

**County Council of Dorchester County
Regular Meeting Minutes
February 4, 2014**

The County Council of Dorchester County met in regular session on February 4, 2014 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present were E. Thomas Merryweather, County Attorney, and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

EXECUTIVE SESSION

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(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 §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: a request to advertise a Motor Equipment Operator II position in the Highway Division and a telephone poll confirmation regarding a letter of support.

APPROVAL OF MINUTES- JANUARY 21, 2014

The Council approved the minutes of January 21, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

COMMENDATION- NORTH DORCHESTER HIGH SCHOOL CHEERLEADING SQUAD-GATOR BOWL COMPETITION

The Council presented commendations to the North Dorchester High School Cheerleading members for capturing third place in the Large Mount Division and receiving the Judge's Choice Award at the Gator Bowl Cheer Competition in Jacksonville, Florida on December 29, 2013.

PROCLAMATION-NATIONAL OUTDOOR SHOW MONTH

The Council presented a proclamation declaring February 2014 as National Outdoor Show Month. Clay Wilson, Little Mr. Outdoors; Buddy Oberender; Susan Windsor; Jen Curran and Lori Huber, were in attendance.

PROCLAMATION-CHILDREN'S ORAL HEALTH MONTH

The Council presented a proclamation declaring February 2014 as Children's Oral Health Month. Renee Kilroy, Senior Vice President, Community Based Programs and Public Relations, Choptank Community Health System, accepted the proclamation.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on February 4, 2014 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(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 §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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 above.

Action taken at the closed session: 1) discussed the scheduling of personnel at the Detention Center-agreed to follow County's Rules and Regulations; 2) discussed an inquiry regarding the County overtime pay policy-agreed to follow County's Rules and Regulations; 3) approved the request of the Public Works Director to promote an individual to fill a Motor Equipment Operator III position in the Landfill Division by a 4 to 1 vote (1 written proxy in favor) and agreed to consider a request to advertise the resulting vacancy in open session; 4) discussed a matter relating to economic development; 5) deferred a matter regarding a County owned property; 6) discussed an issue relating to emergency medical services billing with legal counsel and a local volunteer fire company-requested correspondence; 7) discussed with legal counsel a matter relating to a lease for a County Department/Agency; and 8) discussed with legal counsel issues regarding permitting fees.

The above information is being provided to the public pursuant to and in compliance with Section 10-509(b) and (c) of the State Government Article.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$10,028,111.02.

FY14 OPERATING BUDGET AMENDMENT AND TRANSFER-BOARD OF EDUCATION

The Council approved the request of Dr. Henry Wagner, Superintendent of Schools, for a FY14 Board of Education Budget Amendment to: 1) transfer \$125,000 from Instructional Salaries to Other Instructional Costs to cover school level expenses for professional development activities of staff due to Race To The Top educational reforms and to cover instructional software license expenses; and 2) transfer \$225,000 from Instructional Salaries to Fixed Charges to cover a projected budget shortfall relating to the Board's health insurance program due to an increase in participation. The Council acknowledged that the Dorchester County Board of Education members approved the budget amendment at their January 16, 2014 meeting.

The Council adjourned into Legislative Session.

