

**County Council of Dorchester County**  
**Regular Meeting Minutes**  
**September 3, 2013**

The County Council of Dorchester County met in regular session on September 3, 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; 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 Travers led the invocation. Madison Warner, Little Miss Victory, and Taylor Warner, Junior Miss Victory, led the pledge of allegiance.

Councilman Nichols left the meeting.

**CALL FOR ADDITIONS OR DELETIONS TO AGENDA**

The Council agreed to add to the agenda a request of the Emergency Services Director to advertise for full time provider positions in the Emergency Medical Services Division.

**APPROVAL OF MINUTES- AUGUST 20, 2013**

The Council approved the minutes of August 20, 2013.

**APPROVAL OF DISBURSEMENTS**

The Council approved the vouchers as presented with Councilman Travers abstaining for payments made to Simmons Center Market.

## FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Newcomb reported total cash and investments as \$5,424,227.76.

## EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 4:30 p.m. on September 3, 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; 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 Finance Director to hire an individual to fill a vacant Fiscal Clerk position, due to an employee retirement, by a 4 to 1 vote; 2) approved request of Finance Director to fill a position in Finance Office, by a 4 to 1 vote; 3) discussed matters regarding the implementation of a policy relating to County employees; 4) confirmed position and compensation changes made by Circuit Court Judge relating to courthouse personnel by a 5 to 0 vote; 5) approved request of Public Works Director to fill a vacant Motor Equipment Operator III position in the Landfill Division by a 5 to 0 vote; 6) approved request of Public Works Director to fill a vacant Engineer position by a 5 to 0 vote; 7) approved request of Emergency Services Director to seek a list of qualified candidates to fill open Basic Life Support and Advanced Life Support provider positions as needed and to utilize the list to recommend to Council filling an Emergency Medical Technician vacancy by a 5 to 0 vote-agreed to discuss in open session; 8) discussed a proposed contract for a County economic development project-requested additional information; and 9) discussed with legal counsel matters relating to legal advertising- 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.

Councilman Nichols rejoined the meeting.

## REGULAR SESSION

### COMMENDATION-RETIREMENT CARLTON BRYAN

The Council presented a Commendation to Carlton Bryan on his retirement and recognizing his five years of dedicated service to Dorchester County.

## **PROCLAMATION-VETERANS RECOGNITION DAY-SEPTEMBER**

The Council presented a Proclamation declaring September 7, 2013 as Veterans Recognition Day. Ms. Henrietta Jarrett, Member, American Legion Post 243, introduced the Veterans Recognition Committee Members: Beverly Robinson; Reverend George Ames; Linda Aaron. She acknowledged that Madison Warner, Little Miss Victory; and Taylor Warner, Junior Miss Victory; Commander Frank and Fay Fraley, American Legion Post 243 and Carlton Bryan, American Legion Post 87, are also present.

## **PRESENTATION-NEW STRATEGIC PLAN-CHESAPEAKE COLLEGE-DR. BARBARA VINIAR**

Dr. Barbara Viniar, President, Chesapeake College, presented the College's newly adopted 2014 to 2018 Strategic Plan titled "Charting the Course," which was approved by the College's Board of Trustees in July 2013. She introduced Tim Jones, the new Vice President for Administrative Services, who began employment in July 2013.

The Council thanked Dr. Viniar for her presentation.

In response to a question from Councilman Travers, Dr. Viniar confirmed that there has been a slight decrease in dual enrollment.

At Councilman Travers' request, Dr. Lorenzo Hughes, Assistant Superintendent for Instruction, said student participation in dual enrollment has actually increased, noting that students are now able to take classes through UMES. He explained that University of Maryland Eastern Shore (UMES) was awarded a College Preparation Intervention (CPI) Program grant through the Maryland Higher Education Commission and is partnering with Dorchester County public schools to offer dual enrollment courses to County students. He further explained that the CPI grant covers the cost of tuition, books, meals and transportation to and from UMES. Dr. Hughes noted that the Board of Education has also received United States Department of Education funds under the Race to the Top program and that a portion of those funds is utilized to offer students the opportunity to attend UMES classes at the local high schools. He explained that 10 to 15 students have enrolled in a UMES class to be held at North Dorchester High School while seven students have signed up to take one at Cambridge South Dorchester High School.

