

County Council of Dorchester County
Regular Meeting Minutes
January 6, 2015

The County Council of Dorchester County met in regular session on January 6, 2015 with the following members present: Ricky C. Travers, President; Tom C. Bradshaw, Vice President; William V. Nichols; Rick M. Price and Don B. Satterfield. Also present were E. Thomas Merryweather, County Attorney; Jay L. Newcomb, Acting County Manager; 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; 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 agreed to remove the presentation of a retirement commendation to Michael Miles, who is unable to attend this meeting due to the weather, from the agenda and approved the following additions: requests to advertise for two vacant Motor Equipment Operator II positions and a vacant Mechanic position in the Highway Division as well as a GIS Specialist for the Planning and Zoning Department; a bid for County owned property acquired at tax sale; a request for the return of building excise taxes and the deferral of a legislative initiative for the 2015 Maryland General Assembly legislation relating to alcoholic beverage licenses

APPROVAL OF MINUTES- DECEMBER 16, 2014

The Council approved the minutes of December 16, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$12,034,898.95.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on January 6, 2015 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; 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 below.

Action taken at the closed session: 1) discussed a personnel item and agreed to advertise in-house a Correctional Officer III position and a Correctional Officer V position by a 4 to 0 vote; 2) approved the request of the Public Works Director to fill a two vacant Motor Equipment Operator II positions and a vacant Mechanic position in the Highway Division by a 5 to 0 vote with one vote by written proxy-agreed to consider a request to advertise these positions in open session; 3) approved the request of the Planning and Zoning Director to fill a vacant GIS Specialist position by a 5 to 0 vote with one vote by written proxy-agreed to consider a request to advertise this position in open session; 4) approved the request of the Emergency Services Director to hire an individual to fill a vacant Emergency Medical Services Manager position by a 4 to 1 vote with one vote in favor by written proxy; 5) approved the request of the Emergency Services Director to hire two individuals to fill vacant Paramedic positions; to promote an individual to an on-call Paramedic position and to add an individual to the on-call Basic Life Support Provider list by a 5 to 0 vote with one vote by written proxy; 6) discussed a matter relating to a bid for County owned property acquired at tax sale-agreed to discuss in open session; 7) deferred an offer to purchase a County owned property acquired at tax sale-requested additional information; 8) discussed with legal counsel a matter relating to a lease for a County owned property; 9) deferred a discussion with legal counsel regarding issues relating to Federal and State requirements; 10) discussed with legal counsel a matter relating to permitting fees; 11) discussed with legal counsel a request for the return of building excise taxes-agreed to discuss in open session; 12) discussed with legal counsel a matter regarding the use of Program Open Space funding; 13) discussed with legal counsel a proposed legislative initiative; and 14) discussed with legal counsel a matter relating to a public road construction agreement.

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.

REGULAR SESSION

LEGISLATIVE SESSION

INTRODUCTION

BILL NO. 2015-2 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF THE ENVIRONMENT ARTICLE, TITLE 4 SUBTITLE 1 OF THE ANNOTATED CODE OF MARYLAND AND PURSUANT TO ARTICLE 25A, SECTION 5(S) OF THE ANNOTATED CODE OF MARYLAND TO REPEAL AND REENACT CHAPTER 100 OF THE DORCHESTER COUNTY CODE ENTITLED "GRADING, EROSION AND SEDIMENT CONTROL" PROVIDING FOR THE PROTECTION, MAINTENANCE AND ENHANCEMENT, PUBLIC SAFETY AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH ACCELERATED SOIL EROSION AND THE RESULTANT SEDIMENTATION.

E. Thomas Merryweather, County Attorney, said the legislation scheduled for introduction is to repeal and re-enact Chapter 100 of the Dorchester County Code entitled "Grading, Erosion and Sediment Control" to establish minimum requirements and procedures to control the adverse impacts associated with accelerated soil erosion and the resultant sedimentation. He said the legislation contains no bonding requirements and that information regarding the lack of those requirements will be provided during a public hearing.

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

PUBLIC HEARING

BILL NO. 2015-1 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND, ACTING PURSUANT TO MD. CODE ANN., LAND USE ARTICLE, TITLE 4 ET. SEQ., GENERAL DEVELOPMENT REGULATIONS AND ZONING, OF THE ANNOTATED CODE OF MARYLAND, TO REPEAL CHAPTER 155, SECTION 155-37 OF THE DORCHESTER COUNTY CODE, FLOODPLAIN MANAGEMENT DISTRICT, AND TO REENACT CHAPTER 155, SECTION 155-37 OF THE DORCHESTER COUNTY CODE, TITLED, FLOODPLAIN MANAGEMENT DISTRICT, TO ADD NEW SECTIONS "A" THROUGH "H", TO REQUIRE COMPREHENSIVE FLOODPLAIN MANAGEMENT REGULATIONS FOR ALL NEW CONSTRUCTION OF RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES, AND SUBSTANTIAL IMPROVEMENTS OF RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES, LOCATED WITHIN THE FLOODPLAIN MANAGEMENT DISTRICT.

