

County Council of Dorchester County
Regular Meeting Minutes
July 18, 2022

The County Council of Dorchester County convened in Open Session at 6:05 p.m. on the 18th day of July, 2022. The meeting was also available to the public by conference call. A roll call of the members was conducted. Present on the conference call and 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 and via telephone were E. Thomas Merryweather, County Attorney; and Donna F. Lane, Acting County Manager.

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 were added: Request To Piggyback-Maryland Department Of Transportation-Elliott's Island Bridge-Public Works, Request To Utilize Funds-Air Handler Unit-Airport; and the following item was removed: Lease-Restaurant Space-Airport. The Council approved 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 \$16,493,377.88.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on July 18, 2022 at 5:06 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)(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; 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.

The Council convened into a Closed Session at 5:07 p.m. on July 18, 2022 to discuss the following items pursuant to §3-305(b)(1) and §3-305(b)(7):

- 1- Follow-up discussion on personnel hearing held on July 5, 2022
- 2- Approved the request of the Director of the Department of Corrections to hire an individual to fill a Secretary vacancy by a 5 to 0 vote;
- 3- Approved the request of the Director of the Department of Corrections to hire individuals as Correctional Officers by a 5 to 0 vote;
- 4- Approved the request of the Emergency Services Director to hire individuals as on call Emergency Medical Technicians and to transfer an employee from 911 Communications to Emergency Medical Services as an Emergency Medical Technician I by a 5 to 0 vote;
- 5- Received legal advice from County Attorney regarding a County Board.

Present in Room 110 were: Jay L. Newcomb, President; William V. Nichols; George L. Pfeffer, Jr.; and Ricky C. Travers. Also present in room 110 was Donna F. Lane, Acting County Manager.

COMMENDATION- TREVOR GEER-WREATHS ACROSS AMERICA LEARN AWARD

The Council presented a Commendation to Trevor Geer for obtaining a Wreaths Across America Learn Award.

CHARTER REVIEW COMMISSION PUBLIC HEARING

E. Thomas Merryweather, County Attorney, said a public hearing is being held so the Charter Review Commission can provide its report to the County Council concerning the members' review of the County Charter. George Reed, Chair, advised that the following members were present George Ames, Co-Chair; Susan Dukes, Theresa Stafford and Linda Henry and said the remaining member is Bruce Coulson. He provided an overview of the Commission Member's strategy and presented the Commission's report (attached) which included recommendations and explanations. He thanked Ms. Lane for providing assistance and Charles MacLeod, Special Legal Counsel, for his input in the process as the members developed final recommendations. In response to a question from Councilman Pfeffer, Mr. Reed said the reason their proposal for a vote to terminate a County Manager by 4/5ths of majority versus the 3/5ths vote requirement they proposed for hiring, was that the termination was more serious of a decision to make. He acknowledged that their recommendations including creating a new Assistant County Manager position within the government and maintaining the residency requirement for the County Manager, pursuant to a query from Councilman Pfeffer. He commended the Council's decision to livestream meetings. Councilwoman Nagel questioned the reason the Committee members did not address limiting the number of consecutive terms an individual can serve on the County Council, which she believed should be two terms. She asked how many of the Commission members signed the petitions that are being circulated in the County regarding potential amendments to the County's Charter and Code. Mr. Reed said the Committee members had a limited time to discuss issues due to not meeting until the end of August 2022 to not having a quorum. In reference to a statement he made about a seventh members not being appointed to the Commission, Councilwoman Nagel said her focus was finding someone who was interested in serving on the Commission. Mr. Reed cited his belief that how many members signed the

petition is irrelevant. Councilman Nichols expressed his desire to know if some of the Commission members signed the petition. Ms. Dukes said they did not promote the petitions, noting her belief that the items on it were reasonable. She noted that the Commission did review the petitions to determine if there was any items/language they can utilize. She said she felt they were reasonable and that it was irrelevant whether a member personally did or did not sign the petitions. Theresa Stafford said although items in the petition were discussed the members did not consider the petitions or the use of language within them. Councilman Nichols, citing transparency, questioned whether Ms. Dukes signed the document. She expressed her belief it is not relevant. She advised that neither of the items she considered had anything to do with the position, noting as a private citizen whether or not she signed the petitions is her business. She said the report is a product of the members' words and thoughts. Councilman Newcomb asked that the cover letter of the County be executed.

