

County Council of Dorchester County
Regular Meeting Minutes
March 7, 2023

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:15 p.m. on the 7th day of March, 2023. A roll call of the members was conducted. Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols; Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager, Donna F. Lane, Chief of Staff and Irene Barnes, Executive Administrative Specialist.

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: Pass-Through Grant Opportunity – Board of Education. The Council approved the amended agenda.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Pfeffer reported total cash and investments as \$34,601,937.59.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on March 7, 2023 at 5:01 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed Session 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 pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice.

Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols; Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager; Donna F. Lane, Chief of Staff; Irene Barnes, Executive Administrative Specialist; and, Interim County Attorney Charles MacLeod. Voting in favor of the Closed Session were the present Council Members.

The Council convened in a Closed Session on March 7, 2023 at 5:02 p.m. to discuss the following items:

- 1- Confirmed the request of the Interim County Manager and the Public Works Director to hire an individual to fill a Motor Equipment Operator position by a 5 to 0 vote;
- 2- Confirmed the request of the Interim County Manager and the Emergency Medical Services Manager to hire an individual to fill an on-call Paramedic position by a 4 to 1 vote;

- 3- Confirmed the request of the Interim County Manager and the Emergency Medical Services Manager to hire an individual to fill an on-call Paramedic position by a 5 to 0 vote;
- 4- Confirmed the request of the Interim County Manager to hire an individual as a Budget Manager by a 5 to 0 vote;
- 5- Received legal advice from the Interim County Attorney regarding a National Opioid Settlement Notice;
- 6- Received legal advice from the Interim County Attorney regarding a Motion to Strike judgement on a property;
- 7- Received legal advice from the Interim County Attorney regarding a lease extension for a County property;
- 8- Received legal advice from the Interim County Attorney regarding legal representation for a commission;
- 9- Received legal advice from the Interim County Attorney regarding a property.

Present in Room 110 were: George L. Pfeffer, Jr., President; Mike Detmer, Vice President; Rob Kramer, Jr.; William V. Nichols; Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager, Donna F. Lane, Chief of Staff and Irene Barnes, Executive Administrative Specialist.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of February 7, 2023 & February 21, 2023.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented for the week ending on March 3, 2023.

BUDGET TRANSFER REQUESTS – ECONOMIC DEVELOPMENT

The Council approved a FY23 Budget Transfer Request: from Susan Banks, Economic Development Director, for Economic Development.

FY23-24 HOLIDAY SCHEDULE

The Council approved the FY2024 holiday schedule.

LETTER OF SUPPORT REQUEST – ALPHA GENESIS GRANT APPLICATION – ECONOMIC DEVELOPMENT

Based on the request of Susan Banks, Economic Development Director, the Council agreed to provide a letter of support to Alpha Genesis Community Development Corporation for its grant application to the Minority Business Development Agency which provides services to the minority businesses in the region.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

INTRODUCTION

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY TO AMEND THE OFFICIAL CRITICAL AREA MAP OF DORCHESTER COUNTY TO CHANGE THE CRITICAL AREA DESIGNATION OF A PORTION OF A 4.45 ACRE PARCEL OF LAND OWNED BY SUICIDE BRIDGE RESTAURANT, INC. LOCATED AT 6304 SUICIDE BRIDGE ROAD, HURLOCK, MARYLAND AND SHOWN ON TAX MAP 12 AS PARCEL 24 FROM LIMITED DEVELOPMENT AREA (“LDA”) TO INTENSELY DEVELOPED AREA (“IDA”) PURSUANT TO § 68-12 OF THE DORCHESTER COUNTY CODE.

Ms. Lane said before Council we have a Legislation to amend the official Critical Area Map of Dorchester County to change the critical area designation of a portion of property located at 6305 Suicide Bridge Road, Hurlock, Maryland from Agricultural Conservation Resource Area (ACRA) to General Business, District B-2. She stated that the portion of the property being rezoned from ACRA to B-2 consists of 1.431+/- acres and the purpose of the applicant’s request of rezoning is to allow the continued use of the 11,353 square foot gravel surface parking area on the subject’s land to support overflow parking from the Suicide Bridge Restaurant, also owned by applicant, David W. Nickerson, Trustee, David W. Nickerson Revocable Trust, and located on the adjacent parcel of land 6304 Suicide Bridge Road, Hurlock, Maryland.

The Council agreed to proceed with the publication of a public hearing.

The Council convened into Regular Session.

