

**County Council of Dorchester County  
Regular Meeting Minutes  
February 2, 2016**

The County Council of Dorchester County met in regular session on February 2, 2016 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President and Rick M. Price. Councilmen Nichols and Satterfield were not present. Also present were E. Thomas Merryweather, County Attorney; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist.

**REGULAR SESSION**

**CLOSED SESSION**

The Council adjourned from a Regular Session and convened in a Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Voting in favor of the closed Closed Session were all Council members.

**REGULAR SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Travers led the invocation and the pledge of allegiance.

**OTHER**

Councilman Travers announced that Councilmen Nichols and Satterfield are not present.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council agreed to remove a reimbursement request for water and sewer in the West Vienna area from the agenda.

**APPROVAL OF MINUTES- JANUARY 19, 2016**

The Council the minutes of January 19, 2016.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented with Councilman Satterfield voting by written proxy.

## **FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$6,993,891.13.

## **CLOSED SESSION SUMMARY**

The County Council of Dorchester County convened in an Closed Session at 4:30 p.m. on February 2, 2016 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed below.

Action taken at the closed session: 1) continued a discussion regarding the potential acquisition of property; 2) discussed offers to purchase two County owned properties acquired by tax sale; 3) discussed a matter relating to a tax sale property; and 4) discussed a proposed lease for tourism purposes.

The above information is being provided to the public pursuant to and in compliance with Section §3-306(b) and (c) of Title 3 of the General Provisions Article.

## **REGULAR SESSION**

### **PROCLAMATION-NATIONAL OUTDOOR SHOW**

The Council presented a Proclamation declaring February 2016 as National Outdoor Show Month. Those present were Bud Foxwell; Cindy Paul; Lori Huber; Susan Windsor; Marlene Meninger; Kathy Abbott; Paige Bleyer, Miss Outdoors; Madelyn Bierley, Little Miss Outdoors and Logan Jump, Little Mr. Outdoors.

### **PUBLIC HEARING-FY16 COMMUNITY DEVELOPMENT BLOCK GRANT-DELMARVA COMMUNITY SERVICES-GRANT MONITOR**

Cindy Smith, Grant Monitor, stated that: 1) Community Development Block Grant (CDBG) funding of \$600,000, (federal funds through the U.S. Department of Housing and Urban Development) was awarded to Delmarva Community Services (DCS) in 2014 for the Chesapeake Grove Intergenerational Center phase 1 infrastructure.; 2) in 2016 DCS's application to Department of Housing and Community Development (DHCD) through the Community Legacy Program for additional State funds to assist in paying for the architectural designs of the building was denied due to lack of available funding; 3) the Community Legacy Program Manager contacted the Cindy Stone, Program Manager, CDBG, and as a result the DHCD has offered to provide federal funds of \$250,000 via the CDBG program; and 3) in order for DCS to

obtain funding, pursuant to CDBG requirements, the County must accept this award, hold a public hearing and adopt a resolution.

There was no public comment.

The Council accepted the award and agreed to adopt a resolution.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

Council introduced Bill No. 2016-1, AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO ARTICLE 24, SECTION 9-1002 OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT SECTION 144-37 TO CHAPTER 144, ENTITLED TAXATION, ARTICLE X, ENTITLED BUILDING EXCISE TAX TO THE DORCHESTER COUNTY CODE TO PROVIDE THAT THE BUILDING EXCISE TAX IS SUSPENDED FOR A PERIOD OF TWO YEARS COMMENCING ON JULY 1, 2016 AND ENDING ON JUNE 30, 2018 AND TO PROVIDE THAT THE BUILDING EXCISE TAX DOES NOT APPLY TO BUILDING PERMITS FILED BETWEEN JULY 1, 2016 AND JUNE 30, 2018.

E. Thomas Merryweather, County Attorney, said this legislation will suspend the County's building excise tax for an additional two year period commencing on July 1, 2016 and ending on June 30, 2018 and provides that the building excise tax does not apply to building permits filed between July 1, 2016 and June 30, 2018. The Council agreed to proceed with publication with Councilman Satterfield voting by written proxy.

