

County Council of Dorchester County
Regular Meeting Minutes
June 1, 2021

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:04 p.m. on the 1st day of June, 2021. 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; and Donna F. Lane, Acting County Manager. 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

After publication of the agenda, the following item was added: Letter of Support for City of Cambridge's request to change the name of a portion of Washington Street to Janelle Henry Street. The Council adopted the amended agenda.

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 \$ 8,098,702.16.

CLOSED SESSION SUMMARY

By conference call, the Council convened into Regular Session on June 1, 2021 at 4:12 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)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; 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; 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.

By conference call, the Council convened in a Closed Session on June 1, 2021 at 4:14 p.m. to discuss the following items:

- 1- Approved the request of the Director of the Department of Corrections to promote employees to Corporal/Assistant Shift Supervisor by a 4 to 1 vote;
- 2- Approved the request of the Director of the Department of Corrections to promote an employee to Chief of Security by a 4 to 1 vote;
- 3- Discussed a recruitment incentive for certain positions within two County Departments;
- 4- Approved the request of the Soil Conservation Manager to hire an individual to fill a vacant Soil Conservation Technician position by a 5 to 0 vote;
- 5- Approved the reassignment of a County employee to another position by a 5 to 0 vote;
- 6- Approved the request of the Public Works Director to hire an individual to fill a Custodial/Maintenance position by a 5 to 0 vote;
- 7- Discussed matters relating to the potential acquisition of a property; and,
- 8- Discussed legal and personnel matters relating to a County Department.

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

COMMENDATION-CAMBRIDGE SOUTH DORCHESTER HIGH SCHOOL PLAY PARTICIPANTS

The Council presented Commendations to the Cambridge South Dorchester High School Play participants for this year's Senior Class Play.

LEGISLATIVE SESSION

BILL NO. 2021-8 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO APPROVE EXECUTION OF A LAW ENFORCEMENT MUTUAL AID AGREEMENT BY AND BETWEEN DORCHESTER COUNTY; WICOMICO COUNTY, MARYLAND; SOMERSET COUNTY, MARYLAND, WORCESTER COUNTY, MARYLAND TALBOT COUNTY, MARYLAND; CAROLINE COUNTY, MARYLAND; QUEEN ANNE'S COUNTY, MARYLAND; KENT COUNTY, MARYLAND; AND, CECIL COUNTY, MARYLAND; AND, EACH OF THE SHERIFF'S FOR THE FOREGOING JURISDICTIONS, PURSUANT TO SECTION 2-105 OF THE CRIMINAL PROCEDURE ARTICLE, MARYLAND ANNOTATED CODE.

E. Merryweather, County Attorney, said Bill 2021-8, which is scheduled for public hearing, approves the execution of a Law Enforcement Mutual Aid Agreement by and between

Dorchester County, Wicomico County, Somerset County, Worchester County, Talbot County, Caroline County, Queen Anne's County, Kent County, Cecil County and each of the Sheriffs for these jurisdictions, pursuant to Section 2-105 of the Criminal Procedure Article of the Annotated Code of Maryland. He noted that no one signed up to speak.

The roll call on Bill 2021-8 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

BILL NO. 2021-9 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED "ZONING", SECTION 155-5(A) OF THE DORCHESTER COUNTY CODE TO REPEAL AND REENACT SECTION 155-50(A)(2) OF ARTICLE IX, ENTITLED SUPPLEMENTARY USE REGULATIONS OF CHAPTER 155 ENTITLED "ZONING" OF THE DORCHESTER COUNTY CODE PROVIDING THAT CERTAIN ACCESSORY USES OR STRUCTURES SHALL BE PERMITTED UNDER CERTAIN CONDITIONS.

Mr. Merryweather said this bill, which is scheduled for public hearing repeals and reenacts Section 155-50(A)(2) of Article IX, entitled Supplementary Use Regulations of Chapter 155 entitled "Zoning" of the Dorchester County Code providing that certain accessory uses or structures shall be permitted under certain conditions.

Herve Hamon, Planning and Zoning Director, said since August 2020 multiple applications have been received for small accessory structures 300 feet or less and this bill will streamline the process since these types of buildings do not need inspections. Mr. Merryweather noted that no one signed up to speak. He asked if there was anyone in the audience and on the phone wished to speak. There was no response.

