

**County Council of Dorchester County
Regular Meeting Minutes
July 19, 2016**

The County Council of Dorchester County met in regular session on July 19, 2016 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; Jeremy Goldman, County Manager; and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

CLOSED SESSION

The Council adjourned from a Regular Session and convened in a Closed Session pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(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 §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and, pursuant to 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held for the law enforcement officers who were injured or slain in the line of duty recently and John Warner, a County businessman, and the former Mayor of the Towns of Secretary and East New Market. Councilman Bradshaw led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

Jeremy Goldman, County Manager, stated that the following items were added after publication of the agenda: Fiduciary Role Request-Delmarva Regional Healthcare Mutual Aid Group Projects and Letter of Support Request-Heart of Chesapeake Country Heritage Area Mini Grant-National Outdoor Show.

The Council agreed to add the following items to the agenda: Request to Advertise-Grant Technician Positions-Soil Conservation and Additions-Tax Sale Property Offer.

APPROVAL OF MINUTES- JULY 5, 2016

The Council approved the minutes of July 5, 2016. Councilman Travers abstained.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented Councilman Travers abstaining. Councilman Bradshaw abstaining for mileage reimbursement.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$6,462,882.41.

CLOSED SESSION SUMMARY

The County Council of Dorchester County convened in an Closed Session at 5 p.m. on July 19, 2016 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to Title 3 of the General Provisions Article of the Maryland Annotated Code, pursuant to §3-305(b)(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 §3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; and, pursuant to 3-305(b)(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) by a 5 to 0 vote approved the requests of Emergency Services Director to: a) hire an individual to fill a vacant Emergency Medical Technician position; b) place individuals on the current on-call provider list; and, b) adjust the salary of an emergency services provider who recently obtained certification; 2) approved the request of the Emergency Services Director to reclassify a 911 Center Dispatcher to a Shift Supervisor by a 5 to 0 vote; 3) discussed a request to advertise two grant funded Grant Technician positions in Soil Conservation-agreed to discuss in open session; 4) discussed personnel issues relating to employee health insurance coverage and received advice from legal counsel; 5) discussed an offer to purchase a County owned property acquired by tax sale-agreed to consider in open session; 6) discussed with legal counsel an offer for the payment of overdue taxes; 7) received legal advice regarding construction management services agreement; and 8) received legal advice regarding a matter relating to the County road acceptance process.

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

REGULAR SESSION

COMMENDATION-RETIREMENT-JAMES LURZ

The Council presented a commendation to James Lurz congratulating him on his retirement and recognizing his 10 years of service to Dorchester County.

LEGISLATIVE SESSION

The Council adjourned into Legislative Session.

PUBLIC HEARING

BILL NO. 2016-4 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING, SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD UNDER THE INSTITUTIONAL USE CATEGORY, CEMETERIES, COMMERCIAL HUMAN OR ANIMAL INCLUDING CHAPELS, MAUSOLEUMS, AND CREMATORIUMS AS A SPECIAL EXCEPTION USE IN THE RR-RCA, RURAL RESIDENTIAL - RESOURCE CONSERVATION AREA ZONING DISTRICT

E. Thomas Merryweather, County Attorney, advised that a public hearing is being held on Bill No. 2016-4 to amend Chapter 155, entitled Zoning, Section 155 Attachment 1, Table of Permitted Uses of the Dorchester County Code to add under the Institutional Use category, cemeteries, commercial human or animal including chapels, mausoleums, and crematoriums as a special exception use in the RR-RCA, Rural Residential - Resource Conservation Area zoning district.

Rodney Banks, Assistant Planning and Zoning Director, explained that this is a text amendment of the County's Zoning Ordinance and the applicant is McAllister, Detar, Showalter, & Walker, LLC. He acknowledged that Ryan Showalter, Esquire, is present on behalf of Greenlawn Cemetery of Cambridge, the property owner, which has a proprietary interest in real property consisting of 11.22 acres on the north side of Maryland Route 343, Hudson Road, Tax Map 30, Grid 14, Parcel 86. Mr. Banks provided the following information: 1) the Sections of the Dorchester County Zoning Ordinance text proposed for change are: Section 155, Attachment 1, Table of Permitted Uses, under Institutional Use: Cemeteries, commercial human or animal; 2) applicant is requesting a change to the language of the ordinance that regulates commercial cemeteries and crematoriums; 3) purpose of the change is to revise the Table of Permitted Uses to permit cemeteries and crematoriums as a special exemption in the RR-RCA district by Special Exception; 4) the change would permit the expansion of the existing crematorium, which is currently a non-confirming use in the RRA-RCA district; 5) if the amendment is approved the applicant will have to obtain a Special Exception from the Board of Appeals and site plan approval from the Planning Commission. He advised that he sent the amendment to review agencies and received the following responses: 1) no

comments or concerns from Greg LeBlanc, County Engineer; 2) no comments from William Forlifer, Environmental Health Office; and, 3) support for the text amendment by the Critical Area Commission (CAC). Mr. Banks further explained that the CAC advised that this amendment can be included into the County's comprehensive review, which is to place all of the critical area regulations into one area. Mr. Banks noted that the Planning Commission reviewed the amendment at its June 1, 2016 meeting and agreed to recommend its approval to Council.

