

**County Council of Dorchester County
Regular Meeting Minutes
November 17, 2020**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:08 p.m. on the 17th day of November 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 and in Room 110 were E. Thomas Merryweather, County Attorney; Keith Adkins, County Manager, and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb and Councilman Nichols were also present in 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:

- the following item was added: Discussion-County Owned Property-Town of Vienna and Request to Purchase-Gator-Emergency Services.
- the following item was removed: Active 911 Account-County EMS Providers-Emergency Services

The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of October 20, 2020 and November 2, 2020.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$16,509,754.62.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on November 2, 2020 at 4:09 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; pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter; and, pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; 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. The County has determined that the County's purchase of a Gator will involve public security issues and Council has determined that public discussion on these security issues would constitute a risk to the public or to public security. These public security issues will be discussed in closed session. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; and George L. Pfeffer, Jr. Also present via the conference call and in Room 110 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 and Councilman Nichols were also present in Room 110.

By conference call, the Council convened in a Closed Session on November 17, 2020 at 4:10 p.m. to discuss the following items pursuant to §3-305(b)(1); §3-305(b)(7); §3-305(b)(3); and §3-305(b)(10): 1) took no action regarding an on-call EMS provider list; 2) denied the request of Tourism Director, to change status of grant employee by a 4 to 0 vote; 3) approved the request of Director of Department of Corrections, to hire individuals as Probationary Correctional Officers by a 4 to 0 vote; 4) received legal advice from County Attorney regarding a potential acquisition; 5) obtained legal advice from County Attorney about a proposed lease agreement; 6) received County Attorney's legal advice pertaining to a legal agreement; and, 7) continued discussion regarding the acquisition of a property. 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 and in Room 110 were E. Thomas Merryweather, County Attorney, Keith Adkins, County Manager; and Donna F. Lane, Executive Administrative Specialist. Councilman Newcomb and Councilman Nichols were also present in Room 110.

LEGISLATIVE SESSION

PUBLIC HEARING

BILL NO. 2020-8 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND, PURSUANT TO SECTION 12-407(b)(2) OF THE LOCAL GOVERNMENT ARTICLE OF THE CODE OF MARYLAND, DECLARING THAT A CERTAIN PARCEL OF LAND CONTAINING 6.71 ACRES OF LAND, MORE OR LESS, SITUATE ON THE NORTH SIDE OF CRAPO-WINGATE ROAD, AND BEING THE OLD CRAPO ELEMENTARY SCHOOL, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE LEASE OF THE

**PROPERTY TO THE SOUTH DORCHESTER COMMUNITY FOUNDATION, INC.
FOR 20 YEARS.**

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2020-8 to renew the lease with South Dorchester Community Foundation (SDCF) for the former Crapo Elementary School for a third time for a twenty year period. He noted that no one signed up to speak and asked if anyone in the audience or on the telephone wished to speak. There was no response.

The roll call on the enactment of Bill No. 2020-8: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye. Mr. Merryweather asked Donna F. Lane, Executive Administrative Specialist, to advise SDCF that the renewal of the lease has been approved.

PUBLIC HEARING

BILL NO. 2020-9 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF TITLE 5, SUBTITLE 8, PART II OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND ADDING NEW SECTION 88-4(C)(4) AND NEW SECTION 88-4(E)(3) AND NEW SECTIONS 88-6(B)(1), (C)(5) AND (E)(10) TO CHAPTER 88 OF THE DORCHESTER COUNTY CODE ENTITLED "ETHICS" RELATING TO PUBLIC ETHICS PROVIDING FOR PARTICIPATION REQUIREMENTS FOR FORMER LOCAL LOBBYISTS, PROVIDING FOR POST EMPLOYMENT PROVISIONS FOR LOCAL ELECTED OFFICIALS AND PROVIDING FOR ADDITIONAL FINANCIAL DISCLOSURES AND PROVISIONS BY LOCAL ELECTED OFFICIALS AND CANDIDATES TO BE LOCAL ELECTED OFFICIALS.

Mr. Merryweather said a public hearing is being held on Bill No. 2020-9, an amendment to the Local Ethics Ordinance, which ordinance is governed by the State model form. He explained that the Council is required to follow the model which was recently changed. He advised that the changes are: 1) participation prohibitions for a former local lobbyist who becomes a County official or employee; 2) providing for post-employment limitations and restrictions for a former elected official; 3) providing that a financial disclosure statement from an elected official or candidate to be an elected officials that is not filed within eight days of written notice of failure to file is deemed to have withdrawn from the candidacy. He noted that no one signed up to speak and asked if anyone in the audience or on the telephone wished to speak. There was no response.

