

**County Council of Dorchester County  
Regular Meeting Minutes  
May 2, 2017**

The County Council of Dorchester County met in regular session on May 2, 2017 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**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilman Price led the invocation and the pledge of allegiance.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

Jeremy Goldman, County Manager, advised that after publication of the agenda the following item was added to the agenda: Request to Sole Source-Fresh Air/Natural Gas Heat Unit Replacement-Detention Center. The Council approved the amended agenda.

**APPROVAL OF MINUTES- APRIL 18, 2017**

The Council approved the April 18, 2017 minutes with amendments with Councilman Satterfield opposing since he was not present at this meeting.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers with additions as presented.

**FINANCIAL REPORT: CASH AND INVESTMENTS**

Councilman Travers reported total cash and investments as \$3,200,045.45.

**CLOSED SESSION SUMMARY**

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 and pursuant to §3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter on May 2, 2017 at 4:30 p.m. in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Action taken at the Closed Session: 1) discussed personnel matters relating to the Recreation and Parks Department; 2) approved the request of the Emergency Services Director for an individual to remain as an on call Paramedic by a 5 to 0 vote with one vote via written proxy; 3) approved the recommendation of the Public Works Director to promote an employee to fill a vacant Mechanic II position and agreed to hire an individual to fill another vacant Mechanic II position

by a 5 to 0 vote; 4) discussed a matter relating to personnel; 5) approved the request of the Director of Corrections to promote an existing employee to an Administrative Captain position by a 5 to 0 vote; 6) received an update on personnel issues relating to the Recreation and Parks Department; and, 7) discussed with legal counsel an agreement relating to the payment of overdue taxes.

The purpose of the Closed Session is also set forth in the Written Statement of Closing a Meeting Under the Open Meetings Act, which will be provided upon request. Voting in favor of the Closed Session were all of the present Council members.

## **REGULAR SESSION**

### **COMMENDATIONS-CAMBRIDGE SOUTH DORCHESTER HIGH SCHOOL SENIOR PLAY PARTICIPANTS**

The Council presented Commendations to the 2017 Cambridge South Dorchester High School Senior Play participants and crew.

### **PROCLAMATION-CORRECTIONAL OFFICERS WEEK**

Councilman Satterfield read the Proclamation declaring May 1 to May 7, 2017 as Correctional Officers Week which was presented at the Detention Center's Luncheon earlier today.

### **PROCLAMATION- MENTAL HEALTH MONTH**

The Council presented a Proclamation declaring May 2017 as Mental Health Month.

### **BUDGET PUBLIC HEARING**

E. Thomas Merryweather, County Attorney, said this is the first public hearing to be held on the 2017-2018 Annual Budget and Appropriation Ordinance.

Dr. Henry Wagner, Superintendent of Schools, expressed appreciation for the partnership between Dorchester County Public Schools and the County Council. He said recognitions, such as the Commendation for the Cambridge South Dorchester High School Senior Play, are indicative of this partnership. He noted that these types of recognitions do not occur in other counties. Dr. Wagner advised that Glenn Bramble, Board of Education President, Phil Rice, Board Member; Comptroller Tim Brooke and himself are present on behalf of the Board of Education and the Executive team to acknowledge and thank the Council for proposing \$11,899,354 for the replacement of North Dorchester High School in proposed FY18 budget. Dr. Wagner expressed his hope that the State funding is in place. He explained that the Interagency Committee on Public Construction (IAC) has postponed several meetings due to illness. He said it is his understanding that a meeting was supposed to be held today but was cancelled. Mr. Brooke concurred. Dr. Wagner said with State funding year 2 of construction can proceed provided the local appropriation remains in the proposed budget. On a personal note, he thanked the Council for embracing this project, which is one of his second term priorities. He also expressed appreciation for the kindness and support they have showed him

during the past ten years. President Bramble said he and the other Board members will miss Dr. Wagner when he retires.

