

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**May 18, 2021**

By conference call, open to the public, the County Council of Dorchester County convened in Open Session at 6:00 p.m. on the 18<sup>th</sup> day of May 2021. A roll call of the members was conducted. Present on the conference call and in Room 110 of the County Office Building were: Jay L. Newcomb, 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; and Donna F. Lane, Acting County Manager. Libby Handley Nagel, Vice President, joined the meeting late via telephone.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Pfeffer led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

After publication of the agenda, the following items was added: Emergency Rental Assistance Program Grant Acceptance –Local Management Board. 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 \$8,041,992.00.

**CLOSED SESSION SUMMARY**

By conference call, the Council convened into Regular Session on May 18, 2021 at 5:18 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.

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 was Donna F. Lane, Acting County Manager. Councilmen Newcomb, Nichols, Pfeffer and Travers were also in Room 110. Voting in favor of the Closed Session were the present Council Members.

The Council convened into a Closed Session at 5:20 p.m. on May 18, 2021 to discuss the following items pursuant to §3-305(b)(1):

- 1- Discussed a matter relating to the discipline of a County employee(s);
- 2- Approved the request of the Public Works Director to hire an individual as Motor Equipment Operator IV for the Landfill Division by a 5 to 0 vote;
- 3- Deferred the request of the Director of the Department of Corrections to promote employees to Corporal/Assistant Shift Supervisor by a 5 to 0 vote;
- 4- Reviewed applications for a State position for Dorchester County;
- 5- Deferred the reassignment of a County employee to another position.
- 6- Discussed personnel items relating to proposed FY 2022 budget.

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 was Donna F. Lane, Acting County Manager. Councilmen Newcomb, Nichols, Pfeffer and Travers were also present in Room 110. E. Thomas Merryweather, County Attorney, joined the meeting late via conference call and in Room 110.

#### **ANNOUNCEMENT**

Councilman Newcomb announced that the Council agreed to follow the State of Maryland Executive Order on face coverings.

#### **COMMENDATION-RETIREMENT-ROBERT FITZGERALD**

The Council presented a Commendation to Robert Fitzgerald congratulating him on his retirement and commending him for 28 years of service to Dorchester County.

#### **PROCLAMATION-EMS WEEK-MAY 17-21, 2021**

The Council presented a Proclamation declaring May 17 to May 21, 2021 as Emergency Medical Services Week.

#### **MEETING WITH MUNICIPALITIES-TAX DIFFERENTIAL-REBATE**

Michael Spears, Finance Director, said included in the proposed FY22 budget are rebates for seven municipalities and differentials for the City of Cambridge and Town of Hurlock which are unchanged from last year's budget. He explained that they are the same rate but equate to a small difference of value due to increased assessments. Karen Tolley, Mayor, Church Creek, recognized that there are budget constraints and asked for an increase, if possible, in future years. She advised that some of the Church Creek residents have questions regarding how the Sanitary District charges them. Councilman Newcomb noted that the Dorchester County Sanitary District, LLC is responsible for those fees.

## **LEGISLATIVE SESSION**

### **PUBLIC HEARING**

**BILL NO. 2021-3 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 no one signed up to speak. Dave Edwards, Public Works Director, said: 1) this is a dirt road which is in bad shape; 2) the road is taking on water and starting to sink so several tons of material need to be used to build it up; 3) individuals from the Audubon Society previously expressed interest in entering into a cost sharing agreement with the County but are unable to do so. He recommended that the road be closed.

In response to a question from Bobby Gootee, resident, Mr. Merryweather said the passage of the bill to close the road will remove the County's responsibility maintenance responsibilities and that rights for landowners along this road will be reserved. Pursuant to a query from Councilman Pfeffer, Mr. Merryweather said the court does not support landlocked property,

The roll call on Bill 2021-3 was: Nichols-aye, Nagel-aye, Newcomb-aye, Pfeffer-nay, Travers-aye.

### **PUBLIC HEARING**

**BILL NO. 2021-7 AN ORDINANCE CONCERNING: 2021-2022 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY**

Andy Larrimore, a Marine Corps veteran and a police officer for 20 years, recognized that Sheriff Deputies handle dangerous calls routinely and expressed concern about the loss of them due to low pay. Councilman Newcomb referenced the changes the Council has before them.

The roll call on Bill 2021-7 was: Nichols-aye, Nagel-aye, Newcomb-aye, Pfeffer-nay, Travers-nay.