The roll call for Bill No. 2021-9 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

BILL NO. 2021-10 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO CHAPTER 155, ENTITLED "ZONING", SECTION 155-5(A) OF THE DORCHESTER COUNTY CODE TO ADD AND TO ENACT NEW SECTION 155-63.1 ENTITLED, MASTER SIGN PLANS FOR AUTOMOBILE DEALERSHIPS SELLING MULTIPLE BRANDS OF VEHICLES, TO ARTICLE XII ENTITLED SIGNS TO CHAPTER 155 "ZONING" OF THE DORCHESTER COUNTY CODE PROVIDING FOR FLEXIBILITY IN THE APPLICATION OF SIGN REGULATIONS FOR AUTOMOBILE DEALERSHIPS ON LARGE SITES THAT SELL MULTIPLE BRANDS OF VEHICLES.

Mr. Merryweather stated that Bill No. 2021-10 to add and to enact new Section 155-63.1 Entitled, Master Sign Plans for Automobile Dealerships selling multiple brands of vehicles, to Article XII entitled Signs to Chapter 155 "Zoning" of the Dorchester County Code providing for flexibility in the application of sign regulations for automobile dealerships on large sites that sell multiple brands of vehicles is scheduled for a public hearing He noted that no one signed up to speak. Mr. Hamon explained that this legislation will allow the use of more than one brand sign on a property at least 10 feet from the property line. He explained that although is tailored to one

case it may be able to be used in the future for a large shopping center. He noted that the signs will still be required to be 10 feet from the property line. Mr. Merryweather said no one signed up to speak and asked if anyone in the audience wished to do so. Zach Smith, said he is present on behalf of Preston Auto Group. He thanked the Council for considering this bill. He noted that County sign regulations are generally for one building on a parcel and the bill's passage will ensure that the company can use adequate signage for each brand and to direct the public to the appropriate building.

The roll call on Bill No. 2021-10 was: Nichols-aye; Nagel-aye; Newcomb-aye; Pfeffer-aye; Travers-aye.

BILL NO. 2021- 11 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 OF A PORTION OF CORKRAN CEMETERY ROAD, A PUBLIC COUNTY ROAD SITUATE IN THE HURLOCK ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.

Mr. Merryweather stated that before the Council for introduction is legislation to close and abandon a portion of Corkran Cemetery Road, a County public road, situate in the Hurlock Election District, consisting of 1.40 miles.

Dave Edwards, Public Works Director, said: 1) only the dirt portion is being proposed to be closed; 2) the paved portion on either side on which residents and a cemetery are located will be open and maintained by the County; 3) there have been multiple requests from farmers who own properties off of this road that illegal activity is occurring after hours including the disposal of trash; and, 4) it will require a substantial amount of funds to bring this portion of the road up to par. Pursuant to an inquiry from Mr. Merryweather, Donna F. Lane, Acting County Manager said Public Works staff will ensure that adjacent property owners are apprised of date and time of legislative public hearing/adoption if this bill is introduced. Pursuant to a query from Councilman Travers, Mr. Edwards said this 1.4 mile portion was surveyed by William Craig, Surveyor. Councilman Pfeffer noted that there is a cemetery along the dirt road. Mr. Edwards said it is on the paved portion of the road which will not be abandoned/closed. In response to another inquiry from Councilman Pfeffer, Mr. Edwards said he will view the roadway to determine if there is an old cemetery off of the side of the road in between the first and second hard curve.

The Council agreed to proceed with publication of a public hearing with Councilman Pfeffer opposing.

BILL NO. 2021-12 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO ENACT NEW SECTION 40-14(E) ENTITLED "EXEMPTION - BROADBAND PROJECTS" TO SECTION 40-14 ENTITLED "PERMIT REQUIREMENTS" TO ARTICLE II ENTITLED "EXCAVATIONS" TO CHAPTER 40 ENTITLED "ROADS" OF ARTICLE 10 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND FOR THE PURPOSE OF PROVIDING FOR AN EXEMPTION FOR BROADBAND PROJECTS FROM

THE PAYMENT OF THE SQUARE FOOT SURFACE OPENINGS IN THE SURFACE OF ANY ROAD, STREET OR THOROUGHFARE.