ACTION ITEMS

REQUEST TO REMODEL – COUNCIL’S OFFICE RESTROOM – PUBLIC WORKS

Dave Edwards, Public Works Director, presented his request to sole source with Hill-Kimmel Contracting to remodel the Council’s Office restroom for \$27,750 which will be funded by the FY23 Capital Allocation bathroom remodel line item. He advised that: 1) there is \$29,560.00 remaining from the County Office Building restroom project; and, 2) Hill-Kimmell Contracting renovated those restrooms.

Councilman Detmer cited concerns about the cost of the project. Pursuant to Councilman Detmer’s query, Mr. Edwards explained that in order to obtain additional quotes he will need to advertise a request for proposals, change the scope of the contract and materials in order to lower the cost of the bid, which will not allow him to piggyback off of an existing contract with Hill-Kimmel Contracting. Councilman Kramer also cited concerns about the proposed cost. Councilman Pfeffer and Councilman Travers explained that the bathroom is in poor condition and is not American Disabilities Act compliant. The Council approved Mr. Edwards’ request with Councilman Kramer and Councilman Detmer opposing.

BID AWARD – BOAT RAMP REPAIRS – PUBLIC WORKS

The Council approved the request of Mr. Edwards to award a bid for boat ramp repairs to the second lowest bidder, Murtech Marine Division, for \$ 871,048, as the lowest bidder, Sweitzer Marine LLC, withdrew their bid. The Council acknowledged that \$750,000 will be funded by Department of Natural Resources (DNR) grants and the remaining \$121,048.00 will be funded by the FY23 Capital Allocation for infrastructure repairs.

In response to Councilman Travers inquiries, Mr. Edwards explained that: 1) the total cost is for everything, except paving, noting that once construction is done, it will need to be paved; 2) the estimated start time is spring, due to DNR spawning season restrictions; 3) the repairs may take up to one year to complete; and, 4) he will talk to the contractor about staggering the projects, so all of these boat ramps are not closed at the same time.

BID AWARD – ELECTRIC EXPANSION – AIRPORT

The Council approved the request of Steve Nuwer, Airport Director, to award the electric expansion of the electrical outlet service within the Airport's South Hangar facility to the lowest bidder, Dennis E. Todd Electrical Contracting Services, LLC for \$9,400.00 which will be funded by the Airport's FY23 Capital Budget allocation this project.

REQUEST FOR APPROVAL – FY23-28 AIRPORT CAPITAL IMPROVEMENT PLAN – AIRPORT

Based on the request of Mr. Nuwer, the Council approved the updated Airport Capital Improvement Plan (ACIP) for the 2023 to 2028 fiscal years in preparation for submittal to the Federal Aviation Administration. The Council acknowledged that the plan outlines the intent of the County to support specific projects and is a continuation of the previous annual ACIP.

REQUEST TO HOST – YOUNG EAGLES DAY – AIRPORT

The Council approved the request of Mr. Nuwer, on behalf of Experimental Aircraft Organization, to host Young Eagles Day on April 29, 2023 from 9 am to 1 pm (flexible depending on participation) at the Airport Terminal facilities and provide the following: 1) lunch for the pilots and volunteers, estimated at \$200; 2) use of the Terminal Training room for pre-flight briefings; 3) orange cones and yellow tape; 4) ambulance and Emergency Medical Technicians support; and, 5) three to four adult volunteers. In addition, Council also approved the request of Mr. Nuwer to offer participating pilots a discount on Avgas. Mr. Nuwer added that they expect about 80-100 participants and that this is not an airshow, just an event, so no special waivers from the Federal Aviation Administration is required.

GRANT ADJUSTMENT NOTICE – 2020 EMERGENCY MANAGEMENT PERFORMANCE GRANT - COVID 19 SUPPLEMENTAL – EMERGENCY SERVICES

The Council approved the request of James Windsor, Emergency Management Planner, to accept the Grant Adjustment Notice for the 2020 Emergency Management Performance Grant - COVID 19 Supplemental to reflect actual costs versus projected, resulting in a reduction of \$8.46.

REQUEST TO ADVERTISE FOR PROPOSALS – LEGAL SERVICES – PLANNING & ZONING

The Council approved the request of Susan Webb, Planning and Zoning Director, to advertise a request for proposals for a legal services for the Planning Commission.

BOARD APPOINTMENTS

Planning Commission

The Council appointed JC Collins to the Planning Commission to represent District 4 with Councilman Kramer opposing.