### **PUBLIC HEARING**

**BILL NO. 2021-4 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 a public hearing is being held on the proposed rezoning of a parcel of land owners by Linkwood Ventures, LLC, located on the east side of U.S. Route 50 (Ocean Gateway) containing 31.430 acres of land, more or less to change it from a Rural Residential District (Rr) to a General Business District (B-2). Herve Hamon, Planning and Zoning Director, provided an overview of the plans the owner, Chris Fleming, to hold weddings and concerts on the property.

Vance Price, resident, said he is speaking on behalf of his mother-in-law, Barbara Hurley who is opposed to this change. He noted that pursuant to Google the entrance to the property is located adjacent to Ms. Hurley's property. He advised that Ms. Hurley is concerned about: 1) the noise that will be generated; 2) that the Flemings and staff trespass on her property; and, 3) damage that has been done to the fields due to paint ball and other activities.

Mr. Fleming said he is not aware of any trespassing taking place and that while there may have been trash on her property, the paint ball activities were held at a distance from Mr. Hurley's property. He noted that they only travel 300 to 400 feet. He apologized for any inconvenience. Pursuant to a query from Mr. Hamon, Mr. Fleming said the barn which will be used as a wedding venue is 1,600 feet from Mr. Hurley's property. He advised that: 1) there is now a buffer of trees and shrubs to shield their property; and, 2) Susan Banks, Economic Development Director, has provided him a letter of support as his business expansion will bring the County more revenue and events. In response to a question from Councilman Nichols, Mr. Fleming said receptions will be held inside which he believes will end at approximately 10 a.m. He noted that there are no plans at the current time to hold concerts on the property. Pursuant to inquiries from Councilman Pfeffer, Mr. Fleming stated that: 1) he has moved his operations further away from adjacent property owners; 2) he is no longer providing ATVs for riders nor doing paintball; 3) the plan is to buffer the property line with trees; and, 4) no part of business has crossed the property line.

In response to a questions posed by Councilwoman Nagel, Mr. Fleming said: 1) his business is promoted as agritourism, which he is trying to expand; 2) the wedding venue will be similar to the one located in Mardela which will include a Dutch style barn,(farm themed) and an outdoor wedding area; 3) he will adhere to noise requirements; and, 4) he is not aware of any complaints that have been made when fundraisers have been held on this property on Sundays.

The Council requested that Mr. Merryweather prepare a Findings of Fact and agreed to move forward with the request.

## PUBLIC HEARING

BILL NO. 2021-5 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 said the legislation before Council for a public hearing is the rezoning of a parcel of land owned by W. Wayne Brown and Cheryl L. Brown, his wife, located on the north side of U.S. 50, containing 3.005 acres of land, more or less, and known as 3220 Ocean Gateway, Cambridge, Maryland from a Rural Residential District to a General Business District. Mr. Hamon provided an overview of the Planning Commission's Findings of Fact. Mr. Brown spoke in favor of the rezoning. Councilwoman Nagel said the property is maintained well and she does not believe he will do anything detrimental to affect the surrounding area.

The Council requested that Mr. Merryweather prepare a Findings of Fact and agreed to move forward with the request.

PUBLIC HEARING

6:13 p.m.

BILL NO. 2021-6 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 said a public hearing is being held on a bill to provide a property tax credit to qualifying members of Dorchester County, Maryland Volunteer Fire Companies. Michael Spears, Finance Director, said he reviewed the volunteer fire company rosters which he used to calculate the potential fiscal impact of \$150,000 based on residency. He noted that this is not included in the FY22 budget which was just adopted. Mr. Merryweather said the effective date of the bill is next year as it was modeled after the bill which was introduced last year. He stated that no one signed up to speak.

The roll call for Bill No. 2021-6 was: Nichols-nay; Nagel-abstained; Newcomb-abstained; Pfeiffer-aye; Travers-aye.

## **REGULAR SESSION**

### **PUBLIC HEARING-COUNTY'S SCHEDULE OF FEES**

The Council convened into public hearing for the revision of the County's Schedule of Fees which includes changes in Planning and Zoning fees, T-Hangar fees for the Airport, the Emergency Transport Fees from \$18 to \$10 a mile and Emergency Number Service Fee from .75 cents to \$1. The Council acknowledged that no one signed up to speak. The Council approved the revised schedule with Councilmen Pfeffer and Travers opposing.

