

**County Council of Dorchester County
Regular Meeting Minutes
July 15, 2014**

The County Council of Dorchester County met in regular session on July 15, 2014 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; 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; 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 Nichols led the invocation and the pledge of allegiance.

OTHER

Councilman Newcomb announced that Councilman Travers is out of town this evening.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: FY14 Budget Transfer requests; a request to advertise a Landfill Fiscal Clerk position in the Finance Department; a request to advertise a Recreation and Parks Program Coordinator II position; and a discussion relating to correspondence regarding concerns about the proposed Harriet Tubman National Historical Park and its potential impact on private property owners' rights.

APPROVAL OF MINUTES- JULY 1, 2014

The Council approved the minutes of July 1, 2014.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$3,498,302.38.

FY14 BUDGET TRANSFER REQUEST- FINANCE

The Council approved the following FY14 budget transfers: 1) from the Council's Office to transfer excess funding of \$330 from Other to Telephone to cover an anticipated overrun; 2) from Gwendolyn Dales, Elections Director, to transfer \$10,000 from Equipment Rental to Salaries to correct classification error in original FY14 budget request and to transfer \$5,000 in excess funding to Mileage and Conference and Rental of Equipment to cover unanticipated year end postage costs; 3) from Brett Wilson, Circuit Court Judge, to transfer \$2,903 in excess funding from various line items to Office Supplies to purchase additional supplies; and 4) from Jeremy Goldman, Emergency Services Director, to transfer various amounts totaling \$36,953 from several line items with excess funding to cover cost overruns in Contractual Services and Auto Expenses.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on July 15, 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; 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) approved request of the Emergency Services Director to adjust the salary for the full-time Emergency Medical Services Manager position provided funds in existing budget are utilized by a 4 to 0 vote; 2) confirmed the removal of an individual from Probationary Patrol Deputy status to Patrol Deputy and the resulting salary increase by a 3 to 0 vote; 3) approved request of the Emergency Services Director to hire individuals to fill two vacant 911 Dispatcher positions by a 4 to 0 vote; 4) approved request of the Public Works Director to hire an individual to fill a Motor Equipment Operator II position in the Highway Division by a 4 to 0 vote; 5) approved request of the State's Attorney to hire an individual to fill an Administrative Associate

position by a 4 to 0 vote; 6) approved request for an employee to remain as an on-call Advanced Life Support Provider by a 3 to 0 vote; 7) approved request of the Finance Director to fill a Landfill Fiscal Clerk position by a 3 to 0 vote-agreed to consider a request to advertise the position in open session; 8) approved request of the Recreation and Parks Director to fill a Recreation Coordinator II position by a 3 to 0 vote-agreed to consider a request to advertise the position in open session; 9) discussed a personnel matter relating to a County Department; 10) discussed two requests to purchase a County owned property acquired by tax sale; 11) discussed an offer to acquire County owned property-requested additional information; 12) discussed with legal counsel a matter relating to a grant; 13) discussed pending legislation with legal counsel; 14) consulted with legal counsel to obtain advice regarding a matter relating to the Airport; 15) discussed with legal counsel a matter relating to emergency medical services billing; and 16) discussed with legal counsel the modification of a legal document.

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

PROCLAMATION-HEALTHIER COMMUNITIES DAY

The Council presented a Proclamation declaring July 1, 2014 as Healthier Communities Day which Ken Kozel, President/CEO, University of Maryland Shore Regional Health accepted. Mr. Kozel presented a maple tree as a symbol of Shore Health's appreciation for the Council and the County and its commitment to the community.

INTRODUCTION-NEW SOCIAL SERVICES DIRECTOR-NICHOLETTE K. SMITH-BLIGEN

Councilman Newcomb introduced Nicholette K. Smith-Bligen, the new Social Services Director for Dorchester County.

INVITATION-2013-2014 CAROLINE-DORCHESTER COUNTY FAIR QUEEN

Erica Lynne Willing, 2013-2014 Caroline-Dorchester County Fair Queen, invited the Council to the 2014 4H Fair.

PRESENTATION OF COMMUNITY RATING SYSTEM PLAQUE-FEDERAL EMERGENCY MANAGEMENT AGENCY

Molly Kaput, Mitigation Planning Specialist, Region III, Federal Emergency Management Agency, presented the Council with a plaque recognizing Dorchester County's participation in the National Flood Insurance Program's Community Rating System. She said nationally 22,000 communities voluntarily participate in this program, and each must meet minimum requirements. She explained that there are different class ratings based on the number and types of activities conducted by local jurisdictions. She

noted that Dorchester County is only one of 11 communities in the State of Maryland that participate in the Community Rating System. Ms. Kaput explained that as a result of this participation National Flood Insurance Program policy holders in Dorchester County will receive a discount. She said the national average savings is \$97 annually. Ms. Kaput recognized and thanked the following County employees for their assistance in seeking the County's participation in this system: Steve Dodd, Planning and Zoning Director; Trevor Bozarth, GIS Specialist; Janice Henderson, Environmental Planner; and Steve Garvin, Emergency Planner.