There were no public comments.

The roll call on the enactment of Bill No. 2016-4 was as follows: Travers-aye; Nichols-aye; Bradshaw-aye; Price-aye; Satterfield-aye. Mr. Merryweather said the bill will be in effect 60 days from today.

The Council convened into Regular Session.

REGULAR SESSION

PUBLIC HEARING-RESOLUTION-COMPREHENSIVE WATER & SEWER PLAN AMENDMENT

The Council adjourned into a public hearing on a proposed amendment to the 2004 Dorchester County Comprehensive Water and Sewer Plan to change the designation of an area of land located on the west side of Suicide Bridge Road, and shown on Tax Map 12, Grid 17, Parcel 24, known as the Suicide Bridge Restaurant.

Jeremy Goldman, County Manager, explained that the cost to connect the restaurant to the Hurlock sanitary system, will be borne solely by the owner of the property. He further explained that access to the system by any other property is prohibited nor will the line be large enough to accommodate additional properties.

Mayor Joyce Spratt, Town of Hurlock, said the Town Council is in favor of this amendment, noting that no taxpayer funds will be used. She explained that currently sewage is being transported by truck to the Hurlock wastewater collection and treatment system. She asked the Council to approve the amendment. Mayor Spratt noted that Town Council Members, Russel Murphy and Early Murphy are present.

Earl Murphy, Town Council Member, said he supports the proposed amendment, noting that no municipal funds are being utilized for the connection of the restaurant to the Town's system. He noted that the restaurant employs many citizens and enhances the local economy.

Mr. Banks stated that the proposed amendment to the County's Comprehensive Water and Sewer Plan includes changes to text, charts and maps. He explained that the map amendment will change the sewer service area to Hurlock, the sewer designation for the property to S-1, (sewer service existing or will be planned within the next two years), and

the designation of the force main connection to the Town of Hurlock as a denied access line.

Mr. Banks said: 1) the applicant is Mr. Showalter; 2) the property owner is Suicide Bridge Restaurant, Inc.; 3) the property which is zoned B-2, Commercial, is about three acres in size; 4) the restaurant is served by a well and on-site septic system; 5) the septic system disposal field is unable to handle waste at certain times; 6) the owner is currently pumping and hauling sewage to the Hurlock treatment plant; and 7) the Health Department has not approved a replacement of the existing field due to the limits of soil condition and the seasonal high water.

Mr. Banks stated that the amendment was sent to review agencies and correspondence was received from the following: 1) Critical Area Commission with no comments and a request for a consistency report which Mr. Showalter will provide; 2) Town of Hurlock in support of the amendment; and 3) Mr. Forlifer who expressed his support. He noted that the Planning Commission found the amendment consistent with the County's Comprehensive Sewer and Water Plan at its July 1, 2016 meeting.

Mr. Showalter said they are not seeking any funds from the Town nor the County for this project. He explained that they are working with the Maryland Department of Environment (MDE) and the County's Environmental Health Office regarding the possible pursuit of Bay Restoration funds. He advised that they will also need to obtain the appropriate priority funding designation from the Maryland Department of Planning in order to be eligible for this type of funding.

Mr. Showalter noted that the force main will be completely installed on private property and discussions have been undertaken with Tom Moore, Public Works Director about the design of County road crossings. He said engineering is in process and construction cannot commence until the County's Comprehensive Water and Sewer Plan is amended. He explained that if the Council approves the amendment, the MDE will have up to 180 days for its approval process. He further explained that they have been working with MDE staff to ensure that they are aware of the proposed. Mr. Showalter said the only inquiry from State staff was for the identification of the current flows and projections to 2040. He advised that the property owner currently does not have any specific growth plans or concepts. He said they have developed a flow projection chart which allowed reasonable growth for the restaurant. He explained that the projected flow, which is up to 1,100 gallons a day is consistent with current peaks, therefore, they do not anticipate the need to rebuild or make any specific changes to the line in the long term future.

Councilman Satterfield questioned whether any consideration has been given to installing fiber at the same time as the line. Mr. Showalter explained that wastewater affluent will only be pumped through the system, the septic tanks will remain on site and operational and the pumping station will be downstream. He further explained since only liquids will be pumped through the system plans include using a small diameter force line that will be plowed into the ground instead of utilizing a trench. In response to questions from Councilman Travers, Mr. Showalter said it is a three inch increase force main line and

construction is scheduled to commence after crops are harvested which will be approximately October or November of this year.