Mr. Merryweather said a public hearing is being held on legislation for a zoning ordinance text amendment to the County's Floodplain Ordinance to reflect State and Federal revisions.

Steve Dodd, Planning and Zoning Director, presented the attached power point presentation on the changes to Dorchester County's Flood Insurance Rate Maps which are based on a new Flood Insurance Study conducted by the Federal Emergency Management Agency (FEMA).

Mr. Dodd said two new flood zones have been created, one of which is the "VE" zone. He explained that "VE" zones are areas where storm surge wave heights are anticipated to exceed three feet. He explained that approximately 20 existing homes have been mapped in this zone which intersects 200 parcels, noting that the majority of those properties consist of marshland. He further explained that residents who build in those zones will be subject to new construction standards, including pilings and breakaway wall requirements, which are the principal changes.

He said although Dorchester County has been reported as the most vulnerable area on the Mid Atlantic Coast to sea level rise, based on the new study, fewer properties will be in the 100 year floodplain and; therefore, many residents will no longer be required to purchase flood insurance.

Mr. Dodd advised that the process set forth by FEMA to adopt the maps is as follows: 1) review of preliminary maps by Planning and Zoning and Public Works staff; 2) submission of comments from these two entities to FEMA; 3) a community outreach meeting which was held on June 10, 2014 at the Dorchester County Library, for which properties owners were invited who will be affected by the map changes; 4) the issuance by FEMA of a letter of Federal determination, which was issued on September 16, 2014; and 5) the adoption of the new map changes by Dorchester County by March 16, 2015.

He explained the second new zone, is the Coastal "A" zone, noting that the property in those areas are projected to experience wave heights of 1.5 feet to three feet based on the new maps. He said property owners in those zones are subject to the same rules as the "VE" Zone. Mr. Dodd noted that due to the County's two foot freeboard requirement for all new construction and significant renovations, the County was able to enroll in the Community Rating System and as a result residents receive discounted flood insurance premium rates.

Mr. Dodd explained that because the majority of the properties in the "VE" Zone are located on Green Point Road all property owners on that road were notified by Planning and Zoning staff of the changes. He noted that some property owners indicated that they were considering demolishing and rebuilding their home.

Mr. Dodd noted that the changes include the introduction of a "Limit of Moderate Wave Action (LiMWA)" line which intersects 1,800 properties. He noted that those properties are close to the shoreline are already subject to critical area setbacks or buffers and; therefore, the inclusion of this line will not affect them.

He said due to the map changes 650 fewer properties are in the new Special Hazard area and 17,000 acres have been removed from the floodplain.

In response to a question from Mr. Merryweather, Mr. Dodd said property owners will be required to construct their homes on pilings if the value of their property after fire or other damage is more than 50% of the assessed value of the structure prior to the destruction.

Wendell Foxwell, resident, questioned if the changes will affect existing structures. Mr. Dodd explained said they will not, unless substantial improvements are made or the structure receives substantial damage. Mr. Dodd also explained that a homeowner can contact the County's Planning and Zoning Office to obtain information on whether they will be affected by these changes or on FEMA's website.

Pursuant to an inquiry from Gordon Hill, Mr. Dodd said these changes will only affect the Towns of Church Creek and Vienna, which piggyback on the County's Floodplain Ordinance, and not the other municipalities in the County.

In response to a question posed by Councilman Price, Mr. Dodd noted that FEMA's map appeal process has ended. He explained that if a building is an accessory structure and cannot be elevated, the property owner can submit a request to the County's Board of Zoning Appeals for a variance. He stressed that they will not be able to seek a variance for a residence.

Based on an inquiry from Mr. Merryweather, Mr. Dodd explained that a resident can submit a request to FEMA for a Letter of Map Amendment provided a survey is submitted to that entity which proves a property is above the base land calculations.

The roll call on the enactment of Bill No. 2015-1 was as follows: Travers-aye; Nichols-aye; Bradshaw-aye; Price-aye; Satterfield-aye.

Mr. Merryweather said the amendments will become effective March 15, 2015.

REGULAR SESSION

MANAGERS COMMENTS

GRANT AWARD-DEPARTMENT OF NATURAL RESOURCES-ABANDONED BOAT PROGRAM-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to accept a Department of Natural Resources FY15 grant award under the Maryland Abandoned Boat and Debris Program for funds in the amount of \$10,000 to be used for all expenses associated with the removal of abandoned boats and debris, which will be 100% reimbursable through the grant. The Council acknowledged that all expenses related to this grant must be used by December 30, 2016.

REQUEST TO SCHEDULE PUBLIC HEARING-REVISIONS TO SOLID WASTE MANAGEMENT PLAN-PUBLIC WORKS

The Council approved the request of Mr. Moore to schedule a public hearing on the following proposed revisions to the County's Solid Waste Management Plan: an increase in the recycling rate to 20%; the addition of an Apartment Building and Condominium Recycling Program; and for proposed facilities to provide for additional future capacity through the vertical expansion of the existing landfill facility over existing lined cells. Mr. Merryweather referenced the Council's acceptance of Resolution No. 560 to adopt these revisions at its October 7, 2014 public meeting. He explained that after a meeting conducted by the Maryland Department of Environment on the proposed vertical expansion of the County's landfill

County staff and he were advised that in order to comply with State law a public notice and a public hearing is required to adopt revisions to the plan.