OVERVIEW OF DORCHESTER COUNTY'S FLOOD INSURANCE RATE MAPS-PENDING CHANGES-PLANNING & ZONING

Steve Dodd, Planning and Zoning Director, provided a power point presentation on the pending changes to Dorchester County's Flood Insurance Rate Maps which are based on new Flood Insurance Study conducted by the Federal Emergency Management Agency (FEMA) and include a storm surge model. He explained that Dorchester County has been in the Flood Plain Management Program/National Flood Insurance Program since 1981 and the maps have only changed twice since then, once in 2011 and this change. He said despite Dorchester County being reported as the most vulnerable area on the Mid Atlantic Coast to sea level rise, as a result of the map changes, fewer properties will be in the 100 year floodplain and; therefore, many residents will no longer be required to purchase flood insurance. Mr. Dodd explained that after the maps are prepared each local jurisdiction is provided a year or more to review and, if necessary, challenge the maps. He further explained that County staff performed a non-technical review of the maps, noting that they do not have the background or experience to challenge them. He stated that staff of the company which performed the study physically viewed property and recorded changes in topography.

Mr. Dodd said the following items have been added to the County's Flood Insurance Rate Maps: 1) a Coastal Storm Model; 2) projected wave heights; 3) "VE" zones which are areas where storm surge wave heights are anticipated to exceed three feet; and 4) "Limit of Moderate Wave Action (LiMWA)" zones which are areas where those heights are between 1.5 and 3 feet. He explained that residents who build in those zones will be subject to new construction standards, including pilings, no solid foundation and a breakaway wall at the bottom of the residence.

Mr. Dodd said the preliminary maps have been reviewed by Planning and Zoning and Public Works staff and comments have been sent to FEMA. He noted that a Community outreach meeting was held at the Dorchester County Library on June 10, 2014 for which the public was invited to view the new maps and discuss implications with FEMA and community officials. He advised that in addition to sending out notices to those property owners who will be affected by the map changes, newspaper advertisements were published and the meeting was announced on radio stations. He said he anticipates that a Letter of Final Determinate will be received from FEMA in the Fall of 2014 and once it is issued the Council must adopt the new maps and ordinance within six months.

Mr. Dodd said some of the new changes that will be included in the ordinance are the new construction standards for building in VE or Coastal A zones as he outlined earlier.

He showed a map of a property with both VE and Coastal A zones and explained that many properties will have several zones on their property; therefore, these affected property owners will have the option to move buildings further away from the shoreline to avoid these requirements. He said Planning and Zoning staff will not be seeking an increase in the two foot freeboard requirement which became effective in 2011.

Mr. Dodd advised that 20 properties county-wide on which homes have already been constructed as well as another 200 parcels, including 180 improved parcels, are in the VE zone. He said the majority of the parcels consist of marshland.

He said the LiMWA line affects approximately 1,800 approximately properties and typically hugs the shoreline in areas where construction is already prohibited due to critical area setbacks or buffers. He stated that approximately 500 homes and 17,000 acres of land will be removed from the current maps. He showed examples of changes of maps in the following areas: Church Creek, Key Wallace, Egypt Road and in the Neck District.

Councilman Price questioned if property owners will be required to modify their existing residences once the new construction requirements are in effect. Mr. Dodd explained that those requirements will not apply to those properties unless the homeowners make a substantial improvement (over 50% of the existing home) or if their residence is damaged or destroyed during a fire or natural disaster and must be rebuilt.

In response to a question from Councilman Bradshaw, Mr. Dodd said explained that County staff was advised that FEMA does not factor in sea level rise when preparing the flood insurance rate maps.

The Council thanked Mr. Dodd for providing an overview of the proposed map changes for Dorchester County.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2014-8 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, MM, SUPPLEMENTARY USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD PRODUCE MARKET AS A PERMITTED PRINCIPAL USE IN THE AC, AGRICULTURAL CONSERVATION, RR-C, RURAL RESIDENTIAL-

CONSERVATION, RR, RURAL RESIDENTIAL, AND V, VILLAGE DISTRICTS,
ADD THE DEFINITION OF PRODUCE MARKET, AND INCLUDE
SUPPLEMENTARY USE REGULATIONS FOR A PRODUCE MARKET.

E. Thomas Merryweather, County Attorney, said a public hearing is being held on proposed legislation to amend Chapter 155, entitled "Zoning Ordinance," Section 155-50, MM, "Supplementary Use Regulations," Section 155-13, "Terms Defined", and Section 155 "Attachment 1, Table of Permitted Uses of the Dorchester County Code" to add produce market as a permitted principal use in the Agricultural Conservation, Rural Residential-Conservation, Rural Residential, and Village Districts; to add the definition of produce market; and to include Supplementary Use Regulations.

Mr. Banks stated that the County's current Zoning Ordinance only defines roadside or small produce stands and that a produce market is an expanded version of those stands. He explained that the proposed legislation will allow this use and adds standards including size/acreage and structure size limitations including the number of accessory uses; type of products; setbacks and on-site parking, signage and egress and ingress requirements. He said one freestanding sign and one flat wall sign on a building will be allowed. He noted that some of the activities that can be conducted at a produce market include seasonal "u pick" fruits and vegetables, hayrides as well as other farm oriented activities.