Mr. Merryweather said before the Council for introduction, is a bill to amend the County Code to add a new section 40-14(E) entitled "Permit Regulations" to Article II entitled "Excavations" to Chapter 40 entitled "Roads" of Article 10 to provide an exemption for broadband projects from the payment of the square foot surface openings in the surface of any road, street or thoroughfare only.

The Council agreed to proceed with publication of a public hearing with Councilwoman Nagel opposing.

REGULAR SESSION

MANAGERS COMMENTS

ADDITIONAL FINANCING BOND REQUEST-BONNIE BROOK SANITARY DISTRICT NO. 2-DORCHESTER COUNTY SANITARY DISTRICT INC.

Based on the request of Aubrey M. Vincent, Chair, Dorchester County Sanitary Commission, the Council agreed to proceed with the legislative process to approve an additional \$65,000 bond for construction costs for the Bonnie Brook water system improvement project and have the County guarantee the payment of the principal and interest on the Bond and pledge the full faith and credit to such payments.

CITY OF CAMBRIDGE ECONOMIC DEVELOPMENT PROPOSAL REQUEST

The Council acknowledged that Andrew Bradshaw, Mayor, City of Cambridge, has asked for a letter detailing the County's position on the proposal from Commissioner Chad Malkus, which was discussed at the City Council's two budget work sessions, to defund the City's Economic Development Office, and shifting funding previously budgeted for that office to the Cambridge Main Street organization (Main Street) as well as detailing the workload already handled at the County level. Councilman Nichols said this action has been considered by the City of Cambridge twice before. He expressed concern about transferring the funding and duties to Main Street will place a burden on the County. The Council agreed to send a letter opposing this action which will include a summary of the workload the County's Economic Development staff.

REQUEST TO ADVERTISE FOR PROPOSALS-HURST CREEK COMMUNITY RESILIENCY AND DREDGING-FINANCE

The Council approved the request of Martha Sparks, Finance Director, to advertise a request for proposals (RFP) for the Hurst Creek Community Resiliency and Dredging Project which is funded by the Department of Natural Resources, Chesapeake & Coastal Service. The Council acknowledged that the results of the RFP will determine the funding level.

OVERTIME CARVEOUT REQUEST-GOCCP GUN REDUCTION GRANT-SHERIFF'S OFFICE-FINANCE

The Council approved the request of Ms. Sparks for the special carve out of overtime hours from the Garcia Rule for additional law enforcement security to assist the Department of Corrections in transporting prisoners to court, with overtime pay not to exceed \$5,000, under a grant agreement between a Gun Violence Reduction Program grant agreement between the Sheriff's Office and the Governor's Office of Crime Control and Prevention. The Council acknowledged that the grant was received in October of last year and through that process the Sheriff's Office was not notified they received the award.

CONTINGENCY FUND REQUEST-CANNERY PARK RAILS TO TRAIL PROJECT-FINANCE-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to use contingency funds of \$3,930 for the testing of materials for the trails and curbing for the Cannery Park Rails to Trails project by David A. Bramble, the County's contractor, which was not included in the original bid specifications and cannot be absorbed by the grant obtained for this project. The Council acknowledged that there are potential costs for this project related to the disposal of railroad ties and any dirt that is also removed and replaced with State Highway Administration approved materials which costs will only become known as the railroad ties are being extracted. The Council approved Mr. Edwards' request to use contingency funds for 10% of the total project for these unknown costs, of \$24,000.

REQUEST TO ACCEPT AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM GRANT-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to accept Federal Aviation Administration Grant award for funds of \$13,000 through the Airport Coronavirus Response Grant Program, for costs related to Operations, Personnel, Cleaning, Sanitizing Janitorial Services and debt service payments which is supplemental to the CARES Act grant received in July 2020.