Fred Pomeroy, representing Dorchester Citizens for Planned Growth, thanked the Council for including in the FY 2015 budget watershed improvement funds. He noted that DCPG is planning a ribbon cutting and dedication of the storm water station at Sailwinds Park on May 13, 2017 at 2 p.m. He invited the Council and asked Councilman Travers to consider offering remarks at that event. Mr. Pomeroy queried as to whether there is funding in the proposed FY18 budget for the update of the County's Comprehensive Plan. He said DCPG members are willing to sit on any committee relating to this update and/or partner with the County. Councilman Travers said one-fourth of the funds for this update are included in the draft FY18 budget. In response to a question from Mr. Pomeroy, Jeremy Goldman, County Manager, and Michael Spears, Finance Director, advised that those funds are in the Operating Budget. Councilman Travers stressed that the Council has made a strong commitment to move forward with this update. Pursuant to an inquiry from Councilman Nichols, Mr. Pomeroy provided additional information on the ribbon cutting and dedication.

The public hearing was adjourned.

## **LEGISLATIVE SESSION**

The Council adjourned into Legislative Session.

## **PUBLIC HEARING**

**BILL NO. 2017-4 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF SECTION 9-236 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ENACT A NEW ARTICLE XIX OF CHAPTER 144 OF THE CODE OF DORCHESTER COUNTY, MARYLAND RELATING TO PARTIAL ABATEMENT OF COUNTY REAL PROPERTY TAXES FOR THE REHABILITATION OF STRUCTURES.**

Mr. Merryweather said a public hearing is being on Bill No. 2017-4 which will enact a new Article XIX of Chapter 144 of the Code of Dorchester County, Maryland relating to the partial abatement of County real property taxes for the rehabilitation of structures. Mr. Goldman said the purpose of this partial tax abatement is to encourage and increase the rehabilitation of older or underused properties without significantly affecting the footprint. He explained that the difference between the prior tax value and the newly assessed value after the change will be phased in over a five year period. He provided an example. There were no public comments.

The roll call on the enactment of Bill No. 2017-4 was as follows: Nichols-aye; Satterfield-aye; Bradshaw-aye; Price-aye; Travers-aye.

## **PUBLIC HEARING**

**BILL NO. 2017-3 AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND, ACTING PURSUANT TO THE LAND USE ARTICLE OF THE MARYLAND ANNOTATED CODE, WHICH ENTRUSTS LOCAL JURISDICTIONS**

WITH LAND USE PLANNING AUTHORITY TO GUIDE GROWTH AND DEVELOPMENT AND ACTING PURSUANT TO TITLE 27, CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, SUBTITLE 01, CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT, OF THE CODE OF MARYLAND REGULATIONS (COMAR) AND ACTING PURSUANT TO SECTION 8-1808 OF THE NATURAL RESOURCES ARTICLE, PROGRAM DEVELOPMENT FOR THE CHESAPEAKE BAY CRITICAL AREA, TO REPEAL CHAPTER 62 OF THE DORCHESTER COUNTY CODE ENTITLED, AGRICULTURAL USE, AND TO REPEAL CHAPTER 97 OF THE DORCHESTER COUNTY CODE ENTITLED, FORESTRY, AND TO REPEAL SECTION 100-13, CRITICAL AREA PROTECTION, AND SECTION 100-13.1, CIVIL PENALTIES IN CRITICAL AREA; ADMINISTRATIVE ABATEMENT ORDERS, OF CHAPTER 100 OF THE DORCHESTER COUNTY CODE ENTITLED, GRADING, EROSION AND SEDIMENT CONTROL, AND TO REPEAL ARTICLE XV, ADDITIONAL PROVISIONS, SECTION 134-31, CRITICAL AREA PROTECTION, OF CHAPTER 134 OF THE DORCHESTER COUNTY CODE ENTITLED, STORMWATER MANAGEMENT, AND TO REPEAL ARTICLE XII, CRITICAL AREA PROTECTION, SECTION 140-49 THROUGH SECTION 140-55.1 OF CHAPTER 140 OF THE DORCHESTER COUNTY CODE ENTITLED, SUBDIVISION REGULATIONS, AND TO REPEAL CERTAIN TERMS AND THEIR DEFINITIONS SET FORTH IN SECTION 155-13, TERMS DEFINED IN CHAPTER 155 OF THE DORCHESTER COUNTY CODE ENTITLED, ZONING, AND TO REPEAL ARTICLE VII, DISTRICT REGULATIONS, SECTION 155-38, CA CRITICAL AREA PROTECTION DISTRICT, OF CHAPTER 155 OF THE DORCHESTER COUNTY CODE ENTITLED, ZONING, AND TO ENACT NEW CHAPTER 68 ENTITLED, CHESAPEAKE BAY CRITICAL AREA, TO THE DORCHESTER COUNTY CODE PROVIDING FOR THE PROTECTION OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES

Mr. Merryweather said a public hearing is being held on Bill No. 2017-3 which will consolidate all of the Critical Area rules and regulations into one code location (Chapter 156 "Chesapeake Bay Critical Area").

Rodney Banks, Assistant Planning and Zoning Director, expressed appreciation for Mr. Merryweather's assistance in preparing the bill. He advised that: 1) critical areas are 1,000 feet from tidal waters and wetlands; 2) the Critical Area law was passed by the General Assembly in 1984; 3) in the mid to late 1980's the jurisdictions in the State that had tidal waters established their programs, amended ordinances, and placed critical area criteria in their codes; 4) in 2008 to 2010, after being granted regulatory authority by the State, the Critical Area Commission began adopting additional buffer requirements; 5) in Dorchester County and other local jurisdictions subdivision regulations, zoning, grading and storm water management ordinances were amended to include critical area criteria. Mr. Banks said the purpose of the amendment is to consolidate the Critical Area regulations and criteria in a new Chapter 68 to improve accessibility.

Mr. Banks advised that the Planning Commission has reviewed the bill multiple times and at its January 4, 2017 meeting voted to recommend it to the Council for approval. He stated that County personnel have worked with CAC staff for many years and were able to obtain some

concessions to assist property owners in the County which Brian Soper, Environmental Planner, will present.

Mr. Soper said the County received the following concessions: 1) an administrative variance process so property owners can add a deck closer to the water provided specific criteria is met; 2) amended areas for driveways within a buffer to access certain property in light of tidal ditch issues; 3) in kind replacement in the buffer of a structure provided it is built in the same footprint without a variance; and, 4) in kind replacement for steps when a home is elevated for protection without a variance. He said nothing in the Critical Areas legislation is stricter than State requirements.

There were no public comments.

Councilman Price inquired as to whether anyone from the agriculture or forestry industries made comments during the Planning Commission process. Mr. Banks said although no one from those industries spoke at the hearing, he has spoken to a number of individuals who have asked him a similar question. He stated that the regulations in those bill are already a part of the County Code. He advised that the critical area regulations have a minimal impact on agriculture, noting that a Soil Conservation Water Quality plan is necessary and there is a 25 foot buffer requirement. Pursuant to another inquiry from Councilman Price, Mr. Banks advised that almost every jurisdiction in the State that has critical areas are making similar changes.

The roll call on the enactment Bill No. 2017-3 was as follows: Travers-aye; Nichols-aye; Bradshaw-aye; Price-aye; Satterfield-aye. In response to a question from Mr. Merryweather, Mr. Banks confirmed that the approval of the Critical Area Commission (CAC) is required.

The Council convened into Regular Session.

## **REGULAR SESSION**

### **ANNUAL PRESENTATION-LETTER OF AGREEMENT-MID SHORE MENTAL HEALTH SYSTEMS**

Holly Ireland, Executive Director, presented the Mid-Shore Behavioral Health, (Mid-Shore) Community Mental Health Plan, including county specific data and a summary of funding sources for this entity.