The Council adjourned into Regular Session.

## **REGULAR SESSION**

### **REQUEST TO WAIVE FEES FOR AMBULANCE SERVICES-CAMBRIDGE POWER BOAT REGATTA-ALLEN NELSON**

The Council approved the request of Allen Nelson, Vice-Commodore, Cambridge Power Boat Regatta Association, Inc., to waive stand-by fees for County ambulance service for the two day "Cambridge Classic" event to be held by the Association on May 28 to May 29, 2016 with Councilman Satterfield voting via written proxy.

### **ROTARY CLUB OF CAMBRIDGE-USE OF SAILWINDS AMPHITHEATRE-FLAGS FOR HEROES-ALLEN NELSON**

The Council approved the request of Mr. Nelson, on behalf of the Rotary Club of Cambridge, to use the Sailwinds Amphitheatre during Memorial Day Weekend for its new initiative "Flags for Heroes" with Councilman Satterfield voting in favor via written proxy. The Council

acknowledged that: 1) the Club members will install 200 American flags in the amphitheater; and, 2) funds raised through this initiative will be used to support a scholarship fund.

## **2016 MARYLAND GENERAL ASSEMBLY LEGISLATIVE BILL DISCUSSION**

### **HB19 Building Performance Standards-Local Amendments to Fire Sprinkler Systems Provisions**

Delegate Christopher Adams, Chair for the Dorchester County delegation, explained that elected officials in multiple counties, including Caroline, Alleghany, Worchester and Somerset expressed an interest in the introduction of legislation to allow them the ability to “opt out” of the State mandated sprinkler system requirement. He noted that the Caroline County Commissioners and the Dorchester County Council submitted requests for the introduction of legislation. He said as a result he filed this bill so all counties in Maryland have the opportunity to “opt out.”

Delegate Adams explained that elected officials in the State of Delaware, through legislation, gave control of whether to install a sprinkler system in new construction to the consumer. He further explained that builders in that State are required to provide a property owner a price quote and a list of benefits and then at the point of sale or prior to contract execution the consumer makes their own decision. He noted that the bill he filed is mirrored after that legislation.

Delegate Adams said State legislators are aware of the financial impact the installation of a sprinkler system will have on home construction. He explained that consideration is being given to introducing legislation to provide a State real property tax credit for the installation of a sprinkler system. He noted that each credit must have a fiscal note. He said he favors returning local control to county governments instead. He asked the Council to consider sending a letter of support for House Bill 19.

Councilman Travers noted that the legislation has been amended. In response to his questions, Delegate Adams advised that: 1) this legislation will return to local control to county governments; 2) it does not reference home upgrades and modifications; and 3) he amended the legislation to remove townhomes so the “opt out” provision only applies to single family homes.

Councilman Travers referenced Delegate Adams’ comments regarding the potential pursuit of a State tax credit for sprinkler system installation. Councilman Travers said tax issues do not necessarily have a fiscal note attached. He noted that a tax credit for the installation of this type of system as part of new construction of a single family home will result in a real property tax phase-in. He suggested the Council pursue a County tax credit. Councilman Travers expressed his belief that a sprinkler system may curtail a fire from spreading and is a preventive safety measure for residents and firefighters.

Delegate Adams advised that he discussed this proposed legislation with Maryland State Fireman’s Association members. He stated that several volunteers are aware of the benefits of the installation of sprinkler systems by are opposed to a government mandate. He said the fact that State officials are considering a tax credit does not negate the deterrent the additional cost of

the installation of a sprinkler system will have on first time homeowners. He noted that Worcester County Council members voted unanimously to approve the bill based on the impact it may have on individuals with limited needs constructing their own home. He said elected officials in some counties have discussed the possible establishment of tax credits but are unsure how to fund that initiative.

Councilman Travers noted that since property values do not increase unless there is a substantive change, i.e. the construction of a residence, there will only be a delay in the phase in of the new assessed value.

Delegate Adams explained that the State tax credit will be in the form of an income tax credit. He expressed concern that it will be minimal compared to the cost of the installation and continued maintenance of a sprinkler system.