Mr. Banks said Planning and Zoning Office staff worked with G. Philip and Diana C. Jackson, applicants and owners of Emily's Produce, on the initial text of the produce market. He noted that prior to the Planning Commission hearing on the text amendment, they hired Ryan Showalter, Attorney, who presented a substantial revision at that meeting. He explained that the Planning and Zoning Office staff do not support the revisions which include allowing an indoor sales and display area of up to 15,000 square feet and accessory structures of to 12,000 square feet on a three acre parcel and designating a produce market as a permitted use in the Agriculture Conservation, Rural Resident-Conservation, Rural Residential and Village zoning districts. He further explained that they support a sales and display area of 3,000 square feet and 2,000 square feet of accessory structures on a five acres or larger. He said they also firmly believe produce markets should be a considered a special exemption use since the structures will be large and will be in close proximity to residential areas.

In response to an inquiry from Mr. Merryweather, Mr. Banks clarified that the Planning Commission members approved the legislation that is before the Council for introduction, which includes a 15,000 square foot sales and display area, 2,000 square feet of accessory structures on three acres and provides that produce markets will be a permitted use in the zoning districts specified in the bill.

William Layton, President, Dorchester County Farm Bureau, said the Bureau members support the bill as written. He stated that farming has changed substantially in the last 50 years which necessitates a change in the County's zoning ordinance to allow small farms,

such as Emily's Produce, to prosper by being allowed to sell products directly to consumers. He asked the Council to pass the proposed legislation.

Ryan Showalter, Esquire, on behalf of Emily's Produce, LLC, expressed support for the passage of the legislation as written, which was approved by the Planning Commission members. He said Emily's started as a small produce stand and has grown substantially, noting that a number of growers and producers in the County sell their specialized products at this stand. He explained that when his clients contacted the Planning and Zoning Office staff to obtain a permit for a capital expansion they learned that the stand had grown beyond the current zoning ordinance and as a result a new "use" definition needed to be identified. He asked the Council to support local producers in their efforts to sell their produce in the County by adopting the legislation.

In response to a question from Councilman Nichols, Mr. Showalter said his clients are not opposed to making a produce market a special exemption use. He explained that based on concerns expressed by other members of the farming community, the Planning Commissioner members expressed their belief that the agricultural community should be supported and; therefore, it should be a permitted use.

Mr. Layton said is supportive of private property owner rights and expressed his opposition to making a produce market a special exemption use.

Kelly Jackson said she is representing Emily's Produce. She explained that they support the farming community by selling specialty products, including bison, beef and honey. She explained that her daughter, Emily, runs the business. She asked the Council to support the continuation and expansion of their business by passing the legislation as drafted.

Pursuant to a question posed by Mr. Merryweather, Mr. Banks confirmed that the legislation before the Council for its consideration was approved by the Planning Commission.

The roll call on the enactment of Bill No. 2014-8 was as follows: Newcomb-aye; Nichols-aye; Price-aye; Bradshaw-aye.

Mr. Merryweather advised Mr. Banks that Councilman Newcomb cannot sign the legislation as a Council Member/Council President and attest as Acting County Manager; therefore, it should be changed to reflect that Donna F. Lane, Executive Administrative Specialist, will attest the document.

INTRODUCTION

BILL NO. 2014-9 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND GRANTING TO AMICK FARMS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, A \$15,000.00 REAL PROPERTY TAX CREDIT

FOR REAL PROPERTY LOCATED AT 274 NEALSON STREET, HURLOCK,
MARYLAND 21643, TAX ID #15-014938.

Mr. Merryweather said Bill No. 2014-9, which is scheduled for introduction, grants to Amick Farms, LLC, a \$15,000 real property tax credit over a two year period for property located at 274 Nealson Street, Hurlock, Maryland. The Council recognized its acceptance of a resolution dated June 4, 2013 to provide this company a two year tax credit as a local match to the proposed Department of Business and Economic Development conditional loan to Amick in the amount of \$150,000 to expand its facility in the Town of Hurlock in exchange for retaining existing jobs and adding new positions. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

BILL NO. 2014-10 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO SECTION 40-20 OF CHAPTER 40 OF THE DORCHESTER COUNTY CODE CLOSING AND ABANDONING A 6,274.98 FOOT PORTION OF PHILLIPS GUNNING CLUB ROAD, STRAITS ELECTION DISTRICT OF DORCHESTER COUNTY, MARYLAND.

Mr. Merryweather said Bill No. 2014-10, which is scheduled for introduction, is to close and abandon a 6,274.98 foot portion of Phillips Gunning Club Road, Straits Election District of Dorchester County, Maryland, pursuant to Section 40-20 of the Dorchester County Code, which property is shown on a plat entitled "Survey, Phillips Gunning Club Road, Straits Election District, Dorchester County, Maryland," dated March 27, 2014 and prepared by William C. Craig, Licensed Surveyor. The Council agreed to proceed with publication of a public hearing on this matter.

