

**County Council of Dorchester County
Regular Meeting Minutes
September 15, 2015**

The County Council of Dorchester County met in regular session on September 15, 2015 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, Acting County Manager; 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 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.

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: two requests for letters of support for growing facilities and a request to advertise an Economic Development Administrative Assistant position.

APPROVAL OF MINUTES- SEPTEMBER 1, 2015

The Council approved the minutes of September 1, 2015.

APPROVAL OF DISBURSEMENTS

The Council approved the vouchers as presented with the addition of a payment to World Triathlon Corporation in the amount of \$100,000 for the Licensing Fee for this year's Ironman Maryland event. Councilman Travers abstained for payments made to Simmons Center Market and Councilman Nichols opposed invoice number 1411 in the amount of \$2,130 to Tactical Conversions for installation of equipment in a Sheriff's Office vehicle.

FINANCIAL REPORT: CASH AND INVESTMENTS

Councilman Travers reported total cash and investments as \$3,940,112.82.

EXECUTIVE SESSION SUMMARY

The County Council of Dorchester County convened in an Executive Session at 5:00 p.m. on September 15, 2015 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.

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

Action taken at the closed session: 1) approved the request of the Public Works Director to hire an individual to fill a vacant Airport Manager position by a 5 to 0 vote; 2) discussed personnel matters; and 3) confirmed the hiring by Sheriff Phillips of an individual to fill a vacant Dog Control Officer position by a 5 to 0 vote.

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-AUDIT COMPLIANCE-DETENTION CENTER

The Council presented a Commendation to the Dorchester County Department of Corrections for achieving 100% compliance in 80 standards for Adult Correctional Facilities on an audit conducted by the Maryland Commission on Correctional Standards.

DAVID R. CRAIG, SECRETARY, MARYLAND DEPARTMENT OF PLANNING

David R. Craig, Secretary, Maryland Department of Planning (MDP) thanked Tracey Gordy, Director, Lower Eastern Shore Regional Office; Brandon Wright, Chief of Staff, MDP, and Donna Lane, Executive Administrative Specialist, for setting up a tour of locations in the County which was held earlier today.

He explained that Ms. Gordy assists counties and municipalities on the lower shore and that other staff are dedicated to assist the upper shore, western and southern areas of Maryland. He said additional MDP staff are assigned to provide local jurisdictions' staff assistance with specific items, such as solid waste and water and sewer plans. He noted that MDP has expanded over the last ten years and now works with local jurisdictions on historical preservation and to assist local municipalities and counties in the economical, environment and cultural restoration

of their jurisdictions through the Reinvest Maryland initiative. Secretary Craig said since his January 2015 appointment he has toured several areas in the State. He explained that today's tour began this morning in Vienna followed by a tour of the City of Cambridge and then areas in the County. He noted that during the County portion he viewed North Dorchester High School (NDHS) and learned about the planned reconstruction of that facility. He advised that as Secretary of MDP he is also a member of the Interagency Committee on Public School Construction (IAC). Secretary Craig stressed that it is his and his staff's goal to provide assistance to local governments and municipalities without undermining their local authority.

Councilman Travers said he will join Board of Education members and staff at one of the the IAC's October meetings to show the Council's solidarity and support of the NDHS reconstruction project. Secretary Craig opined this project will ensure a safe place for students and teachers based on his understanding there are security, safety and environmental issues at the old school.

Councilman Travers questioned whether Secretary Craig had an opportunity to review the plans for the new school. He said he briefly reviewed a portion of them. He stated that Dr. Henry Wagner, Superintendent of Schools; Chris Hauge, School Facilities Engineer; and Lynn Sorrells, NDHS Principal, also participated in the school tour. He noted that Councilman Price; Steve Dodd, Planning and Zoning Director; and Rodney Banks, Assistant Planning and Zoning Director, and Jeremy Goldman, Acting County Manager, toured the school as well in addition to viewing a solar facility on Bucktown Road and legacy areas with him. He said they also traveled through the Towns of Secretary and East New Market.