Mr. Merryweather asked if anyone in the audience or online wanted to speak. There was no response to this inquiry. Based on a question posed by Councilman Pfeffer, the present members of the Commission said they were not pressured or coerced by any member of the Council in regards to their recommendations.

Jim Brady, a resident, applauded the Commission members for their hard work. He expressed his belief that: 1) in order to be competitive with other counties, the County Manager should have full control over staff and Department Heads and the Council should work through the County Manager; and 2) protection is needed to ensure that a County Manager should not be released on a whim or short notice without protection. He said he concurred with the Commission's recommendations to have a super majority vote in order to remove an individual from the County Manager position.

In response to a call from Mr. Merryweather for Theresa Bean to speak, as she signed up to speak, she asked to be removed from the list as she does not wish to make comments about this matter.

Bob Murphy, resident, said he supports the Commission's findings which he believes are long overdue. He opined that a previous Manager should not have been released from employment because he did not live in the County. He asked the Council to support their recommendations.

Eugene Lauer said he has resided in Dorchester County for about 12 years and has owned his unit for 15 years. He advised that he worked in various executive positions, such as a County Administrator, Deputy CEO and Department Head in Maryland before he retired. He noted that he attended a couple of Commission meetings and commended the members for developing recommendations despite a short timeline. He cited his belief that some of the language in the Commission's report needs to be tweaked for legal purposes. He said he does not agree with all of their recommendations and that there should be additional changes and listed several proposed changes including there shall be no intrusion or interference of the County Manager's actions relating to staffing and hiring an experienced firm in the executive public sector to fill the County Manager position. Mr. Lauer said he is pleased to learn that the Council intends to live stream meetings. He cited his belief that it is important that the public should be able to view the documents the Council receives for meetings in addition to the agenda. He expressed his understanding that the proposed changes to the ethics legislation by the Commission are subject to State approval. He said a County Manager should be hired without delay.

Sarah Gavian, resident, complimented the Commission for incorporating key issues raised in several community forums and in short time frame. She said she supports their recommendations and encouraged adoption. She said she believes that: 1) a performance plan should be instituted and, if necessary, implemented prior to taking any action to release a individual from a County Manager position; 2) the residency requirement for a County Manager position should be removed; 3) language should be included in the Charter that specifies the action to be taken if the Council does not follow the Charter. She noted that she provided each Council Member with her proposed edits. She also echoed the comments made by individuals before her.

Ms. Dukes said the Commission members' were unable to determine how to incorporate ethics requirements in the Charter, noting that the current Ethics Code is mostly relating to financial matters.

Steve Rideout, resident, echoed Mr. Lauer's comments. He questioned what action needs to be taken to ensure that the Committee's recommendations are legally sufficient to place on the ballot. He said in lieu of an appeal clause, a provision about providing a contract to a County Manager should be placed in the Charter. He expressed concern about the Commissions' proposed language regarding the removal of a Council Member, citing his belief, the roles of a Council Member should be better defined. He said the language regarding the County Manager managing staff, hiring and firing can be included in a contract between the person who is selected for that position and the Council. He said the Council should seriously consider some of the proposed changes, noting his belief that overall the intent of the recommendations were appropriate.

Theresa Stafford, resident and Commission member, thanked Councilman Nichols for appointing her to the Commission. She said Council may want to consider whether or not to make changes relating to Human Resources and protocols as some individuals spoke about flaws in that department.

Allen Nelson, resident, cited concerns regarding the timeframe the Committee faced. He said he supports Mr. Lauer's comments. He opined, based on experience in running a business, that a residency requirement for the County Manager should be removed.

Mr. Merryweather said the Charter does not dictate that the Council has to act on the Committee's recommendation, noting they can defer them to the next election, in 2024. Mr. Reed and Ms. Dukes spoke in favor of moving forward with some of the items. Mr. MacLeod joined the meeting by telephone. In response to an inquiry from Councilman Newcomb. Mr. McLeod clarified that the Council can vote on the items and any changes they agree to seek will have to be placed on the ballot.