The roll call on the enactment of Bill No. 2020-9: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

PUBLIC HEARING

2020-10 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON THE NORTH SIDE OF MARYLAND STATE ROUTE 343, CONTAINING 1 ACRE OF LAND, MORE OR LESS, IN THE CAMBRIDGE ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE SALE OF THE PROPERTY TO SHAWN R. BENNETT FOR THE PURCHASE PRICE OF EIGHT THOUSAND DOLLARS (\$8,000.00).

Mr. Merryweather said a public hearing is being held on Bill 2020-10 regarding the potential sale of a one acre property located on north side of Route 343 to Shawn Bennett for the purchase price of \$8,000. He explained that approval has been obtained from the Interagency for Public School Construction for the sale of this property by the County which was acquired from the Board of Education. He noted that no one signed up to speak and asked if anyone in the audience or on the telephone wished to speak. There was no response.

The roll call on the enactment of Bill No. 2020-10: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye. He said as a result of the passage of this bill, settlement will be scheduled.

PUBLIC HEARING-LEASE-OFFICE SPACE-TERMINAL BUILDING-CAMBRIDGE DORCHESTER REGIONAL AIRPORT

The Council adjourned into public hearing on lease of Office Space #8 in the Airport Terminal Building to iValue LED Light, LLC for a 12 month period with an optional six month extension at \$257 per month. There was no public comment. The Council approved the lease.

MANAGERS COMMENTS

REQUEST TO WAIVE FEES-EXPANSION OF BROADBAND-BAY COUNTRY COMMUNICATIONS

The Council discussed the request of Scott Schilling, Bay Country Communications, Inc. (BCC) for the waiver of a \$.25 per foot permit fee for the privilege of expanding fiber broadband to the underserved areas of Dorchester County which will equate to \$20,000 in permit fees to expand broadband to the Neck District and a \$2,500 permit to serve a single rural neighborhood on Brooks Road. The Council acknowledged that in his request Mr. Schilling noted that BCC has been waiting for a construction crew to start construction on a broadband extension project on Brooks Road and in the Neck District. The Council recognized that Dorchester County entered into a Memorandum of Understanding with the Governor's Office of Rural Broadband and Bay Country Communications for an approximate \$400,000 public-private investment at no cost to County taxpayers. Dave

Edwards, Public Works Director, said he is opposed to waiving the permit fees as it will set a precedent. Councilman Newcomb noted that Choptank Electric Cooperative may ask for the same waiver since the company will be installing fiber in the near future. Councilman Travers cited his belief that expanding fiber broadband to underserved areas should be supposed. He noted that as a result of this expansion the youth in the County will have access to internet for school. Councilman Pfeffer concurred. He said the pandemic has showed the need for broadband for students, noting that it will also benefit the tax base. Councilman Nichols expressed concern about citing a precedent. In response to Councilman Newcomb's inquiry, Mr. Edwards confirmed that BCC has applied for permits for this type of work before. Councilwoman Nagel also cited concern about providing an exception. A motion to waive the permit fees failed with Councilman Nichols, Councilwoman Nagel and Councilman Newcomb opposing.

REQUEST FOR CORRESPONDENCE-DREDGE SPOILS-HURST CREEK LIVING SHORELINE PROJECT

Mr. Adkins said: 1) David Bohannon, General Counsel, Maryland Board of Public Works, is questioning who will own the 1.5 acres created with dredge spoils from dredging the creek as part of the Hurst Creek Living Shoreline Project; 2) will not give approval until this issue is resolved; 3) the State believes it will own the property; 4) the permit application was submitted by the County; 5) the License Agreement for Placement of Dredge Spoil entered between the County and Clark Henry Thomas clearly states that the dredge spoil will be placed on lands who owns and the improvements made to that land will be owned by him; 6) the request before Council is to send a letter stating the County's position is that Mr. Thomas will own acreage created with the dredge spoils; and 7) approved the correspondence will be sent to Mr. Bohannon, General Counsel, Maryland Board of Public Works and J. Dirk Schwenk, Baylaw, LLC and Delmarva Resource, Conservation and Development. The Council agreed to send the letter.

