

County Council of Dorchester County
Regular Meeting Minutes
August 2, 2022

The County Council of Dorchester County convened in Open Session in Room 110 at the County Office Building at 6:00 p.m. on August 2, 2022. A roll call of the members was conducted. Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols and, Ricky C. Travers. Also present in Room 110 were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager. Councilman Pfeffer joined the meeting late.

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: Police Accountability Board Discussion. The Council approved the amended agenda.

APPROVAL OF MINUTES

The Council approved the minutes of June 7, 2022 and July 5, 2022.

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 \$13,216,758.56.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on August 2, 2022 at 5:02 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 §3-305(b)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and §3-305(b)(7) to consult with counsel to obtain legal advice.

Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols and, Ricky C. Travers. Also present in Room 110 was Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were the present Council Members.

The Council convened into a Closed Session at 5:03 p.m. on August 2, 2022 to discuss the following items pursuant to §3-305(b)(1), §3-305(b)(4) and §3-305(b)(7).

- 1- Approved the request of the Emergency Services Director to re-hire a former employee as an on call Paramedic by a 3 to 0 vote;
- 2- Approved the request of the Emergency Services Director to reinstate an employee to 911 Shift Supervisor by a 4 to 0 vote;
- 3- Approved the request of the Department of Corrections Director to hire an individual to fill a Maintenance Technician position by a 3 to 0 vote;
- 4- Approved the request of the Finance Director to hire an individual for the Grant Specialist/Accountant position by a 3 to 0 vote;
- 5- Approved the request of the Department of Corrections Director to use a civilian for the Control Center at the Detention Center by a 3 to 0 vote;
- 6- Discussed the filling of the Planning and Zoning Director vacancy;
- 7- Discussed matters relating to overtime and accountability;
- 8- Selected applicants for the Recreation and Parks Director to interview;
- 9- Discussed a matter relating to proprietary information of a proposal of a business to locate, expand or remain in the State;
- 10- Received legal advice from County Attorney regarding audio and visual recording.

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LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 20-805 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT THE BUILDING EXCISE TAX IS SUSPENDED FOR A PERIOD OF ONE YEAR COMMENCING ON JULY 1, 2022 AND ENDING ON JUNE 30, 2023 AND TO PROVIDE THAT THE BUILDING EXCISE TAX DOES NOT APPLY TO BUILDING PERMITS FILED BETWEEN JULY 1, 2022 AND JUNE 30, 2023.

Present in Room 110 were: Jay L. Newcomb, President; Libby Handley Nagel, Vice President; William V. Nichols; George L. Pfeffer, Jr.; and, Ricky C. Travers. Also present in Room 110 was Donna F. Lane, Acting County Manager. Voting in favor of the Closed Session were the present Council Members.

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E. Thomas Merryweather, County Attorney, said before Council is legislation to suspend the Building Excise Tax for a period of one year commencing on July 1, 2022 and ending on June 30, 2023 and to provide that the Building Excise Tax does not apply to building permits filed between July 1, 2022 and June 30, 2023. The Council agreed to proceed with publication of a public hearing.

The Council convened into Regular Session.

REGULAR SESSION

CHARTER DISCUSSION

Councilman Travers recognized that three Council Members submitted resolutions for proposed charter amendments. In response to his query, E. Thomas Merryweather, County Attorney, said the three, which were vetted by Charles MacLeod, Special Legal Counsel, are ready for disposition. Mr. Merryweather said the first one before the Council is for term limits and, more specifically, beginning with the November 2022 election no Council member will be able to serve more than two consecutive terms. There were no sponsors for this resolution. Mr. Merryweather said the second resolution is to eliminate the County residency requirement. Councilman Travers made a motion to sponsor the resolution which was not seconded. Mr. Merryweather advised that the third resolution is to delete the residency requirement for the Director of Finance. Councilman Travers agreed to be the sponsor. There was no second.

Susan Dukes, Charter Review Commission member, cited concerns that despite the committee putting forth the effort to develop recommendations no action was taken. Ms. Dukes said some of the issues they addressed in their recommendation were from the community, County employees and Department Heads.