Police Accountability Board

The Council appointed Bob Kirwan to represent District 1, and Eddie James to represent District 3, on the Police Accountability Board.

Administrative Charging Committee:

The Council appointed Vaughn Evans to the Administrative Charging Committee.

Chesapeake Area Heritage Board

Council agreed to appoint Ms. Banks and Barbara Seese, Executive Director, Dorchester Center of the Arts, to the Heart of the Chesapeake Area Heritage Board as the Council Representatives.

LETTER OF SUPPORT REQUEST – SENATE BILL 327/HOUSE BILL 983 - HUNTING, WILDLIFE CONSERVATION, AND OUTDOOR RECREATION – FUNDING, PROMOTION, MANAGEMENT, LICENSES, PERMITS, AND STAMPS

Based on the request of Senator Johnny Mautz, District 37, the Council agreed to support the Senate Bill 327 and the House Bill 983, Hunting, Wildlife Conservation, and Outdoor Recreation – Funding, Promotion, Management, Licenses, Permits, and Stamps for the purpose of altering the purpose of the Heritage Conservation Fund to include acquiring interests in land that can be used by the general public for hunting; establishing the Wildlife Conservation, Education, and Outreach Program to provide outreach and foster an interest in outdoor recreation and stewardship, hunting, and wildlife conservation; establishing a stamp for hunting sika deer; authorizing a nonresident attending a college or university in the State to purchase a resident hunting license; altering the fees charged for certain hunting and trapping licenses, permits, and stamps; codifying and altering the fees charged for a nonresident trapping license and a group furbearer permit; codifying the fee charged for an individual furbearer permit; authorizing a person to hunt migratory game birds on Sundays; altering the purposes for which the Wildlife Management and Protection Fund may be used; requiring the Department of Natural Resources, in consultation with the Department of Agriculture, to develop a plan to address the overpopulation of deer in the State; requiring that a portion of an increase in certain funding be used for new Position Identification Numbers for the Department of Natural Resources to use in

a certain manner; and generally relating to hunting, wildlife conservation, and outdoor recreation.

Councilman Travers noted this if this is part of the Sunday Hunting bill the County can always back out if it causes any issues.

POLL CONFIRMATIONS

The Council confirmed its decision in the interim of meetings, via poll to:

- Provide a letter of support for Senate Bill 777, Middle Shore Counties – Sunday Hunting – Repeal of Time Restrictions by a 3 to 0 vote;
- Provide a letter of support for Cambridge Waterfront Development Inc.’s FY24 Congressionally Directed Spending Request for \$1 million to complete the various land and water gateways at Cambridge Harbor by a 5 to 0 vote;
- Provide a letter of support for Senate Bill 522 & House Bill 740 Education - Accountability and Implementation Board – Membership by a 4 to 0 vote;
- Provide a letter of support for House Bill 1119 Dorchester County - Hunting - Fur-Bearing Mammals by a 4 to 0 vote;
- Provide a letter of support for House Bill 941 Poplar Island and Mid-Chesapeake Bay Island Citizens Oversight Committee-Establishment by a 4 to 0 vote;

Councilman Pfeffer noted that the letters were strictly for support and that the polls were completed due to time restraints.

PASS-THROUGH GRANT OPPORTUNITY – BOARD OF EDUCATION

The Council approved the request of Christopher Hauge, School Facilities Engineer, Board of Education, to submit an application for the Pass-Through Grant in the amount of \$46,670, which will be in addition to the State of Maryland grant opportunity; the Aged Schools Grant fund for \$38,378 and some local Board funds to renovate the gym at Sandy Hill Elementary School.

Mr. Hauge explained that the gym walls and ceiling will be painted, then a new floor will be installed that is similar to Maple Elementary. He added that the flooring is a wet mop floor, so no stripping, waxing, etc. will be required, which will save on maintenance costs. Pursuant to Councilman Nichols concerns about the danger of kids falling on hard floors, Mr. Hauge explained that the proposed flooring will be rubber-like. In response to Councilman Travers, Mr. Hauge said the project will be completed over the summer.

COUNCIL’S COMMENTS

Mr. Powell introduced Sandra Trip Jones, Budget Manager.