INTRODUCTION

BILL NO. 2014-11 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-38, CA CRITICAL AREA PROTECTION DISTRICT, OF THE DORCHESTER COUNTY CODE. AMEND SECTION 155-38.J.5.C OF THE DORCHESTER COUNTY CODE OF PROVIDE SPECIAL PROVISIONS THAT APPLY TO DEVELOPMENT AND REDEVELOPMENT IN MAPPED BUFFER EXEMPTION AREAS (BEAs) IN THE INTENSELY DEVELOPED AREA (IDA), LIMITED DEVELOPMENT AREA (LDA), AND RESOURCE CONSERVATION AREA (RCA) CRITICAL AREA CLASSIFICATIONS.

Mr. Merryweather said Bill No. 2014-11, which is scheduled for introduction, is for a Critical Area Zoning Text Amendment to establish a Buffer Exemption Area that permits the continued use and occupation of campground sites at the Tideland Park Cooperative Campground in Taylors Island. He noted that it also adopts a Tideland Park Buffer Exemption Area map to be used for implementation of this amendment.

Mr. Showalter explained that the campground was approved in the late 1960s and predated the County's zoning regulations. He said the campground is under a cooperative form of ownership and; therefore, individuals own a site but not a portion of the property itself. He noted that many of those sites are in the critical area buffer and the legislation will give the Council the authority to approve a buffer exemption area map to allow continued use and occupation. He expressed his understanding that the legislation has the full support of the Planning Commission and the State of Maryland Critical Area Commission members. The Council agreed to proceed with publication of a public hearing on this matter.

The Council adjourned into Regular Session.

REGULAR SESSION

PRESENTATION-PROPOSED WIND TURBINE PROJECT IN SOMERSET COUNTY-TEENA GORROW

Dr. Teena Gorrow, Professor of Teacher Education, Salisbury University, and resident of Dorchester County, introduced Mrs. Tammy Truitt, a member of Safe for Somerset and the Somerset County Planning and Zoning Commission Board; Dr. Dan Ervin, an Economics Professor, Salisbury University's Perdue School of Business; Kurt Schwartz, Chair, Maryland Ornithological Society Conservation; and Dr. Ryan C. Taylor, Biology Professor, Salisbury University.

Dr. Gorrow said Pioneer Green is the company that plans to develop a proposed wind turbine project in Somerset County, which consists of the placement of 25 wind turbines, approximately 600 feet in height with 300 foot blades, in the Mid Atlantic Flyway. She said it is her understanding that this is the first wind project in the coastal plains and that another one is slated for Kent County. She questioned the impact this project will have on both Somerset and Dorchester County residents' property views and utility bills. She said she is also concerned that birds, including eagles, and bats may be injured by the wind turbines. She noted that Dorchester County has the largest population of eagle nesting in the Eastern area of the country and may be the largest in the Mid Atlantic. Dr. Gorrow also expressed concern about potential human health, antenna and cell phone inference due to magnetic wave action and noise. She said Navy advocates expressed concern that the wind turbines will interfere with the Navy's radar system.

Ms. Truitt said four and half years ago wind developers started looking at Somerset County as a potential site for a wind farm. She said many residents, like her, were not aware of this until 2011. She showed the site map of the property, noting that the wind turbines will be between 670 to 690 feet in height with blades greater than 200 feet in height. Ms. Truitt said Somerset County's current Zoning Ordinance only refers to a 400 feet height for wind turbines. She noted that the Somerset Immediate School is located in the proposed project zone and will be surrounded by wind turbines. She questioned whether the wind turbines will negatively impact the health of the youth who attend that

school. She said there is a 710 foot setback requirement for roadways, which includes Route 14, a major artery, and Route 667.

Ms. Truitt explained that proposed Somerset County ordinance to regulate large scale wind turbines has been sent back to the Planning Commission for review and possible revisions since the height of the turbines has increased and based on the potential negative impact they may have on public safety. She showed a national map depicting the wind resources in the United States, with the bulk being located in the mid west region and a State of Maryland map which shows that Dorchester and Somerset County have poor/marginal wind energy. Ms. Truitt expressed her understanding that in light of this, the wind developers will be user larger wind turbines to maximize the wind resource. She said it is also her understanding that Dorchester County has equal or greater wind resources than Somerset County. She encouraged the Dorchester County Council to be diligent and undertake research before making any future commitments regarding large scale wind energy systems.

Dr. Ervin explained that there are several challenges when considering wind energy which include economics, public perception, scale and the fact that wind is an intermittent energy source. Dr. Ervin referenced projected 2019 electricity prices based on various types of fuel technologies, noting that land based wind costs are approximately equal to the cost of coal.

He said there are some hidden costs, including the cost of keeping primary plants available, loss of fuel efficiency at primary plants and transmission costs. He explained that wind turbines cycle up and down and wind speed varies which reduces efficiency. Dr. Ervin noted that the NRG Energy power plant in the Town of Vienna is 170 megawatts compared to the 5 megawatt turbines to be placed in Somerset County, and; therefore, the quality of the wind energy will be less.