Councilman Pfeffer joined the meeting. Mr. MacLeod said the Council received the report from the Commission, heard concerns from the public and there were resolutions prepared for consideration. He noted that the process to place items on the ballot was condensed. In response to a question from Councilman Pfeffer, Mr. MacLeod said he received notification yesterday of some additional proposed resolutions; however, he did not receive Council's authorization to proceed with reviewing. In response to another question from Councilman Pfeffer, Mr. MacLeod said he received from him four proposed resolutions. Mr. Merryweather emphasized that Mr. MacLeod has not vetted them. Pursuant to Councilman Pfeffer's query, Ms. Lane said there was no response to her email to the Council regarding the resolutions proposed by Councilman Pfeffer. Mr. MacLeod said he cursory viewed the resolutions Councilman Pfeffer presented as he was not given the authority to review them as to legal sufficiency. Mr. MacLeod said there is sufficient time to draft and submit ballot questions between today and Friday. Councilman Pfeffer noted that the Council Members received a copy of his proposed resolution. Councilman Travers made a motion to move forward with them which died due to the lack of majority, with Councilman Newcomb, Councilwoman Nagel and Councilman Nichols opposing. Councilman Pfeffer noted that there was a poll conducted on holding a special meeting which failed by a three to two vote.

MANAGERS COMMENTS

TRANSFER TAX FUND REQUEST-HARRIET'S JOURNEY HOME STATUE-CIRCUIT COURT

The Council approved the request of William Jones, Judge, Circuit Court, and Amy Craig, Clerk of the Court for Transfer Funds of: 1) \$9,820 to set the Harriet Tubman Statue on the Circuit Court grounds and; 2) \$6,650 for John D. Hynes & Associates, Inc. to conduct a front lawn soil study to ensure that the soils will be sufficient for the weight load of the statue from Transfer Tax.

REFERRAL TO PLANNING COMMISSION-REZONING GROWTH ALLOCATION-SUICIDE BRIDGE-PLANNING AND ZONING

The Council approved the request of Susan Webb, Acting Planning and Zoning Director, to refer to the Planning Commission a Rezoning Application and a Growth Allocation for Suicide Bridge Restaurant for its review and recommendation to the Council. Mr. Merryweather stated that if there is a partial of a parcel, he will need the description of both parcels. Ms. Webb said she will include in that in the report to the Planning Commission for this item.

BID AWARD-WILDLIFE FENCE PHASE 2-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to award the bid for Phase 2 of the Wildlife Fence project to Longfence in the amount of \$428,617 and to use Contingency Funds to cover the additional \$19,154.00 to complete the Base; add an Alternate fence design \$7,400; and, award the project to the lowest bidder.

REQUEST TO EXPEND CREDIT-PURCHASE OF RADIO TEST AND CALIBRATION EQUIPMENT-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director, to use \$47,117.36 of a \$70,000 credit from Motorola Solutions remaining from the radio project to purchase radio test and calibration equipment.

CAPITAL BUDGET EXPENDITURE REQUEST-ACTIVE 911-VOLUNTEER FIRE COMPANIES-EMERGENCY SERVICES

The Council approved the request of Dozia Rahilly, Emergency Services Director, to sole source with AT&T Firstnet and expend \$99,342.20 of the \$100,000 allocated in the FY23 Capital Budget for Active 911 for the volunteer fire companies and Emergency Services Department. The Council acknowledged that: 1) the tablets will only be placed in the County ambulances; and, 2) the yearly charges covered under this amount are for a one year period. Pursuant to an inquiry from Councilman Newcomb, Adam Pritchett, First Assistant Chief, Rescue Fire Company said Motorola staff are being consulted for issues relating to CAD and alerting procedures.

RURAL DEVELOPMENT FUNDS COMMITTEE RECOMMENDATION-ECONOMIC DEVELOPMENT

Susan Banks, Economic Development Director, said before Council is the Committee recommendation on which projects/applications should be submitted for Rural Economic Development funds. Councilman Travers made a motion to proceed with the Committee's recommendations which was seconded by Councilman Pfeffer. Councilman Nichols cited his belief that repairs to Woods Road should be a priority as well as broadband. In response to a question from Councilman Travers, Ms. Banks said if the grant funds applied for are received, there will be \$1.5 million for Woods Road with a \$200,000 City match and a \$250,000 County match. She said she checked and it is her understanding Rural Economic Development Funds can possibly be used for the match for State funds.

