

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**April 20, 2021**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:03 p.m. on the 20<sup>th</sup> day of April 2021. A roll call of the members was conducted. Present on the conference call were and in Room 110 of the County Office Building were: Jay L. Newcomb, President; William V. Nichols and George L. Pfeffer, Jr. Also present via telephone and in Room 110 were E. Thomas Merryweather, County Attorney and Donna F. Lane, Acting County Manager.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Nichols led the invocation and the pledge of allegiance. Councilman Travers joined the meeting.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

After publication of the agenda, the following items were added: Referral to the Planning Commission-Critical Area Amendment Nonwater Dependent Structures-Planning and Zoning; U.S. Marshall Service-Regional Fugitive Taskforce Agreement; and, Permit Fee Waiver Request-Bay Country Communications. The Council approved the amended agenda.

**APPROVAL OF MINUTES**

The Council approved the minutes of March 16, 2021.

**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 \$ 12,598,832.

**CLOSED SESSION SUMMARY**

By conference call, the Council convened into Regular Session on April 20, 2021 at 4:33 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;

pursuant to §3-305(b)(4) to discuss a matter relating to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto. The telephone conference call open to the public ended.

Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; George L. Pfeffer, Jr.; and, Ricky C. Travers. Also present via the conference call was Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were the present Council Members. E. Thomas Merryweather, County Attorney, joined the meeting late. Councilman Newcomb, Councilman Nichols, Councilman Pfeffer, Mr. Merryweather and Ms. Lane were also present in Room 110.

By conference call, the Council convened in a Closed Session on April 20, 2021 at 4:36 p.m. to discuss the following items:

- 1- Received an update regarding an entity's potential acquisition of property.
- 2- Deferred a personnel matter relating to an Emergency Services Department employee;
- 3- Approved the request of the Public Works Director to hire an individual as a Motor Equipment Operator III for the Highway Division by a 4 to 0 vote;
- 4- Approved the request of the Public Works Director to hire an individual as a Motor Equipment Operator IV for the Landfill Division by a 4 to 0 vote;
- 5- Agreed to hire an individual as an on-call Paramedic by a 4 to 0 vote;
- 6- Discussed the potential acquisition of property;
- 7- Received legal advice from the County Attorney regarding a proposed lease for a portion of a County owned facility;
- 8- Obtained legal advice from County Attorney regarding an agreement between the Sheriff's Office and a governmental agency;
- 9- Obtained legal opinion from County attorney regarding a matter relating to permit waivers-agreed to discuss in open session.

Present on the conference call were: Jay L. Newcomb, President; William V. Nichols; George L. Pfeffer, Jr.; and Ricky C. Travers. Also present via the conference call was Donna F. Lane, Acting County Manager. E. Thomas Merryweather, County Attorney, joined the meeting late. Councilman Newcomb, Councilman Nichols and Mr. Merryweather were also present in Room 110.

### **COMMENDATIONS-TEACHER OF THE YEAR AND FIRST CLASS TEACHER OF THE YEAR 2021-2022**

The Council presented Commendations to Amy Stoops for being named Dorchester County's Teacher of the Year 2021-2022 and to Nathan Turley for being named Dorchester County's First Class Teacher of the Year 2021-2022.

## **PUBLIC SAFETY TELECOMMUNICATIONS WEEK PROCLAMATION**

The Council presented a Proclamation to declare April 11 to April 17, 2021 as National Public Safety Telecommunicators Week.

## **ANNOUNCEMENT OF PROCLAMATION**

The Council proclaimed April as Fair Housing Month in Dorchester County.

## **INTRODUCTION-NEW RECREATION AND PARKS DIRECTOR**

Councilman Newcomb introduced Michael “Mike” Diaz as the new Recreation and Parks Director.