BID AWARD-TAX SALE PROPERTY

The Council accepted the offer of John Coates to purchase 1917 Bishops Head Road, Toddville, Maryland for \$3,500.

The Council recognized its earlier decision to add another offer to purchase a County owned property acquired at tax sale to this agenda. The Council accepted that offer, from Frank Cooke to purchase Property #15-006013, 4717 Petersburg Back Street, Hurlock, Maryland for \$1,100. The Council acknowledged that Mr. Merryweather will prepare a resolution to accept these bid awards for its review and consideration at its January 20, 2015 meeting.

BUSINESS MEALS POLICY REVISION RECOMMENDATION-FINANCE

The Council approved the recommendation of Mike Spears, Finance Director, and Robert Willey, Assistant Finance Director, to revise the County's Business Meals policy, which was adopted by Resolution No. 508 on September 6, 2011 by making the following amendments: moving definitions to the beginning of the document; defining business meals and extended schedule meals separately; including meals on overnight extradition and juror meals under the extended schedule definition; changing allowable meal limits from \$15 breakfast, \$25 lunch and \$40 dinner to \$10 breakfast, \$15 lunch and \$30 dinner to reflect Federal General Services Administration guidelines; and revising wording to remove confusion over grant funds used for meals. The Council acknowledged that a resolution to adopt this policy will be provided for its review and consideration at a future meeting.

REQUEST TO HOLD PUBLIC HEARING-AMENDMENT TO COUNTY'S SCHEDULE OF FEES-FINANCE

The Council approved the request of Mr. Willey to hold a public hearing to amend the County's Schedule of Fees to reflect changes relating to agricultural buildings; to reduce the Highway Division storm water permit issuance fee from 5% to 2.5% of the project cost, with a \$100 minimum fee; and to reflect a higher fee structure for solar projects. The Council acknowledged that pursuant to Resolution No. 520 any amendments to the County's Schedule of Fees must be adopted by resolution after at least one public advertisement in a local news publication.

EXECUTION OF POLICIES-COMMUNITY DEVELOPMENT BLOCK GRANT REQUIREMENT-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to execute two policies which are required pursuant to Community Development Block Grant requirements: 1) a Section 3 Plan to comply with Section 3 of the U.S. Department of Housing and Urban Development of 1968 (as amended) to certify that Dorchester County will, to the greatest extent possible, comply with the requirements of this section when awarding contracts for construction, non-construction, materials and supplies that exceed \$100,000; 2) and a Minority Business Plan to certify that Dorchester County government will make

good faith efforts to contract with minority business enterprises and women business enterprises for goods and services.

SURPLUS PROPERTY DECLARATION REQUEST-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to declare the following vehicles as surplus property: a 1997 Ford Ambulance, Vehicle Identification No. (VIN) 1FDKE30F9VHB08993 and a 2001 Ford Ambulance, VIN 1FDXE45FX1HB16437. The Council acknowledged that these vehicles are currently located at the County's Public Works facility on Handley Road.

GRANT AWARD-MARYLAND OFFICE OF TOURISM MARKETING GRANT-TOURISM

The Council approved the written request of Amanda Fenstermaker, Tourism Director, to accept a FY15 County Cooperative Marketing grant award from the Maryland Office of Tourism Department for funds in the amount of \$29,893 for marketing with matching funds being provided through the FY15 Tourism Department's Operating budget and to execute the grant agreement. The Council acknowledged that pursuant to the grant agreement the County will be reimbursed 100% for certain advertising and 50% for other advertising. The Council further acknowledged that the grant period is July 1, 2014 to December 31, 2015.

REQUESTS TO ADVERTISE

Highway Division-Public Works

The Council approved the request of Mr. Moore to advertise two vacant Motor Equipment Operator II positions and a vacant Mechanic position in the Highway Division.

Planning and Zoning

The Council approved the request of Mr. Dodd to advertise a GIS Specialist position in the Planning and Zoning Department.

DEFERRAL OF LEGISLATIVE INITIATIVE FOR 2015 MARYLAND GENERAL ASSEMBLY LEGISLATION

The Council agreed to defer legislation to amend Article 2B "Alcoholic Beverages" of the Annotated Code of Maryland pertaining to the Dorchester Center of the Arts, which was to be submitted during the 2015 Maryland General Assembly legislative session.

REQUEST FOR RETURN OF EXCISE TAX

Based on the recommendation of Mr. Merryweather, the Council agreed to deny two requests submitted by James Chaney for the return of building excise tax and defer two requests in order to allow him the opportunity to provide the required documentation. The Council agreed that Mr. Merryweather will meet with Mr. Chaney's attorney to discuss this decision.