LEGISLATIVE SESSION

INTRODUCTION

BILL NO. 2014-1 AN ACT TO AUTHORIZE AND EMPOWER DORCHESTER COUNTY, MARYLAND (THE "COUNTY"), TO BORROW UP TO \$1,520,000 IN THE AGGREGATE ON ITS FULL FAITH AND CREDIT, AND ISSUE A GENERAL OBLIGATION INSTALLMENT NOTE THEREFOR (THE "NOTE") TO EVIDENCE AND SECURE THE COUNTY'S OBLIGATION TO FINANCE OR REIMBURSE ITS SHARE OF THE COSTS OF THE CONSTRUCTION, FURNISHING AND EQUIPPING OF THE ALLIED HEALTH AND ATHLETICS FACILITY AT CHESAPEAKE COLLEGE AND TO CORRESPONDINGLY PAY THE COUNTY'S SHARE OF THE DEBT SERVICE ON CERTAIN BONDS ISSUED BY COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY ("QUEEN ANNE'S COUNTY") FOR SUCH PROJECT; AUTHORIZING THE COUNTY COUNCIL TO ADOPT ONE OR MORE ADMINISTRATIVE RESOLUTIONS PRIOR TO ISSUING THE NOTE IN ORDER TO FIX, PRESCRIBE, DETERMINE OR PROVIDE FOR THE DETAILS OF THE NOTE AND THE ISSUANCE AND SALE THEREOF; EXEMPTING THE NOTE FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-206 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; PROVIDING FOR THE LEVY OF TAXES UPON THE ASSESSABLE PROPERTY WITHIN THE COUNTY SUFFICIENT TO PAY THE DEBT SERVICE ON THE NOTE; EMPOWERING AND DIRECTING THE COUNTY COUNCIL TO ADOPT AN ADMINISTRATIVE RESOLUTION APPROVING OR PROVIDING FOR THE APPROVAL OF AND FOR THE EXECUTION AND DELIVERY OF A LETTER OF INTENT, MEMORANDUM OF UNDERSTANDING OR OTHER WRITING FOR THE BENEFIT OF QUEEN ANNE'S COUNTY EVIDENCING THE INTENTION OF THE COUNTY TO ISSUE THE NOTE IN ORDER TO FACILITATE ACTIVITIES

RELATING TO THE ALLIED HEALTH AND ATHLETICS FACILITY PROJECT, AND RATIFYING, CONFIRMING AND APPROVING ANY SUCH ADMINISTRATIVE RESOLUTION ADOPTED AND WRITING DELIVERED PRIOR TO THE EFFECTIVE DATE OF THIS BILL; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS BILL FOR ALL PURPOSES; AND RELATING GENERALLY TO THE ISSUANCE, SALE AND DELIVERY OF THE NOTE.

E. Thomas Merryweather, County Attorney, said the proposed legislation will allow the County Council to borrow up to \$1,520,000 on full faith and credit and issue and sell a general obligation note to evidence and secure the County's obligation to finance or reimburse the County's share of the costs for the construction, furnishing and equipping of the Allied Health and Athletics facility at Chesapeake College and to pay its share of the portion of the bonds issued by the Queen Anne's County Commissioners for this project.

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

The Council adjourned into Regular Session.

REGULAR SESSION

CHESAPEAKE COLLEGE REQUESTS

USE FUND BALANCE-INFORMATION TECHNOLOGY INFRASTRUCTURE PROJECTS

The Council denied the request of Dr. Barbara Viniar, President, Chesapeake College, to use \$742,560 of the College's unrestricted fund balance for the following two information technology infrastructure projects: 1) to upgrade the College's central computer system at an estimated cost of \$542,000; and 2) to replace instructional and student computers at an estimated cost of \$200,000. Councilmen Price, Nichols and Bradshaw opposed, citing their belief that the focus should be on utilizing unrestricted fund balances to cover existing costs, such as those related to the Allied Health and Athletics Center.

INCREASE SPENDING AUTHORITY/USE FUND BALANCE-VOLUNTARY RETIREMENT INCENTIVE PROGRAM

The Council denied the request of Dr. Viniar to increase spending authority by \$475,000 during FY2014 and to use up to the same amount of the College's June 30, 2012 unrestricted fund balance to implement a one-time Voluntary Retirement Incentive Program with an effective date of July 1, 2014. Councilmen Price, Nichols and Bradshaw opposed, again citing their belief that the focus should be on utilizing unrestricted fund balances to cover existing costs, such as those related to the Allied Health and Athletics Center.

CLARIFICATION-EROSION AND SEDIMENT CONTROL REVIEW FEE INCREASE-SOIL CONSERVATION BOARD

Wes Messick, Chairman, Soil Conservation Board, provided the Council with clarification regarding the Board of Director's October 9, 2013 decision to increase erosion and sediment control review fees to the engineered plan amount.