He noted that the Indian River Power Station, a coal fired plant generates electricity on the Eastern Shore, and that units one and two of that facility have been shut down due to environmental reasons and that unit three may be next. He said unit four, a 450 megawatt unit, is still operational. He said the Mid Atlantic Power Pathway project, which was cancelled due to the poor economic climate, was designed to correct transmission issues, which despite Pepco Holdings claims were not as critical as depicted.

Dr. Ervin expressed his belief that if the turbines are constructed in Somerset County flexibility will be lost with the current transmission system. He said wind speed changes quickly and frequently. He noted that Texas is the leader in wind energy capacity.

Mr. Schwartz said the Maryland Ornithological Society Conservation Society consists of 1,600 members and that many of them live in Dorchester County. He said the members do not oppose wind energy, just poorly placed projects. He explained that they believe Somerset County is not a desirable location. He cited a 2012 study which estimated that 573,000 birds, including 83,000 raptors, and 888,000 bats were killed by wind turbines as well as a 2013 study that indicates that 140,000 to 328,000 birds are killed annually by

monopole wind turbines, which is the type projected for the Somerset County projects. He said to date 5 bald eagle deaths have been attributed to wind facilities including one in Maryland, noting that these birds are also susceptible to collisions with power lines.

Mr. Schwartz explained that at a January 2014 U.S. Fish and Wildlife Services (USFWS) meeting on the project, USFWS personnel said there are 30 eagles within 10 miles of the proposed Somerset County wind project footprint and one nest within the footprint. He said they also estimated that they will permit 20 eagle kills, 5%, of the population, per year for this project. He cited a 2013 study which indicates the bird mortality rate increases with the height of the wind turbines. He said it is his understanding that Pioneer Green staff now envision wind turbines close to 700 feet in height which he believes will increase the eagle mortality rate. He stated that pursuant to the USFWS personnel there have been no eagle deaths in western Maryland when nests are more than 10 miles from any wind project. Mr. Schwartz said the proposed project is titled "Great Bay Wind I" and expressed concern that Pioneer Green staff are planning on pursuing other wind energy projects in Somerset County. He explained that there are areas in both Somerset County and Dorchester County, which birds migrate to for breeding and wintering.

In response to a question from Dennis Stoley, a Talbot County resident, Dr. Ervin expressed his understanding that rate payers and taxpayers will primarily be responsible for paying any hidden or additional costs relating to wind energy. He referenced a study which indicated that Maryland citizens are losing approximately \$46 million annually in subsidies to other states, with the two largest being Texas and Ohio.

Julie Slacum, Biologist, USFWS, said she is located in the Chesapeake Bay Field Office in Annapolis Maryland. She explained that an environmental study being conducted on the impacts associated with an eagle conservation plan and programmatic eagle take permit under the Bald and Golden Eagle Protection Act for the Great Bay Wind project, is halfway completed. She said once the study has been prepared a public hearing will be held which she anticipates will occur in the Fall. Ms. Slacum said the USFWS has taken no formal position on wind energy and reviews each project on a case by case basis as with any other development or natural gas line project. She said they evaluate the impact the project will have on species in the area of the proposed project, which in this case are bald eagles and bats. Ms. Slacum noted that the bats in this area are listed under the Federal Endangered Species Act. She encouraged the Council to obtain information regarding the wind projects which are operating in western Maryland, specifically Garrett County, and in West Virginia and Pennsylvania, before taking a stand for or against wind energy projects.

In response to a question from Ms. Truitt, Ms. Slacum confirmed that the wind turbines used in the projects she just mentioned are smaller than the structures that may be built in Somerset County. She explained that USFWS personnel are using the data regarding bald eagles, bats and other migratory birds collected from these projects to prepare an analysis of the Great Bay project. Pursuant to another question posed by Ms. Truitt, Ms. Slacum acknowledged that the impacts to these animals will be greater since the turbines

will be much larger. Ms. Truitt expressed her concern that the proposed project will affect the bird and bat population in Somerset County and in surrounding areas.

Dr. Taylor said while he supports renewable energy projects to reduce fossil fuel consumption and slow climate change, he believes they need to be developed properly to limit the impact they will have on wildlife, human health and the economy. He showed an example of a 550 foot wind turbine located 1,500 feet from a house, noting that it dwarfs the landscape. He explained that he will provide information regarding noise and wildlife kills as they relate to wind energy projects.

He noted that it is estimated that bats provide \$2.3 million annually in crop services in Somerset County by removing pests from plants. He said nationwide bat populations are declining due to infections and that wind turbines also decimate the bat population. He expressed concern that as the population decreases the burden on farmers will increase.