BOARD APPOINTMENTS

The Council agreed that Councilman Travers will continue to serve on the following boards and committees as a County representative: Cambridge Waterfront Advisory Committee, Board of Education/County, Economic Development Advisory Council, Main Street Committee, Mid Shore Regional Council Executive Committee, and Superintendent's Advisory Council.

The Council reappointed Timothy Saunders to Building Code Appeals Board, which term will run concurrent with the terms of the Council.

TELEPHONE POLL CONFIRMATION

Mr. Newcomb announced that due to timing constraints in the interim between meetings, Council, by means of a poll, approved the request of Brett Wilson, Circuit Court Judge, to submit a FY15 Courthouse Security Grant application through the Administrative Office of the Courts for \$20,000 to replace and enhance the Courthouse video surveillance system with no matching funds or in-kind services by a 5 to 0 vote.

PUBLIC COMMENTS

Gloria Dolan, resident, referenced the decision the Council made earlier in this meeting to schedule a public hearing to amend the County's Solid Waste Management Plan. She questioned the purpose of the public hearing based on her understanding that the Council already accepted a resolution at its October 7, 2014 meeting to adopt the amendments. Mr. Merryweather explained that after the resolution was adopted it was brought to the attention of County staff and himself that a public hearing and not just a public meeting must be held for any proposed amendments to that plan. In response to an inquiry from Ms. Dolan, Mr. Merryweather confirmed that a Council member may change his vote if information is put forth during the public hearing that changes his prior decision.

Wendell Foxwell, a Dorchester County resident, noted that pursuant to the County's Charter a County Manager must be appointed and questioned when Council will make that appointment. Councilman Travers said Council is working towards making that appointment.

Harvey Waller, resident, recognized that the Council has received public comments about the condition of Elliott's Island Road and the need to raise the road surface to account for rising tides. He said he believes the Elliott's Island Bridge is also in need of repair. He expressed his understanding that Jamie Harrington, owner of Captain Phips Seafood, Inc., was only able to use one lane of the bridge when he traveled across it to purchase oysters from watermen on Elliott's Island. Mr. Waller opined that the surface of this structure was damaged several years ago during a shoreline erosion project. He cited the need to repair this bridge, particularly since it is the only ingress and egress to Elliott's Island. He noted that several residents in that area are pursuing careers in the aquaculture industry and expressed concern that the condition of the bridge may impact future businesses as well as public safety.

Councilman Bradshaw said he viewed the bridge with Chuck Weber, the prior Public Works Director, and that the pilings and timbers of the bridge appear to be in good condition. Mr. Moore explained that repairs were recently made to the bridge, including the resurfacing of the decking. He noted that the

bridge was inspected last year, is fully functional, and meets State requirements. He said he will provide the Council with information regarding the inspection. Mr. Moore advised that there is a load restriction on the bridge and that individuals who utilize it to haul major loads are asked to reduce their loads in order to meet the posted rating.

In response to an inquiry from Councilman Bradshaw, Mr. Waller expressed his belief that the bridge was built approximately 45 years ago.

Councilman Satterfield questioned whether the posted rating can be increased. Mr. Moore explained that Council previously asked about raising the weight limit on this and another bridge. Mr. Moore said, based on that request, he contacted the State's Bridge Inspector about the process to change a bridge rating and recently received his response. He explained that he provided the inspector details about the truck used by Mr. Harrington and the loads he hauled. He advised Council that he will provide them with more information regarding the bridge, the inspection and the response he received from the State's Bridge Inspector. He noted that the State must approve any rating increase.

In response to a question from Councilman Bradshaw, Mr. Waller said only four oyster harvesters worked today. Mr. Waller stressed that less loads equals less money to purchase shell. He noted that reflectors were recently placed along a certain section of Elliott's Island Road.

Councilman Bradshaw said he worked with Mr. Moore last week on the placement of those reflectors, noting that there are additional areas that need to be marked in order to ensure that motorists are able to identify the edge of the road in an area prone to flooding. Mr. Waller cited the raising of the road surface as a possible solution. Councilman Bradshaw noted that the road has settled in several places and that County staff will use an excavator to determine the cause in order to fix those areas.

Councilman Bradshaw advised Mr. Moore that a portion of a timber located on the guardrail on the Fishing Bridge/Elliott's Island side of the bridge is rotten.

Mr. Moore noted that there are funds in last year's budget to overlay the wedges on the bridge, which work will be completed during the Spring.

Mr. Waller questioned whether Federal Emergency Management Agency (FEMA) funds can be obtained to renovate the bridge. Mr. Goldman advised that FEMA monies are only available for storm related damage, must be related to specific storm that qualifies under that entity's guidelines. He said the renovation of the bridge does not fall under that category. Mr. Goldman noted that he recently met with FEMA and Maryland Emergency Management Agency (MEMA) representatives regarding available funding and the renovation of this bridge did not qualify. He said they are waiting for a determination from MEMA as to whether funding is available to elevate certain roads in the County, including Elliott's Island Road. Mr. Goldman explained that based on a prior MEMA ruling in another jurisdiction he is hopeful that the County may be able to receive funding to repair the road since it is only ingress and egress to the island. He said FEMA representatives are currently not conducive to allocating funding for this purpose at this time.