Ms. Banks said the recommended projects for Rural Development Funds, after approval by Council, will be sent to the Mid Shore Regional Council then to the Maryland Department of Commerce. She noted that either entity can remove projects/applications from the list. She advised that Scott Warner, Executive Director, Mid Shore Regional Council, has advised that the County will get approximately \$60,000 or more in additional Rural Development Funds. Councilman Nichols said he supports the Town of Vienna's request. The motion failed with Councilman Newcomb, Councilwoman Nagel and Councilman Nichols opposing. A discussion ensued regarding the items to submit for consideration. A motion made by Councilman Nichols to approve items 1 through 6 and 10 passed. Ms. Banks provided a summary of those items as follows: 1) Maryland Broadband Cooperative, \$240,000 to upgrade equipment and service capacity in Dorchester benefiting members operating in the Region; 2) Cambridge Waterfront Development, Inc., \$1,000,000 for a Complete Design Deliverable (DD) set of documents site development, including roadways, associated underground utility mains and the streetscape; 3) Woods Road \$641,000, to repave the road which will improve access and safety to businesses, the medical facility and through traffic; 4) Chesapeake College \$257,500 to provide funding for the creation of a mobile welding lab, expansion of the Marine Trades program, create an Advanced Manufacturing Technology (AMT) program, form a Center for Innovation and Entrepreneurship; 5) Chesapeake College CDL Program in Cambridge- \$338,085, to expand the College's current CDL program to a second location in Cambridge and having the capacity to offer class B certifications to 8 cohorts of students over two years; 6) Uppershore Workforce Investment Board, \$50,000 for WIB to work with Dorchester County Economic Development to target 7-10 businesses who want to offer training to some of their key employees, develop an application and register the employees and pay for the training from these funds which trainings will be in a credential that confirms completion; and, 7) Town of Vienna, \$156,000 to acquire 104 Race Street which is known as The Community Hall to create a space for waterfront parking and bathroom facilities to attract more businesses/vendors.

AMERICAN RESCUE PLAN ACT DISCUSSION

The Council acknowledged its decision at its July 14, 2022 American Rescue Plan Work Session to consider funding requests for these funds at this meeting. Valerie Connelly, Vice President of Government Affairs & PR, Choptank Electric Cooperative, said she and her staff still wish to work with the Council to build out broadband in unserved areas of the County and she is seeking

assurance that the \$600,000 previously allocated for Choptank Fiber is still available for them to do so. Pursuant to a query from Councilman Pfeffer, Ms. Connelly said a Statewide Broadband grant will be available in the Fall of this year. The Council agreed to retain the \$600,000.

Councilman Pfeffer noted that the Council had provided Dorchester County Sanitary District, LLC \$400,000 for Bonnie Brook water improvements. He explained that the Town of Secretary received a larger bid than expected to replace the Twin Cities Wastewater Treatment Plant which is in violation as it is failing. He expressed his belief the Council should provide American Rescue Plan Act funds to the Town of Secretary for this proposed project. He noted that if funding is not obtained, the Town of East New Market, which is seeing growth may have to be cut off from the plant.

Councilman Nichols queried whether State funds were available for this project. Councilman Pfeffer, in conjunction with Susan Dukes, Town Council Member, said they worked with the State and the United States Department of Agriculture and had an estimate of \$14 million. Ms. Dukes said: 1) the bids came in at \$24-\$25 million which has resulted in a \$3 million shortfall; 2) the Town Council recently voted to use \$14,000 for the partial removal of sludge. She noted that the aerators are failing for which no parts are available; 3) the Town has entered into an agreement with Suicide Bridge Restaurant so it can continue to operate until a new system is construction; 4) the State is waiting to hear if the County will provide funding; 5) she is unsure whether the Town will have to turn over the plant to the State or the County; and, 6) if the Town identifies a separate funding source they will not need any American Rescue Plan Act funds. Councilman Nichols said he will check with an individual/entity on whether funding is available. The Council agreed to allocate \$500,000 for the Town of Secretary for the new plant.

The Council agreed to allocate \$3 million for the preliminary engineering and design to renovate the Health Department with Councilmen Travers and Pfeffer opposing.

PURCHASE OF SOCCER EQUIPMENT-RECREATION AND PARKS

The Council approved the request of Ms. Lane to sole source with BNS Sports and use Contingency Fund monies to purchase two sets of 8'x24' practice soccer goals at a cost not to exceed \$6,000 unless Dave Bromwell, Superintendent, is able to supply goals to Recreation and Parks. The Council acknowledged that: 1) there is only \$20,000 in the Recreation and Parks FY23 Operating Budget for recreation program activities; and, 2) prior goals for fields located on School Street were disposed of under the direction of the prior Recreation and Parks Director.

BOARD APPOINTMENT-BURIAL SITES PRESERVATION BOARD

The Council appointed Dorothy Bradford Samonisky, a County resident, to the Burial Sites Preservation Board. The Council acknowledged that one of the individuals that was appointed to this Board at its July 5, 2022 meeting, Janet McNeil, no longer lives in the County so she cannot serve pursuant to the County Code relating to this board.

