

**County Council of Dorchester County
Regular Meeting Minutes
November 19, 2013**

The County Council of Dorchester County met in regular session on November 19, 2013 with the following members present: Present were Jay L. Newcomb, President; William V. Nichols, Vice President; Ricky Travers; Rick Price and Tom Bradshaw. Also present were E. Thomas Merryweather, County Attorney, and Donna Lane, Executive Administrative Specialist.

REGULAR SESSION

EXECUTIVE SESSION

The Council adjourned from a Regular Session and convened in a closed Executive Session pursuant to State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

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

REGULAR SESSION

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Price led the invocation and the pledge of allegiance.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

The Council approved the following additions to the agenda: a discussion regarding the installation of carpet in the Dorchester County Office Building for the State's Attorney Office; a proposed incubator facility project; and a discussion regarding repairs to the Elliott's Island Bridge and the Bestpitch Bridge.

APPROVAL OF MINUTES- NOVEMBER 5, 2013

The Council approved the November 5, 2013 minutes.

APPROVAL OF DISBURSEMENTS

The Council approved vouchers as presented.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$13,570,513.20.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on November 19, 2013 in a closed session at Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland, pursuant to the State Government Article pursuant to §10-508(A)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; pursuant to §10-508(A)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto; pursuant to §10-508(A)(4) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and pursuant to §10-508(A)(7) to consult with counsel to obtain legal advice on a legal matter.

Motion made, seconded and carried to conduct a closed session pursuant to the above. All members of the Council voted in the affirmative to conduct the closed session for the purposes stated above and to discuss the topics listed above.

Action taken at the closed session: 1) approved request of Emergency Services Director to hire individuals to fill a vacant Basic Life Support Provider position and a vacant Advanced Life Support Provider position by a 5 to 0 vote; 2) confirmed hiring by Sheriff of an individual to fill a vacant Dog Control Officer position by a 5 to 0 vote; 3) discussed a matter relating to health insurance; 4) discussed a matter relating a proposed County economic development project-agreed to discuss in open session; 5) discussed a matter relating to an offer to purchase a County property obtained at tax sale; 6) discussed a matter regarding renovations at the County Office Building-agreed to discuss in open session; 7) discussed with legal counsel a matter relating to shared facilities-requested additional information; and 8) discussed a proposal to utilize County property with legal counsel-requested additional information.

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

COMMENDATION-FREEDOM SHRINE MONUMENT

The Council presented a commendation to the following individuals for seeking voting equity, which resulted in the division of the County into five voting districts: George C. Jones, Don W. Bradley, Richard Harding, Edward Conway, Leon Medford, Charles F. Hurley, Sr., Oliver Harding, William Reid, William O. Corkran and Gregory Meekins. Dr. Carl Barham, the requestor; Don Bradley; Greg Meekins; Ruda Conway (Son of Edward Conway); Charles Hurley Jr. (Son of Charles Hurley Sr.); and Sue Corkran (Daughter of William Corkran) were in attendance.

UPDATE-COLUMBIA TRIATHLON ASSOCIATION EVENTS

Gerry Boyle, Director of Operations, introduced LJ White who was appointed in September 2013 as the new Executive Director of TriColumbia. Ms. White thanked the Council for providing her the opportunity to meet with them. She said she has 18 years of management, event production and non-profit experience noting that she competed in her first 70.3 EagleMan Triathlon ten years ago. She expressed her appreciation to sponsors, volunteers and the community for supporting triathlon events in Dorchester County. Ms. White said an EnduraFit Ironman 70.3 EagleMan race will be held on June 8, 2014 and a ChesapeakeMan Endurance Festival will be held on September 20, 2014. She noted that the EagleMan event is almost sold out.

The Council welcomed Ms. White.

PRESENTATION-RACE TO THE TOP-EARLY LEARNING CHALLENGE GRANT-LOCAL MANAGEMENT BOARD

Nancy Shockley, Local Management Board Director, explained that after being approached by the Maryland State Department of Education staff, the Council established an Early Childhood Advisory Council in Dorchester County. She said the purpose of this Advisory Council is to build the capacity for early childhood learning; to provide opportunities for coordination and collaboration, specifically early childhood services and learning; and to increase public awareness on the importance of early learning and development. Ms. Shockley noted that the Advisory Council leadership team includes herself, as Co-Chair; Donna Greenleaf, Co-Chair, representing the Dorchester County Board of Education; Sharon Lanasa, Youth Services Librarian, Dorchester County Public Library; and Beth Spencer, Program Manager, School Based Wellness Centers & Healthy Families, Dorchester County Health Department. She said there are 40 members including representatives from various agencies.