Mr. Powell announced that IRONMAN will be holding a public listening session on Monday, March 20, 2023 from 6:00 p.m. to 7:30 p.m at the City Hall regarding proposed changes, noting that the contract expires after the 2023 event. He explained that the organizations are looking into hosting the IRONMAN and Eagleman events together once a year versus separate events multiple times a year. Mr. Powell added that they hope to execute a new contract in April and that he will ask the State for assistance with funding. Councilman Travers expressed his opinion

that a single event is not conducive and they should not change the contract but he will wait to see what is said during the public listening session. Councilman Detmer concurred, adding that the events bring a lot of business to the County businesses and citizens.

Councilman Detmer: 1) provided his condolences to Richard Smith; 2) congratulated North Dorchester High School (NDHS) on their play; 3) expressed his enjoyment of the National Outdoor Show (Outdoor Show); 4) shared that he attended a couple school community design team meetings, regarding school construction; and, 5) expressed his concerns regarding the recent Maryland State Police Officer attack.

Councilman Pfeffer concurred that the NDHS play and the Outdoor Show were successful. He expressed his frustration regarding the lack of participation from parents regarding the school community meetings, stating that parents need to participate now while they have a chance to make suggestions. Councilman Pfeffer thanked Mr. Edwards and his team, noting several complaints he received regarding unsafe roads: 1) Cabin Creek Hurlock Road, just east of Route 16; 2) 4000 Wrights Wharf Road; and, 3) Shiloh Camp Road from Osborne Road to Route 14.

PUBLIC COMMENTS

Michael Wheatley, resident, expressed to Council his need for assistance with the revamping of Care and Share and finding volunteers and board members. He explained that this organization helps citizens pay for their rent, electric bills and medical supplies; and, provides free notary services. Councilman Pfeffer thanked Mr. Wheatley for his dedication to the County.

ADJOURNMENT


With no further business to discuss, the Council adjourned.

ATTEST:

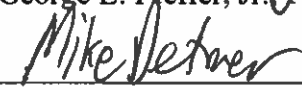


Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



George L. Pfeffer, Jr., President




Mike Detmer, Vice President



Rob Kramer, Jr.

William V. Nichols



Ricky C. Travers

Approved the 21st day of March, 2023.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING
("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General
Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4 before closing the meeting.

1. Recorded vote to close the meeting: Date: 3/7/23 ; Time: 5:01 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Travis Seconded by Dutmer ; Members in favor: _____ ; Opposed: _____ ; Abstaining: _____ ; Absent: _____ .

**2. Statutory authority to close session (check all provisions that apply).
This meeting will be closed under General Provisions Art. § 3-305(b) only:**


(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) "To consider the investment of public funds"; (6) "To consider the marketing of public securities"; (7) "To consult with counsel to obtain legal advice"; (8) "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (1)	To confirm the request of the Interim County Manager and the Public Works Director to hire an individual to fill a Motor Equipment Operator II position.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13)	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b) (1)	To confirm the request of the Interim County Manager and the Emergency Medical Services Manager to hire an individual to fill an on-call Paramedic position.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13)	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b) (1)	To confirm the request of the Interim County Manager and the Emergency Medical Services Manager to hire an individual to fill an on-call Paramedic position.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13)	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications
§3-305(b) (1)	To confirm the request of the Interim County Manager to hire an individual as a Budget Manager.	Public Discussion of applicant's names and job info could discourage people from applying for County jobs
§3-305(b)(13)	Same topic as above	Public Information Act, GP Section 4-310 and 311 requires us to shield recommendation letters and job applications

§3-305(b) (7)	Received legal advice from the Interim County Attorney regarding a National Opioid Settlement Notice.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	Received legal advice from the Interim County Attorney regarding a Motion to Strike judgement on a property.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	Received legal advice from the Interim County Attorney regarding a lease extension for a County property.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	Received legal advice from the Interim County Attorney regarding legal representation for a commission.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)
§3-305(b) (7)	Received legal advice from the Interim County Attorney regarding a property.	Council does not want to waive the attorney-client privilege. See page 101, August 17, 2021, OMCB ruling (15 OMCB 99)

4. This statement is made by , Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

➤ **For a meeting closed under the statutory authority cited above:**

Time of closed session: _____

Place: _____

Purpose(s): _____

Members who voted to meet in closed session: _____

Persons attending closed session: _____

Authority under § 3-305 for the closed session: _____

Topics actually discussed: _____

Actions taken: _____

Each recorded vote: _____

➤ **For a meeting recessed to perform an administrative function (§ 3-104):** Time: _____

Place: _____

Persons present: _____

Subjects discussed: _____