In response to a question posed by Councilman Travers, Dr. Viniar said she has spoken to Dr. Henry Wagner, Superintendent of Schools, about encouraging students to participate in dual enrollment through Chesapeake College.

Councilman Price questioned whether students are provided other opportunities to earn credits towards college. Dr. Viniar said students can take advanced placement courses in high school for which they will receive college credits provided they meet a certain grade point average. She explained that the College is offering sophomores at the Talbot County and Queen Anne's County public schools the opportunity to utilize both

advanced placement and dual enrollment which allows them to achieve a cost savings on future college expenses. She said these students must be referred by a guidance counselor and are required to maintain a certain grade point average. Dr. Viniar said she is willing to provide Dorchester County students this same opportunity.

The Council thanked Dr. Viniar for providing an overview of the College's 2014 to 2018 Strategic Plan.

## **MANAGERS COMMENTS**

### **RESERVE DOCKAGE REQUEST-CHOPTANK HERITAGE SKIPJACK RACE 2013**

The Council approved the request of Lou Hyman, Race Committee Chair, on behalf of the Dorchester Skipjack Committee, to post reserved signage along the bulkhead in front of the County Office Building from September 20 through September 21, 2013 for visiting skipjacks during the 17<sup>th</sup> Annual Choptank Heritage Skipjack Race. The Council acknowledged that Mr. Hyman will work with Tom Moore, Public Works Director, to post the signage.

### **REQUEST TO USE COUNTY OFFICE BUILDING PARKING LOT-CAMBRIDGE LIGHTHOUSE FOUNDATION, INC.**

The Council approved the request of Jackalyn Noller, Vice President, on behalf of the Cambridge Lighthouse Foundation Board, for authorization for attendees of the Maryland Lighthouse Challenge, to use the County Office Building parking lot on September 21, 2013 from 8 a.m. to 6 p.m.

### **REQUEST TO HOLD SERVICE-HOOPERS ISLAND PAVILION-SANCHEZ**

The Council approved the written request of Victoria Sanchez, on behalf of her husband, Ruben Sanchez, a Pastor, to hold a service at the pavilion on the County owned property in Hoopersville across from the Rippons boat ramp, on Sunday, October 6, 2013 from 4 p.m. to 6 p.m. which will include music.

### **NOISE VARIANCE REQUEST-WEDDING-CASSONS NECK ROAD-KOHR**

The Council approved the written request of Keith Kohr for a noise variance for his wedding which will be held at a private residence located at 5378 Cassons Neck Road, Cambridge on September 21, 2013 from 5 p.m. to 11 p.m.

### **EXTENSION TO ROAD CONSTRUCTION AGREEMENT-WRIGHT'S CREEK ESTATES-PLANNING AND ZONING**

The Council approved the request of Steve Dodd, Planning and Zoning Director, to execute an Amendment to a Public Road Construction Agreement between the Council

and Cedar Grove Properties, LLC, dated August 2, 2011, to extend the agreement for the Wright's Creek Estates subdivision for two years to September 1, 2015.

#### TIRE AMNESTY DAY 2013-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to enter into an Intergovernmental Agreement between Dorchester County and the Maryland Environmental Service to establish a Citizen and Agricultural Scrap Tire Drop-Off Day, with a proposed date of October 5, 2013 from 8 a.m. to 2 p.m. to be held at the Beulah Landfill. Council acknowledged that residents can dispose of up to 10 scrap tires per vehicle and farmers can dispose of up to 3 agricultural tires per vehicle. The Council acknowledged that the State will reimburse the County for the disposal of 90 tons of tires and up to \$1,200 for advertising the event locally. The Council further acknowledged that the County will be responsible for the cost to dispose any tires collected above that amount.

