impact of COVID-19; 3) the dashboards will be created by the Eastern Shore Regional GIS Cooperative at Salisbury University; 4) the Mid Shore Economic Development Offices are going to be relied on to gather data for the dashboards in a variety of ways including personal conversations and emails; 5) the MSRC will provide the Talbot, Caroline, and Dorchester Economic Development offices each \$60,000 over a two year period; 6) they were provided an Excel Disbursement Tracker that will be submitted to MSRC for reimbursement on an “as needed” basis; 7) the eligible uses are hourly wages, supplies, meeting expenses, mileage, contractual services; 8) the Memorandum of Understanding and Agreement (MOU) is between MSRC and the other sub awardees and not EDA. The Council approved Ms. Banks request to enter into the MOU once signature lines for the other counties have been amended.

AVIGATION EASEMENT OFFER-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to accept an offer from Ora Oliver Bartrum, Jr. and Eva Bartrum for an avigation easement on their property located at Tax Map 42, Parcel 371 for the Obstacle Removal project. The Council acknowledged that reimbursement will sought from the Federal Aviation Administration under a 2009 Airport Improvement Program Grant and, if that funding is not available, from the Contingency Fund.

FY 2021 DEPARTMENT OF COMMERCE MD TOURISM DEVELOPMENT BOARD- DESTINATION MARKETING GRANT-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept a FY 2020 Department of Commerce Maryland Tourism Development Board Destination Marketing Grant of \$47,598 for marketing. The Council acknowledged that: 1) the County will receive 60% of the grant in a disbursement; 2) the remaining amount will be disbursed after receipt of a reimbursement request; and, 2) there is no mention of a local match.

TAX SALE CERTIFICATE PURCHASE REQUEST-LOT-HURLOCK-FINANCE

The Council accepted the offer of Valerie Brown, submitted by Cindy Smith, Finance Director, to purchase the Tax Sale Certificate for a 1.59 acre lot in the Hurlock Election District at the cost of \$3,969.25. Mr. Merryweather said that this sum will cover all of expenses incurred and that the names of Wayne Brown and his wife need to be placed on the assignment of tax sale certificate as purchaser.

DETERMINATION-HURLOCK TO PRESTON RAIL

Mr. Adkins said at the June 1, 2020 meeting, Council was advised that: 1) the Maryland Transit Administration has advised that the Hurlock-Preston right-of-way is no longer a part of this potential acquisition of rail right-of-ways due to opposition from the Caroline County Commissioners; 2) on May 6, 2020 Harry Romano, Rail Program and Policy Manager, MDOT Office of Freight and Multimodalism, advised that the Maryland and Delaware Railroad is interested in this track; 3) Mr. Romano is seeking official correspondence from Council releasing this portion; and, 4) questions arose about the impact not owning this section of track will have on the Landfill. Mr. Adkins also stated that Council was provided email correspondence from the engineering firm that designed the new landfill that: 1) the new landfill was designed with a 50 foot buffer between the edge of the perimeter road and railroad right-of-way which was intentionally left undeveloped so that a vegetative screen can be planted between the railroad and landfill; and, 2) the only impact they foresee is where the existing borrow access road crosses the tracks between the site and the existing area east of the railroad tracks. Councilman Pfeffer questioned whether signage to keep the tracks clear can be placed along the rail next to the Landfill. Mr. Adkins said the County currently owns easements to cross the tracks and can ask for the signage if necessary. The Council agreed to not pursue the purchase of the right-of-ways for the Hurlock to Preston rail lines and send correspondence to Mr. Romano reflecting this decision.

POLL CONFIRMATION

The Council, by means of a poll, in the interim between meetings, agreed to extend the Declaration of Local State Emergency and Executive Order-COVID-19-Public Health Emergency until October 23, 2020 by a 5 to 0 vote.

OTHER

Councilman Newcomb said the Council has executed a Proclamation proclaiming September 2020 as Suicide Prevention Month in Dorchester County which will be mailed to Natalie Miller, Mental Health Coordinator, Maryland Department of Health.

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 15th day of September, 2020.