

County Council of Dorchester County
Regular Meeting Minutes
May 16, 2023

The County Council of Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:05 p.m. on the 16th day of May, 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.; and, Ricky C. Travers. Also present in Room 110 were 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: 1) Proclamation – Police Week – Dorchester County; 2) Governor’s Office of Crime Control & Prevention-Byrne Justice Assistance Grant Award-Sheriff’s Office; 3) Governor’s Office of Crime Control & Prevention-Police Recruitment & Retention Grant Adjustment-Sheriff’s Office; and 4) Payroll Processing System.

The Council approved the amended agenda.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Pfeffer reported total cash and investments as \$27,770,192.88.

CLOSED SESSION SUMMARY

The Council convened into Regular Session on May 16, 2023 at 5:19 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 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.; and, 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 May 16, 2023 at 5:18 p.m. to discuss the following items:

- 1- Notifications of recent new hires and promotions within the County were provided;
- 2- Discussed personnel items regarding the Finance Department;

- 3- Discussed personnel items regarding the Planning & Zoning Department; and,
- 4- Received legal advice from the County Attorney regarding a specific project.

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

LEGISLATIVE SESSION

The Council convened into Legislative Session.

PUBLIC HEARING – FY2023-2024 BUDGET

BILL NO. 2023-5 AN ORDINANCE CONCERNING: 2023-2024 ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF DORCHESTER COUNTY

Ms. Lane said a legislative public hearing is being held on Bill No. 2023-5 concerning the 2023-2024 annual Budget Appropriation and ordinance.

Sandra Tripp-Jones, Budget Manager, presented the final proposed budget to Council.

Councilman Pfeffer asked for public comments. There was no response.

The roll call on Bill No. 2023-5 was: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – absent; and, Travers – aye.

Ms. Tripp-Jones said she appreciated the opportunity

PUBLIC HEARING – 911 FEES

BILL NO. 2023-6 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO MD. CODE ANN., PUBLIC SAFETY § 1-311 TO AMEND CHAPTER 85 – EMERGENCY TELEPHONE CHARGE, § 85-1 OF THE DORCHESTER COUNTY CODE BY INCREASING THE 911 FEE FOR DORCHESTER COUNTY, MARYLAND TO \$1.50 PER MONTH.

Ms. Lane said a public hearing is being conducted on Bill No. 2023-6 to amend Chapter 85 – Emergency Telephone Charge, § 85-1 of the Dorchester County Code by increasing the 911 fee for Dorchester County, Maryland from \$1.00 to \$1.50 per month.

Councilman Pfeffer asked for public comments. There was no response.

The roll call on Bill No. 2023-6 was: Pfeffer – aye; Detmer – aye; Kramer – aye; Nichols – absent; and, Travers – aye.

INTRODUCTION – MOWBRAY CREEK ROAD CLOSURE

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO § 12-512(D) OF THE LOCAL GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AND CHAPTER 40, § 40-20 OF THE DORCHESTER COUNTY CODE FOR THE PURPOSE OF CLOSING AND ABANDONING MOWBRAY CREEK ROAD, A PUBLIC COUNTY ROAD SITUATE IN THE FIRST ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.

Ms. Lane said before Council for introduction is legislation for the purpose of closing and abandoning Mowbray Creek Road, a public County road situated in the First Election District of Dorchester County, Maryland.

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

The Council adjourned into Regular Session.

REGULAR SESSION

PUBLIC HEARING – SCHEDULE OF FEES

Ms. Lane said before Council is a Resolution to amend the County's Schedules of Fees to change certain Department fees for which a public hearing is being held.

Councilman Pfeffer asked for public comments, hearing none, the public hearing was closed.

The Council adopted the County's Schedule of Fees which will become effective July 1, 2023 until June 30, 2024, the Council adjourned the public hearing.

PRESENTATIONS

PROCLAMATION – SAFE BOATING WEEK

The Council presented a Proclamation declaring May 20, 2023 to May 26, 2023 as Safe Boating Week.

PROCLAMATION – BUILDING SAFETY MONTH

The Council presented a Proclamation declaring May as Building Safety Month.

PROCLAMATION – POLICE WEEK – DORCHESTER COUNTY

The Council presented a Proclamation declaring May 15, 2023 to May 21, 2023 as Police Week in Dorchester County.

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. J Nicole Howard-Myers, Behavioral Health Coordinator, Diversity, Equity & Inclusion, provided information specific to Dorchester County. The Council approved Ms. Dilley's request to execute the FY2024 Letter of Agreement with Mid Shore to act as Dorchester County's agent in oversight, planning and development of the Public Behavioral Health System within the County.