## **LEGISLATIVE SESSION**

### **PUBLIC HEARING**

**BILL NO. 2021-2 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND DECLARING THAT A CERTAIN PARCEL OF LAND SITUATE ON THE WEST SIDE OF MACES LANE, CONTAINING 3.964 ACRES OF LAND, MORE OR LESS, IN THE CITY OF CAMBRIDGE, CAMBRIDGE ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND KNOWN AS 1103 MACES LANE, CAMBRIDGE, MARYLAND 21613 AND BEING THE OLD MACES LANE SCHOOL PROPERTY, IS NO LONGER NEEDED FOR PUBLIC USE BY THE COUNTY AND PROVIDING FOR THE LEASE OF THE PROPERTY TO MACE’S LANE COMMUNITY CENTER, INC., A MARYLAND NON-PROFIT CORPORATION AND AN IRS SECTION 501(C)(3) ORGANIZATION, FOR A PERIOD OF NINETY-NINE (99) YEARS FOR THE TOTAL RENTAL OF ONE DOLLAR (\$1.00).**

E. Thomas Merryweather, County Attorney, said a public hearing is being held on Bill No. 2021-2 to declare 1103 Mace’s Lane, Cambridge, Maryland, containing more or less 3.964 acres of land, the old Mace’s Lane School property, is no longer needed for public use by the County and providing for a 99 year lease with Mace’s Lane Community Center, Inc., a nonprofit corporation for the total rent of \$1.

Carol Richardson, City of Cambridge Economic Development Director, spoke in favor of the lease. Reverend Keith Cornish, Mace’s Lane Community Center, thanked the Council and those on the State level who support the proposed facility. He also expressed appreciation to local individuals who provided funding.

The roll call on the enactment of Bill No. 2021-2: Nichols-aye; Nagel-absent; Newcomb-aye; Pfeffer-aye; and Travers aye.

## **INTRODUCTION**

### **AN ORDINANCE CONCERNING: 2021-2022 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY**

Mr. Merryweather said before Council for introduction is the 2021-2022 Annual Budget and Appropriation Ordinance of Dorchester County. The Council agreed to proceed with publication of a public hearing. Ms. Lane provided a summary of some of the items included in the proposed Ordinance. She said there will be three public hearings, one of which will be a legislative public hearing/adoption.

## **INTRODUCTION**

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO TITLE 9, SECTION 9-260 OF THE TAX- PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ADD NEW ARTICLE XXI, ENTITLED "PROPERTY TAX CREDIT QUALIFYING MEMBERS OF DORCHESTER COUNTY, MARYLAND VOLUNTEER FIRE COMPANIES" PROVIDING FOR THE ESTABLISHMENT OF A TAX CREDIT AGAINST COUNTY PROPERTY TAX OR CERTAIN REAL PROPERTY OWNED BY QUALIFYING MEMBERS OF BONA FIDE DORCHESTER COUNTY VOLUNTEER FIRE COMPANIES, PROVIDING FOR THE AMOUNT OF THE PROPERTY TAX CREDIT, PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR THE PROPERTY TAX CREDIT, PROVIDING FOR PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE PROPERTY TAX CREDIT.**

Mr. Merryweather advised that before Council is legislation requested by Councilman Pfeffer to provide for the establishment of a tax credit against County property tax or certain real property owned by qualifying members of bona fide Dorchester County Volunteer Fire Companies. He noted that the effective date is next year. Councilmen Pfeffer and Travers voted to proceed with publication of a public hearing, Mr. Merryweather explained that it takes four votes not to move forward so the legislation will proceed to public hearing.

## **INTRODUCTION**

**AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING SECTION 155-5(B) OF THE DORCHESTER COUNTY CODE REZONING A PARCEL OF LAND OWNED BY LINKWOOD VENTURES, LLC, LOCATED ON THE EAST SIDE OF U.S. ROUTE 50 (OCEAN GATEWAY) AND ON THE NORTH SIDE OF MILL ROAD, CONTAINING 31.430 ACRES OF LAND, MORE OR LESS, (PLAT 60/73), IN THE LINKWOOD ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND, TAX MAP 43, GRID 18, PARCEL 80 (LOT 1), TAX ACCOUNT NO. 14-286596 AND BEING A PART OF THE LAND DESCRIBED IN DEED DATED MAY 26, 2005 AND RECORDED AMONG THE LAND RECORDS OF DORCHESTER COUNTY, MARYLAND IN LIBER 651, FOLIO 601, FROM A RURAL RESIDENTIAL DISTRICT (RR) TO A GENERAL BUSINESS DISTRICT (B-2).**

Mr. Merryweather said legislation to rezone a parcel of land owned by Linkwood Ventures, LLC, located on the east side of U.S. Route 50 and on the north side of Mill Road, containing 31.430 acres of land, more or less, is before the Council for introduction. The Council agreed to proceed with publication of the public hearing.

