

County Council of Dorchester County
Regular Meeting Minutes
April 4, 2023

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:09 p.m. on the 4th day of April, 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.; Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager, Charles MacLeod, County Attorney; 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 were added: AMENDMENT TO LEASE – RECREATION CENTER – BOYS & GIRLS CLUB; UTILIZATION OF SERVICE-TAX PROPERTY SALES; MEDICAL CARE AGREEMENT RENEWAL-DEPARTMENT OF CORRECTIONS; and, TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS. The Council approved the amended agenda

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Pfeffer reported total cash and investments as \$32,247,345.24

CLOSED SESSION SUMMARY

The Council convened into Regular Session on April 4, 2023 at 5:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613 and motioned to adjourn into Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition 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.; Ricky C. Travers. Also present in Room 110 was Jeff Powell, Interim County Manager, Charles MacLeod, County Attorney; Donna F. Lane, Chief of Staff and Irene Barnes, Executive Administrative Specialist. Voting in favor of the Closed Session were the present Council Members.

The Council convened in a Closed Session on April 4, 2023 at 5:31 p.m. to discuss the following items:

- 1- Notifications of recent new hires and promotions within the County were provided;

- 2- Confirmed the hiring of an individual within the States Attorney's Office;
- 3- Approved the reclassification request of an individual within the States Attorney's Office by a 4 to 0 vote;
- 4- Approved the request of the Interim County Manager to provide \$5,000 signing bonuses to the Sheriff's Office for recruitment and retention by a 4 to 0 vote;
- 5- Discussed real estate acquisition regarding a specific entity; and,
- 6- Received legal advice from the County Attorney regarding a proposed lease.

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

PRESENTATIONS

COMMENDATION – NORTH DORCHESTER HIGH SCHOOL SENIOR CLASS PLAY

The Council presented a Commendation to the participants of the North Dorchester High School Senior Class Play.

PROCLAMATION – PUBLIC HEALTH WEEK

The Council presented a Proclamation declaring April 3 to April 9, 2023 as Public Health Week.

PROCLAMATION – PUBLIC SAFETY TELECOMMUNICATORS WEEK

The Council presented a Proclamation declaring April 9 to April 15, 2023 as Public Safety Telecommunicators Week.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of March 21, 2023

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented, with Councilman Detmer abstaining from payments made to APG of Chesapeake.

LETTER OF SUPPORT – ROUNDABOUT – MARYLAND 392/ROUTE 14

The Council agreed to provide a letter of support to Maryland Department of Transportation for the design and construction of a roundabout at the intersection of Maryland 392 and Route 14.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING – SUICIDE BRIDGE RESTAURANT

BILL NO. 2023-2 - 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.

A public hearing is being conducted on Bill No. 2023-2 which amends 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 to Intensely Developed Area pursuant to § 68-12 of the Dorchester County Code.

Councilman Pfeffer asked for public comments. Anthony Kupersmith, Attorney on behalf of David Nickerson the Applicant, explained that the bill is to permit the Applicant to install deck seating over the water at Suicide Bridge Restaurant and he reviewed the Findings of Fact supporting the Planning Commission’s favorable recommendation. Councilman Pfeffer queried whether anyone wanted to provide additional comments. Hearing none, Councilman Pfeffer closed the public hearing and opened the floor for Council’s discussion. The Council deliberated and adopted the Findings of Fact, as recommended by the Planning Commission and staff, acknowledging the substantial change to the character of the neighborhood. The Council voted to enact Bill No. 2023-2.

The Council adjourned into Regular Session.

REGULAR SESSION

PUBLIC HEARING – ENTERPRISE ZONE REDESIGNATION – CITY OF CAMBRIDGE

RESOLUTION OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND CONSENTING TO AND MAKING APPLICATION TO RECERTIFY CITY OF CAMBRIDGE ENTERPRISE ZONE WITHIN THE CITY OF CAMBRIDGE, DORCHESTER COUNTY, MARYLAND TO BE RECERTIFIED AS AN ENTERPRISE ZONE BY THE MARYLAND DEPARTMENT OF COMMERCE

A public hearing is being conducted on Resolution 2023-653 to consent to and make application to recertify City of Cambridge Enterprise Zone within the City of Cambridge, Dorchester County, Maryland to be recertified as an Enterprise Zone by the Maryland Department of Commerce.

Councilman Pfeffer asked for public comments. Susan Banks, Economic Development Director, explained the importance of the Enterprise Zone Re-designation. Councilman Pfeffer queried whether anyone wanted to provide additional comments. Hearing none, Councilman Pfeffer closed the public hearing and opened the floor for Council's discussion. The Council deliberated and adopted Resolution 2023-653.