Ms. Shockley encouraged the Council to visit www.ounceofprevention.com to view the "Changing the First Five Years" video that outlines the reasons why early childhood learning is important. She said studies show that 80% of the brain is developed by age three. She explained that there are 403 kindergarten students in Dorchester County and that the learning readiness levels of these students, in the following domains, have increased by 39% from 2001 to 2012: language literacy, mathematic, and scientific thinking. Ms. Shockley said although overall test scores have increased, currently 25% of the children entering school in Dorchester County are not ready to learn.

Ms. Shockley said the Advisory Council members have identified the following three strategies: 1) implementation of language and literacy programs for children prior to entering first grade; 2) engaging parents to participate in promoting language and literacy through structured activities; and 3) promoting public awareness by providing families with new births at the Easton Memorial Hospital a gift bag/resource packet with parenting and child development information.

Councilman Nichols commended the Advisory Council members for their efforts in developing these strategies to address the early childhood needs of the youth in the County.

The Council approved Ms. Shockley's request to submit an FY 2014-2015 Race to the Top Early Learning Challenge grant application to the Maryland State Department of Education for funds in the amount of \$70,500 over a three year period (\$23,500 per year) by the Dorchester County Early Childhood Advisory to implement locally coordinated activities to improve outcomes in early childhood systems and services. The Council acknowledged that funding in year one will be utilized as follows: 1) to purchase a transit vehicle for the Book Wagon, which will be staffed and maintained by Dorchester County Public library, \$17,000; 2) training for implementation of Learning Parties programs which involve the use of established curriculum and materials provided by the Ready at Five Organization, \$4,500; and 3) to hire an evaluator (\$2,000). The Council further acknowledged that in years two and three funds will be used to enhance and expand the Social Emotional Foundations of Early Learning project, a conceptual framework of evidence-based practices for children birth through five and their caregivers, training and materials for day care providers and for conducting early childhood festivals at each elementary school.

MANAGERS COMMENTS

REVISED FY13-14 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT PROGRAM AGREEMENT-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to execute a revised Memorandum of Agreement to include FY2012-FY2013 Hazardous Materials Emergency Preparedness Grant (HMEP) Program funds of \$5,950 (\$4,760 federal award, \$1,190 local share) to the FY2013-2014 HMEP for a total project value of \$15,950 (\$12,760 federal award, \$3,190 local match) for the period of October 1, 2013 to September 30, 2014. The Council acknowledged that once this agreement has been executed the FY 2012- FY 2013 agreement will be void. The Council recognized that the original FY 2012-2013 HMEP grant award was \$8,750; however, that amount has been reduced to \$5,950 to account for funds that have already been committed to funding hazmat training of which the Dorchester County Volunteer Firemen's Association will provide \$1,190, pursuant to a January 17, 2013 letter of commitment that has been received from that organization.

BRIDGE REPAIRS-BESTPITCH AND ELLIOTT'S ISLAND BRIDGES

Tom Moore, Public Works Director, advised Council that inspections of the Bestpitch Bridge and the Elliot's Island Bridge were recently conducted and that several beams on both of the bridges are decayed; therefore, Bestpitch Bridge has been temporarily closed and the northbound lane of the Elliott's Island Bridge has been temporarily closed. He said there is salt treated timber remaining from another bridge construction project that may be suitable to use for these repairs. He introduced Greg LeBlanc, who was recently hired as an Engineer, and advised that Mr. LeBlanc is preparing specifications for this work.

In response to a question from Councilman Price, Mr. Moore said each lane on the Elliott's Island Bridge is 12.5 feet wide; therefore, all types of vehicles can still travel across the bridge, including school buses and vehicles towing boat trailers. He explained that the center line beam on the northbound lane needs to be repaired.

Based on a question from Councilman Newcomb, Mr. Moore said although a project completion date for these repairs has not been established, he believes the repairs can be finished quickly. He explained that it is their intention to seek quotes for the removal and replacement of 21 deck boards and nine beams on Bestpitch Bridge.

Councilman Bradshaw questioned whether salt treated lumber is an acceptable material for bridge repair.

In response to an inquiry from Councilman Newcomb, Mr. Moore said he will contact Federal government representatives to ascertain whether there are federal funds available towards these repairs and to repair other aging bridges in the County.