#### REQUEST TO ADVERTISE FOR PROPOSALS-PUBLIC WORKS - TRACTOR-AIRPORT

The Council approved the request of Mr. Moore to advertise a request for proposals to obtain quotes for the purchase of a tractor to pull a 20 foot bush hog which is used to mow the grass at the Cambridge Dorchester Airport and the Dorchester Regional Technology Park. Council acknowledged that FY13 Capital Budget funds of \$60,000 are budgeted for this purchase.

#### REQUEST TO ADVERTISE FOR PROPOSALS-PUBLIC WORKS- PAINTING WINDOW EXTERIORS-CIRCUIT COURT HOUSE

The Council approved the request of Mr. Moore to advertise a request for proposals for the exterior painting of the Circuit Court House windows. Council acknowledged that funds of \$28,500 have been allocated in the FY14 Capital Budget for this purpose.

#### BID AWARD-PURCHASE OF FLATBED EQUIPMENT TRAILER-PUBLIC WORKS

The Council approved the request of Mr. Moore to purchase a flatbed equipment trailer from J&S Equipment Utility Trailers, the lowest bidder, at the cost of \$9,171.64 with remaining funds in the Public Works FY13 Capital equipment purchase account. Council acknowledged that it is Mr. Moore's intention to purchase a 9,000 lb winch which will be installed by County staff, based on his belief that it is more cost effective.

#### REQUEST FOR APPROVAL TO BID-DORCHESTER COUNTY ROOF REPLACEMENT PROJECTS-PUBLIC WORKS

The Council approved the request of Mr. Moore to advertise a request for proposals for roof replacements for the following County facilities: the lower roof (4,750 square feet) and the upper roof (5,025 square feet) of the shop at the Department of Public Works on

Handley Road; the "Old Paint" Hanger (13,000 square feet) and the "Quanset Hut" Hanger (5,400 square feet) at the Cambridge Dorchester Airport. The Council acknowledged that funding for the shop roof replacements is in Public Works' FY13 and FY14 budgets and that funding for the "Old Paint" Hanger is in the FY12 budget. Furthermore, Council recognized that no funds have been allocated for the "Quanset Hut" Hanger, however based on ongoing complaints from the tenant regarding leaks in this building, this project has been included in case prices obtained are lower than budgeted amounts or, in the alternative, to provide staff an amount to utilize for future budget consideration.

#### COMMUNITY SERVICES BLOCK GRANT REFUNDING APPLICATION & BUDGET PLAN ACKNOWLEDGEMENT-DELMARVA COMMUNITY SERVICES/GRANT MONITOR

The Council approved the request of Cindy Smith, Grant Monitor, on behalf of Delmarva Community Services, to execute a Chief Elected Official Certification Form acknowledging the receipt of a Community Services Block Grant Re-Funding Application and Budget Plan for FY14. The Council acknowledged that Delmarva Community Services has submitted an updated work plan for FY14 to the Division of Neighborhood Revitalization in order to remain compliant with federal guidelines governing Community Action Plans.

#### FY14 COMMUNITY DEVELOPMENT BLOCK GRANT AWARD-CHANNEL MARKER FOUNDATION, INC./GRANT MONITOR

The Council approved the request of Ms. Smith, on behalf of Channel Marker Foundation, Inc., to accept a FY14 Community Development Block Grant award in the amount of \$60,000, with no local match, from the Maryland Department of Housing and Community Development to this entity for roof repairs and kitchen renovations to homes located at 503 and 505 Academy Street, Cambridge, in which clients, with staff supervision, reside.

#### REQUEST TO RE-ADVERTISE FOR PROPOSALS-WEBSITE RE-LAUNCH- TOURISM

The Council approved the request of Amanda Fenstermaker, Tourism Director, to re-advertise a request for proposals to re-launch the main tourism website, TourDorchester.org, with the intention of creating a mobile optimized website since only one response was received as a result of the original advertisement, which exceeded the budgeted amount for this expenditure. Council acknowledged that in an effort to receive more competitive bids the Scope of Work has been revised and the request for proposals will be posted on the eMaryland Marketplace website. Council additionally recognized that funding is allocated for this project under the marketing line item of the Tourism Department's FY14 Operating Budget.