Secretary Craig advised that that the economy has not recovered statewide, particularly in rural areas, and rules and regulations for those areas will have to be changed to assist in the recovery process. He noted that the County's land mass is larger than its population. He encouraged the elected officials to contact him directly if he can be of assistance.

Councilman Nichols congratulated Secretary Craig on his appointment and thanked him for his past and future efforts to improve the State of Maryland.

The Council expressed their appreciation to Secretary Craig for being proactive in touring Dorchester County and the other local jurisdictions in the State of Maryland.

2016 MARYLAND GENERAL ASSEMBLY LEGISLATIVE SESSION FINAL DISCUSSION

Councilman Travers said this is the Council's final discussion on proposed legislative initiatives for the 2016 Maryland General Assembly Legislative Session prior to its meeting with legislators on October 6, 2015. He noted that the Council was provided a legislative packet for its review and consideration. He advised Council that the Board of License Commissioners may submit a recommendation to pursue a proposed State law amendment in the near future.

Councilman Travers referenced the pursuit of possible legislation to "opt out" of the State mandated sprinkler system requirement. He explained that a resident who plans to move a

mobile home from one location to another was advised he will have to install sprinklers once it has been relocated. He asked for clarification on this requirement. Mr. Goldman advised that Mr. Dodd is aware of this matter. He explained that clarification is being sought from State representatives, noting that a mobile home is conveyed by a motor vehicle title and not a deed. He expressed his understanding that the installation of a sprinkler system may be a requirement of the mobile home park the individual will be moving to. Mr. Goldman said clarification should also be sought on the sprinkler requirement as it relates to moving a pre-existing structure to another location.

In response to an inquiry, Councilman Bradshaw said only owners who renovate over 50% of their residence will be required to install sprinkler systems.

Councilman Price said contractors in the County have expressed concern about this sprinkler requirement. Councilman Travers noted that this is one of the items Council will discuss with the legislators.

The Council approved the legislative packet which will be distributed to the local legislators prior to the October 6th meeting.

MANAGERS COMMENTS

ADDITIONS TO PAVING SCHEDULE-HIGHWAY-PUBLIC WORKS

The Council approved the request of Tom Moore, Public Works Director, to utilize half of the additional \$600,000 allocated in the FY16 budget under "Blacktopping, Contractual" to purchase additional tar and chip materials to surface treat another 35 miles or so. The Council also approved Mr. Moore's amended 2015 to 2016 tar and chip schedule with the understanding additional miles will be added to fully utilize the approved amount.

In response to a question from Councilman Bradshaw, Mr. Moore advised that a section of Elliott's Island Road will be paved, however, due to tidal wave action the exact timing of the repairs is unknown.

Pursuant to an inquiry from Councilman Travers, Mr. Moore said the paving of Deep Point Road and Robinson Road, which were listed on last year's road treatment schedule, will commence shortly. Based on another inquiry posed by Councilman Travers, Mr. Moore said the cost of asphalt has decreased while the cost of stone has slightly increased. He reiterated that the approved request is to use half of the additional \$600,000 allocated for roads which will result in double the amount of tar and chip than last year. Mr. Moore said the repair of some of the cul de sacs due to last year's snow related events will also be conducted but are not listed on the schedule.

SOLID WASTE MANAGEMENT PLAN REVISION-PUBLIC WORKS

Mr. Moore said a public hearing was held on May 5, 2015 on the proposed revisions to the Solid Waste plan to include: 1) a 20% increase in the recycling rate; 2) the addition of an Apartment

Building and Condominium Recycling Program for those which have 10 or more units; and 3) the inclusion of the proposed vertical expansion and revision of the County's plan for proposed facilities to provide for additional future capacity through vertical expansion of the existing landfill facility over existing lined cells. He noted that the Council agreed to accept written comments for 30 days after that hearing. He advised that he is seeking the Council's approval to adopt these revisions in order to move forward with the proposed vertical expansion. He said this work must be completed in order to ensure that space is available when current cells reach capacity.