The Council waived the advertising requirement for proposals and agreed that Mr. Moore may obtain quotes in order to expedite these repairs. The Council requested that Mr. Moore obtain clarification from the bridge inspector/consultant as to whether the timber can be utilized for these projects. The Council acknowledged that once quotes have been received, Mr. Moore will submit a recommendation for its review and consideration, either via a telephone poll or at its December 3, 2013 meeting, whichever is quickest, in order to ensure these repairs are made in a timely fashion.

AVAILABILITY OF FUNDING FOR PAVING PROJECTS-PUBLIC WORKS

Mr. Moore said this year's paving with the exception of wedge work on Indiantown Road, has been completed and there is still \$69,590.41 in the FY14 that can be utilized for paving related work. He provided the Council with the following as suggestions for utilizing these funds: 1) to place of a 4" wedge on Wesley Church Road, south of Hart Hayward Bridge, in an area prone to flooding (approximately 650 feet in length), which Russell Paving estimates at \$22,500; 2) to undertake required repairs to Bestpitch Ferry and Elliott's Island Bridge; 3) to overlay or patch assorted roads throughout the County; or 4) to hold these funds until the spring.

Councilman Travers said it is his understanding that there were some quality of work issues relating to paving work performed by American Infrastructure on Andrews, Robbins and Crocheron Roads due to cold loads. Mr. Moore said the other paving jobs performed by this company have been satisfactory. In response to a question from Councilman Newcomb, Mr. Moore confirmed that County staff are working with American Infrastructure personnel to identify corrective measures, including the possible milling and repaving of the sections that were not paved correctly. However, he explained that he is concerned that this solution may be temporary because the road surface will be uneven deterioration of the road will accelerate. He noted that a State Highway Administration inspector is also participating in these discussions. Mr. Moore assured the Council members that once a solution has been identified, he will provide it

to them for their review prior to advising American Infrastructure to proceed with the corrective measures.

The Council agreed to wait until the spring to discuss the utilization of these funds.

WETLAND MITIGATION BANK COMPLIANCE-PUBLIC WORKS

Mr. Moore said Kathy B. Anderson, Chief, Maryland Section Southern, U.S. Army Corps of Engineers, via correspondence, advised that the County's mitigation bank in Peach Orchard Creek near Lewis Wharf Road is non-compliant with the Advanced Wetland Mitigation Site Agreement between the Army Corps and the Council dated July 7, 2013. He explained that Ms. Anderson is requiring a response detailing the County's plans to bring the Wetland Mitigation Bank into compliance by December 6, 2013 (60 days from the receipt of the letter) and must include financial assurances in the form of letter of commitment from Council based on realistic estimates for monitoring, long term maintenance, contingency and remedial actions for the site throughout its operational life. Mr. Moore noted that Ms. Anderson also states in her correspondence that the agreement will be terminated if a response is not provided. He explained that as a result the County will have to fulfill mitigations at another site and may be required to pay into the State of Maryland Mitigation Fund for the 4.11 acres that have been debited from this site.

Mr. Moore advised Council that he spoke to the County's consultant, John Canoles, Econ Science, who provided an estimated cost of \$87,200 for a ten year period to make the required improvements to include removal of the existing habitat, re-grading the site, replanting, weed eating, hand spraying phragmites as well as site monitoring. He expressed his belief that County staff can perform this work.

Mr. LeBlanc advised Council that he responded to Ms. Anderson's correspondence approximately four weeks ago noting that County staff is in the process of developing plans for this work and to obtain clarification on whether replanting of non-invasive species is acceptable or if the entire habitat should be removed and re-planted and if permits are needed. He said to date he has received no response.

Councilman Newcomb noted that Mr. LeBlanc's response was within the sixty day time limit Ms. Anderson established. In response to a question from Councilman Travers, Mr. Moore expressed his understanding that the Council is still obligated, based on her correspondence, to provide financial assurances in the form of a letter of commitment that dedicated funds have been set aside for this site and to submit the following: a copy of all records regarding monitoring actions or reports; a detailed description and a schedule of remedial actions to be taken; a proposed monitoring plan and a long term management plan.

Councilman Travers expressed dismay that one of the actions that may have to be taken is the removal of the existing habitat. Councilman Bradshaw noted that, at his request, the Council asked the local delegation to seek legislation during the 2014 Maryland General Assembly Legislative Session to declare phragmites australis as a noxious plant. He explained that the Department of Natural Resources has designated this plant as an invasive species and provides funds to property owners for eradication which takes three

years. Mr. Moore said County staff is on year two of spraying for phragmites at the wetland mitigation site.