## **INTRODUCTION**

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED ZONING SECTION 155-5(B) OF THE DORCHESTER COUNTY CODE REZONING A PARCEL OF LAND OWNED BY W. WAYNE BROWN AND CHERYL L. BROWN, HIS WIFE, LOCATED ON THE NORTH SIDE OF U.S. ROUTE 50 (OCEAN GATEWAY), CONTAINING 3.005 ACRES OF LAND, MORE OR LESS, AND KNOWN AS 3220 OCEAN GATEWAY, CAMBRIDGE, MARYLAND 21613, IN THE LINKWOOD ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND AND BEING TAX MAP 42, GRID 5, PARCEL 204, TAX ACCOUNT NO. 14-005676 AND RECORDED AMONG THE LAND RECORDS OF DORCHESTER COUNTY, MARYLAND IN LIBER 1087, FOLIO 402, FROM A RURAL RESIDENTIAL DISTRICT (RR) TO A GENERAL BUSINESS DISTRICT (B-2).

Mr. Merryweather advised that before Council for introduction is legislation to rezone a parcel of land owned by W. Wayne Brown and Cheryl L. Brown, his wife, located on the north side of U.S. Route 50, containing 3.005 acres of land, more or less and known as 3220 Ocean Gateway, Cambridge. The Council agreed to proceed with publication of the public hearing.

## **PUBLIC HEARING-LEASE-BOYS & GIRLS CLUB-RECREATIONAL FACILITY**

The Council convened into a public hearing on a proposed lease with the Boys and Girls Club of Metropolitan Baltimore, Inc. (BGC) to lease a portion of the recreational facility located at 515 Leonard's Lane, Cambridge for two years with a three year renewal for \$1 per year and \$1,000 per month towards utilities.

Jeffrey Breslin, President CEO, BGC, expressed his appreciation for the County's and community's support as well as that of City Commissioner Lajan Cephas. He said BGC wishes to support as many as they can in the community and will work with other community partners/youth organizations. He advised that BGC is committed to serving the community at the Maces Lane facility.

Gabriel Butler, who will be the BGC Club Manager at the new location, thanked the Council and Mr. Breslin for their time and efforts for BGC's leasing of space in the facility. He said he is excited to be able to serve the needs of the youth in the County.

Theresa Stafford, Director, expressed appreciation for BGC offering activities and programs to the youth served by New Beginnings Youth and Family Services, including a Science, Technology, Engineering and Mathematics (STEM) program.

Commissioner Cephas thanked the Council for giving the opportunity to hear the needs of the community and cited the names of various celebrities who participated in BCG programs. She also expressed appreciation to the Council for their due diligence in making decisions and everything they do for Dorchester County. Councilman Newcomb expressed thanks to Commissioner Cephas for participating in the Committee that was formed to provide input on a proposed lease. In response to questions posed by Mr. Merryweather relating to whether additional lease terms will be automatic or subject to negotiation, Mr. Breslin said he prefers that options be provided in writing in lieu of discussing the matter during this meeting. Mr. Merryweather noted that pursuant to the Maryland Open Meeting Act negotiations are an open session item. The Council agreed to move forward with negotiations of the goal of a finalizing a lease. The Council further agreed that Ms. Lane and Mr. Diaz will conduct the negotiations.

### **PUBLIC HEARING-MOWBRAY CREEK ROAD CLOSURE**

The Council convened into an informational public hearing on the proposed abandonment/closure of Mowbray Creek Road, off of North Tara Road, which is a gravel road. Mr. Merryweather stated that: 1) there are currently no residences on Mowbray Creek Road; and, 2) there is a large gravel pit that operates off the road which is 1.75 miles in length. There were no comments from those in the audience or on the telephone. The Council agreed to proceed with the legislative process to abandon/close this road. The Council acknowledged that Public Works staff will send notices to property owners of the legislative public hearing/adoption date and time.