Dr. Taylor said there are a number of studies now available about the impact wind turbines have on human health. He said he asked Pioneer Green staff for current data regarding this impact and was advised that it is proprietary. He then referenced a study on the low frequency sounds wind turbines make which result in fatigue, pain and restlessness. He explained that although individual cannot hear low frequency sounds they are detected by their brains and may interrupt sleep patterns. Dr. Taylor explained that although a decibel related to the carrier (dBA) is used to measure low frequency sounds, wind developers typically use dBA (decibel A-weighting) to weigh frequency which does not measure those types of sounds. He explained that, according to a study he conducted, a wind turbine will produce a noise of 45 dBA (no louder than a refrigerator) whereas it produces 52 to 54 if measured using dBC. He said Maryland standards dictate that noise should be no higher than 55 decibels on a dBA scale and that a neighbor mowing a lawn registers 52 to 58 decibels on a dBC scale.

Dr. Taylor said several wildlife studies indicate that wind projects should be sited to minimize wildlife impacts using scientifically validated techniques. He expressed his belief that wind turbine setbacks should be 4,000 feet from residential dwellings to minimize noise impacts. He explained that another reason for that setback is to ensure that turbines, which fail at rate of 10% and throw ice and blades, do not endanger citizens and their properties.

In response to a question from Councilman Nichols, Dr. Taylor said the Great Bay Wind project in Somerset County is still in the planning phase. He expressed his understanding that the company originally requested 750 foot setbacks and is now seeking an increase; therefore, the County's ordinance for large scale wind turbines is being revised.

In response to questions from Cindy Smith, Grant Monitor, Dr. Taylor said developers build wind energy facilities, which do not produce positive net income, and then sell them to another company to manage. He explained that the managing company can then collect production tax credits and sell them to another entity. He said these credits are currently approximately 2.3 cents per kwh or 3.5 cent pre tax.

Ms. Truitt noted that wind energy power cannot be stored and wind quality and speed is variable; therefore, a backup source is necessary. She expressed her understanding that individuals who live in proximity to wind turbines typically see a decrease in their property values. She noted that most wind turbines in the United States are 400 feet with the largest being 550 feet, which is located in Vermont. Ms. Slacum said using the search engine Google she received approximately 5 million hits for lawsuits filed as a result of wind turbines. She explained that she, Dr. Gorrow, Truitt, Dr. Dan Ervin, Mr. Schwartz, and Dr. Taylor, are present at this meeting to provide the Council information regarding this proposed wind energy project in Somerset and how it may impact Dorchester County. She said the Somerset County Commissioners, during a meeting today, agreed to send back a draft ordinance to regulate large scale wind turbines to the Planning Commission for review and possible revisions. She expressed her understanding that Dorchester County has the same amount or more wind than Somerset County.

In response to an inquiry from Councilman Newcomb, Ms. Truitt said the wind turbine at the Wye Mills Chesapeake College campus is 150 feet in height.

Toby Fry, a Dorchester County resident and a professional pilot, said he conducts aerial studies and expressed his understanding that residents lose 1,200 to 1,500 in air space to their property when wind turbines are installed. He said he flies by a wind turbine in Delaware, which is 400 feet tall, and cited his understanding that there have been lawsuits filed against that turbine. He said he is concerned that the construction of wind turbines in Somerset County may adversely affect the radar system used at the Patuxent River Naval Air Station.

Councilman Price noted that the wind turbines will provide businesses and industries the opportunity to utilize renewable energy and questioned what other economic benefits may be derived from their use. Dr. Ervin said the construction project itself will produce employment opportunities, however since it is specialized work and there is limited maintenance local residents may not benefit from these opportunities.

Ms. Truitt said it is her understanding that lawsuits have been filed by County elected officials in some of those jurisdictions in which wind turbines were constructed, because wind energy companies do not make repairs to the roads they damage when they transport new structures and cranes to install them, in pieces via multiple tractor trailers. She expressed her understandings that since wind turbines break down at such a high rate repairs are only made after three or four fail. She explained that there have been incidents reported in which the turbines caught fire to surrounding property. She questioned Federal government mandates that energy must be purchased from wind energy facilities given the fact they adversely impact wildlife and human health.

Councilman Bradshaw said while he supports renewable energy he is concerned about the impact it will have on taxpayers. He expressed his understanding that props can fall off and wind turbines can burst into flames, based on information and pictures he received from a relative. Ms. Truitt cited her belief that fire companies are unable to

combat these types of fires due to the height of the wind turbines. She referenced a turbine safety manual she viewed which stated that workers should not be within 1,320 feet of a wind turbine; however, Pioneer Green wishes to build turbines in Somerset County within 100 feet of residential properties.

Councilman Bradshaw explained that he spoke with NRG official's year ago regarding their desire to build a 1.5 mg biomass plant in Vienna, noting that State of Maryland representatives refused to enter into a power purchase agreement with the company. He questioned their focus on wind energy, citing his belief that a biomass facility will have a positive impact on the economy and will provide a way to dispose of timber waste, switch grass, yard waste and tree limbs.

Ms. Truitt reiterated her previous statement that four and half years ago wind developers started looking at Somerset County as a potential site for a wind farm. She said she is dismayed that she, like many residents, was not made aware of this until 2011. She expressed concern that the wind turbines may adversely affect the Navy's radar system.