In light of the fact that Mr. LeBlanc has already provided Ms. Anderson a response, the Council agreed that she should be advised that County staff is in the process of developing a plan to bring this site into compliance. The Council requested that Dave Wilson, Resource Conservation & Development, be contacted and asked to review the site and to provide suggestions on how to bring it into compliance.

REQUEST TO EXTEND CURRENT CONTRACT FOR CRUSHED STONE-PUBLIC WORKS

The Council approved the request of Mr. Moore to extend the current contract with Vulcan Materials Company for the supply of crushed stone at the current pricing for period of one year. The Council acknowledged that the current contract allows for extensions for up to two one-year periods, if agreed upon by all parties.

BONDING FOR AGRICULTURE BUILDINGS AND EXISTING SINGLE FAMILY LOTS-COUNTY PERMITTING FEES-PUBLIC WORKS

Mr. Moore said it was recently brought to his attention that requiring performance bonds for storm water management on agricultural buildings as well as the County's current permitting fee structure is a hardship to farmers and residents. Mr. LeBlanc advised that he spoke to Stewart Comstock, Regulatory and Compliant Engineer, Maryland Department of Environment, who advised him that local jurisdictions are responsible for developing bonding methods. He noted that Section 134-7 of the Storm Water Management Chapter of the County Code is modeled after the State with regard to performance bonds.

Mr. Moore recommended Council allow the holding of Occupancy Certificates as a means of security in lieu of requiring bonds for storm water for agriculture buildings and existing single family lots to reduce the financial hardship on farmers and homeowners.

Mr. Merryweather said Steve Dodd, Planning and Zoning Director, has confirmed that Occupancy Certificates are not issued for agriculture buildings, including poultry houses.

Mr. Moore and Mr. LeBlanc questioned whether not issuing a final inspection certificate can be used as a means of security. Mr. Merryweather said he believes Council can exempt poultry houses from the County's Storm Water Management Ordinance; however, he expressed concern about only exempting one type of structure. He said the following can be utilized in lieu of a performance bond: a letter of credit, the posting of a CD or a personal guarantee.

Based on the recommendation of Mr. Merryweather, the Council requested Public Works, Planning and Zoning and Soil Conservation staff participate in a work session to review bond requirements for agriculture buildings and existing single family lots and the County's permitting fee schedule and to develop recommendations for Council's review and consideration.

STATE CLEARINGHOUSE PROJECT-FORMER CAMBRIDGE MARINE TERMINAL PROPERTY-PLANNING AND ZONING

Councilman Newcomb explained that Bob Rosenbush, Planner, and Linda Janey, Assistant Secretary, Maryland Department of Planning, as part of a State Clearinghouse process have sent Council written correspondence requesting comments regarding the potential transfer of the former Cambridge Marine Terminal property located at the end of Hayward Street at Byrn Street, along the Choptank River, which consists of 11.82 acres +/-, from the Maryland Department of Transportation to the City of Cambridge. The Council agreed to support the transfer of this property to the City contingent upon the following: 1) once transferred, the City cannot sell this property without obtaining approval from the State; and 2) the property can only be subleased to one party who cannot then sublease it to another individual/entity. The Council acknowledged that the regular session agenda was amended prior to publication to include this item.

PRIORITY FUNDING AREA DESIGNATION REQUEST-VIENNA ELEMENTARY- BOARD OF EDUCATION/PLANNING AND ZONING

Councilman Newcomb said it is his understanding that Steve Dodd, Planning and Zoning, was contacted by Chris Hauge, School Facilities Engineer, Dorchester County Public Schools, to obtain a letter from the Council certifying that the Vienna Elementary School property building meets the qualifications for designation of a Priority Funding Area under the Smart Growth Areas Act of 1997 and as amended by House Bill 1141. The Council deferred consideration of this request and requested that Mr. Dodd obtain and provide the Council the reason the local public school system is seeking this designation; whether there will be a fiscal impact to the County in the current budget year or in future budget years; and if a public hearing process needs to be followed before any action is taken by Council on this request. The Council acknowledged that the regular session agenda was amended prior to publication to include this item.