Councilman Price made a motion to send a letter of support which Councilman Bradshaw seconded. Councilman Price said a proposed County tax credit can be considered by Council if this legislation does not pass. He explained that contractors, existing and prospective homeowners expressed to him their concerns about the proposed cost. He expressed his belief that homeowners should be afforded the opportunity to make their own decision on whether or not to install a sprinkler system. He cited his concern that this mandate has and may continue to affect building permit issuance.

The Council agreed to send a letter of support for House Bill 19 “Public Safety-Building Performance Standards-Local Amendments to Fire Sprinkler Systems Provisions,” with Councilman Travers opposing. Councilman Travers asked Delegate Adams to keep the Council updated on legislation and tax issues.

#### HB 27 Education-Community Colleges-Collective Bargaining

The Council approved the recommendation of Robert Willey, Assistant Finance Director, and Mr. Goldman and agreed to send a letter in opposition to House Bill 27 “Education-Community Colleges-Collective Bargaining,” which establishes collective bargaining rights for certain community employees due to the potential financial impact to local governments.

#### SB366 Land Use-Department of Planning-Permit of Development Projects

The Council approved the recommendation of Steve Dodd, Planning and Zoning Director, and agreed to send a letter opposition for Senate Bill 366 “Land Use-Department of Planning-Permit of Development Projects” for the following reasons: 1) it does not include a clear definition for “Department of Planning; 2) since traditionally parking standards are adopted locally and regulated through local zoning codes this bill appears to conflict directly with local authority; and, 3) the impact this legislation will have on the local permitting process cannot be determined since regulations will need to be promulgated by the Maryland Department of Planning (MDP).

SB263 Payment in Lieu of Taxes-State Forests, State Parks and Wildlife Management Areas

The Council approved recommendation of Finance staff and agreed to send letter of support Senate Bill 263 "Payment in Lieu of Taxes-State Forests, State Parks and Wildlife Management Areas, which requires specified payments (payment in lieu of taxes) to counties for State forests, State parks and wildlife management areas that are exempt from the property tax. Mr. Merryweather queried as to whether this will apply to marshland. Councilman Travers noted that it applies to state forests, state parks or wildlife management areas. Cindy Smith, Grant Monitor, said this is the same bill that was introduced in last year's Maryland General Assembly legislative session, which did not pass. She explained that the estimated fiscal impact to Dorchester County will be a gain of \$1.25 million. She noted that according to the Maryland Department of Natural Resources there are 46,681 acres of State owned land in the County.

HB23 Procurement-Prevailing Wage Law-Waiver From Provisions

Delegate Adams advised that the Economic Matters Committee hearing on House Bill 23 "Procurement-Prevailing Wage Law-Waiver From Provisions," which creates a limited waiver process from the State's prevailing wage requirements to allow for needed school construction projects, occurred last week. He said he serves on this committee. He referenced the need for the replacement of North Dorchester High School, noting that the prevailing wage adds significant costs to school construction. He cited his belief that wages should be reflective of the jurisdiction in which a school is constructed. He said pursuant to a prevailing wage survey Dorchester County's rates are the same as Montgomery County and Prince George's County despite the income and average wage difference between those jurisdictions. Delegate Adams highly recommended the Council send a letter of support for this legislation.

Mr. Goldman said he and Robert Willey, Assistant Finance Director, also recommend the Council support this bill.

In response to an inquiry from Councilman Travers, Mr. Goldman noted that the cost to the County to construct the incubator facility was increased by \$100,000 due to the prevailing wage requirement. Pursuant to a question posed by Ms. Smith, Mr. Merryweather noted that this legislation proposes the waiver process for elementary and secondary school construction only.

Delegate Adams noted that rural areas, which have limited funds and resources are adversely impacted by the prevailing wage requirement.

The Council agreed to send a letter of support for House Bill 23 "Procurement-Prevailing Wage Law-Waiver From Provisions." In response to an inquiry from Councilman Travers, Delegate Adams said the Senate has until Friday, February 5, 2016 to cross-file a bill. He explained that even if there is not a cross-filed bill, a hearing on the House bill can still be heard in both the House and Senate.