The Council adopted the resolution approving the Comprehensive Water and Sewer Plan amendment.

REGULAR SESSION

RESOLUTION OF SUPPORT REQUEST-COMMUNITY INVESTMENT TAX CREDITS-FOR ALL SEASONS, INC.

The Council approved the request of Beth Anne Langrell, Executive Director, to adopt a resolution of support for the application of For All Seasons, Inc., to the Department of Housing and Community Development of the State of Maryland for approval of \$50,000 in Community Investment Tax Credits for individual and business donors that will contribute to the organization, which is a licensed Behavioral Health and Rape Crisis Center.

MANAGERS COMMENTS

REQUEST FOR APPROVAL-BUILDING PERMIT-AIRPORT SECURITY GATES

The Council approved the request of Meighan "Chis" Chisholm, Airport Manager, to submit an application to the City of Cambridge for a building permit for the installation of security gates at the Cambridge Dorchester Regional Airport.

T-HANGAR SUBLEASE AGREEMENT-AIRPORT

The Council approved the request of Mr. Chisholm to execute a Sub Lease Agreement authorizing Edwin Lewis to sublease T-Hangar #32 at the Cambridge Dorchester Regional Airport to Carl Klapaski on a month to month basis with Councilman Satterfield opposing. The Council acknowledged that Mr. Klapaski was identified as a sub-lease candidate from the current Airport Hangar Waiting List.

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARDS-SHERIFF'S OFFICE-GRANT MONITOR

The Council approved the request submitted by Cindy Smith, Grant Monitor, on behalf of the Sheriff's Office to accept the following FY17 Governor's Office of Crime Control & Prevention grant awards: 1) School Bus Safety Enforcement Program grant award, titled "Overtime Patrol," in the amount of \$26,000; 2) "Protective Order Entry/Service" grant award under the Domestic Violence Unit Program Fund in the amount of \$1,680; 3) Gun Violence Reduction Initiative Grant award in the amount of \$4,000; and, 4) GOCCP Sex Offender Compliance and Enforcement in Maryland Program grant award titled "Monitoring Support Program" in the amount of \$8,463.

REIMBURSEMENT REQUEST-WEST VIENNA WATER AND SEWER-TOWN OF VIENNA

Mr. Goldman recognized the receipt of a written reimbursement request from the Town of Vienna to the Council for water and sewer fees in the West Vienna area for the period of January 1, 2014 to December 31, 2015. He advised that, at his direction, staff mapped out the individual properties, conducted drive by inspections and photographed properties. He said a number of properties for which funds were sought were found to be unimproved and/or uninhabited. He referenced the 1997 Memorandum of Understanding (MOU) between the County and the Town regarding the water and sewer subsidy which states that the municipality should pursue collection and bill the County if it is unsuccessful. He expressed his understanding that the Town is only sending out invoices and if no payment is made, they are submitting the charges to the County for payment. Based on Mr. Goldman's recommendation, the Council agreed that the billing should be adjusted to exclude the properties that are either unimproved or uninhabited, which totals \$15,123.23, and to pay the adjusted amount of \$19,492.68 under the current MOU.

Mr. Goldman provided a summary of the fiscal information the Town submitted, at staff's request, relating to the water and sewer expenses and revenue. He said based on a review of that information, it appears that income equals expenses. He reiterated his understanding that no active collection is being undertaken.

A motion made by Councilman Satterfield to terminate the MOU with a one year notice was rescinded. The Council agreed to renegotiate an agreement with the Town of Vienna.

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARDS-LOCAL MANAGEMENT BOARD

The Council approved the request of Nancy Shockley, Local Management Board Director, on behalf of the Dorchester Community Partnership for Children, to accept the following FY17 Governor's Office of Crime Control and Prevention grant awards: 1) Teen Court Award in the amount of \$49,150; and 2) Maryland Safe Streets Program grant award, titled "Safe Streets," in the amount of \$164,080.

REQUEST TO PURCHASE-GENERATOR AND CANOPIES FOR EASTERN SHORE MOBILE HOSPITAL-EMERGENCY SERVICES

The Council approved the request of Anna Sierra, Emergency Services Director, to expend Delmarva Regional Healthcare Mutual Aid Group (DRHMAG) pass through grant funds of \$7,361.34 to purchase a generator and canopies for the Eastern Shore Mobile Hospital. The Council acknowledged that no County funds will be used to purchase these items.

SURPLUS PROPERTY DECLARATION REQUEST-COUNCIL'S OFFICE

The Council approved the request of Mr. Goldman to declare the following items surplus: an office chair, a desk with a workstation, a cabinet with sliding doors and a two gallon banquet coffee maker.