Councilman Travers made a motion for a 10 day public comment period.

Pursuant to a question posed by Mr. Merryweather, Mr. MacLeod said any changes must be provided to the State Board of Elections by August 5, 2022. Mr. Merryweather advised Council that they can defer consideration of any changes to the next meeting if they wish to place them on the 2024 ballot. He said if the Council does wish to make changes for this years' ballot Mr. MacLeod will need to prepare resolutions by that meeting. In response to a question from Mike

Detmer, resident, Mr. Merryweather said if the petitions and amendments from the Council are placed on the ballot there may be a conflict with the language as each which will add confusion. Mr. MacLeod concurred.

Mr. Murphy said he believes the Council should support the Committee and concentrate on moving forward expeditiously.

Mr. MacLeod expressed his belief that between the 2nd and 5th he can prepare resolutions if there is a majority of the Council in support for proposed charter changes. In response to his query, Mr. Merryweather said a resolution should be prepared for each change, which must be adopted and published in a newspaper of general circulation.

Councilwoman Nagel left the meeting.

The Council agreed to allow comments until the August 2, 2022 meeting at which the Council can consider moving forward with charter amendments with Councilman Nichols opposing. Councilman Travers commended the Committee for their due diligence and hard work.

The Council adjourned the public hearing.

MID SHORE BEHAVIORAL HEALTH ANNUAL PRESENTATION-LETTER OF AGREEMENT

Kathryn Dilley, Executive Director, Mid Shore Behavioral Health (Mid Shore), presented information regarding Mid Shore Behavioral Health (see attached). She recognized that J Nicole Howard-Myers, Behavioral Health Coordinator, Diversity, Equity & Inclusion and a representative of Dorchester County Responsibilities for all of Dorchester County, is present. Ms. Howard-Myers provided information specific to Dorchester County. The Council approved Ms. Dilley's request 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.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA TO ADD NEW SECTION 68-8F(10) TO CHAPTER 68 OF THE DORCHESTER COUNTY

CODE ENTITLED “CHESAPEAKE BAY CRITICAL AREA”, PROVIDING THAT COMMUNITY AND CULTURAL FACILITIES, INCLUDING USE AS AN ASSEMBLY TO THE GENERAL PUBLIC, AND AS RESTRICTED IN THE TABLE OF PERMITTED USES BY ZONING DISTRICT IN SECTION 155-34(B)(1), ATTACHMENT 1, OF CHAPTER 155 OF THE DORCHESTER COUNTY CODE, ARE PERMITTED.

E. Thomas Merryweather, County Attorney, said before Council for introduction is legislation to add new Section 68-8F (10) to Chapter 68 of the Dorchester County Code Entitled “Chesapeake Bay Critical Area”, providing that community and cultural facilities, including use as an assembly to the general public, and as restricted in the Table Of Permitted Uses By Zoning District in Section 155-34(B) (1), Attachment 1, of Chapter 155 of the Dorchester County Code, are permitted.

The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT, AND PURSUANT TO AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO AMEND 155 ATTACHMENT 1, ENTITLED “TABLE OF PERMITTED USES BY ZONING DISTRICT DORCHESTER COUNTY, MARYLAND”, OF CHAPTER 155 ENTITLED “ZONING” OF THE DORCHESTER COUNTY CODE TO ADD A NEW USE CATEGORY ENTITLED “INSTITUTIONAL COMMUNITY AND CULTURAL FACILITIES”, PROVIDING THAT COMMUNITY AND CULTURAL FACILITIES, INCLUDING USE AS AN ASSEMBLY TO THE GENERAL PUBLIC, ARE PERMITTED IN THE AC-RCA, AGRICULTURAL CONSERVATION-RESOURCE CONSERVATION AREA, SUBJECT TO CERTAIN REQUIREMENTS.

Mr. Merryweather said before Council for introduction is legislation to amend 155 Attachment 1, Entitled “Table Of Permitted Uses By Zoning District Dorchester County, Maryland”, of Chapter 155 Entitled “Zoning” of the Dorchester County Code to add a new use category entitled “Institutional Community And Cultural Facilities”, providing that community and cultural facilities, including use as an assembly to the general public, are permitted in the AC-RCA, Agricultural Conservation-Resource Conservation Area, subject to certain requirements.