Councilman Bradshaw referenced the concerns expressed by Navy advocates that they will impact radar and flight paths. Ms. Truitt said it is her understanding that they are not opposed to wind turbines provided they are less than 400 feet. She said the proposed height of the wind turbines for Great Bay Wind project has been raised and it is her understanding that this will allow them to garnish additional wind in Somerset County.

The Council thanked Dr. Gorrow, Mrs. Truitt, Dr. Dan Ervin, Mr. Schwartz, and Dr. Taylor for providing information regarding the proposed wind turbine project in Somerset County, including wind energy and its potential effects on wildlife.

MANAGERS COMMENTS

RESOLUTION-GENERAL OBLIGATION NOTE-ALLIED HEALTH & ATHLETICS FACILITY-CHESAPEAKE COLLEGE-FINANCE

The Council approved the request of Michael Spears, Finance Director, to accept and execute a resolution providing for the issuance of a General Obligation Installment Note in the principal amount of \$1,520,000 to be designated as "Dorchester County, Maryland Chesapeake College Project Note of 2014" in order to finance or reimburse the County's share of the costs of construction, furnishing and equipping of the Allied Health and Athletics facility at Chesapeake College and to evidence and secure the County's obligation to pay its share of the debt service on certain general obligations bonds issued by Queen Anne's County, Maryland for that purpose. Councilman Nichols opposed.

GRANT AWARD-COMMUNITY LEGACY FUNDING/SOLE SOURCE REQUEST-DEMOLITION-COUNTY PROPERTIES-GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, to accept a grant award in the amount of \$6,300 with a \$700 County match from City of Cambridge

utilizing Community Legacy Funding under the Cambridge Facade Improvement Program to demolish 707 Pine Street which is owned by the County. The Council also approved her request to sole source with Dorchester Dumpin Company, LLC to demolish the property, contingent upon the company meeting the scope of the work required by the City of Cambridge and performing the work at the quotes price of \$7,000. The Council acknowledged that the grant period is June 20, 2014 to August 31, 2014.

FY15 GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARD-GUN VIOLENCE REDUCTION-SHERIFFS OFFICE-GRANT MONITOR

The Council approved the request of Ms. Smith, on behalf of the Sheriff's Office, to accept a FY15 Governor's Office of Crime Control & Prevention Grant Award under the STOP Gun Violence Reduction Grant-Cease Fire Program in the amount of \$10,000, with no local match, to be used for overtime support for implementing and developing strategies specifically intended to reduce gun related crime, including the attendance of Sheriff's Office personnel at gun bashes and auctions as well as visits to pawn shops and gun shops to locate stolen weapons. The Council agreed to exempt the hours spent by deputies specific to this grant from the 171 hour over a 28 day period overtime threshold until the grant period ends or grant funds have been depleted. Additionally, the Council reserved the right to review any future renewals to determine the policy regarding hourly pay for the provision of services in regarding to overtime policies.

FARM LEASE RENEWALS-HANDY AND GALLAGHER FARMS-PUBLIC WORKS

The Council agreed to execute an Addendum to extend a farm lease agreement between the Council and John Trice, Jr., for the "Handy Farm" located off of Gravel Branch Road, to March 31, 2015 at \$65.63 per tillable acre. The Council also agreed to execute an Addendum to extend a farm lease agreement between the Council and Mr. Trice for the "Gallagher Farm" to March 31, 2015 at \$65.63 per tillable acre.

REQUEST TO EXPEND FY15 CAPITAL BUDGET FUNDS/SOLE SOURCE- COMPUTER REPLACEMENT-911CENTER-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to expend FY15 Capital Budget funds and sole source with Dell/HP Computers, utilizing government pricing, to replace computers/printers in the 911 Communications Center that control the Computer Assisted Dispatch System with updated units including current software at the cost of \$15,257.70. The Council recognized that included in the FY15 Capital Budget for the 911 Communications Center is \$20,000 for computer replacement.

TRAVEL REQUEST-ECONOMIC DEVELOPMENT

A motion to approve the request of Susan Banks, Business Development Manager, to travel and attend the International Economic Development Council's Basic Economic Development Course in Chapel Hill, North Carolina from July 28, 2014 to July 31, 2014

at cost of \$1,312.50 from FY15 Economic Development Budget died due to lack of a second.

FY15 CORE PUBLIC HEALTH SERVICES FUNDING AGREEMENT- DEPARTMENT OF HEALTH AND MENTAL HYGIENE

The Council approved the written request of Roger Harrell, Health Officer, Dorchester County Health Department, to execute the FY15 Funding Agreement between the County and the Department of Health and Mental Hygiene totaling \$698,250 which includes required matching funds of \$227,705 and a local match of \$470,545 to provide local health services at the Health Department. The Council acknowledged that County funds are equal to the \$698,250 appropriation in the County Council's FY15 budget.