APPOINTMENT OF DIRECTOR OF EMERGENCY MANAGEMENT FOR DORCHESTER COUNTY

The Council agreed to submit a written request to Russ Strickland, Executive Director, Maryland Emergency Management Agency, to recommend that Governor Larry Hogan appoint Ms. Sierra as the Director of Emergency Management for Dorchester County.

REQUEST TO SOLE SOURCE AND PURCHASE REAR MOUNT BUSHER- PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to sole source and purchase a rear mount busher unit from Finch Services under a NJPA contract at cost of 28,964 utilizing FY17 Capital Budget funding and to surplus the existing mid mount Alamo Extreeme unit.

REQUEST TO ADVERTISE FOR PROPOSALS-PETROLEUM CONTRACT-PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise for bids for the supplying of gasoline, diesel fuel, heating oil and propane to Dorchester County government and the Dorchester County Board of Education for a one year period beginning October 1, 2016 to September 30, 2017.

LETTER OF SUPPORT REQUEST-HEART OF CHESAPEAKE COUNTRY HERITAGE AREA MINI GRANT-NATIONAL OUTDOOR SHOW

The Council approved the request of Marlene Meninger for a letter of support for the National Outdoor Show's application to the Heart of Chesapeake Country Heritage Area for a mini grant for the 2017 event.

FIDUCIARY ROLE REQUEST-DELMARVA REGIONAL HEALTHCARE MUTUAL AID GROUP PROJECTS

The Council authorized the Dorchester County Emergency Services Department to act as sole fiduciary for all Region IV projects for Delmarva Regional Healthcare Mutual Aid Group (DRHMAG) with the County receiving a 10% administrative fee.

REQUEST TO ADVERTISE-GRANT TECHNICIAN POSITIONS-SOIL CONSERVATION

The Council agreed to advertise two grant funded Grant Technician positions for Soil Conservation.

TAX SALE PROPERTY OFFER

The Council accepted an offer from Coastal Seafood of \$6,000 to purchase 1725 Taylors Island Road, a County owed property acquired via tax sale.

PUBLIC COMMENTS

There was no public comment.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Satterfield recognized the recent loss of law enforcement officers and the challenges they are facing. He applauded local law enforcement for their continued efforts to ensure public safety. He also commended Public Works staff. He opined that discussions should be undertaken in the future to identify resources to address County road needs.

Councilman Price recognized Mr. Warner for his business savy and community involvement as well as serving as Mayor for the Towns of Secretary and East New Market. He echoed Councilman Satterfield comments about the challenges law enforcing is facing and expressed his hope that all communities can come together in this time of turmoil.

Councilman Price noted that the Maryland Association of Counties (MACo) Legislative Committee Interim meeting was held last week. He stated that the Committee will reconvene in September to make final decisions on which legislative initiatives to pursue during the 2017 Maryland General Assembly Legislative Session. He said he shared them with the Council. He advising that during the upcoming MACo Summer Conference there will be presentation on drones.

Councilman Bradshaw referenced the formation of the Clean Chesapeake Coalition six years ago, which has consistently expressed concern about the impact the Conowingo Dam has on the health and water quality of the Chesapeake Bay. He explained that a copy of weeks ago coalition members met with Governor Hogan and members of the State Cabinet at a Conference Center in Port Deposit. He noted that the Governor held a press conference afterwards announcing that the State has issued a request for information on the processes by which sediment can be dredged behind this dam and any usage for the resulting material.

Councilman Travers referenced an incident that occurred last week involving a threat to a City of Cambridge Police officer and commended the law enforcement agencies, including the City Police, Maryland State Police, Federal Marshall Service and the State's Attorney who worked together to resolve the matter without violence.

Councilman Travers announced that: 1) the next County Council meeting will be held on August 2, 2016; 2) the Council reserves the right to meet in closed session prior to regular session; and, 3) a citizen survey is available on the County's website and in paper form.

With no further business to discuss, the Council adjourned.

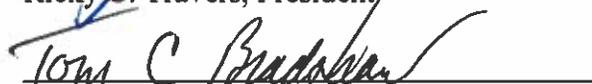
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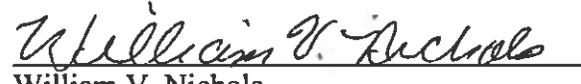


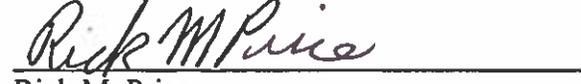
Jeremy Goldman
County Manager

DORCHESTER COUNTY COUNCIL:



Ricky C. Travers, President


Tom C. Bradshaw, Vice President


William V. Nichols


Rick M. Price


Don B. Satterfield

Approved the 2nd day of August, 2016.