The Council agreed to proceed with publication of a public hearing on this matter.

OTHER

Pursuant to a query from Councilman Newcomb, Mr. Merryweather said the deadline to pass legislation to establish the Police Accountability Board was July 1, 2022 of which a large portion is based on State law. He noted that the legislation is modeled after Talbot County’s which Sheriff James Phillips was amicable to using. Councilman Nichols said he wishes to change the composition of the membership of the Police Accountability Board. Mr. Merryweather said any proposed changes should be provided to Ms. Lane who will forward them to him to review. In

response to an inquiry from Councilman Newcomb, Theresa Bean, resident, confirmed that she wanted to speak about the Police Accountability Board. She explained that she is writing for a publication about the Police Accountability Board. She advised that she prepared a comparative analysis of all 23 counties plus Baltimore City on how they established the Board. Ms. Bean provided a summary of her proposed changes to the legislation the County Attorney prepared at the Council's direction, which was previously introduced.

Pursuant to a queries from Councilman Travers, Ms. Bean said during the summary she provided she used the word "we" in lieu of Dorchester County and confirmed she is supportive of the police. Councilman Travers cited concerns that due to changes in State law it will hamper officers' ability to enforce the law and will negatively impact the ability to teach minor children right from wrong by providing little to no consequences for their unlawful actions.

In response to a question from Terry Robbins, Ms. Bean said she believes that due to the size of the County there should not be 18 individuals on the Board. She opined that they should at least be in the areas in the County which have their own police force. Councilman Newcomb noted that both the City of Cambridge and the Town of Hurlock have police forces. Ms. Bean opined that the board should reflect the area.

Mike Detmer, resident, cited concerns about the recently passed legislation as it will downgrade the administrative process as well as fiscally and personally impact officers. He said law enforcement officers have expressed their concerns that the State's Attorney General Office noted that there are items in State law that will have to be adjudicated in order to obtain clearer guidance. He asked the Council to mitigate the impact on officers.

REGULAR SESSION

The Council convened into Regular Session.

MANAGERS COMMENTS

REQUEST TO RESERVE DOCKAGE-USE OF TENT-COUNTY OFFICE BUILDING- CHOPTANK HERITAGE SKIPJACK COMMITTEE

The Council approved the requests of Lou Hyman, Race Committee Chair, Choptank Heritage Skipjack Race, to: 1) reserve dockage along the County Office Building bulkhead for the 26th Annual Choptank Heritage Skipjack Race; 2) use the parking lot from September 23 to September 24, 3033 (race day), and electric; and, 3) use the side yard of the County Office Building property, along the sidewalk leading from the parking lot, and set up of a tent with the intent of using a local caterer to supply food for the event

The Council acknowledged that: 1) they will work with County Maintenance staff to post "reserved" signs along the bulkhead the week of the race which will be removed on Saturday afternoon; 2) they will not be selling any alcoholic beverages during the event; 3) they will place two portable toilets along the parking lot; 4) the tent will be erected on September 23 in the a.m. and then taken down the morning of September 26th; and, 5) they will be responsible for cleanup and securing equipment as well as work with County Maintenance staff before, during and after the event.

FY23 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT-DORCHESTER COUNTY HEALTH DEPARTMENT

The Council approved the request of Roger Harrell, Health Officer, to execute the Fiscal Year 2023 Core Public Health Services Funding Agreement between the County and the Maryland Department of Health totaling \$732,741 to provide local health services at the Health Department. The Council acknowledged that this amount is equal to the County's FY23 budget appropriation.

REQUEST TO SOLE SOURCE-FY2023 AUDITING SERVICES-FINANCE

The Council approved the request of Michael Spears, Finance Director, to sole source with Accounting Strategies Group to provide assistance in preparing the FY 2023 annual audit at a cost not to exceed \$10,000 using funds from the FY23 Finance Budget under the Contractual Services and the Auditing Services account.

REQUEST FOR FY23 DEPARTMENT OF NATURAL RESOURCES FUNDING-PORTABLE TOILETS-PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to accept a grant award for a Department of Natural Resources Water Improvement Fund Grant to assist with the yearly Marine Facility Portable Toilets contract in the amount of \$12,000. The Council acknowledged that the County has a contract for Harman Septic.