### **MARYLAND DISPARITY GRANT FUNDING**

The Council approved the use of \$360,034 in disparity funding through the Maryland Relief Act for paving which must be spent by June 30, 2021.

### **BOARD OF HEALTH**

Roger Harrell, Health Officer, provided overview of COVID-19 actions taken by the Health Department and other agencies including Emergency Management and its impact to the County. Pursuant to an inquiry from Councilman Pfeffer, Mr. Harrell said a fee can be billed for a vaccine if an individual has health insurance and those that do not are not charged. He thanked the Council for its continued support.

### **MANAGERS COMMENTS**

#### **FY22 LETTER OF AGREEMENT-MID SHORE BEHAVIORAL HEALTH, INC.**

The Council approved the request of Kathryn Dilley, Executive Director for Mid Shore Behavioral Health (Mid Shore), to execute the FY2022 Letter of Agreement with Mid Shore to act as Dorchester County's agent in oversight, planning and development of the Public Behavioral Health System in the County.

#### **REQUEST TO USE BERM OF AMPHITHEATRE AT SAILWINDS PARK-FLAG FOR HEROES EVENT-ROTARY CLUB OF CAMBRIDGE**

The Council approved the request of Amy J. Craig, Past President of Rotary and Ed Connelly, Chair of Flags for Heroes, to use the berm of the amphitheater at Sailwinds park to display flags honoring those who are serving, veterans of the armed services and first responders by placing 200 flags from Thursday, May 27 to Thursday, June 17.

#### **TIPPING FEE WAIVER REQUESTS-CITY OF CAMBRIDGE**

The Council discussed 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. Councilman Newcomb expressed his understanding that: 1) requests for proposals for demolition have been advertised and bids from contractors have been received; and, 2) the contractors were not aware of the tipping fee waiver. The Council deferred Ms. Bellina's request for clarification.

#### AMERICAN RESCUE PLAN ACT OF 2021-DEPENDENT CARE-INCREASE-HUMAN RESOURCES

Based on information provided from Becky Dennis, Human Resources, Director, the Council approved the recommendation of Chet McWilliams, Insurance Broker, to increase dependent care rates for calendar year 2021 only to \$10,500 (\$5,250 for married individuals that file separately).

#### SURPLUS PROPERTY DECLARATION REQUEST-SHERIFF'S OFFICE

The Council agreed to surplus a 2009 Ford vehicle that is no longer in use by the Sheriff's Office.

#### SPECIAL EVENTS AGREEMENTS-SHERIFF'S OFFICE

The Council agreed to enter into two Special Events Agreements between the County Council and the Sheriff with: 1) Alpha Genesis CDC for the Bike the Bikeway event on May 22, 2021 from 7:30 a.m. to 11:30 a.m. for public safety services in the form of two vehicles and two deputies in the amount of \$400; and, 2) Ironman for the Ironman 70.3 Eagleman on June 13, 2021 from 5 a.m. to 5 p.m. for public safety services in the form of 16 vehicles and 16 deputies in the amount of \$8,750. The Council also agreed that premium overtime will be paid to the deputies who provide services at these events.

#### RESTAURANT RELIEF FUND GRANT RECOMMENDATION-ECONOMIC DEVELOPMENT

The Council acknowledged its April 6, 2021 approval to execute grant applications for Bipartisan Relief Funds from the Department of Commerce, one of which for restaurants. Based on the request of Susan Banks, Economic Development Director, the Council approved the following list of grant applications for which each entity will receive \$7,224:

Millie's  
400 Race Street LLC (Blue Ruin)  
Blake & Christopher Enterprises (Portside)  
Gomes Family LLC (Bombay Social)  
Cabin Creek Caterers Inc.  
DoCoVino Wine Bar & Boutique LLC  
Elliott's Baking Company LLC dba Black Water Bakery  
Fat Ricky's Pub & Grub 100 Inc  
Lil' Bitta Bull BBQ  
Paradise Food LLC dba Bistro Poplar

Rise Up Coffee  
Slaughter Creek Marina LLC TA Palm Beach Willies  
Thaitalian Infusion Cuisine LLC  
Warwick cafe  
T's Divine  
TOCA Restaurant Group

The Council acknowledged that two restaurants need to provide additional documentation and its approval is contingent upon them providing this documentation.