DISCUSSION REGARDING STATE'S ATTORNEY OFFICE-COUNTY OFFICE BUILDING

Councilman Newcomb recognized that the State's Attorney's Office is relocating from its location at 315 High Street in Cambridge to the second floor of the County Office Building and that County staff are currently making improvements to the space to be utilized by this office. The Council agreed to waive bids and sole source with B and B Flooring to install carpet in the offices to be utilized by the State's Attorney Office staff at the approximate cost of \$4,600. The Council acknowledged that Mr. Moore obtained quotes for this work and that B & B Flooring provided the lowest price.

DISCUSSION- PROPOSED INCUBATOR FACILITY PROJECT

The Council agreed to move forward with the incubator facility project with Councilmen Bradshaw and Price opposing. Councilman Price cited his concern about moving forward with this project in the current economic climate and his belief that there may existing buildings in the County that can be utilized for this purpose.

PUBLIC COMMENTS

William Akridge, Founder and Executive Director, Dorchester Preparatory Public Charter School, asked the Council and the public to support the application that has been resubmitted to the Dorchester County Board of Education to start this charter school in the County. He explained that a community luncheon at which this application was discussed was held at the Pine Street Empowerment Center on Saturday, November 16, 2013 and that another one will be held at the same location on December 7th. He encouraged the Council and the public to attend that luncheon as well as the Board's November 21, 2013 meeting to support this application. He also asked parents to reach out to their Board representatives. He said the Board members will make a final decision on the application at their December 2013 meeting.

Taren Nance, a Dorchester County resident and employee, explained that after ten years of driving without a license he obtained his driver's license this year. He said as a result of that experience he and his wife have formed the Public Freedoms United Foundation, a non-profit organization to provide citizens access to the basic freedoms afforded to them by the United States including but not limited to learner's permits and driver's licenses. He noted that according to the Federal Highway Administration there are 1.1 million unlicensed drivers in Maryland. He said as part of his and his wife's efforts to ensure that citizens have access to their freedoms, they will encourage residents to obtain their drivers licenses, open bank accounts and register to vote. He explained that he will use social networks to promote the mission of this non-profit organization and provided Council with information regarding this entity. He thanked the Council for allowing him the opportunity to speak.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Price noted that the Maryland Department of Agriculture (MDA) has withdrawn its pursuit of regulations to require the use of the recently revised Phosphorus Management Tool (PMT) to measure nutrients on farms, in lieu of the Phosphorus Site Index, which if implemented would have had an adverse impact on the farming community. He also encouraged Mr. Moore to continue his efforts in seeking funding resources for the repair, maintenance and/or replacement of local bridges.

Councilman Bradshaw expressed his continued opposition to these proposed MDA regulations regarding the use of the PMT. He noted that the Farm Bureau, Delmarva Poultry Industry and other agencies as well as several individuals sent letters and or e-mails in opposition to these regulations. He said all seven of the present members of the Clean Chesapeake Coalition also submitted a letter in opposition, noting that due to the negative pollutive effects the Conowingo Dam is having on the Chesapeake Bay the implementation of these regulations will not improve its water quality.

He also expressed concern about the adoption by the Maryland State Board of Education of Common Core Learning Standards, which are currently being utilized in Dorchester County. He said several residents are also opposed to the implementation of these standards in the local school system. He referenced an email he received from the Maryland Taxpayers Association in which it was noted that under these new standards

second and third graders from different schools received a zero on their math assignments even though they recorded the correct answers because they did not provide a breakdown of the calculation they utilized.

Councilman Newcomb noted that due to timing constraints he executed a Special Events Agreement between the Council and Cambridge South Dorchester High School for County staff to provide emergency medical services for the school at a championship football game on November 22, 2013, which was scheduled as a result of the school's Varsity Football Team member's recent win.

Councilman Newcomb announced that the next meeting will be held on December 3, 2013.

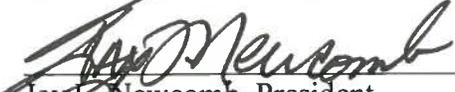
With no further business to discuss, the Council adjourned.

ATTEST:



~~Iane Baynard, County Manager~~
Donna Flane
Executive Administrative Specialist

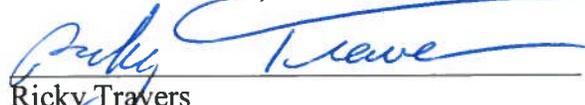
DORCHESTER COUNTY COUNCIL:



Jay L. Newcomb, President



William V. Nichols, Vice President



Ricky Travers



Rick Price



Tom Bradshaw

Approved the 3rd day of December, 2013.