IRONMAN MARYLAND UPDATE

Angie Hengst, Race Director, The IRONMAN Group, presented a recap of the 2022 IRONMAN Triathlon and Eagleman races, as well as a brief overview of the 2023 events, including the courses. She stated that there are 14 full distance races and twenty-seven 70.3 half distance races in North America, whereas IRONMAN is in the top five of several rankings. Ms. Hengst said that the bicycle courses for IRONMAN and Eagleman have been slightly altered for the 2023 races due to safety concerns. She also noted that there will be a free community concert featuring Jimmy Charles the night before the IRONMAN race. In response to Councilman Detmer's query, Ms. Hengst confirmed that the IRONMAN and Eagleman will not be combined.

CONSENT AGENDA

APPROVAL OF MINUTES

The Council approved the minutes of May 2, 2023.

APPROVAL OF DISBURSEMENTS

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

BUDGET TRANSFER REQUESTS

The Council approved the FY23 Budget Transfer Requests for the following departments: Emergency Medical Services; Council's Office; Economic Development; and, the Eastern Shore Innovation Center.

SOLE SOURCE REQUEST – PAVING PALMER'S MILL ROAD – PUBLIC WORKS

The Council approved the request of Dave Edwards, Public Works Director, to sole source with Russell Paving, using the current paving agreement, to pave a 1.3 mile portion of Palmer's Mill Road at the cost of \$241,285 which will be funded by re-obligated American Rescue Plan Act funds allocated for roadway paving.

REQUEST TO APPLY – FY24 DEPARTMENT OF NATURAL RESOURCES WATERWAY IMPROVEMENT FUND GRANT– MARINE PORTABLE TOILETS – PUBLIC WORKS

The Council approved the request of Mr. Edwards to apply for a Department of Natural Resources Water Improvement Fund Grant to assist with yearly Marine Facility Portable Toilets contract at cost of \$12,000.

ACTION ITEMS

GOVERNOR’S OFFICE OF CRIME CONTROL & PREVENTION – BYRNE JUSTICE ASSISTANCE GRANT AWARD – SHERIFF’S OFFICE

Based on the request of James Phillips, Sheriff, the Council accepted the Byrne - Justice Assistance Grant Program award of \$46,578 with the performance period of April 1, 2023 to June 30, 2023 and no match requirements. The Council acknowledged that the grant will be used to provide funding to the Sheriff’s Office for eight in-car computers, at \$5,822.37 each.

GOVERNOR’S OFFICE OF CRIME CONTROL & PREVENTION-POLICE RECRUITMENT & RETENTION GRANT ADJUSTMENT-SHERIFF’S OFFICE

Based on the request of Sheriff Phillips, the Council approved the Police Recruitment & Retention Grant adjustment for an additional \$40,000 which will be applied toward a one-time retention bonus for all 40 deputies. The Council acknowledged that: 1) the grant application was submitted in March for \$86,000 with a performance period of July 1, 2023 to June 30, 2024 and no match requirements; 2) the original grant would provide funding for a one-year gym membership and a \$2,000 one-time retention bonus for all 40 deputies; and, 3) the adjustment will increase the bonus to \$3,000.

YOUTH TENNIS TOURNAMENT – GLASGOW COURTS

Based on the request of Terry Robbins, Secretary, James G. Busick Tennis Foundation (the “Foundation”), the Council agreed to the exclusive use of the Glasgow Tennis Courts from 9 am to 4 pm on June 24, 2023; July 15, 2023; and, August 5, 2023 for high school tennis tournaments from players around the State. The Council acknowledged that: 1) the Foundation will be renting the porta-potties and will obtain a General Liability insurance policy for the three respective tournaments; 2) all payments from the participants and proceeds will go towards the Foundation; and, 3) W. David Bromwell, Superintendent of Schools, approved the use of the tennis courts. In response to Councilman Travers inquiry, Ms. Robbins advised that the tournaments will be posted ahead of time to ensure the public is aware.

PROPERTY TAX ABATEMENT REQUEST – CAMBRIDGE WATERFRONT DEVELOPMENT INC.

Mr. MacLeod explained that the property is currently owned by Cambridge Waterfront Development Inc. (CWDI), but at the end of the project the property will be placed back on the tax rolls and some portions will be public property. The Council confirmed its prior decision to provide a real property tax abatement for property owned by CWDI. The Council agreed to take the necessary steps to enact property tax abatements to declare CWDI property tax exempt in perpetuity for the properties it will

own and manage long term and for the balance of the properties until they are transferred to private ownership through their development. The Council also agreed to provide a letter to CWDI regarding its decision to proceed with a tax abatement.