Mr. Waller said it is his understanding that the company that completed the Elliott's Island shoreline erosion project was to provide funding to correct any damage to the road as a result of heavy loads being

hailed over the bridge. He questioned whether monies were received from the company for this purpose and if not, if the Council can ask the company to provide those funds. Councilman Travers said Mr. Weber was involved in the mitigation process which occurred approximately four to five years ago. He expressed his understanding that funds were used blacktop several areas. Mr. Waller said he believes the only work that was completed was on the road and not the bridge. He thanked the Council for allowing him to speak.

Chuck Davis, a Dorchester County resident, said he viewed Councilman Bradshaw on the WBOC television station recently, noting that he spoke in favor of the efforts by local farmers to reduce the amount of nutrients and phosphorus utilized on fields to ensure the health of the Chesapeake Bay. He commended Councilman Bradshaw for supporting their efforts. He congratulated the Council members on being elected to their positions.

Ms. Dolan referenced the Council's prior adoption of legislation to reflect State and Federal revisions to Dorchester County's Flood Insurance Rate Maps. She said she was baffled that the new FEMA study did not take into account current sea level rise. She expressed her belief that the County is experiencing this sea level rise, citing prior comments about low areas in the southern part of the County as proof. Councilman Bradshaw said it is his understanding the Council was also perplexed.

Councilman Travers stressed that changes were made due to State and Federal requirements. He noted that property was removed from the floodplain which will eliminate the need for certain landowners to obtain flood insurance.

Ken Heesh, resident, cited the Council's decision earlier in the meeting to hold several public hearings. He said, in his opinion, that a recent meeting held by the Maryland Department of Environmental relating to the vertical expansion of the landfill was not properly advertised. He voiced his belief that the County's advertising process is inadequate, noting that this process was discussed at the Council's December 16, 2014 meeting. Mr. Heesh expressed his understanding that some residents do not read The Daily Banner. He suggested utilizing the County's website as an advertising method.

Councilman Travers explained that the Council meeting agendas are posted on the County's website in advance of the meeting and are advertised in The Daily Banner.

Councilman Bradshaw questioned how many residents listen to local radio stations and whether it may be beneficial to send copies to them so they can make public service announcements. Councilman Travers noted that they are under no obligation to make those announcements.

Councilman Price advised that an individual can submit a request to receive Council meeting agendas via e-mail. Mr. Heesh suggested that public hearing advertisements in addition to the agenda be sent to interested parties by e-mail. Councilman Travers noted that public hearings scheduled by Council are listed on meeting agendas. He asked anyone who is interested in receiving those agendas via email to advise Council's Office staff.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Nichols echoed Mr. Foxwell's prior comments regarding the need to appoint a County Manager. He explained that during his annual visit to other counties, in advance of the Maryland General Assembly legislative session, several legislators and elected officials referenced the fact that the Council has not appointed a County Manager. He expressed dismay that no appointment has been made, noting that this is the third meeting since the Council took the oath of office. He said it is his understanding that all of the other counties in the State have either appointed a County Manager or elected a County Executive. He stressed the need to select a County Manager. Councilman Nichols said it is unfair to the citizens who have waited patiently for this appointment nor to County Department Heads and employees, who are unsure whether they should report to the Council President or the Acting County Manager. He expressed his belief that Mr. Newcomb as Acting County Manager has the full power of the County Manager position as outlined in the County's Charter.

He noted that according to the Charter all correspondence, except those, marked personal, must be funneled through the County Manager's Office in order to ensure that each Council Member receives a copy, which process is currently not being followed. Councilman Nichols said he has been inundated with calls from residents inquiring as to whom they should contact or send correspondence. He expressed concern that some actions recently taken by Council members have been in violation of with the Charter.

Councilman Nichols explained that he would like the Council to make an appointment prior to tomorrow, which is the first day of the Maryland Association of Counties Winter Conference. He noted that the FY16 budget process will commence soon. He said he firmly believes the Council should remove the word "Acting" from Mr. Newcomb's title. He explained that according to the Charter the County Manager serves at the pleasure of the Council and can be removed by them. He referenced Council members' positive comments at the November 18, 2014 meeting regarding Mr. Newcomb and his performance as Acting County Manager.

Councilman Nichols made a motion to remove the word "Acting" from Mr. Newcomb's title. Councilman Price seconded that motion.

In response to an inquiry from Mr. Heesh, Councilman Travers said public comments will not be taken at this time.

Councilman Travers said he spoke to Mr. Merryweather on Monday, December 30, 2014, regarding certain matters that have taken place within the State over the last several months and asked him to check a prior Attorney General's ruling. He explained that Mr. Merryweather advised him this afternoon that he obtained that ruling and is in the process of preparing a legal opinion. Councilman Travers said he believes the Council needs to view this information prior to making a decision based on his conversation with Mr. Merryweather today and; therefore, a discussion regarding this matter will be placed on the January 20, 2015 executive session agenda.