## ADDITION- SB392 DORCHESTER COUNTY-RECYCLING AT SPECIAL EVENTS-EXEMPTIONS

At the request of Mr. Goldman, Ms. Smith explained that she received a request for a fiscal note for Senate Bill 392 "Dorchester County-Recycling at Special Events-Exemptions," which will specifically exclude the County from State special events recycling requirements pursuant to Section 9-1712 of the Environment Article of the Annotated Code of Maryland. Mr. Goldman suggested that the Council send a letter of support based on its prior decision to seek relief from this State law. The Council agreed to send a letter of support. Delegate Adams said he will cross-file a House Bill.

Councilman Bradshaw referenced the Poultry Litter Management Act which is to be introduced as a bill shortly. He expressed concern that the focus is on the poultry industry instead of identifying the major sources of pollution of the Chesapeake Bay. He noted that he spoke to a farmer/constituent two weeks ago who confirmed that there is a lack of chicken manure available for farmers to utilize. He said it has to be trucked in from other jurisdictions. He advised that the Clean Chesapeake Coalition members are working with Delmarva Poultry Industry (DPI) on this matter.

Delegate Adams noted that a Horn Point scientist is studying the effect the Conowingo Dam has on the Chesapeake Bay, noting his understand that the bulk of pollution is north of that dam. Councilman Bradshaw stated that there are over 23 miles of watershed from the Maryland/Delaware line in Delaware. He questioned what that officials in that State are doing to combat pollution.

Delegate Adams said the Eastern Shore Caucus recently received information from Bill Satterfield, Executive Director, DPI, regarding the poultry industry. He expressed his belief a bill for a moratorium on all poultry house construction should be filed soon.

Councilman Travers referenced the correspondence the Council sent in opposition to House Bill 31 entitled "Community Cleanup and Greening Act of 2016," which will require businesses to charge consumers 10 cents a bag and distribute a portion of the amount collected to the Comptroller of the Treasury. Delegate Adams said he also opposes this legislation in light of the impact it will have on small businesses.

In response to an inquiry from Councilman Travers, Delegate Adams expressed his belief that there will be no State tax increases in the upcoming fiscal year.

Based on another inquiry from Councilman Travers, Delegate Adams stated that Governor Larry Hogan will address plans regarding highway user funds during tomorrow's State of the Speech Address. Delegate Adams said he believes local jurisdictions will be satisfied with his plans relating to this revenue. He noted that the Governor is aware of the condition of roads in the counties and municipalities. Councilman Bradshaw expressed his belief State roads are also in jeopardy.

Councilman Travers advised that he traveled to Annapolis with Board of Education staff in support of fully funding its request for \$5 million for FY17 for the construction of a new North Dorchester High School. He explained that the Board of Public Works has only approved \$3.9 million. He said he is hopeful the remaining funds will be awarded shortly so the project can commence. Delegate Adams stressed that he, Senator Adelaide Eckardt and Delegates Johnny Mautz and Sheree Sample-Hughes are aware of the need to replace the school and are in support of this project.

## **MANAGERS COMMENTS**

### **UPDATE ON RECENT WEATHER EVENT**

Mr. Goldman provided on update on the recent weather event.

Councilman Price shared constituents' comments and concerns about snow removal, particularly in outlying areas, including issues relating to cul de sacs. In response to an inquiry from Councilman Price, Mr. Goldman explained that: 1) in certain areas snow removal equipment lost traction due to snow drifts and areas remained uncleaned until larger equipment was available; 2) in other areas drivers were unfamiliar with the roads, i.e. contractors which were utilized due to limited personnel; 3) blowing snow covered some areas after they were cleared; 4) drivers were advised to focus on opening roads to ensure public safety access and then, if necessary, return later to clear areas, including cul de sacs. He noted that the Council declared a state of emergency in order to provide operators an opportunity to conduct snow removal. He asked Councilman Price to provide him with the names of roads for which residents expressed concern so he can respond accordingly. In response to a question from Councilman Price, Mr. Goldman said constituents can forward that information to the County Public Works Department so staff can address any areas/concerns. Mr. Goldman commended County staff and contractors for their snow removal efforts. He said a more effective way of managing all County resources for snow events will be developed.

