

County Council of Dorchester County
Regular Meeting Minutes
January 19, 2021

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:01 p.m. on the 19th day of January, 2021. A roll call of the members was conducted. Present on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; and, Ricky C. Travers. Also present via telephone were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager. Ms. Lane, Councilman Newcomb and Mr. Merryweather were also present in Room 110. Councilman Pfeffer joined the meeting late.

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Travers led the invocation and the pledge of allegiance.

Councilman Pfeffer joined the meeting.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Councilman Newcomb said after publication of the agenda the following item was added: Route 16 and Hayland Acres Ditching-Right of Ways. The Council approved the amended agenda.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$17,132,603.85.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on January 19, 2021 at 5:03 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 on the conference call were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; George L. Pfeffer and, Ricky C. Travers. Also present via the conference was Donna F. Lane, Acting County Manager, E. Thomas Merryweather, County Attorney, joined the meeting late. Voting in favor of the Closed Session were the present Council Members. Ms. Lane, Councilman Newcomb and Mr. Merryweather were also present in Room 110.

By conference call, the Council convened in a Closed Session on January 19, 2021 at 5:04 p.m. to discuss the following items: 1) discussed filling a vacant Inspector position in the Planning and Zoning Department; 2) approved the request of an individual to remain as an on call Paramedic by a 3 to 0 vote; 3) approved the request of the Emergency Services Director to hire an individual as a full time Paramedic by a 3 to 0 vote; 4) discussed filling a vacant Highway Manager position in the Public Works Department; 5) approved the request of the Finance Director to promote an individual to fill a Fiscal Advanced Clerk position by a 3 to 0 vote; 6) approved the request of Director of Corrections to hire an individual as a Probationary Correctional Officer by a 3 to 0 vote; and, 7) received legal advice from County Attorney regarding a proposed agreement.

INTRODUCTION-MAYOR AND COMMISSIONERS-CITY OF CAMBRIDGE

Councilman Newcomb introduced Mayor Andrew Bradshaw, the new City of Cambridge, Mayor. Mayor Bradshaw introduced the new City Commissioners: Lajan Cephas, James Harrington, Spuffy Cephas, Chad Malkus and Brian Roche.

MANAGERS COMMENTS

REQUEST TO PROCEED-WILDLIFE FENCE-PHASE I NOTICE-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to release of two Notices-to-Proceed to complete the construction phase of the Wildlife Fence – Phase 1 within the Maryland Aviation Administration (MAA) grant obligation deadline. The Council acknowledged that: 1) the design has been completed; 2) permits have been received; 3) MAA funds for the project were received; 4) the County's 25% match has been allocated for this project; 5) the project was previously awarded to Long Fence for construction and AECOM, the County's consultant, for administration and inspector services.

LEGISLATIVE SESSION

The Council convened into Legislative Session

PUBLIC HEARING

BILL NO. 2020-12 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING SECTION 155-B OF THE DORCHESTER COUNTY CODE REZONING A PARCEL OF LAND OWNED BY THREESOME AUTO SALVAGE, LLC LOCATED ON THE EAST SIDE OF CORDTOWN ROAD, CONTAINING 21.81 ACRES OF LAND, MORE OR LESS, IN THE BUCKTOWN ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND AND BEING DORCHESTER COUNTY TAX MAP 42, GRID 16, PARCEL 315, TAX ACCOUNT NO. 13-000301, DESCRIBED IN DEED DATED MAY 11, 2018 AND RECORDED AMONG THE LAND RECORDS OF DORCHESTER COUNTY, MARYLAND IN LIBER 1560, FOLIO 88, FROM AN AGRICULTURAL CONSERVATION DISTRICT (AC) TO A HEAVY INDUSTRIAL DISTRICT (I-2).

E. Thomas Merryweather, County Attorney, said a legislative public hearing is being held on a bill to rezone a parcel of land owned by Threesome Auto Salvage, LLC located on the east side of Cordtown Road, containing 21.81 acres of land, more or less, in the Bucktown Election District of Dorchester County, Maryland from an Agricultural Conservation district (AC) to a Heavy Industrial District (I-2). He said the first fact witness is Herve Hamon, Planning and Zoning Director. Mr. Hamon advised that: 1) the 21.821 parcel is adjacent to another I-2 parcel; 2) the Planning Commission heard the matter on September 2, 2020; and 3) there was no opposition to the rezoning September 2nd meeting. He provided a summary of the Planning Commission's Findings of Fact and listed the conclusion points as follows: 1) there will no change to the population, 2) there will be no increase in water or sewer use; 3) there will be minimal impact on traffic and transportation; and, 4) it is compatible with existing and proposed development as well as the 2020 Comprehensive Plan. In response to a question from Mr. Merryweather, Mr. Hamon said the Planning Commission found that there is substantial change in the neighborhood which warrants the request. He noted that the property will be used for auto salvage and storage.

Michael Dodd, Esquire, representing Threesome Auto Salvage, LLC, presented his client's case. He placed his narrative in the record.