Councilman Nichols clarified that his motion was to remove "Acting" from Mr. Newcomb's current title. He said does not know what the Attorney General opinion consists of; however, he knows that pursuant to the County's Charter there must be a County Manager. He noted that Jane Baynard, the

prior County Manager, has been out of the office since November 2012. Councilman Nichols opined that the Attorney General's opinion may state that anyone can be appointed as County Manager if they are bonded and two fifths of the Council approve that appointment.

Councilman Nichols expressed concern that he recently received two emails that were sent to several, but not all of the Council members, one of which is a month old. He noted that historically all correspondence was provided to the Council's Office and then distributed to Council, if necessary. He said he believes the Council should not seek a ruling. He stressed that the appointment of the County Manager is the Council's decision. Councilman Nichols advised Council that he will not withdraw his motion because he firmly believes this action should be taken now. He reiterated his prior comments that Department Heads and employees are unsure whether they should contact the Council President or Mr. Newcomb and are concerned that there may be repercussions if they make the wrong decision. He also reiterated the statement he made earlier that certain sections in the Charter have been violated.

Councilman Travers explained that he advised Mr. Foxwell that the Council was in the process of selecting a County Manager based on his request to Mr. Merryweather, as the County Attorney, to review a recent Attorney General's opinion to ensure that any action taken by the Council will not be overturned in the future.

Terri Wheatley, a resident, said it appears to her that there is a lack of communication among the Council members and she expressed her belief that Councilman Nichols may not have made the motion had he known about the forthcoming legal opinion.

Councilman Nichols asked for a roll call vote on his motion to remove "Acting" from Mr. Newcomb's title.

Mr. Heesh expressed concern about certain actions the Council has taken since Ms. Baynard resigned as well as his belief the Council should follow proper protocol.

In response to a question from Mr. Heesh, Councilman Travers said the County Manager position was advertised and interviews have been conducted. Mr. Heesh questioned if Mr. Newcomb met the qualifications for the position, noting he submitted for those requirements. He expressed his belief that the community should be allowed to provide their input and; therefore, the appointment of a County Manager should be placed on a future agenda, after Council has an opportunity to view Mr. Merryweather's comments.

Councilman Nichols explained that during his tenure as a Council member, the Council appointed replacements for two individuals who served as County Manager and that those appointments were made on the record but were not published agenda items. He said this appointment is not a public decision and should not be based on politics or personal agendas.

Mr. Heesh commended Ms. Baynard for her service to the County as County Manager. He expressed his belief that the Council was aware that a public hearing must be conducted prior to the execution of a resolution to revise the County's Solid Waste Management plan and failed to take that action. Mr. Moore said Mr. Heesh is incorrect, noting that prior revisions were adopted by resolution under Mr. Merryweather's direction. He stated that Maryland Department of Environment accepted that

resolution. He explained that he was not made aware that a public hearing was required until a meeting was held by that entity on the proposed vertical expansion of the County's landfill. He said he then provided that information to Mr. Merryweather.

Libby Nagel, a Dorchester County resident, expressed her belief that Mr. Newcomb has the qualifications necessary to perform the duties of the County Manager position, since he served in the Acting County Manager role for two years. She said she has heard rumors relating to the appointment of a County Manager and encouraged the Council to base their decision on the needs of the County and its residents.

In response to a question from Pete Macinta, resident, Councilman Travers said the County Manager position was advertised several times in multiple locations and the advertisement included qualifications.

Mr. Heesh said he did not see the advertisements and expressed his understanding that not all residents read The Daily Banner or The Star Democrat.

In response to an inquiry from Mr. Macinta, Councilman Nichols clarified that the County Manager serves at the pleasure of the Council.

Based on that clarification, Mr. Macinta expressed his opinion that the Council should appoint Mr. Newcomb as County Manager tonight since they can change their decision, if they feel it is necessary, after reviewing legal counsel comments at the next meeting. Pursuant to a question posed by Mr. Macinta, Councilman Nichols said it is his understanding that the Council will not be fined if this action cannot be taken based on the Attorney General's opinion.

Greg Robbins, resident, echoed Ms. Nagel's comments.

Donald Gray, a Dorchester County resident, encouraged the Council members to work together in the best interest of County residents.

Donald Jones, resident, referenced rumors that Mr. Newcomb was paid for his role as Acting County Manager when he was a Council member.

Mr. Newcomb clarified that prior to December 2, 2014 he was only paid as a Council member. He said he is still not receiving any compensation for his role as Acting County Manager.

Mr. Jones questioned why Mr. Newcomb has not been paid since December 2nd particularly since he is still performing duties as Acting County Manager. Mr. Newcomb said that decision lies with the Council.

Councilman Travers said the Council has not had any discussions regarding the appointment of Mr. Newcomb as County Manager, noting that he has not provided the Council with a formal expression of interest. He explained that the position was advertised and the interviews were conducted prior to the Election. He acknowledged that rumors have been circulated regarding this position including the rumor that the Council has already made a decision. He advised that the Council will discuss Mr.