### **REGULAR SESSION**

#### **INTRODUCTION – ASSISTANT FINANCE DIRECTOR**

Michael Spears, Finance Director, introduced Martha Sparks, the new Assistant Finance Director who has been with the County for three months.

#### **MANAGERS COMMENTS**

#### **OVERVIEW-IRONMAN EVENTS**

Angie Hengst, Race Director, provided the Council with information regarding the 2019 Ironman 70.3 Eagleman and Ironman Maryland events and their economic impact and the plans to proceed with these events this year. Pursuant to a query from Councilman Pfeffer, Ms. Hengst said IRONMAN does not require vaccinations.

#### **UPPER SHORE WORKFORCE AREA LOCAL PLAN CONCURRENCE-2020-2024-UPPER SHORE WORKFORCE INVESTMENT BOARD**

The Council approved the written request of George Weeks, Director, Upper Shore Workforce Investment Board, to concur with the Upper Shore Workforce Area Workforce Innovation and Opportunity Act Combined Plan 2020-2024, and execute a concurrence.

#### SURPLUS PROPERTY REQUEST-ELECTIONS

The Council approved the request of Jessica Noranbrock, on behalf of Gwen Dales, Election Director, to declare the following items as surplus: 1) four metal/vinyl chairs; 2) a tabletop paper/mail organizer; 3) a large metal cabinet; and 4) two metal server cabinets. Ms. Lane confirmed that the property was offered to other Departments.

#### LIFE AND DISABILITY PROGRAM-HUMAN RESOURCES

The Council approved the request of Becky Dennis, Human Resources Director, to offer a Life and Disability program, provided this is a separate product from the health insurance. In response to Councilman Pfeffer's question, Mr. Spears confirmed that Finance is able to do a payroll reduction.

#### VOLUNTARY BENEFIT LIFE INSURANCE-HUMAN RESOURCES

The Council approved Ms. Dennis' request to add a Voluntary Life Insurance Benefit.

#### FY21 MARYLAND RELIEF ACT DISPARITY FUNDING-FINANCE

The Council deferred consideration of the use of \$360,034.00 in disparity funding as a part of the Maryland Relief Act which is separate from the disparity grant the County normally receives until its next meeting.

#### CAPITAL BUDGET EXPENDITURE REQUEST-UNIFORMS-EMERGENCY SERVICES

The Council deferred the request of Dozia Rahilly, Emergency Services Director, for a uniform capital budget expenditure based on questions regarding the funding source and requested additional information regarding a potential ceremony for new Emergency Medical Services hires after completion of an initial orientation, field training and a probationary period.

#### REQUEST TO WEDGE LUTHY ROAD-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Russell Paving to wedge Luthy Road at the cost of \$37,310 using funding from the Public Works FY21 Operating Budget.

#### CONTINUED DISCUSSION-FUEL OPTIONS

The Council deferred consideration of the options Mr. Edwards presented for fuel for County vehicles. In response to a question from Councilman Travers, Mr. Edwards said there are only two vendors in the area who provide fuel service. He noted that pursuant to an inquiry at the last meeting, it will cost \$291 a year to insure the pumps. In response to a query from Councilman Newcomb, Mr. Edwards said a delay in a decision is acceptable, noting that construction material prices are rising daily.

### BID AWARD-MARINE FACILITIES PORTABLE TOILETS-PUBLIC WORKS

The Council approved the request of Mr. Edwards to award to Harman's Septic, the sole bidder, the Marine Facility Services Portable Toilet contract for the period from May 1st to October 31st 2021. The Council acknowledged that funding for this project is covered by a Department of Natural Resources grant.

### REQUEST TO SUBLET HANGAR SPACE-AIRPORT

The Council approved the request of Robert Anderson, who presently holds the leases for South Hangar Spaces B and C, permission to sublet South Hangar Space B to a third party for the express purpose of aircraft storage.