## BID AWARD-MURAL ARTIST-MICHENER CHESAPEAKE COUNTRY SCENIC BYWAY MURAL PROJECT-TOURISM

The Council approved the request of Ms. Fenstermaker to award a bid to Michael Rosato to design and execute a heritage-related mural on the wall of the JM Clayton Company in Cambridge, which is along the Michener Chesapeake Country Scenic Byway, at the cost of \$14,550 based on the quality of his work. Council acknowledged that Mr. Rosato created the mural on the caboose located in Powell Realtors parking lot on 400 Trenton Street. Council recognized that this mural is the second in a series of five for Dorchester County. Additionally, Council recognized that the entire project is funded through a FY06 National Scenic Byways grant titled "Chesapeake Country's Roadside Museum: A Heritage Mural Corridor," that was transferred to Dorchester County in September 2012.

## DORCHESTER COUNTY LOCAL MANAGEMENT BOARD OF CHILD & FAMILY SERVICES BY-LAW REVISION REQUEST

The Council approved the request of Nancy Shockley, Director, Dorchester Community Partnership for Children & Families (Community Partnership), to approve changes made to the Dorchester County Local Management Board of Child & Family Services By-Laws. The Council acknowledged that the amendments were recommended by Governor's Office for Children staff after they conducted an audit of the Community Partnership. The Council further acknowledged that the changes include the addition of Section 4 to Article V "Officers" to outline the reason officers are removed from office; and to amend Section 5 of Article VII "Meetings" to reflect that a quorum shall be constituted by 51% of membership instead of 5 voting members.

## DORCHESTER COMMUNITY PARTNERSHIP FOR CHILDREN MEMBERSHIP APPROVAL REQUEST

Pursuant to Ms. Shockley's request, the Council approved the FY2014 to FY2016 Dorchester Community Partnership for Children membership.

## SURPLUS PROPERTY DECLARATION REQUEST-EMERGENCY SERVICES

The Council approved the request of Jeremy Goldman, Emergency Services Director, to declare the following radio equipment, which is outdated, nonfunctional or incompatible with the County's current radio system, as surplus property: 1) Ericsson #3 82398 with microphone-Ericsson Speaker, General Electric Speaker; 2) General Electric/Ericsson #19B801507P mfg code 0787 with microphone, General Electric Speaker; 3) Ericsson #19B801507P mfg code 0998; 4) General Electric mobile radio #7932735 50 with microphone; 5) Spector radio #I900 1 with microphone; 6) Kenwood mobile radio C19368; 7) Kenwood portable #60600044; 8) Standard Radio #920470087; and 9) Standard Radio #22U540092; 10) Standard Radio #16U520053; 11) Ericsson Charger #9740; 12) General Electric Charger #9006; 13) General Electric Charger #8920; and 14) General Electric Charger #0388.

#### REQUEST TO ERECT/PURCHASE SIGNAGE-ENCOURAGING NO SMOKING-PUBLIC RECREATION FACILITIES-RECREATION AND PARKS

The Council approved the request of Scott Eberspacher, Recreation and Parks Director, to accept signs from the Dorchester County Health Department encouraging individuals who use Dorchester County public recreation facilities to not smoke at these sites and for approval to purchase additional signs, if necessary, through the FY14 Recreation and Parks Operating Budget. The Council acknowledged that Mr. Eberspacher will encourage the elected officials of municipalities within the County to also erect these types of signs.