Councilman Travers noted that Council is waiting for a response from Governor Larry Hogan on the possible revision of a portion of the Zero Waste Executive Order that Governor Martin O'Malley issued prior to leaving office to allow for the expansion of existing landfills. He said no response has been received.

Councilman Travers referenced the information Mr. Moore provided to the Council in memorandum form regarding the possible reversal of the executive order. Mr. Moore said at least one individual from Maryland Department of Environment (MDE) has expressed their belief this will occur. He explained that he cannot confirm that the reversal is being considered. Councilman Travers questioned how many other counties will be affected by this order. Mr. Moore expressed his belief that several counties are in the same position, noting that only two submitted correspondence regarding this Executive Order.

In response to a question from Councilman Travers, Mr. Moore said the original estimate was that current landfill cells will be filled by 2017; however, the last review showed it may be 2018 instead. He expressed concern that the amount of tonnage deposited at the landfill may increase within that time frame which will necessitate additional space prior to 2017 or 2018. He noted that after items were recycled from the demolition of the old North Dorchester Middle School 1,000 tons were disposed of at the landfill. He expressed concern that other demolitions may occur which will increase tonnage.

Councilman Travers questioned whether the Council should send another letter to Governor Hogan noting the timeframe. Mr. Moore explained that even if the Council is advised that the Order will be reversed, it will take three years to obtain another permit whereas the current landfill space is expected to be at full capacity within two years.

Mr. Moore expressed his belief that the Council's intention is to minimize the vertical expansion and if the proposed 175 feet is reduced he is unsure what percentage of the first phase of the permitting process may have to be redone.

Councilman Bradshaw noted that the counties who are members of the Mid Shore Landfill have set aside funding to conduct a study on gasification. In response to a question from Councilman Bradshaw, Mr. Moore said the only communication he has had regarding gasification was with Maryland Environmental Services representatives who said it was expensive.

Mr. Goldman advised that he and Mr. Moore are meeting with representatives of a company that owns an operational gasification plant on September 28, 2015 to preliminary discuss the possible

use of this technology to reduce waste in the County's landfill. He said even if this is a viable option it will be several years before such a facility can be operational.

In response to an inquiry from Councilman Price, Mr. Moore and Councilman Travers explained that executive discussions involving real estate matters are being held regarding possible horizontal expansion options.

The Council deferred Mr. Moore's request to revise the Solid Waste Management Plan in order to allow an opportunity for Governor Hogan and/or MDE to respond to the Council's written request to rescind a portion of the Zero Waste" Executive Order which restricts MDE from permitting new landfill capacity and for time to explore gasification possibilities.

STATE HIGHWAY ADMINISTRATION IMPROVEMENTS-CHURCH CREEK-PUBLIC WORKS

Mr. Moore noted that the State Highway Administration (SHA) is currently in the design phase of the improvements and streetscape in the Town of Church Creek and anticipate installing sidewalks along the State roadways in an area beyond the Town limits. He explained that SHA representatives indicated that the Town will in some manner accept responsibility for maintenance of sidewalks within municipal limits and that they were assuming the County would assume ownership of the sidewalk being installed outside of Town limits. He said he advised SHA representatives that to the best of his knowledge, the County does not maintain or assume responsibility of sidewalks and he will present their request to the Council.

In response to an inquiry from Councilman Bradshaw, Mr. Moore confirmed that the sidewalks will installed along a State highway. He said he has not been advised of the proposed location nor the length of the sidewalk. E. Thomas Merryweather, County Attorney, noted that there are two State highways located outside of Town limits. He cautioned about setting precedence. In response to a question from Councilman Travers, Mr. Merryweather said the sidewalks from Walmart to Bucktown Road are State owned. Mr. Merryweather stressed that the County does not maintain sidewalks in any of the municipalities. The Council took no action and requested additional information.

BLACKWATER ROAD BASE TESTING PROPOSAL-PUBLIC WORKS

The Council approved the request of Mr. Moore to enter into a contract with John Hynes and Associates to provide subsurface exploration and geotechnical consulting services to investigate a subgrade failure of the portion of Wildlife Drive that loops inside of Blackwater National Wildlife Refuge at the cost of \$4,700 under the terms of an Intergovernmental Agreement between the County and the Refuge. The Council acknowledged that the Refuge will reimburse the County for all costs associated with this work.