ACTION ITEMS

REQUEST TO ACCEPT STORMWATER MANAGEMENT AGREEMENT – LOT 25 DORCHESTER BUSINESS PARK – PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to accept a Stormwater Management Agreement from Ryan Shay for Lot 25 Dorchester Business Park.

REQUEST TO APPROVE – REVISED FY23 PROGRAM OPEN SPACE ANNUAL PLAN – RECREATIONS & PARKS

Based on the request of Duc Trieu, Recreation and Parks Director, the Council approved the revised FY23 Program Open Space Annual Plan to remove the original request for purchasing lights at Christ Rock Park Complex and adding a Professional Environmental Study for the School Street property. The Council acknowledged that the Recreation & Parks Advisory Board approved the revision.

FUEL FARM – AIRPORT

Based on the request of Steve Nuwer, Airport Director, the Council agreed to award the bid to Delmarva Petroleum Services for \$15,149.96. The Council acknowledged that \$10,549.96 will be funded by the CARES Act grant and the remaining \$4,600 will be expended from the FY23 Operating Budget grounds maintenance & repairs and building maintenance & repairs line items.

REQUEST TO ADVERTISE FOR PROPOSALS – RESTAURANT – AIRPORT

The Council approved the request of Mr. Nuwer, to advertise a Request for Proposals (RFP) to obtain offers to lease the Airport Restaurant. The Council acknowledged the following changes to the RFP: 1) eliminated the 24 additional seats; 2) decreased to three year term; 3) added that the contractor must provide proof of financial ability to perform, days of operation and equipment/supplies-Attachment 3 removed; 5) allows the sale of beer, wine and liquor; 6) removed the excerpt under Repairs & Maintenance regarding Owner's equipment; 7) removed Fees, Equipment and Cash Register listed under Financials; and, 8) added that the contractor will pay a prorated portion of water, sewer and electric.

ANNUAL HOUSING BOND ALLOCATION – DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

The Council approved the written request of Maddy Ciulu, Director, Single Family Housing, Maryland Department of Housing and Community Development (DHCD), to transfer Dorchester

County's 2023 tax-exempt housing bond allocation of \$1,347,234 to the Community Development Administration (CDA) for the CDA Maryland Mortgage Program.

SOCIAL SERVICES BOARD APPOINTMENTS

Based on the recommendation of Jenifer L. DuBosq, Director, Dorchester County Department of Social Services, the Council agreed to appoint the following individuals to the Social Services Board: 1) Brandon Hesson; and, 2) Shareen Camper.

BOARD APPOINTMENTS

The Council recognized that Charles Dayton, Jr. resigned from the Board of Zoning Appeals as of April 6, 2023, expressing their appreciation for all that he has done for the County.

Board of Zoning Appeals

The Council appointed the following members to the Board of Zoning Appeals: 1) Barbara Knepp for District 3; and, Cindy Eckardt for District 4.

Charter Review Commission

The Council appointed the following members to the Charter Review Commission: Robert Murphy for District 5; and, George Phillip Reed for District 3.

Planning Commission

The Council reappointed Mary Losty to serve an additional term on the Planning Commission once her current appointment expires as an At-Large member.

POLL CONFIRMATIONS

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

- provide a Letter of Support for a Maryland Department of Agriculture grant application submitted by Snip Tuck, LLC for funding to continue to provide spay/neuter services for cats in impoverished areas by a 4 to 0 vote; and,
- participate in the Maryland Environmental Service FY 2023 Citizen Scrap Tire Drop-Off Day Event by a 3 to 0 vote.

AMENDMENT OF LEASE – RECREATION CENTER – BOYS & GIRLS CLUB

The Council agreed to enter into an amended lease with Boys and Girls Club of Metropolitan Baltimore, subject to confirmation of terms.

UTILIZATION OF SERVICE-TAX PROPERTY SALES-TAX SALE

The Council approved the request of Mr. Powell to utilize RealTaxLien for the next tax sale being held on June 27, 2023. The Council acknowledged that: 1) this is an online tax sale; 2) there will be no open auction; 3) must register and pay registration fee; and 4) proof of financial means are required.

MEDICAL CARE AGREEMENT RENEWAL-DEPARTMENT OF CORRECTIONS

On behalf of Kenny Rodgers, Director, Department of Corrections, Mr. Powell presented a request to renew the Medical Services Agreement with WPMed, LLC (also known as Wellpath, previously Conmed, LLC) for medical care for one year beginning July 1, 2023 through June 30, 2024 at a cost of 1,183,335. The Council approved the extension, contingent upon receiving the proper information to move forward with this agreement.

TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS

The Council approved the following recommendations of the Traffic Safety Committee members: 1) crosswalk installation and signage at Suicide Bridge Restaurant; and, 2) signage at school bus stops at all entrances into Galestown and to augment the 25mph signs so they are more visible.

COUNCIL'S COMMENTS

Based on a recommendation of Councilman Detmer, the Council agreed to the following:

- 1) Establish an Ad Hoc Committee- the Council agreed that the committee will be comprised of himself, Susan Webb, Director of Planning and Zoning and a designee from the Health Department. Councilman Detmer expressed concerns about the permit process. Mr. Powell added that he is working on obtaining legal advice and that they may be able to issue permits without other approvals. Ms. Webb stated they will need to change the County Code.
- 2) Send a letter to the Eastern Shore Delegation- the Council acknowledged that the letter will reference the \$3 million shortfall due to Blueprint for Maryland's Future. Mr. Powell added that \$3 million is about a 10% property tax increase. Councilman Pfeffer explained that if the Council were to make the decision to increase taxes the rate will increase from \$1 to \$1.10 per \$100 worth of all assessable real property. Councilman Travers noted that every county is struggling with the unexpected increases.
- 3) Right to Shoot- the Council agreed to refer a Right to Shoot Disclosure Statement to the Planning Commission.

Councilman Detmer stated that the Community Design Team for Public Schools Capital Plan is determining what needs to be repaired or replaced and asked for recommendations at the last meeting. He encouraged the public to participate in the upcoming meetings because this will determine the schools for the next 50-70 years. Councilman Detmer expressed concern regarding the safety of Dorchester County after a recent issue at the Cambridge Little League Park.

Councilman Pfeffer thanked the staff, explaining that Sandra Jones, Budget Manager, Mr. Powell and staff have been meeting with Department Heads regarding their budgets. Councilman Pfeffer advised Mr. Edwards that there is a large pothole on the eastbound lane of Baker Road in need of repair.

PUBLIC COMMENTS

Kathy Abbott, resident, questioned why: 1) there is an increase in school funding when the number of children within the County has decreased by 5%; and, 2) why property taxes are the target for increases when 75% of residents do not have children. Councilman Pfeffer explained to Ms. Abbott that the County cannot increase sales tax, and is at its limit on the income tax. Councilman Detmer added that the Council is researching other revenue sources, with a tax increase as the last option. Councilman Pfeffer expressed the importance of being involved in the school design meetings and on the local Boards. He stated that, based on a recent Council meeting concern, he asked the Board of Education to be more transparent about information regarding the meetings which can be found on the public school website, Facebook, etc.

ADJOURNMENT

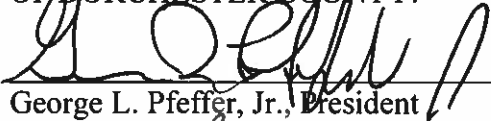
With no further business to discuss, the Council adjourned.

ATTEST:




Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:



George L. Pfeffer, Jr., President



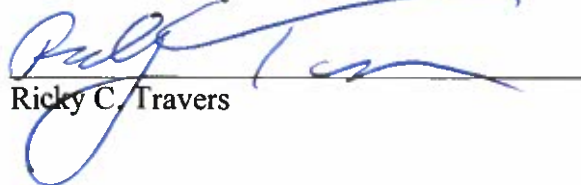
Mike Detmer, Vice President



Rob Kramer, Jr.



William V. Nichols



Ricky C. Travers

Approved the 18 day of April, 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: 4/4/23; Time: 5:31 p.m.; Location: Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland; Motion to close meeting made by: Detmer Seconded by Kramer; Members in favor: Pfeffer, Detmer, Kramer & Travers; Opposed: _____; Abstaining: _____; Absent: Niemols.

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)	Notifications of recent new hires and promotions within the County.	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 hiring of an individual within the States Attorney's Office.	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 consider the request of the States Attorney to reclassify an individual.	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 consider the request of the Interim County Manager to provide signing bonuses to the Sheriff's Office for recruitment and retention.	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) (3)	To discuss real estate acquisition regarding a specific entity.	To consider the acquisition of real property for the matters directly related to the acquisition.
§3-305(b) (7)	To legal advice from the County Attorney regarding a proposed lease.	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 G. J. P. H. A. 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: _____