SAFETY CONCERNS-RECREATIONAL FACILITY-RECREATION AND PARKS

Based on concerns expressed by Michael Diaz, Recreation and Parks Director about safety around the Leonard Lane recreation building, particularly with speeding vehicles, the Council agreed send a letter to the City of Cambridge asking them to address this issue. doing hay balls, his recommendation three way stop – Newcomb will send a letter

RECOMMENDATIONS-NAME FOR RECREATIONAL FACILITY

The Council discussed the potential names for the newly acquired recreational facility that the Recreation and Parks Advisory Board and the Committee formed for the purpose of gathering input and making a recommendation relating to a proposed lease with the Boys and Girls Club suggested. Based on Mr. Diaz' recommendation, Councilman Pfeffer made a motion, seconded

by Councilman Nichols to name the facility the Dorchester Recreational Center. Councilman Travers said he prefers to use the name submitted by the Advisory Road. The motion and second were rescinded. The Council deferred the naming of the facility so Mr. Diaz and Ms. Lane can discuss potential options and provide a recommendation to the Council at a future meeting.

CONTINUED DISCUSSION-TIPPING FEE WAIVER REQUESTS-CITY OF CAMBRIDGE

The Council acknowledged is deferral of the request of Jeannie Bellina, Housing Specialist, City of Cambridge, Division of Planning and Zoning and Housing for a tipping fee waiver for the demolition of structures on blighted property located at 600 Douglas Street, 602 Douglas Street, 811 Park Lane, 813 Park Lane, 642 Washington Street in order to obtain additional information based on its understanding that bids for the demolition of these properties have already been solicited. Ms. Lane noted that the Council has before them information from Mr. Bellina regarding the advertising of and the bid deadline for demolition. The Council deferred this request since a request for proposals advertisement was placed for the demolition of these properties. The Council recognized that requests for a tipping fee waiver are to be obtained prior to advertising for bids.

REQUEST TO ACCEPT GRANT AWARD-NON PROFITS LOCAL GOVERNMENT ASSISTANCE PROGRAM-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Director, to accept an American Rescue Plan Nonprofits Local Government Program Grant in the amount of \$105,626 which will be used to provide grants to non-profit organizations in the County.

REQUEST TO USE COUNTY OFFICE BUILDING PARKING LOT-ANNUAL CUBMOBILE DERBY-BOY SCOUTS OF AMERICA

The Council approved the request of Mike O'Connor, Cubmobile Chair, to use the parking lot and grounds at the County Office Building as well as the electric and water on the outside of the building for the Annual Cub Scout Cubmobile Derby on October 3, 2021 contingent upon the receipt of a Certificate of Liability. The Council acknowledged that the County Office Building parking lot must remain public.

FINAL BOARD OF EDUCATION MAINTENANCE OF EFFORT

The Council acknowledged that: 1) according to MSDE the final certified maintenance of effort for Fiscal Year 2022 is \$20,797,056; 2) the adopted budget included \$20,812,142 which is \$15,086 in excess; and, 3) pursuant to Michael Spears, Finance Director, in this circumstance, the Council may fund the Board either amount. The Council agreed to fund the higher amount.

COUNTY COUNCIL MEETING SCHEDULE-FIRST/SECOND QUARTER

The Council adopted the County Council Meeting Schedule for the First/Second Quarter.

ANNOUNCEMENT – COUNCILMAN NEWCOMB

Councilman Newcomb noted that the census has been completed and the Redistricting Commission needs to be appointed. He noted that the central committees will each submit five nominees and the Council must appoint one individual to the Committee. He said these appointments will be on the next agenda. The Council recognized that the information that the County’s Redistricting Commission will need may not be available until the Fall of 2021. Mr. Merryweather said several other counties are also facing the same issue. Mr. Hamon said Steve Dodd, a prior Planning and Zoning Director, has agreed to assist the Department with this Commission and other issues that may arise in the future.

LETTER OF SUPPORT – CITY OF CAMBRIDGE COUNCIL REQUEST FOR ROAD NAME CHANGE

Ms. Lane noted that at is February 22, 2021 meeting, the City of Cambridge Council agreed to submit a request to the State Highway Administration (SHA) to change the name of a portion of Washington Street between Race and Pine Streets as Janelle Henry Street. The County Council agreed to send a letter in support of the name change to SHA. Councilman Nichols advised that only two addresses will be affected.

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 20th day of July, 2021.