He said on October 10, 2012 the review fee schedule was not amended even though fees in some of the surrounding counties were higher than those assessed by the Dorchester County Soil District. He explained that on October 9, 2013 the Board members agreed to raise those fees, in part because the contractor who reviews surveys and designs increased his fee in 2012. Mr. Messick further explained that instead of hiring an in-house surveyor, the Board contracts out these services. Mr. Messick noted that the erosion and sediment control review fees were changed to the engineered amount and includes a \$100 application fee plus a \$125 fee for the first disturbed acre and \$10 for every additional tenth of an acre. He said the Board members are willing to reduce the erosion and sediment control review fees for County projects from a flat fee of \$100 to either \$75 or back to the original fee of \$50.

In response to a question from Councilman Price, Mr. Messick explained that the Board members reconsidered their decision to increase the fee for County projects once they received Council's correspondence. Based on an inquiry from Councilman Newcomb, Mr. Messick advised that the erosion and sediment control review fees in Talbot County and Queen Anne County are higher than those in Dorchester County and Caroline County, which are the same.

Mr. Messick noted that in 2010 Maryland Department of Environment (MDE) regulations were changed to require that a storm water management plan be submitted for all structures over 5,000 square feet of new impervious area, which included poultry houses. He explained that the Board members worked with legislators and MDE and Maryland Department of Agriculture personnel to develop the standard for poultry house design, which is now used statewide. He said they completed the survey work and design for the first Dorchester County farmer who constructed a poultry house under this new regulation at no cost. He explained that Soil Conservation District staff designed the entire project from start to finish. He said due to the amount of labor involved and to encourage poultry farmers to utilize an independent surveyor or designer, in lieu of Soil Conservation District staff, the fee includes \$1,500 per house for survey and design and \$500 per house for inspections and grade checks during construction. Mr. Messick stressed that the Soil Conservation District staff are available to provide integrators, contractors, landowners and farmers assistance and to ensure they follow MDE and State regulations. In response to an inquiry from Mr. Merryweather, Mr. Messick confirmed that a poultry farmer who utilizes a private contractor instead of Soil Conservation District staff does not have to pay the \$1,500 fee.

Based on a question posed by Councilman Newcomb, surveys for poultry houses can take up to a year while construction takes approximately seven months, weather depending. In response to additional questions from Councilman Newcomb, Mr. Messick said inspections by two Soil Conservation District personnel are conducted twice a week during construction. He explained that there are two Soil Conservation District in-house contractors who perform site design to ensure grades are correct.

The Council agreed to send correspondence to the Soil Conservation Board requesting that they reduce the newly raised sediment and erosion control fee for Dorchester County projects from \$100 to \$75.

PRESENTATION- DOCUMENTARY-VOICES OF THE INDIANTOWN-NANTICOKE HISTORIC PRESERVATION ALLIANCE

Beth Ann Lynch presented a documentary film entitled "Voices of Indiantown," which was produced by The Nanticoke Historic Preservation Alliance and consists of interviews of individuals who grew up in the Indiantown area around Handsell as the children of sharecroppers.

MANAGERS COMMENTS

BUDGET AMENDMENT REQUEST-COMMUNITY DEVELOPMENT BLOCK GRANT-HOUSING REHABILITATION-CHANNEL MARKER-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of the Channel Marker Foundation (Channel Marker), to send a budget amendment request via correspondence to Cindy Stone, Director, Office of Community Programs, Department of Housing and Community Development, to change the budget for the Community Development Block Grant provided to Channel Marker for rehabilitation of houses located at 503 and 505 Academy Street, Cambridge as follows: 1) transfer \$6,700 from Line 5.a. "Roof Repairs CDBG Funds" to 5.b. "Kitchen Renovations;" 2) transfer \$2,500 from Line 5.a. "Roofing Repairs Other Funds" to 5.b. "Kitchen Renovations;" 3) change description of Line 5b. to "Kitchens and Bathroom Renovations;" and, 4) to establish Line 5.b. "Other Funds" to include funding of \$1,802.40 to cover floor repairs at 503 Academy Street to be paid by Channel Marker. The Council acknowledged that this transfer is being requested due to the discovery by the contractor of additional necessary floor repairs. The Council further acknowledged that there is no fiscal impact to the County as a result of this amendment.