#### ADDITIONAL RESERVATION DATES FOR ELECTION ACTIVITIES-ELECTIONS OFFICE

The Council approved the request of Kimberly Jones, Acting Election Director, to use Room 110 of the County Office Building on the following dates for the gubernatorial primary election: Thursday, June 26, 2014 from 9:30 a.m. until for Absentee Canvass I; Wednesday, July 2, 2014 for the Provisional Ballot Canvass from 9:30 a.m. until; and Monday, July 7, 2014 for Absentee Canvass II from 9:30 a.m. until. The Council acknowledged that the use of the room on July 2<sup>nd</sup> is contingent upon the rescheduling of the Planning Commission meeting which has been scheduled for that date. The Council recognized that Ms. Jones is working with Steve Dodd, Planning and Zoning Director, regarding the rescheduling of this meeting. The Council also acknowledged that the monthly Sanitary District meeting is scheduled for 3:30 p.m. on July 7<sup>th</sup> and that Elections Office staff will vacate the room prior to that time.

The Council also approved Ms. Jones' request to use Room 110 for the following dates for the gubernatorial general election: Thursday, November 6, 2014 for Absentee Canvass I from 9:30 a.m. until; Wednesday, November 12, 2014 for the Provisional Ballot Canvass at 9:30 a.m. until; and Friday, November 14, 2014 for Absentee Canvass II from 9:30 a.m. until.

The Council deferred Ms. Jones request to use the room on Election Day, Tuesday, November 4, 2014.

#### SPECIAL EVENTS AGREEMENT-CHESAPEAKEMAN ENDURANCE FESTIVAL

The Council approved the request of Robert Willey, Assistant Finance Director, to execute a Special Events Agreement between Tricolumbia, the County Council and the Dorchester County Sheriff's Office to provide public safety services for the ChesapeakeMan Endurance Festival to be held on Saturday, September 21, 2013 from 5 a.m. to midnight. Council acknowledged that pursuant to the agreement, public safety services to be provided by the Sheriff's Office include 15 Sheriff's Office vehicles, one boat and 15 deputies. The Council, pursuant to clarification from Mr. Willey that the fee is calculated at an overtime rate on the average deputy salary, agreed to pay deputies who volunteer for these events at an overtime rate regardless of whether a deputy reaches the

171 hour/28 day overtime threshold. Additionally, Council recognized that Tricolumbia will provide a Certificate of Insurance naming Dorchester County as the Certificate Holder for the event.

#### **CONFIRMATION OF APPOINTMENT-PROPERTY TAX ASSESSMENT APPEAL BOARD**

The Council approved Governor Martin O'Malley's appointment of Melanie Hampton to the Dorchester County Property Tax Assessment Appeal Board for a five year period from June 2, 2013.

#### **REQUEST TO ADVERTISE-BASIC LIFE SUPPORT AND ADVANCED LIFE SUPPORT PROVIDERS-EMERGENCY MEDICAL SERVICES-EMERGENCY SERVICES**

The Council approved the request of Jeremy Goldman, Emergency Services Director, to advertise for full time Basic Life Support and Advanced Life Support providers in the Emergency Medical Services Division.

#### **PUBLIC COMMENTS**

Based on concerns expressed by Donald Gray, resident, the Council requested that Mr. Moore provide the following information regarding the County's Elliott Island Marine Facility, including costs estimates, if applicable: 1) the possible installation of an arm and pulley system on an existing pole at this facility which can be utilized by watermen to unload oysters from their boats; and 2) the condition of the facility, particularly the dock, the roadway and the gazebo, and if any repairs are necessary.

In response to an inquiry from Jason Herbert, a County employee, regarding the County's "No Smoking or Use of Tobacco Products-Dorchester County Employees" policy, Councilman Newcomb said he will speak to him after the meeting because this is a personnel matter.

#### **COUNCIL'S COMMENTS/ADJOURNMENT**

Councilman Bradshaw said he and Councilman Price met with Agricultural Advisory Board members on August 30, 2013, who complimented the Council on its formation and participation on the Clean Chesapeake Coalition. He stated that those Board members have agreed to forward a recommendation to the entire Agricultural Advisory Board membership as well as the State of Maryland Farm Bureau to participate in this coalition. He advised Mr. Moore that the Board members expressed their concern that saplings and other plant growth are blocking the flow of water in ditches in the County, particularly in the northern area.