### PROGRAM OPEN SPACE FUND REVERSION

The Council agreed to seek the revision of Program Open Space funding for the following projects which are older than five years to the County's allotment: 1) 6298-9-162, Busick Park Tennis Courts, balance \$13,250; 2) 4751-9-114, J. Edward Walter Park Fencing and Walkways, balance \$129.07; 3) 5845-9-147, Dorchester County Swimming Pool Main Drain/Filter, balance \$2,528.63; and, 4) 5632-9-143, Christ Rock Park Design and Grading, balance \$63,000. Mr. Diaz recurred with the reversion request.

### EGYPT ROAD SOLAR-REVISED PAYMENT OF LIEU OF TAXES AGREEMENT

The Council acknowledged that: 1) at a prior Closed Session meeting they received legal advice regarding entering into a revised Payment in Lieu of Taxes (PILOT) between the City, County and Egypt Road Solar, LLC; and, 2) this matter was deferred to this meeting in order for Council to decide on how to proceed. Pursuant to a query from Councilman Newcomb, Michael Spears, Finance Director, said the agreed upon payment is made in place of taxation and can be used for negotiation purposes if the PILOT exceeds the agricultural tax but is less than personal property tax it is feasible to move forward with the project. He noted that the Council has entered into three solar PILOTS. In response to a question posed by Councilman Pfeffer, Councilman Travers said there is one solar project for which there is not a PILOT, that is located on Bucktown Road. Councilman Travers made a motion to move forward with the agreement which was seconded by Councilman Pfeffer. Councilman Newcomb expressed concern about removing farm land from production, the loss of the fully assessed value of the property and less opportunities to purchase land on which to build a home or structure. Based on an inquiry from Ms. Lane, Mr. Merryweather confirmed that the County has to negotiate with the City elected officials, which is also a part to this PILOT. The Council agreed to proceed with negotiation with the City officials with Councilman Newcomb opposing.

### PROGRAM OPEN SPACE GRANT APPLICATION-GOOSE MONUMENT-VISITOR CENTER-TOURISM

The Council acknowledged its April 6, 2021 approval of the request of Amanda Fenstermaker, Tourism Director to seek the amendment of the County's Program Open Space Annual Program



to include the renovation of the Goose Monument and associated landscaping and hardscaping using remaining funds of \$30,000 for the approved Sailwinds Visitor Center Park Improvement project. The Council approved her request to submit an application to POS to use the funding for this purpose with the County's match being provided by Sailwinds Park, Inc.

#### REFERRAL TO PLANNING COMMISSION-CRITICAL AREA TEXT AMENDMENT-NON WATER DEPENDENT STRUCTURES-PLANNING AND ZONING

The Council approved the request of Herve Hamon, Planning and Zoning Director, to refer to the Planning Commission for its review and recommendation to the Council a text amendment of Chapter 68 (Critical Area) of the Dorchester County Code to: 1) adopt a definition for the phrase "Nonwater-Dependent Project" to Section 68-1; and 2) amend Section 68-12 (Growth Allocation) to permit the establishment of new Intensely Developed Areas encompassing less than 20 acres through the use of growth allocation under certain conditions.

#### U.S. MARSHALLS SERVICE-REGIONAL FUGITIVE TASKFORCE AGREEMENT

The Council agreed to approve the carve out of overtime hours (exemption from the Garcia Rule) under an agreement between the Dorchester County Sheriff's Office and the United States Marshalls Service for its work on the Regional Fugitive Task Force. Councilman Nichols opposed. The Council acknowledged that this: 1) agreement pays the Sheriff's Office for overtime hours using the overtime (time and a half) payrate for the participating deputy; and, 2) this will allow the deputy to be paid their time and a half overtime rate for the hours spent working on the taskforce, which will then be submitted to the US Department of Justice for reimbursement on a quarterly basis.

#### PERMIT FEE WAIVER REQUEST-BAY COUNTRY COMMUNICATIONS

Based on request from Bay Country Communications, the Council agreed to amend the County Code to exempt broadband projects from paying the fee(s) for a road opening permit and to change the ordinance. The permit will still need to be obtained and repairs for any road damage must be made. Notification of the areas that are under construction during each phase of the project should be made to the Public Works Department. Councilman Nichols opposed, citing concerns about prior damage to County roads that was not relayed to the Public Works Department afterwards, which was repaired by County staff.

**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 15th day of June, 2021.