REQUEST TO DISPOSE COLLECTED ROADSIDE TRASH-NECK DISTRICT TRANSFER STATION-DORCHESTER CITIZENS FOR PLANNED GROWTH

The Council approved the request of Beth Ann Lynch, Executive Director, Dorchester Citizens for Planned Growth, to waive tipping fees and allow the disposal of roadside debris collected by volunteers during the Project Clean Stream event to be held on Saturday, April 5, 2014 at the following County Transfer Stations: Neck District, Secretary and Golden Hill. Councilman Newcomb asked Ms. Lynch to contact Tom Moore, Public Works Director, prior to the event to ensure that there are sufficient trash containers available.

LETTER OF SUPPORT REQUEST-HB285 MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2013-DORCHESTER COUNTY-CAMBRIDGE MARINE TERMINAL REDEVELOPMENT-DELEGATE ADELAIDE ECKARDT

The Council approved the request of Delegate Adelaide Eckardt to execute a letter of support for House Bill 285 entitled "Maryland Consolidated Capital Bond Loan of 2013-Dorchester County-

Cambridge Marine Terminal Redevelopment” to change the grantee of the Maryland Consolidated Capital Bond Loan of 2013 for the Cambridge Marine Terminal redevelopment project from the Maryland Economic Development Corporation (MEDCO) which will shift the responsibility and general obligation bond funding to the Mayor and City Commission of the City of Cambridge. Councilmen Nichols and Bradshaw opposed. Councilman Bradshaw cited his belief that the focus should be on constructing homes and increasing the County’s tax base instead of building hotels and stores, particularly when there is already infrastructure in place for these types of businesses. He also expressed his belief that the port should be utilized to promote business activity.

The Council acknowledged that funding of \$1.5 million was allocated to MEDCO for this project in the FY13 State Capital Budget, which is to be used for design, construction, renovation, reconstruction and capital equipping of improvements and the redevelopment of the Cambridge Marine Terminal property. Furthermore, the Council acknowledged that there are no County funds available for this project.

RESOLUTION-COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION- DISASTER RECOVERY-GRANT MONITOR

The Council approved the request of Ms. Smith to execute a resolution authorizing the submittal of a Disaster Recovery Community Development Block Grant to the Maryland Department of Housing and Community Development (DHCD) for funds in the amount of \$1,855,823.84 for Dorchester County for the purchase and installation of generators for the two primary Dorchester County Emergency Evacuation Shelters. Ms. Smith advised Council that based on the additional information she provided DHCD staff recently these projects will meet low and middle income requirements. Councilman Newcomb thanked Ms. Smith for pursuing this grant opportunity for Dorchester County despite the short time frame for the submission of the application.

MOSQUITO CONTROL BUDGET REQUEST-MARYLAND DEPARTMENT OF AGRICULTURE

The Council approved the written request of Michael A. Cantwell, Program Manager, Maryland Department of Agriculture, for a commitment of \$435,391 for mosquito spraying for the 2014 season from the County’s FY15 budget.

REQUEST TO ADVERTISE A MOTOR EQUIPMENT OPERATOR II POSITION- HIGHWAY DIVISION-PUBLIC WORKS

The Council agreed to advertise a vacant Motor Equipment Operator II position in the Highway Division of the Public Works Department in-house and in news publication(s) concurrently.