### **PROPERTY MAINTENANCE AGREEMENT CONTRACT RENEWAL REQUEST- PLANNING AND ZONING**

The Council approved the request submitted by Gene Harper, Zoning Inspector, to sole source and renew the existing contract with J & L Services for contractual services to conduct property clean up under Chapter 121, "Property Maintenance" of the County Code for one year (2016-2017) at the existing rates: manual labor, \$18.95 per hour; skid loader, \$65 per hour; dumpster, \$235 each; vehicle tow, \$100 per vehicle. Councilman Satterfield voted in favor via written proxy.

### **CHANGE ORDER REQUEST-COMMUNITY DEVELOPMENT BLOCK GRANT GENERATOR PROJECT-GRANT MONITOR**

The Council approved the request of Cindy Smith, Grant Monitor, to execute a change order for the proposal with John W. Tieder, Inc., the contractor for the emergency shelter generator project at the Cambridge South Dorchester High School, to: 1) add the use of a \$6,000 gallon auxiliary

tank donated by the Board of Education; 2) subtract years 8 to 10 years for a warranty/service contract; 3) subtract cost of 4,200 gallons of fuel in original bid (County has pre-purchased). Councilman Satterfield voted in favor via written proxy. The Council acknowledged that the net change to contract is an additional \$56,657.52 which will be covered 100% by Community Development Block Grant funds.

#### REQUEST TO ADVERTISE FOR PROPOSALS-COMMUNITY DEVELOPMENT BLOCK GRANT GROUP HOME RENOVATION-GRANT MONITOR

The Council approved the request of Ms. Smith to advertise for two requests for proposals to perform certain and specific building remodeling and renovation for six Delmarva Community Services, Inc. owned residential homes for individuals with developmental disabilities with Councilman Satterfield voting in favor via written proxy.

#### GRAND OPENING DATE CHANGE-EASTERN SHORE INNOVATION CENTER

The Council approved the request of Keasha Haythe, Economic Development Director, to change the grand opening date of the Eastern Shore Innovation Center from March 4, 2016 to February 29, 2016 at 11 a.m. due to scheduling conflicts with speakers and local legislators. Councilman Satterfield voted via written proxy and Councilman Price opposed in light of his opposition to the project.

#### REQUEST TO ADVERTISE FOR PROPOSALS-TOWING SERVICES-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to advertise for proposals for towing services for the County with Councilman Satterfield voting in favor via written proxy. The Council acknowledged that Sheriff's Office is encouraged but not required to use the contracted company.

#### TRAFFIC SAFETY COMMITTEE RECOMMENDATION-BUTTONS NECK ROAD

Mr. Goldman said the Traffic Safety Committee members submitted a recommendation to post two 35 mph speed limit signs on Buttons Neck Road, traveling south midway on the long stretch before the approaching curve, and going north in the area of the group of residences. He noted that it is also the Committee members' recommendation that Councilman Satterfield speak to residents regarding the County's 50/50 cost sharing policy for the installation of Children at Play signs. The Council deferred consideration of this request to the next meeting so Councilman Satterfield can provide his comments since he submitted this request on behalf of residents.

#### PROPOSED CHANGES TO TRAFFIC SAFETY COMMITTEE RESOLUTION

The Council agreed to execute a resolution which changes the procedure for referring items to the Traffic Safety Committee; removes references to a Public Safety Director, which position is no longer viable; and, removes a requirement relating to minutes/proceeding with Councilmen Satterfield voting via written proxy and Councilman Price opposing. In response to Councilman Price's inquiry, Mr. Goldman noted that the resolution still states that requests should be made in

writing. Councilman Price noted that the Committee used to have staff support and that there is still the opportunity to take minutes or notes.

#### **RECREATION AND PARKS BOARD APPOINTMENT RECOMMENDATION**

The Council approved the recommendation of the Recreation and Parks Board submitted by Scott Eberspacher, Recreation and Parks Director, to appoint Brandon Hesson to the Board to fill a vacancy with Councilman Satterfield voting in favor via written proxy.