AVIGATION EASEMENT OFFER-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to accept a counter offer has been submitted for an Avigation Easement for a property as part of the Obstruction Removal Phase 2 project at the Cambridge-Dorchester Regional Airport. The Council acknowledged that: 1) the cost to pursue condemnation for the easement will exceed the property owners' counter-offer in legal fees; and, 2) reimbursement of the cost will be pursued from the Federal Aviation Administration.

SOLE SOURCE REQUEST-RAGGED POINT MARINA REPAIRS-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Gee McClain for the repair of a section of bulkhead at the Ragged Point Marina that has failed causing a large wash out in the parking lot using excess bond funding at the cost of \$8,100.

FY2021 HOMETOWN TOURISM GRANT AGREEMENT-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to accept a Maryland Department of Commerce Maryland Tourism Development Board FY 2021 Hometown Tourism Grant in the amount of \$36,265.14, which are special marketing funds through Governor Lawrence Hogan's budget. The Council acknowledged that there is no local match.

RADIO SUBSCRIBER FEES-EMERGENCY SERVICES

Mr. Adkins stated that: 1) pursuant to Motorola the expiration date is on the first batch of radios (both portable and mobile units) which were purchased on December 23, 2017 is December 22, 2020. Dorchester County, as the jurisdiction has to maintain its part of the radio system and part of that system are subscriber units; 2) Dozia Rahilly, Emergency Services Director, is seeking direction on how the Council wishes to proceed and, more specifically, will the County maintain ownership and provide the maintenance; or relinquish ownership and require the subscribers to provide the annual maintenance; 3) the monthly fee for each subscriber unit is \$10 to \$12 depending on quantities, which covers all repairs, minus physical damage and includes an annual PM Check; 4) best standard practice is to have an annual PM Check on the radios on an annual basis and paying the all-inclusive option of \$120 to \$144 annually, which price is dependent on the number of units on the plan; 5) if the radios are not under an extended warranty plan and need to be repaired for any reason, there will be a flat rate repair fee each time which depending on the type of radios which will be \$470, \$560 or \$595; and, 6) his fee is for diagnostic purposes and does not include shipping the unit, any parts and repairs needed after diagnostic is complete.

Pursuant to a query from Councilman Pfeffer, Councilman Newcomb said it is his understanding that the County Departments, Sheriff's Office and the volunteer fire companies in the County paid for maintenance of their radios in the past. Councilman Travers concurred. In response to a question from Councilman Pfeffer, Councilman Newcomb concurred with Councilman Travers, that it be the choice of each volunteer fire company whether they will pay for the maintenance or just pay for repairs, if necessary. Based on Councilman Pfeffer's inquiry, Councilman Newcomb, said Department Heads will have to utilize monies from their current budget and allocate funding in their FY21 budgets for this purpose.

The Council agreed that County Departments and the Sheriff's Office will be responsible for paying for maintenance of the radios and that it will be each volunteer fire company's decision to either pay for annual maintenance or repairs. The Council further agreed that correspondence should be sent to the volunteer fire companies advising them of its decision

**PROVIDER RELIEF FUND GRANT-EMS EQUIPMENT AND EXPENSES-
EMERGENCY SERVICES**

The Council approved the request of Mr. Rahilly, to accept HHS CARES Act Provider Relief Funds of \$51,917 and to use the monies to purchase: 1) a Knox Vault upgrade at a one-time fee of \$3,828 which will also have a recurrent cost of \$524 a year which will be placed in the next operational budget; and, 2) purchase Suction unit replacements from the County's current EMS supply vendor, Boundtree which range between \$8,000 to \$9,500. In response to Councilman Pfeffer's question, Mr. Adkins said the use of these funds is consistent with CARES requirements.

**REQUEST FOR ASSISTANCE-EXEMPTION-DEPARTMENT OF NATURAL
RESOURCES DEER COOPERATOR PERMIT-AIRPORT**

The Council approved the request of Steve Nuwer, Airport Director, to send correspondence to Jeannie Haddaway-Riccio, Secretary, Department of Natural Resources, requesting an exemption to the Deer Cooperator Permit requirements imposed upon the airport as a County owned and operated Maryland public-use airport. The Council acknowledged that: 1) this will permit the County/Airport staff to self-manage lethal mitigation of deer, both whitetail and sika, with tagging to DNR, on an as-needed basis; and, 2) perimeter wildlife fencing will also be used as a deterrent.