Councilman Price said he and Councilman Bradshaw also spoke with the Board members regarding their concerns about the wild pig population on Taylors Island. Based on a

motion made by Councilman Bradshaw, the Council agreed to send a letter to Joseph P. Gill, Secretary, of the Maryland Department of Natural Resource, requesting assistance in addressing this problem. Councilman Bradshaw expressed his understanding that according to Sheriff Phillips wild pigs have been sighted in the Smithville area of the County and at one private residence.

Councilman Price referenced the Council's prior decision to send a letter to the Department of Natural Resource staff to invite them to attend its November 5, 2013 meeting to discuss the commercial license fee increase that was implemented this year and to include a request on behalf of local watermen to allow hand tonging during the fall oyster season in the areas of the Choptank River and Little Choptank River that are currently restricted from such activity. He said local watermen have again expressed a desire to be allowed to hand tong in those areas.

Councilman Price advised Council that several individuals and groups who are interested in building new residences in Dorchester County have expressed to him their concerns that they must pay a County excise tax, particularly in light of rising costs and the slow economy. He said they have also noted their understanding that elected officials in neighboring counties have not established such a tax.

After a motion was made by Councilman Price to abolish the excise tax, Councilman Travers expressed his belief that information should be provided to the Council regarding the fiscal impact the abolishment of this tax will have on the County's budget prior to making a decision. Councilman Nichols concurred.

Councilman Nichols noted that in the past the Council has denied several requests for the reimbursement of excise tax while approving others. He said, in his opinion, the Council should be consistent in their decisions relating to the tax. In response to a question posed by Councilman Travers, Robert Willey, Assistant Finance Director, said excise tax revenue estimates were included in the County's FY14 budget. Councilman Newcomb said he is concerned about the impact the abolishment of this tax will have on the current budget. Councilman Bradshaw advised Council that at least one resident has expressed to him their belief that excise tax should be based on construction costs in lieu of a flat fee. Councilman Nichols noted that both Calvert County and Montgomery County elected officials have established an excise tax in their respective jurisdictions that is substantially higher than Dorchester County's excise tax.

Councilman Price questioned whether Council would support a moratorium on the collection of excise tax. Councilman Bradshaw expressed concern about revenue losses if the excise tax is abolished or if a moratorium is issued, particularly in light of the fact that pursuant to legislation passed during the 2012 legislative session maintenance of effort will be calculated based on a statewide five year moving average beginning in FY15 which will negatively affect future budgets. The motion to abolish the excise tax died with Councilmen Newcomb, Travers and Nichols opposing.

In response to a question from Pete Macinta, resident, Councilman Nichols confirmed his understanding that property owners must pay an excise tax in Calvert County.

Councilman Travers asked Finance staff to provide a breakdown of the collection and distribution of the excise tax in the last five years, including the current amount of excise tax available.

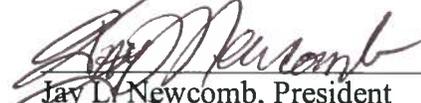
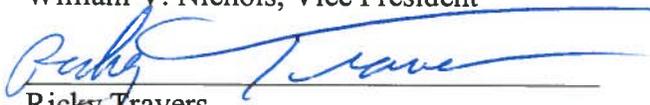
Councilman Newcomb announced that the next County Council is scheduled for September 17, 2013.

With no further business to discuss, the Council adjourned.

ATTEST:

  
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Jane Baynard, County Manager  
Donna F Lane  
Executive Administrative Specialist

DORCHESTER COUNTY COUNCIL:

  
\_\_\_\_\_  
Jay L. Newcomb, President  
  
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William V. Nichols, Vice President  
  
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Ricky Travers  
  
\_\_\_\_\_  
Rick Price  
  
\_\_\_\_\_  
Tom Bradshaw

Approved the 17th day of September, 2013.