#### **PROPERTY TAX ASSESSMENT APPEALS BOARD NOMINATIONS**

The Council recognized that replacements for the Property Tax Assessment Appeals Board are needed for two members, one who moved to another jurisdiction and another who resigned. Based on information Councilman Satterfield provided via written proxy, the Council agreed to nominate Lin Spicer and Edwin Kinnamon to the Board. Councilman Travers said additional individuals interested in serving on this Board need to be identified since pursuant to State law three names need to be submitted to the Governor for each vacancy.

#### **TELEPHONE POLL CONFIRMATION**

The Council members confirmed their decisions, in the interim between meetings by means of a poll to: 1) declare a State of Emergency due to the combination of high winds and snow in Dorchester County from January 22, 2016 at 7 p.m. until January 24, 2016 at 7 a.m. by a 4 to 1 vote; and 2) approve the request of Maryland Emergency Management Assistance Compact, a regional strike team, to send two plow trucks and operators to Anne Arundel County for January 27 and January 28, 2016 by a 5 to 0 vote, with the understanding that costs are 100% reimbursable and the County has the resources to send this equipment/operators.

#### **PUBLIC COMMENTS**

There was no public comment.

#### **COUNCIL'S COMMENTS/ADJOURNMENT**

Councilman Bradshaw referenced the emails he has been forwarded to the Council members from Michelle Chesnik, Delmarva Poultry Industry. He said pursuant to the proposed Poultry Litter Management Act integrators will be responsible for chicken manure. Councilman Bradshaw advised that he keep the Council updated on this proposed legislation.

Councilman Price stated that he provided the Maryland Association of Counties Legislative Committee members Senate Bill 161 entitled "Criminal Procedure-Seizure and Forfeiture" for review and consideration. He said they have not yet taken a position on the legislation and instead are asking for comments from State's Attorney Offices, Sheriff's Offices and other entities. He noted that elected officials in other counties are also opposed to this bill. Councilman Price explained that Council members can participate via teleconference on

discussions regarding bills in Annapolis on Fridays and he can provide those interested the contact information.

Councilman Price said he also attended the Board of Public Works meeting in Annapolis in support for the Board of Education's funding request for the replacement of North Dorchester High School. He noted that R. Michael Gill, Secretary, Maryland Department of Commerce, recently spoke in favor of adjusting the State tax structure to match other states.

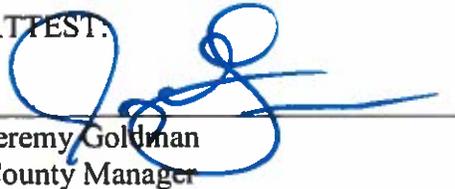
Based on a motion made by Councilman Travers, the Council agreed to seek proposed language from staff for a local property tax credit for individuals who install a sprinkler system when building a new family dwelling in the County.

Councilman Travers thanked Emergency Services and Public Works staff, emergency responders, law enforcement, and the National Guard for assisting the public during the recent snow event.

Councilman Travers announced that the Council will meet in a closed session to discuss a legal matter on February 11, 2016 and will also meet as the Board of Estimates to conduct a budget work session on that date. He further announced that the next County Council meeting is scheduled for February 16, 2016 and the Council reserves the right to meet in closed session after regular session.

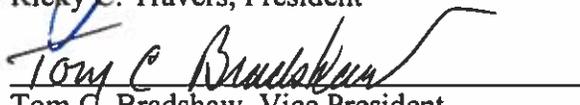
With no further business to discuss, the Council adjourned.

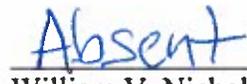
ATTEST:

  
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Jeremy Goldman  
County Manager

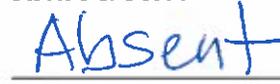
DORCHESTER COUNTY COUNCIL:

  
\_\_\_\_\_  
Ricky C. Travers, President

  
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Tom C. Bradshaw, Vice President

  
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William V. Nichols

  
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Rick M. Price

  
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Don B. Satterfield

Approved the 16<sup>th</sup> day of February, 2016.