The Council agreed to move forward and acknowledged that: 1) Mr. Merryweather will prepare the Council's Finding of Facts; and, 2) the passage of the bill will be considered at a future meeting.

PUBLIC HEARING

BILL NO. 2020-11 AN ACT APPROVING THE ISSUANCE BY THE DORCHESTER COUNTY SANITARY DISTRICT, INC. (THE "DISTRICT") OF A BOND OF THE DISTRICT IN THE PRINCIPAL AMOUNT OF \$325,000 TO BE KNOWN AS "DORCHESTER COUNTY SANITARY DISTRICT, INC., WATER SYSTEM BOND (BONNIE BROOK SANITARY DISTRICT NO. 2) SERIES A (THE "BOND"), TO BE ISSUED PURSUANT TO THE AUTHORITY OF SECTIONS 9-601 TO 9-699 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; PROVIDING THAT THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND SHALL BE GUARANTEED BY DORCHESTER COUNTY, MARYLAND; PROVIDING THAT THE BOND SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF DORCHESTER COUNTY, MARYLAND; AND PROVIDING FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE BONNIE BROOK SANITARY DISTRICT NO. 2 SUFFICIENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS IT SHALL MATURE, AND, TO THE EXTENT THAT SUCH LEVY IS INSUFFICIENT FOR SUCH PURPOSES, THE LEVY OF ANNUAL TAXES UPON ALL THE ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF DORCHESTER COUNTY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND AS PROVIDED HEREINABOVE.

Mr. Merryweather said Bill No. 2020-11 authorizes the issuance of a bond for Bonnie Brook Sanitary District 2 by the Dorchester County Sanitary District (DCSD). He noted that this is the second request for issuance of a bond for this purpose. He explained that since the bids were too high DCSD has re-estimated and as a result the bond has been restructured and refinanced. He

advised that pursuant to State law the County has to guarantee the principal and interest of the bond on its full faith and credit. He noted that DCSD will levy annual assessable property within the Bonnie Brook Sanitary District No. 2 to pay for the bond. He said this is the same process that has occurred on all Sanitary District projects since the 1970s. He recognized that no one signed up to speak. He asked if anyone wished to speak. There was no response.

The roll call on the enactment of Bill No 2020-11: Nichols- absent; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers- aye.

MANAGERS COMMENTS

FLEXIBLE SPENDING ACCOUNT CONSOLIDATED APPROPRIATIONS ACT OF 2021- HUMAN RESOURCES

The Council approved the request of Becky Dennis, Human Resources Director, to modify Flexible Spending Accounts based on the Flexible Spending Account Consolidated Appropriations Act of 2021 which the County's insurance broker supports.

REQUEST TO SOLE SOURCE-PURCHASE-DUMP TRUCK-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to trade in four old dump trucks and purchase a new 2018 Kenworth Truck from Truck Enterprises Hagerstown, Inc. using FY21 Capital Budget monies allocated for this purchase.

REQUEST TO SOLE SOURCE-PURCHASE-SPIN DITCHER ATTACHMENT-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with Finch Equipment to purchase a spin ditcher attachment to mount on a ditch bank mower utilizing a State of Maryland contract at the cost of \$10,559 using funds from the Public Works Department Snow and Ice line item.

REQUEST TO PURCHASE-DOG KENNEL DOORS-DOG CONTROL FACILITY-PUBLIC WORKS

The Council approved the request of Mr. Edwards to purchase from Metal-Arc Fabrication, the company that provided the lowest quote, dog kennel doors at the cost of \$15,705.50 utilizing contingency funds which will be manufactured and installed at the Dog Control Facility. Mr. Edwards said this is the last item that needs to be completed at this facility.

REQUEST TO SOLE SOURCE-COURT HOUSE FIRE ALARM SYSTEM REPLACEMENT- PUBLIC WORKS

The Council approved Mr. Edwards' request to sole source with Delmarva Time & Control, Inc. to replace the fire alarm system and components at the Courthouse at the cost of \$16,950, using FY18 Capital Budget funds, which company has provided this type of service to the Courthouse. Councilman Travers opposed and expressed his belief a request for proposals should be advertised to allow other alarm company business in the County an opportunity to submit a bid.

REQUEST TO SOLE SOURCE-COURT HOUSE HVAC SYSTEM REPLACEMENT-PUBLIC WORKS

The Council approved the request of Mr. Edwards to sole source with J.L/ Gannon to replace the HVAC system serving the second floor/original courtroom of the Circuit Court House at a cost of \$131,000 using \$125,000 from the FY21 Capital Budget and \$10,000 from the Transfer Tax Fund. Councilman Pfeffer cited concerns about sole sourcing, particularly in light of the cost. In response to his query, Mr. Edwards said: 1) obtaining bids will delay the replacement of the system; 2) the goal is to move forward since due to COVID there no juries are currently being held; and, 3) seeking bids may result in the work being delayed until late Spring or Summer.