#### **BID AWARD REQUEST-ENGINEERING SERVICES-BOAT RAMP REPLACEMENTS-PUBLIC WORKS**

The Council approved the request of Dave Edwards, Public Works Director, to award the Engineering Services for Boat Ramp Replacements RFP to the lowest bidder, GMB George, Miles & Buhr, LLC. for \$77,977.50 which are covered by Department of Natural Resources (DNR) Waterway Improvement grants of \$250,000 that the County has previously obtained. The Council acknowledged that: 1) DNR staff asked that professional services from an engineering consultant or firm to design and prepare construction documents, specifications and bid packages for the replacement of existing concrete boat ramps and timber bulkheads at the Hoopersville, Smithville and Crocheron Public Boat Ramps bet obtained; and, 2) DNR has reviewed the bids and concurs with our recommendation.

#### **REQUEST TO ADVERTISE FOR PROPOSALS-TWIN POINT COVE RESILIENCY STUDY-PLANNING AND ZONING**

The Council approved the request of Herve Hamon, Planning and Zoning Director, to advertise a request for proposals for the Twin Pint Cove Resiliency Study.

#### **NUISANCE CONTROL COUNTY CODE REVISION REQUEST-PLANNING AND ZONING**

The Council approved the request of Mr. Hamon to move forward with legislative process to amend Section 116-6 of the County Code to change the enforcement agency of Nuisance Control violations from the Health Officer to the County's Planning and Zoning Department.

#### **REQUEST TO ENTER INTO PARTICIPATION AGREEMENT-EASTERN SHORE ESINET-EMERGENCY SERVICES**

Nick Kovach, 911 Manager, said he and Director Rahilly, Emergency Services Director, are asking the Council to sign the participation agreement to join into the proposed AT&T ESInet solution for the Eastern Shore, contingent upon funding from the Maryland 9-1-1 Board. In response to questions from Councilman Pfeffer, Mr.Kovach said: 1) they plan to replace copper lines with concentric fiber system; 2) Verizon will no longer support those lines; and, 3) there will be no County commitment if the Number Boards approve this project. The Council approved the request.



#### CAPACITY-RESTAURANT SPACE-AIRPORT

The Council agreed that Katie At the Airport can return to full capacity. Roger Harrell, Health Officer, said he is agreeable to this action.

#### ADMINISTRATIVE OFFICE OF THE COURTS-SECURITY GRANT-CIRCUIT COURT

The Council approved the request of Brett Wilson, Circuit Court Judge, to enter into a Memorandum of Understanding for Security Goods and Services up to \$100,000 by and between the Administrative Office of the Courts and Dorchester County government for funds for: security equipment, access control system, a camera system, replacement of the main office monitor, audio visual intercom and bullet resistant barriers.

#### COOPERATIVE AGREEMENT-NOXIOUS WEEDS-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Julianne A. Oberg, Deputy Secretary, Maryland Department of Agriculture (MDA), to execute a Noxious Weed Control Cooperative Agreement between MDA and the County with no funds being provided by the County or MDA for the control and eradication of specific noxious weeds for the period of July 1, 2021 through June 30, 2022.

#### POLL CONFIRMATION

The Council, by means of a poll, in the interim between meetings, agreed to the special carve out of overtime hours from the Garcia Rule, with overtime with pay not to exceed \$6,650 for the additional law enforcement security to assist the Department of Corrections in transporting prisoners to court using Corona Virus Emergency Supplemental funding provided by the Department of Justice to the Sheriff's Office by a 5 to 0 vote.

#### EMERGENCY RENTAL ASSISTANCE PROGRAM GRANT ACCEPTANCE –LOCAL MANAGEMENT BOARD

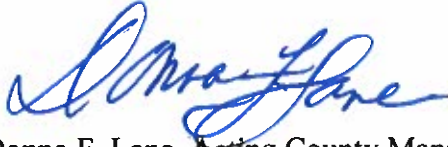
The Council accepted an Emergency Rental Assistance Program Grant from the Department of Housing & Community Development for \$2,459,157 of which 50% must be expended by July 2021.

#### ADJOURNMENT

Councilman Newcomb noted that two individuals have volunteered to serve on the Dog Control Facility Committee and there are two more positions more volunteer spots available. He said anyone interested should contact the Council's Office. Terri Robbins, resident, who volunteered to serve said there is a meeting tomorrow.

Based on the request of Councilwoman Nagel, the Council appointed Mike Knauer to the Agricultural Land Preservation.  
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.