DISCUSSION-FILLING VACANT POSITIONS

The Council agreed to seek quotes for hiring a firm to assist with finding applicants to fill current vacant positions and, in particular the Finance Director, Assistant Finance Director, Planning and Zoning Director and the Recreation & Parks Director. Pursuant to a query from Councilman Pfeffer, Councilmen Newcomb, Travers and Nichols said they are not aware of the County Council hiring an outside firm for this purpose in the past.

BOARD APPOINTMENT-ELECTRICAL BOARD

The Council agreed to appoint Gene Morris to the Electrical Examiners Board due to the resignation of Jeff Bell.

NON-EMERGENCY CALL DISCUSSION-911 CENTER

Due to a shortage in staff and increased calls for service as well as administrative calls, the Council agreed to implement a telephone tree.

POLL CONFIRMATIONS

The Council confirmed the following polls conducted in the interim between meetings:

- based on the request of Nancy Shockley, Local Management Board Director, agreed to approve the following Emergency Rental Assistance Program Applications (Round 33) by a 5 to 0 vote:

Altair Apartments	\$ 6,622
Betty Cornish Isom	\$ 4,500
Cambridge Commons	\$ 4,236
Choptank Property Management	\$ 5,150
Donald Keyes	\$ 4,800
Ed James	\$ 9,405
Foxtail Crossing	\$ 4,886
James Bishop	\$ 8,000
James Wentz	\$ 5,100
Jonathan Wright	\$ 2,000
Severn Management	\$ 2,583

- based on the request of Nancy Shockley, Local Management Board Director, agreed to approve the following Emergency Rental Assistance Program Applications (Round 34) by a 5 to 0 vote:

Ambrit Properties	\$ 4,800
Arcade LLC	\$ 2,750
Choptank Property Management	\$ 5,368
Ed James	\$ 7,470

Ginger Brannock	\$ 1,330
JL Remodeling LLC	\$ 2,280
Laurie Sparacino	\$ 1,750
Marty Mullaney	\$ 12,000

- approve the request of Sheriff James Phillips to submit a Federal Byrne Justice Assistance Grant in the amount of \$12,846 which will be shared between the Sheriff's Office and the City of Cambridge. The Sheriff's Office will use the funds for community events by a four to one vote (no response)

The Council agreed to be the applicant for this grant since the City of Cambridge did not receive notification by the required date in the grant.

- approved the request of Sheriff Phillips to submit a Maryland Center for School Safety School Resource officer Grant in the amount of \$98,661 to use for overtime for the following schools, by a 5 to 0 vote: Warwick Elementary School, Vienna Elementary School, North Dorchester Middle School, South Dorchester K-8, Dorchester School of Technology.

EMERGENCY RENTAL ASSISTANCE PROGRAM APPLICATION REQUESTS-LOCAL MANAGEMENT

The Council approved the request of Nancy Shockley, Local Management Board Director, to approve the following Emergency Rental Assistance Program Applications (Round 35):

Altair Apartments	\$ 3,756
Brian Ivers	\$ 7,000
Cambridge Property Management	\$ 18,120
Carabello Investments	\$ 4,795
Choptank Property Management	\$ 2,829
Ed James	\$ 4,427
Foxtail Crossing	\$ 3,817
Greg Lutz	\$ 5,100
Marty Mullaney	\$ 17,800
Powell Property Management	\$ 3,000
Roscoe Handy	\$ 3,500
Sheila Jones	\$ 3,600
Woods Crossing	\$ 4,745

POLICE ACCOUNTABILITY BOARD DISCUSSION

The Council discussed the legislation that has been drafted to establish the Police Accountability Board with Charles MacLeod, Special Legal Counsel, and Mr. Merryweather. Pursuant to a question from Councilman Newcomb, Mr. MacLeod, said the Council should enact the legislation which can be amended at a later date. Ms. Bean provided a summary of the items she felt should be modified or included in the legislation. Councilwoman Nagel noted that

approximately 50% of the County are women and minorities so consideration should be given to ensure that they are represented on the Police Accountability Board (PAB) and the Administrative Charging Committees. Mr. MacLeod noted that several jurisdictions have agreed to pay board members, especially those on the Charging Committees. Councilman Nichols said he believes that the PAB Chairman should serve a maximum of three years. The Council agreed that Mr. MacLeod will draft legislation for introduction at the next meeting taking into account comments received from all parties.

OTHER

Councilman Newcomb said the property tax bills are in the mail and apologized for the delay.

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 6th day of September 2022.