REQUEST TO REPLACE HVAC SYSTEM-HIGHWAY-PUBLIC WORKS

The Council approved Mr. Edwards's request to sole source with Comfort Air Services, which provided the lowest quote, for the replacement of the HVAC system on the administrative side of the Highway Department at the cost of \$8,912 using FY19 Capital Funding, of which \$10,000 is allocated for this purpose. The Council acknowledged that bids were obtained from vendors that are utilized by Public Works.

REQUEST TO ACCEPT PROPOSAL-SOFTWARE-TECHNICAL SERVICES-NG911 GEOGRAPHIC INFORMATION SYSTEMS-ES

The Council approved the request of Dozia Rahilly, Emergency Services Director, to accept a proposal for a DATAMARK GIS project in the form of software and technical services to assist the Emergency Services and Planning and Zoning Departments to improve their data and provides tools to allow the County to maintain the County's GIS data. This will support efforts to maintain and develop Next General 911 (NG911) compliant GIS services. The Council acknowledged that the project is being funded by the Emergency Number System Board with no associated costs required from the County.

HOTEL RELIEF GRANT APPLICATION REQUEST-MARYLAND DEPARTMENT OF COMMERCE

The Council agreed to enter into a Hotel Relief Grant Agreement between the Maryland Department of Commerce and Dorchester County for \$699,792 to provide direct relief to hotels across Maryland. Pursuant to Councilman Pfeffer's inquiry, Donna F. Lane, Acting County Manager, confirmed that applications will be reviewed by staff and then provided to the Council for its approval.

CONTRACT FOR PROFESSIONAL SERVICES-AMERICAN BUS ASSOCIATION REGIONAL GROUP SALES-TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to enter into an agreement with the other Eastern Shore Destination Marketing Organizations to send a representative to the American Bus Association Marketplace. The Council acknowledged that FY21 Maryland Office of Tourism Development Marketing grant funds will be used to cover the cost of the contract of \$1,032.78.

PROGRAMMIC CONCEPTS PROPOSAL-NEW FACILITY-RECREATION AND PARKS

Frank Stout, Recreation and Parks Director, referenced the Programmic Concepts Proposal he provided to the Council with includes a list of ideas for new programs at the recreational facility. Councilman Pfeffer expressed appreciation for the list of activities included in the proposal for youth and adults. Councilman Newcomb suggested setting up a work session with Recreation and Parks Advisory Board members, Terry Robbins, one of the former owners, and a Council member to develop ideas for programs for youth and adults. Mr. Stout said programs are being developed now. Councilman Newcomb stated that residents have asked about the proposed use of the building. Mr. Stout said some of the activities taking place are facilitated by user groups. He noted that the facility is currently designed for tennis and pickleball.

BOARD APPOINTMENT-AGRICULTURAL LAND PRESERVATION BOARD

The Council approved the request of Planning and Zoning Department to appoint Edward “Chip” Fleming, III to the Dorchester County Agricultural Land Preservation Board to replace Trent Jackson who has served two consecutive terms and cannot be reappointed.

The Council also reappointed Roger Morris and Harold Robinson to the Seafood Reconciliation Committee.

POLL CONFIRMATION

The Council confirmed its decisions, in the interim between meetings, via poll to:

- extend the Local State of Emergency and Executive Order COVID-19 until March 31, 2021 by a 5 to 0 vote; and
- approve the request of the Public Works Director to piggyback on the State contract for repairs to the following bridges at the estimated cost of \$1,163,300 by a 3 to 2 vote (1 opposed, 1 no response) using bond funds.
 - Suicide Bridge Rd over Warwick River
 - Bestpitch Ferry Rd over Transquaking River
 - Elliott Island Rd over Pokata Creek
 - New Bridge Rd over Chicamacomico River
 - Drawbridge Rd over Middletown Branch
 - Drawbridge Rd over Chicamacomico River
 - Elliott Island Rd over Elliott Creek
 - Hooper's Island Rd over Honga River Bridge
 - Smithville Rd over Beaverdam Creek.

ROUTE 16 AND HAYLAND ACRES DITCHING-RIGHT OF WAYS

Councilman Newcomb advised that some property owners in Church Creek expressed concern about the drainage of ditches. He explained that water is coming into their homes and even though the properties are located along a State road, State officials are saying they are outlet ditches for which the State has no responsibility to maintain. E. Thomas Merryweather, County Attorney, said a short term or long term agreement to clean the ditches can be entered into between the County and property owners. He advised that he prefers a long term agreement. The Council agreed that Mr. Edwards will work with the property owners regarding this matter.

ADJOURNMENT

Councilman Pfeffer thanked Ms. Lane for testifying today in front of the Education, Health and Environmental Matters Committee in support of Senate Bill 305 entitled "Legal Advertisement or Legal Notice – Publication in Newspaper or Newspaper in General Circulation – Online Newspapers." He said this legislation will provide the County another avenue to advertise and assist with this task if there are changes to the status of the current newspapers of general circulation in the County.

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 2nd day of March, 2021.