BOARD APPOINTMENTS

Mid-Shore Mental Health Systems

The Council approved the written request of Holly R. Ireland, Executive Director, Mid-Shore Mental Health Systems, to reappoint Neil Dodrill to serve as a Dorchester County representative on the Mid-Shore Mental Health Systems, Inc. Board of Directors for a four year period to end July 31, 2018. The Council acknowledged that his term is set to expire on August 1, 2014.

Electrical Examiners Board

The Council agreed to reappoint William Wise to the Electrical Examiners Board for a three year term to expire on July 15, 2014 and Jeff Bell for a three year term to expire on December 31, 2017.

REQUEST TO ADVERTISE-LANDFILL FISCAL CLERK POSITION-FINANCE

The Council agreed to advertise a Landfill Fiscal Clerk position in the Finance Department in-house and in a local news publication(s) concurrently.

REQUEST TO ADVERTISE-RECREATION AND PARKS PROGRAM COORDINATOR II POSITION-RECREATION AND PARKS

The Council agreed to advertise a Recreation and Parks Program Coordinator II position in-house and in a local news publication(s) concurrently.

CORRESPONDENCE-CONCERNS-PROPOSED HARRIET TUBMAN NATIONAL HISTORICAL PARK AND ITS POTENTIAL IMPACT TO PRIVATE PROPERTY OWNERS' RIGHTS

Councilman Newcomb said the Council recently discussed the legislation for the Harriet Tubman National Historical Park and its potential impact to private property owners'

rights. He explained that residents who properties are within the proposed boundaries of the Park have expressed concern that if it is adopted as written, they may be subject to National Park Service regulations which include no farming, no hunting, and no aerial spraying of fields. He stressed that neither the Council nor the property owners are against the Park. He said the residents are seeking amendments to the legislation to ensure their private property rights. Suzanne Baird, Refuse Manager, Blackwater National Wildlife Refuge, said she is unable to comment on the project; however, she understands the property owners concerns. She expressed her understanding that they will continue to enjoy the use of their property without any additional restrictions and that the National Park Service no longer exercises eminent domain.

William Reddish, Community Liaison for Congressman Andy Harris, said the Congressman is seeking amendments to the legislation to ensure private property owners' rights. He explained that the language to protect those rights has been removed from the legislation twice. He noted that although several National Park Service personnel have indicated they no longer exercise eminent domain, no action has been taken to remove that right from the legislation. He explained that while Congressman Harris believes Harriet Tubman should be recognized he will not vote to provide funding for the Park. Mr. Reddish stressed that there has been no decision on which entity, the United States Fish and Wildlife Service or the National Park Service, will manage the Park.

The Council agreed to send correspondence to a list of Congressman and Senators expressing their concerns about the legislation to establish the Park and seeking amendments to ensure private property owner rights.

PUBLIC COMMENTS

In response to a question from Pete Macinta, Mr. Merryweather said the Council can adopt legislation or an ordinance to prevent wind farms from being constructed in the County. The Council agreed that the Planning and Zoning staff and the Planning Commission members should conduct an investigation regarding wind farms/turbines and provide a report for its review and consideration. Councilman Newcomb clarified that the Council is not opposed to individual property owners utilizing wind turbines. Councilman Bradshaw noted that lights must be installed on structures in the County that are in excess of 200 feet. Mr. Goldman said the tallest radio tower in the County is only 400 feet.

COUNCIL'S COMMENTS/ADJOURNMENT

In response to a question from Councilman Price, Mr. Moore said he will have staff view the County's recycling station in the Town of Hurlock.

Councilman Bradshaw referenced an article in the July 15, 2014 edition of the Star Democrat Article, in which it was noted that several watermen on Tilghman Island have contracted a *Vibrato vulnificus* bacterial infection. Based on a motion made by Councilman Bradshaw, the Council agreed to invite Roger Harrell, Health Officer,

Dorchester County Health Department to a future regular session meeting to provide information regarding this bacterium.

Councilman Bradshaw said the Tar Bay Channel is silting in and should be dredged. He noted that U.S. Army Corps of Engineer staff has advised that the Maryland Department of Natural Resources is responsible for the maintenance dredging of that channel. Ms. Baird said she supports this dredging project which will be beneficial for the Refuge. She said they can provide a restoration area to protect Barren Island. Councilman Bradshaw asked Mr. Moore to contact the Department of Natural Resources to obtain information regarding the possibility that the Tar Bay Channel can be dredged. Councilman Newcomb said Robert Blama, Project Manager, Army Corps, has advised that general maintenance dredging funds are no longer available and that all dredging projects nationwide, including port projects, compete for funding.

Councilman Newcomb announced that the next County Council meeting is to be held on August 5, 2014.

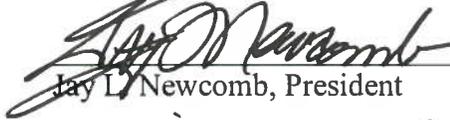
With no further business to discuss, the Council adjourned.

ATTEST:


Jane Baynard, County Manager

Donna F. Lane
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:


Jay L. Newcomb, President

William V. Nichols, Vice President

Ricky Travers

Rick Price

Tom Bradshaw

Approved the 5th day of August, 2014.