LIVE STREAM DISCUSSION

The Council approved the request of Councilman Pfeffer to livestream and archive all meetings held within the Council's Chambers using a live streaming service.

COMMUNITY TRANSPORTATION ADVISORY COMMITTEE APPOINTMENT REQUEST – DELMARVA COMMUNITY SERVICES, INC.

Based on the the request of Keith Adkins, Deputy Director, Delmarva Community Services, Inc., the Council appointed Jeff Powell to the Community Transportation Advisory Committee.

BOARD APPOINTMENTS – CHARTER REVIEW COMMISSION – ETHICS COMMISSION

Charter Review Commission

The Council appointed William Layton as an At-Large representative to the Charter Review Commission.

Ethics Commission

The Council appointed Phoenix Spicer to the Ethics Commission as the District 1 representative.

PAYROLL PROCESSING SYSTEM

The Council approved a request presented by Mr. Powell to contract with PayChex for Human Resources and payroll processing services at the cost of \$55,431.

INTERIM COUNTY MANAGER'S COMMENTS

Mr. Powell stated tha: 1) Ms. Lane has been named the Public Information Act Officer and the Police Accountability Board Head of Relations/Staff Member; and, 2) requests forms for both can be found on the Dorchester County website. Councilman Pfeffer said a signed request form is required. He added that verbal and email requests will not be accepted. Mr. Powell introduced Conner Bryan, student, St. Peter and Paul, and complimented him for taking on civic responsibility. Mr. Bryan stated it is great to see local government in action. Mr. Powell thanked Ms. Tripp-Jones for preparing and completing the FY24 budget. He added that: 1) he is very concerned about the budget due to uncertain figures from past years; 2) revenues and expenditures need to be watched monthly; and, 3) quarterly reviews with Department Heads will be completed as needed.

COUNCIL'S COMMENTS

Councilman Travers thanked Mr. Powell, Ms. Tripp-Jones and staff for completing the budget. He stated that the budget was completed differently than previous years, however, it was prepared and presented very well. Councilman Travers explained to the public that there will not be a property tax

increase this year, however, constituents need to make State Legislators aware of their concerns because the County cannot afford another unfunded mandate.

Councilman Detmer stated that he has received concerns about New Bridge Road: 1) there is a bump where the bridge ends on the Vienna side; and, 2) the bank is eroding on the west side of the bridge where kayaks are being launched. In response to Councilman Detmer, Mr. Edwards explained that there is limited staff and grass cutters for this year's mowing season and to expect about three to four cycles per year, where one cycle takes about six to seven weeks, without issues. Councilman Detmer echoed Councilman Travers, adding that unfunded mandates takes funds away from public safety. He also stated that the County needs more civic participation as several boards are lacking members.

Councilman Pfeffer said there have been concerns regarding squatters and property owners having to go through the process of eviction. He noted that trespassing is a citation and asked Susan Webb, Planning and Zoning Director and Mr. MacLeod to look into this matter. Councilman Pfeffer thanked Ms. Tripp-Jones for the long hours she put in each day to ensure the budget was completed and thanked staff for understanding why budget cuts were made.

PUBLIC COMMENTS

Based on the concern of William Hall, resident, the Council confirmed that property taxes are not increasing. Councilman Pfeffer stated that the Council is not against the Board of Education, their issue is with unfunded mandates. He added that if it happens again, there will be a property tax increase and asked the public to write letters to the State Legislators, Governor, etc.

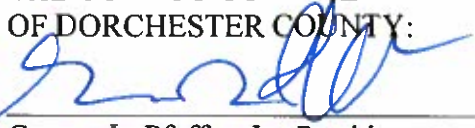
ADJOURNMENT

With no further business to discuss, the Council adjourned.

ATTEST:



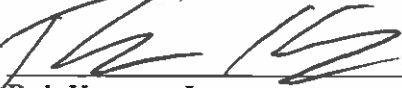
Jeff Powell
Interim County Manager

THE COUNTY COUNCIL
OF DORCHESTER COUNTY:


George L. Pfeffer, Jr., President



Mike Detmer, Vice President



Rob Kramer, Jr.

Absent

William V. Nichols



Ricky C. Travers

Approved the 6th day of June, 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: 5/16/23; Time: 5:18 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: Heffer, Detmer, Kramer; Opposed: _____; Abstaining: Travers; Absent: Nichols.


**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 discuss personnel items regarding the Finance Department.	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 discuss personnel items regarding the Planning and Zoning Department.	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)	To receive legal advice from the County Attorney regarding a specific project.	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: _____