REQUEST TO ADVERTISE FOR PROPOSALS-COUNTY OFFICE BUILDING RESTROOM REMODEL-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise a request for proposals for remodeling of the downstairs restrooms at the County Office Building. The Council acknowledged that funding for this project will be from the Maintenance Department Capital Budget, \$50,000 from the FY22 Budget and \$50,000 from the FY23 Budget.

REQUEST TO ADVERTISE FOR PROPOSALS-LANDFILL CELL 1 CONSTRUCTION-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise proposals for the Landfill Cell 1 Construction. The Council acknowledged that funding for this project of \$6,000,000 is included in the FY23 Capital Budget.

REQUEST TO SOLE SOURCE-DUMP TRUCK PURCHASES-PUBLIC WORKS

The Council approved Mr. Edwards request to sole source with Bethlehem Truck & Body and purchase two new dump trucks at a cost not to exceed \$513,466. The Council acknowledged that FY 23 Capital monies of \$550,000 have been allocated for this purpose.

REQUEST TO PIGGYBACK ON STATE CONTRACT-PURCHASE OF MOSQUITO CONTROL TRUCKS-PUBLIC WORKS

The Council approved Mr. Edwards' request to purchase from Hertrich Fleet Services, Inc. two Mosquito Control trucks by utilizing piggyback pricing on the State contract at the cost of \$333,666 each. The Council acknowledged that funding is in the FY23 Capital Budget for this purchase.

REQUEST TO ADVERTISE FOR PROPOSALS-ALUMINIZED TYPE 2 METAL PIPE OR HDPE DRAINAGE PIPE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to advertise for proposals to supply Aluminized Type 2 Metal Pipe and/or HDPE Drainage Pipe for the period of September 1, 2022 to August 31, 2024 with the option to extend it for a one year period.

REQUEST TO EXTEND FOOD SERVICE CONTRACT-ARAMARK CORRECTIONAL SERVICES LLC-DEPARTMENT OF CORRECTIONS

The Council approved the request of Kenneth Rodgers, Director of the Department of Corrections, to renew the food service contract with Aramark. The Council acknowledged that there is a slight increase per meal for the inmates.

LETTER OF SUPPORT-RURAL MARYLAND PROSPERITY INVESTMENT FUND GRANT-WORKBOAT REPAIR-ECONOMIC DEVELOPMENT

The Council approved the request of Susan Banks, ECND for a letter of support for a Rural Maryland Prosperity Investment Fund Grant being submitted by Talbot County Economic Development (TCED). Dorchester County Economic Development Department will partner by assisting them in evaluating the grants for workboat repair which will be open to both Talbot and Dorchester County watermen.

POLL CONFIRMATION

Council, via poll in the interim between meetings, agreed to waive the 30 day written notice of termination clause of the Heritage Area Management contract and accept the termination request by a 5 to 0 vote.

REQUEST TO PIGGYBACK-MARYLAND DEPARTMENT OF TRANSPORTATION-ELLIOTTS ISLAND BRIGE-PUBLIC WORKS

The Council approved the request of Mr. Edwards to piggyback off a Maryland Department of Transportation contract for bridge repairs to repair Elliott Island Bridge D-003 with Covington Machine & Welding, Inc. at the estimated cost of \$381,896.61 using FY23 Capital Budget funds.

REQUEST TO UTILIZE FUNDS-AIR HANDLER UNIT-AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to expend \$5,000 and insurance proceeds, if any are received for the repair of an air handler system that provides air conditioning to the south side of the terminal which includes the restaurant space at the Airport that was damaged last Thursday due to a severe storm.

ADJOURNMENT

Due to comments made by Councilmen Travers and Pfeffer regarding any proposed charter changes, Mr. Merryweather stressed that specific language must be used in any resolution. He noted that the Committee was only required to provide concepts. Mr. Ames encouraged the Council to review the existing Charter, compare them with the recommendations of the Committee and make their own decisions on them. Terri Robbins, resident, said she will submit her proposed comments about the Charter to the Council and Acting County Manager.

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.