Merryweather's legal opinion at its January 20th executive session meeting, including whether or not Mr. Newcomb meets the qualifications, if he will be appointed as County Manager, and if so, at what salary, unless they vote otherwise tonight.

Councilman Nichols noted that he was the only sitting Council member who was on the Board when Ms. Baynard, was appointed Acting County Manager and then County Manager. He explained that she mostly learned on the job and only received minimal assistance from Deborah Byrd, prior to her leaving that position. He said the Council needs to work together.

Ms. Nagel expressed dismay that it took three votes for the Council members to elect a President and after nine votes, they had to reschedule the vote for Vice President. She noted that Mr. Newcomb has been performing the job duties of the County Manager for two years without pay. She referenced the Council's positive comments about him serving in that role.

Councilman Travers said he performed those duties well. He noted that Mr. Newcomb accepted the Acting County Manager position while serving as a Council member when Ms. Baynard was on medical leave.

Ms. Nagel questioned if Mr. Newcomb was still Acting County Manager and not receiving any compensation for serving in that capacity. Councilman Travers said there has been no change in his status since he was appointed as Acting County Manager.

Based on an inquiry from Mr. Davis, Councilman Nichols noted that according to the County's Charter a County Manager is appointed by the Council and must be bonded. He explained that Mr. Newcomb was unable to collect two pays when he was serving on the Council and as Acting County Manager. He said during the 2014 Election campaign erroneous comments were made that he received two salaries. He explained that the Council members worked as team and provided him some assistance; however, the majority of those duties was covered by Mr. Newcomb.

In response to a question from Mr. Davis, Councilman Nichols said background checks are conducted on all applicants.

Mr. Gray questioned whether the Council is paid to serve on the Board of License Commissioners. Councilman Nichols said only those individuals serving on behalf of a Council member receive a \$2,000 stipend.

A resident expressed his opinion that if Mr. Newcomb meets the qualifications of the position he should be appointed as County Manager and if he does not, Council should consider one of the applicants that were interviewed.

Councilman Travers reiterated his prior statement that Council has not discussed this matter since taking the oath of office. He explained that any discussion regarding the applicants must be conducted in executive session since it pertains to personnel. He said the public will be advised once Council makes a decision. He noted that Councilman Satterfield has viewed the applications.

In response to a question posed by Ms. Wheatley, Councilman Travers said the Council has not received a written letter of interest or application from Mr. Newcomb. Based on another inquiry from Ms. Wheatley, Councilman Travers confirmed that the Council has received letters on his behalf.

Mr. Jones queried as to why Mr. Newcomb is not being paid even though he is serving as the Acting County Manager. Councilman Travers reiterated that he could not be paid two salaries when he was a Council member. He said Mr. Newcomb agreed to serve without pay when he was appointed and the new Council has not made any other decision.

Councilman Satterfield commended Mr. Newcomb on his service and dedication to the County and its residents as a Council Member. He said the Council should follow the proper procedures to appoint an individual as a County Manager, which decision should not be made based on personalities, votes or politics. He expressed his understanding that upon receipt of Ms. Baynard's resignation, the position was advertised properly, 28 applications were received and accepted and interviews were conducted. He said Mr. Newcomb has not provided the Council with any form of written interest in being appointed County Manager.

Councilman Satterfield explained that in his new role as a Council Member he contacted three attorneys and two Human Resource personnel from other counties, who expressed their belief that when he was sworn in on December 2, 2014, Mr. Newcomb's responsibilities and duties to Dorchester County ended. He said, he believes, since Mr. Newcomb was appointed Acting County Manager because he was sitting in an elected seat on that date his duties and responsibilities ended. He said Council has a responsibility to the residents and themselves to move forward expeditiously. He noted that Councilman Travers, the Council President, has reached out to the Attorney General's Office through the County Attorney to obtain information for the Council's review and consideration.

Councilman Satterfield said due to his involvement in law enforcement, corrections and the military he will not make any decision that is against the law or a County, State or Federal policy. He expressed his belief that the Council should be provided the opportunity to make a decision that is in the best interest of the County that is not based on politics, personalities or rumors. He said at least one individual, visited his residence, to ask him why Mr. Newcomb was still serving as Acting County Manager. Councilman Satterfield stressed that the Council is responsible for appointing the County Manager and not the public. He also stressed that it is inappropriate for individuals to pass along comments made by others unless confirmation is obtained that those statements are true.

Mr. Jones said he believes taxpayers have the right to voice their opinion about any actions taken by the Council, including the appointment of a County Manager.

Councilman Satterfield explained that he recently learned that pursuant to the Open Meetings Act, if three or more Council members are to be in the same location, including a grocery store, a meeting notice must be sent to the news media. He questioned how the Council could have made a decision regarding the County Manager position outside of an advertised meeting due to this Act.

Mr. Davis questioned whether the Council will be able to accept his ice bucket challenge based on the Open Meetings Act. Mr. Newcomb explained that three or more Council members can participate in the challenge if a notice about the event is sent to the news media. He further explained that pursuant to

this Act no more than two Council members can be in the meeting room or the Council's Office at the same time unless a notice is sent.