In response to a question from Councilman Price regarding trends, Ms. Ireland explained that the majority of the legislative and administrative focus is on substance abuse related disorder needs in lieu of mental health issues. She stressed that Mid-Shore is still monitoring and advocating for a system of care for mental health services. She noted that there have been increases in overdoses, deaths and drug exposed newborns due to heroin abuse yet no increase in access to residential treatment facilities or community support. Ms. Ireland referenced the recent State of Emergency Declaration issued by Governor Lawrence Hogan and the coordination between emergency services and the Department of Health both locally and regionally.

Councilman Satterfield noted that there has been an increase in the number of inmates with mental health and other issues. He asked Ms. Ireland to work with Mr. Goldman to provide recommendations for staffing and/or budgeting for next year to address these issues in order to protect the County, its citizens, inmates and Correctional Officers.

The Council approved the request of Ms. Ireland to execute a Fiscal Year 2018 Letter of Agreement with Mid-Shore to act as the agent in oversight, planning and development of the Public Behavioral Health System in Dorchester County.

## **MANAGERS COMMENTS**

### **REQUEST TO EXPEND CAPITAL FUNDS AND PURCHASE SHED-AIRPORT**

The Council approved the request of Meighan “Chis” Chisholm, Airport Manager, to purchase a vinyl-sided shed from Best Value at the cost of \$6,098 to stage the Gator crew/passenger shuttle vehicle near the aircraft parking aprons.

### **REQUEST TO SOLE SOURCE-SERVER ROOM HVAC-PUBLIC WORKS**

The Council approved the request of Tom Moore, Public Works Director, to sole source and contract with Joseph M. Zimmer, Inc. to install a standalone cooling system for the computer server room at the County Office Building at the cost of \$8,395. The Council acknowledged that FY17 Capital Budget Maintenance Division funds allocated towards HVAC improvements will be used to cover this cost.

### **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT GRANT AWARDS-HEARN BUILDING STABILIZATION-GRANT MONITOR**

The Council approved the requests of Cindy Smith, Grant Monitor, to: 1) accept a Department of Housing and Community Development Community Legacy grant award of \$250,000 to support the Hearn Building stabilization project with no County match; and 2) accept an additional \$150,000 from DHCD which will be awarded for the roof portion of the emergency stabilization project with no County match. Councilman Nichols opposed.

### **TRAVEL REQUEST-EMERGENCY SERVICES**

The Council approved the request of Anna Sierra, Emergency Services Director, for authorization for her and Steve Garvin, Emergency Planner, to attend the Emergency Management Symposium in Ocean City from May 30 through June 2, 2017. The Council acknowledged that: 1) lodging and meals are covered by the Maryland Emergency Management Agency for all Directors, with no cost to the County; 2) Mr. Garvin’s costs will be covered by Homeland Security/Emergency Management Planning Grants; and, 3) conference registration is free for both Ms. Sierra and Mr. Garvin since they are Maryland Emergency Management Association members.

### **REQUEST TO SOLE SOURCE-GLASGOW STREET TENNIS COURTS**

The Council approved the request of Jeremy Goldman, County Manager, on behalf of Recreation and Parks, to sole source with Pro-Sport Construction, Inc. for the installation of the ProBounce

surface on the remaining six courts of the Glasgow Tennis Court Complex at the cost of \$223,400. The Council acknowledged that: 1) last year's bid is being honored by this company; 2) Program Open Space funds are available to cover 90% of this cost and monies in the existing Recreation and Parks budget to cover the remaining 10%; and, 3) the lining of four courts with Pickleball lines will be done at no extra cost.