TELEPHONE POLL CONFIRMATION – LETTER OF SUPPORT

Councilman Newcomb announced that in the interim between meetings Council, by means of a poll, agreed to send a letter to Preservation Maryland in support of Heritage Fund Grant funding for Union United Methodist Church in the amount of \$6,700 to be utilized for capital improvements by a 5 to 0 vote. He noted that the correspondence references the fact that the

County cannot provide funding to include a local or in-kind match or serve as applicant for the grant.

PUBLIC COMMENTS

Ms. Smith advised Council and the public that an informational meeting will be held in Room 110, the County Council Meeting Room, of the County Office Building regarding a proposed community center in the Old Maces Lane school building on Wednesday, February 5, 2014 at 6 p.m.

The Council requested that Mr. Merryweather review two bills which were adopted in 2003 which restrict actions taken by Council members who have not been re-elected at the Primary Election or General Election and to provide legislation to repeal and reenact them in light of the fact that the Primary Election is now held in June.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price requested information from Emergency Services staff regarding possible options to provide shelter access for residents during extreme weather conditions, particularly in outlying areas of the County.

Based on a motion made by Councilman Price, the Council agreed to send a letter to Colonel Marcus L. Brown, Superintendent, Maryland State Police, in opposition to transferring the administration of county wide drug task forces from the Maryland State Police to local law enforcement agencies.

The Council confirmed its support of House Bill 284 entitled "Department of Agriculture-Phosphorus Assessment and Management-Study and Economic Impact Analysis" sponsored by Delegate Adelaide Eckardt which requires the Department of Agriculture to conduct a study of efforts to manage and reduce phosphorus pollution from agricultural sources in the State including an economic impact analysis estimating the specified costs and economic benefits of the Phosphorus Management Tool.

The Council agreed to send a letter in opposition to Senate Bill 725 entitled "Chesapeake Bay-Nutrient Management-Poultry Fair Share Act" which will establish a chicken manure pollution fee of five cents for each chicken a poultry integrator provides to a poultry farmer.

Councilman Bradshaw said he will be attending the Wicomico County Council meeting later tonight at which a public hearing will be held on whether those Council members will join the Clean Chesapeake Coalition, which the Chesapeake Bay Foundation membership strongly opposes.

Councilman Bradshaw referenced an article that was published in the weekend edition of the Star Democrat regarding inappropriate comments Joseph Gill, Acting Secretary, Department of Natural Resources, made to Robert T. Brown, President of the Maryland Watermen's Association, and his spouse after a public hearing was held on House Bill 145 entitled "Natural

Resources-Fisheries Management-Regulations,” relating to possible repercussions if that legislation is not adopted.

Based on a motion made by Councilman Bradshaw, the Council agreed to send a letter to Thomas V. Mike Miller, Jr., President of the Senate, requesting that the appointment of Acting Secretary Gill as Secretary of the Department of Natural Resources be denied based on its belief that government employees and officials have an obligation to ensure that their actions do not deter citizens from exercising their constitutional rights.

Councilman Bradshaw referenced the book authored by Richard D. Albright, entitled “Death of the Chesapeake Bay: A History of the Military’s Role in Polluting the Bay,” in which Mr. Albright expresses his belief that a large portion of the nitrogen and phosphorus in the Chesapeake Bay is due to unexploded ordinances. Councilman Bradshaw noted that his father confirmed these materials are used in explosives.

Councilman Newcomb announced that the next County Council meeting is scheduled for February 18, 2014 at 6 p.m. He further announced that the Council will sit as Board of Estimates for the purpose of conducting a Budget Work Session on February 13 and February 27, 2014 at 5 p.m.

With no further business to discuss, the Council adjourned.

ATTEST:

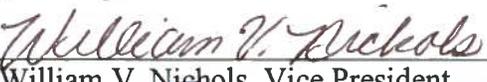


Jane Baynard, County Manager
Donna Flane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:



Jay L. Newcomb, President



William V. Nichols, Vice President



Ricky Travers



Rick Price



Tom Bradshaw

Approved the 18th day of February, 2014.