The roll call on Councilman Nichols motion to remove "Acting" from Mr. Newcomb's title of "Acting" County Manager was as follows: Bradshaw-nay; Price-aye, Satterfield-nay; Nichols-aye; Travers-nay.

Councilman Nichols said he will address this matter at the January 20th executive session meeting.

Councilman Price noted that there are numerous bridges in the County, including the Elliott's Island Bridge, which are in need of repair and/or replacement and it is his goal over the next four years to secure funding for this purpose. He explained that he spoke to Maryland Department of Transportation officials, who advised him that federal government participation is necessary. He said he also spoke to the incoming Governor and Lieutenant Governor about the need for funding for this infrastructure.

Councilman Price advised that he attended the legislative breakfast hosted by the Dorchester County Chamber of Commerce this morning. He noted that Senator Elect Adelaide Eckardt, and Delegate Elects Christopher Adams, Johnny Mautz and Sheree Sample-Hughes were present and shared their backgrounds and goals. He explained that Senator Elect Eckardt advised that she will serve on the Senate Budget and Taxation Committee and cited revisiting State tax structures, reducing corporate taxes and working on spendability as her major priorities. He further explained that Delegate Elect Adams and Mautz said they will focus on business matters and tax and fee reforms while Delegate Elect Sample-Hughes advised that she will work on health matters. He noted that the new Delegates and Senators will be sworn in on January 14, 2015.

Councilman Price said another topic of discussion was the Chesapeake Bay Foundation Bi-Annual Report Card on the Chesapeake Bay. He noted that the nutrient and phosphorus management practices followed by farmers in Dorchester County and on the Eastern Shore are not factored in this report, and; therefore, in his opinion, have not been taken into consideration.

Councilman Bradshaw said in the Report Card, William Baker, the Chesapeake Bay Foundation President, stated that the largest polluter of the Bay is the agriculture industry. He noted that the agricultural community in Maryland Agriculture has reached 130% of its 2017 Chesapeake Bay water quality improvement milestone.

Councilman Bradshaw referenced a January 5, 2015 Washington Post article in which a member of Governor Elect Larry Hogan's staff said the current strategy for restoring and protecting the Bay is not working and a new approach should be taken. He also referenced comments made by Governor Elect Hogan that he plans to withdraw the phosphorus management tool regulations. Councilman Bradshaw noted that the economic impact study that was prepared by Beacon at Salisbury University neglected to show the potential financial impact the loss of the poultry industry may have in the County if farmers are unable to use manure and poultry integrators go out of business. He advised Council that he will be touring some of the farms in the County with Tyler Butler, a WBOC reporter, in order to show him the current practices farmers use to reduce pollution in the Bay.

Councilman Satterfield congratulated Donna "Wolf Mother" Abbott for being appointed the new Chief of the Nause Waiwash Band of Indians.

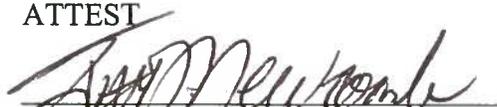
Councilman Travers said Council members will attend the Maryland Association of Counties Conference from January 7 to January 9, 2015.

Based on a motion made by Councilman Travers, the Council agreed to present commendations to Ed Kinnamon, who is retiring, for his 26 years of service to the City of Cambridge and to Thomas Duncan, for his 55 years of service as an elected official. The Council recognized that Mr. Duncan, who chose not to run for another term on the Talbot County Council, will step down as the President of the Maryland Association of Counties tomorrow night and agreed to present the commendation to him then.

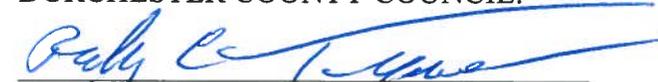
Councilman Travers announced that the next County Council meeting will be held on January 20, 2015.

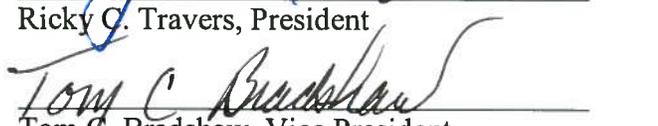
With no further business to discuss, the Council adjourned.

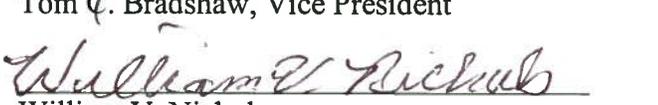
ATTEST


Jay L. Newcomb
Acting County Manager

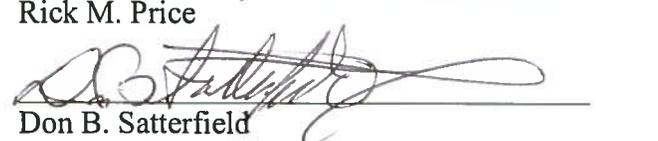
DORCHESTER COUNTY COUNCIL:


Ricky C. Travers, President


Tom C. Bradshaw, Vice President


William V. Nichols


Rick M. Price


Don B. Satterfield

Approved the 20th day of January, 2015.