#### **REQUEST TO UTILIZE FY16 CAPITAL BUDGET FUNDING-REPLACEMENT AIR COMPRESSOR**

Mr. Goldman presented his request to utilize FY16 Capital Budget funding in an amount not to exceed \$60,000 to purchase a replacement air compressor to fill Self-Containing Breathing Apparatus (SCBA) bottles which was set aside for a replacement radio grant match that is no longer needed. He said the unit is currently housed by the Rescue Fire Company (RFC), is out of service, no longer repairable nor supported by the manufacturer. He said an existing contract for a similar unit from Montgomery County can be utilized to achieve a savings. The Council approved Mr. Goldman's request. The Council acknowledged that a Memorandum of Understanding will be prepared by legal counsel which will require RFC to: 1) be responsible for all future costs associated with the safe operation and general maintenance of the unit; 2) be required to make the unit available to all fire departments in the County free of charge for both SCBA bottles, SCBA bottles and service truck tanks.

#### **REQUEST TO SOLE SOURCE-FRESH AIR/NATURAL GAS HEAT UNIT REPLACEMENT-DETENTION CENTER**

The Council approved the request of Joey Hughes, Director of Corrections, to sole source and contract with Gannon's Refrigeration Service, Inc. to replace the Roof Top Fresh Air/Natural Gas Heat Unit at the Detention Center at the cost of \$25,450.

#### **BOARD APPOINTMENTS**

The Council reappointed Nicholas Kovach as the 911 Dispatcher representative on the 911 Advisory Board and William Wise, III, Master Electrician, to the Electrical Examiners Board.

#### **POLL CONFIRMATION**

The Council confirmed its decision by means of a poll, in the interim between meetings, to renew the farm lease between Dorchester County and Garrett Luthy for a 90 acre tillable portion of land located on the south side of Cordtown Road and on the east side of Bucktown Road for a two year period with an option to renew on a year-to-year basis for an additional three years by a 5 to 0 vote.

#### **PUBLIC COMMENTS**

Pete Macinta, on behalf of the Association of Evangelistic Pastors, advised that on National Day of Prayer, May 4, 2017, there will be a public pray at the Town Hall on Academy Street, Cambridge at 12:15 p.m. He said that evening at 6 p.m. there will be a special Dorchester County Prayer Meeting at the Jubilee Christian Fellowship which is sponsored by the Cornerstone Assembly Independent Pentecostal.

## COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Satterfield said he attended today's Correctional Officers' Luncheon and commended them for their service. He encouraged the public to think of law enforcement, emergency medical services professionals and firefighters during period of high temperatures. He referenced the recent tragic loss of Delaware State Trooper. He asked motorists to be mindful of youth during the summer months. He expressed hope for a peaceful resolution of matters relating to other countries.

Councilman Price echoed Councilman Satterfield's comments about motorists being alert during summer break for students. He said they should also be mindful of State road projects and be prepared for delays and increased travel time. He stated that several citizens have asked him about the results of the County survey. Mr. Spears said that information will be compiled and be available in the future.

In response to a question from Councilman Travers, Mr. Goldman said a standalone air conditioning unit is being installed in the kitchen of Kay's Restaurant which is located in the Airport terminal building. He said funding has been allocated in the draft FY18 budget for the remaining phases.

Councilman Travers announced that: 1) the next County Council meeting will be held on May 9, 2017 at 6 p.m. for a budget public hearing only; 2) the following week, on May 16, 2017 at 6 p.m., another County Council meeting will be held during which there will be a legislative budget public hearing/adoption on the proposed FY 2018 budget; and, 3) the Council reserves the right to meet in closed session prior to its regular session on these dates.


With no further business to discuss, the Council adjourned.

ATTEST:

  
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Jeremy Goldman  
County Manager

DORCHESTER COUNTY COUNCIL:

  
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Ricky C. Travers, President

  
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Tom C. Bradshaw, Vice President

  
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William V. Nichols

  
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Rick M. Price

  
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Don B. Satterfield

Approved the 16<sup>th</sup> day of May, 2017.