**GRANT AWARD ACCEPTANCE-CHESAPEAKE AND COASTAL GRANTS
GATEWAY PROGRAM-HOOPERSVILLE RESILIENCY STUDY AND REQUEST TO
ADVERTISE FOR PROPOSALS FOR CONSULTING FIRM-FINANCE**

The Council acknowledged its November 19, 2019 decision to apply for funding for this project through the Chesapeake and Coastal Grants Gateway program for \$55,000 for a Hoopersville Resiliency Study. The Council approved the requests of Cindy Smith, Assistant Finance Director: 1) to accept the grant amount in the amount of \$55,000, with no County match; and, 2) for permission to advertise for a consulting firm to conduct the study.

CONTRACT AWARD-CANNERY PARK RAILS TO TRAILS-FINANCE

The Council discussed the recommendation submitted by Cindy Smith, Assistant Finance Director, to award the bid for the Cannery Park Rails to Trails project to the lowest bidder contingent upon the State Highway Administration's concurrence. Councilman Nichols made a motion to accept the lowest bid which Councilman Travers seconded. Councilman Newcomb pointed out that Lane Engineering, which reviewed the proposals, noted that the lowest bidder did not provide a required form. Mr. Merryweather noted that failure to provide the required form may disqualify this company. Councilman Nichols withdrew the motion. The Council agreed to defer this request until further clarification can be obtained.

REFERRAL TO PLANNING COMMISSION-TEXT AMENDMENT-MASTER SIGN PLAN-AUTOMOBILE DEALERSHIP-PLANNING & ZONING

The Council approved the request of Herve Hamon, Planning and Zoning Director, to refer a text amendment request from ADBM Landholdings LLC, (The Preston Automotive Group) relating to signs for auto dealerships advertising several brands of vehicles to the Planning Commission for its review and recommendation.

POLL CONFIRMATION

The Council, by means of a poll, in the interim between meetings, agreed to sole source with the following companies for repairs to Ragged Point Road/Causeway at the total cost of \$147,950 using bond funds after December 20, 2020:

Gee McClain - \$ 46,000 for Bulkhead repairs
Wayne Stone - \$ 52,650 for Concrete
Russell Paving - \$ 49,300 for Milling and Paving

DISCUSSION-COUNTY OWNED PROPERTY-TOWN OF VIENNA

Mr. Stout advised Council that: 1) on November 10, 2020, Frank Fluharty, Commissioner, Town of Vienna, contacted Recreation and Parks, about a County owned property in Vienna consisting of approximately 0.82 acres on which there are tennis courts; 2) Commissioner Fluharty also inquired about the potential repair of the courts and/or transfer to the Town of Vienna as a gift; 3) he believes it is in the best interest of the County to transfer the property as the asphalt parking area is showing significant repair, the tennis court surface needs some work and there is damage to the fencing. In response to a question from Councilman Newcomb, Mr. Stout said he contacted DNR staff about this property since Program Open Space funds were previously spent on the property and was advised that the statute of limitations had passed.

The Council agreed to proceed with legislative process to transfer the property and ask the Town to provide the funds for the public hearing advertisements. In response to a query from Mr. Hamon, Councilman Nichols said according to the letter from the Mayor and Commissioners of the Town of Vienna, they intend to improve the property, including the tennis courts.

REQUEST TO PURCHASE-GATOR-EMERGENCY SERVICES

The Council approved the request of Ms. Rahilly to sole source with Atlantic Tractor, LLC at the cost of \$31,168.10 for the purchase of a 2021 John Deere Gator with enclosed cab utilizing FY 2019 and FY 2020 Homeland Security grant funds to be used for the Department of Corrections. The Council acknowledged that: 1) the cost will be split between both grants; 2) no County funding is required; and, 3) the acquisition of the Gator falls under the Federal Emergency Management agency Authorized Equipment List (AEL) guidelines for both grant years.

OTHER

Donna F. Lane, Executive Administrative Assistant, advised Council that Senator Adelaide Eckardt and Delegate Christopher Adams, based on its request, have submitted a bill to amend Section 10-312(f) of the Local Government Article of the Annotated Code of Maryland entitled "County property; housing projects; franchise; required notice," to allow the County to enter into a lease for a term of five years or less, without providing notice of publication for three successive weeks.

The Council agreed to send correspondence to the agencies who have acquired radios during the County's radio project to law enforcement and the volunteer fire companies about the annual maintenance based on its earlier action.

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

ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



Donna F. Lane, Acting 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 5th day of January, 2021.