PLANNING COMMISSION RESPONSE TO REFERRAL-SIZE OF ACCESSORY STRUCTURES-PLANNING AND ZONING

Mr. Goldman noted that at its July 21, 2015 meeting the Council referred to the Planning Commission for review and recommendation the regulations outlined in Section 155-50(A)(1)(d) "Size of Accessory Structures" of the County Code, based on property owners' concerns they may be too restrictive. He said the Planning Commission members have completed this review and have advised that they feel the code as currently written sufficiently addresses accessory structures and the current Board of Appeals process is sufficient to provide an applicant or landowner desired relief. He stated that they unanimously agreed to recommend that the Council not amend the existing ordinance.

Mr. Merryweather noted that in the last four years, on average there have been three Board of Appeals cases per year, all of which were approved.

The Council took no action.

Councilman Price explained that he asked the Council to refer this matter to the Planning Commission based on concerns residents in the outlying northern area of the County expressed to him about the variance process. In response to a question from Councilman Price, Mr. Merryweather said residents can ask for a text amendment which will then be referred to the Planning Commission and then to the Council.

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION GRANT AWARD-COMBATING HEROIN USE & TRAFFICKING-SHERIFF'S OFFICE

The Council accepted a Governor's Office of Crime Control & Prevention Grant Award in the amount of \$24,700 for personnel overtime for the Heroin Task Force in Dorchester County with a period of performance of October 1, 2015 to August 31, 2016. The Council agreed that the hours spent by deputies specific to this grant be exempt from the 171 hour over a 28 day period overtime threshold until the grant period ends or grant funds have been depleted.

REQUEST TO APPROVE CAPITAL BUDGET EXPENDITURE-VOICE OVER INTERNET PROTOCOL PHONE SYSTEM

The Council approved the request of Mr. Goldman, Don Keyes, Information Technology Director, and Ms. Smith to expend FY16 Capital Budget funds in the amount of \$125,000 for a Voice Over Internet Protocol phone system for County offices. The Council acknowledged that Carousel Industries is offering a 7% discount on the \$80,000 equipment cost if a commitment letter is executed by September 23, 2015.

COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION-PLANNING AND ZONING

The Council approved the request of Mr. Dodd to execute a 2015 annual Community Rating System recertification document required by Federal Emergency Management Agency to continue Dorchester County's participation in the Community Rating System program.

LOAN DOCUMENTS-MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION-INCUBATOR FACILITY-ECONOMIC DEVELOPMENT

The Council approved the execution of a Promissory Note and Loan Agreement for a no interest loan in the amount of \$1,000,000 from Maryland Technology Development Corporation for costs incurred for the construction of a technology incubator with Councilmen Bradshaw and Price opposing.

ECONOMIC DEVELOPMENT ADVISORY COUNCIL

The Council approved the request of Keasha Haythe, Economic Development Director, to appoint the following individuals as Voting Members to the Economic Development Advisory Council for a two year term ending in 2017: Ricky Fitzhugh as the aquaculture representative; Phil Feldman as the professional services representative; Tom Powley as the manufacturing representative and Bishop Charles Cephas, as the faith based representative. The Council authorized the amendment of Resolution 559 to allow for a second concurrent two year term for Voting Members which must be prepared and provided to the Council for ratification.

REQUEST FOR AUTHORIZATION TO ATTEND MARYLAND ASSOCIATION OF COUNTIES ADMINISTRATOR'S CONFERENCE

The Council approved the request of Mr. Goldman to attend the Maryland Association of Counties Administrator's Conference from October 28 to October 30, 2015 at the cost of \$600, which includes the conference, lodging and meals, with Councilmen Price and Nichols opposing. The Council acknowledged that funds from FY16 Council's Office budget will cover this cost.

MARYLAND DEPARTMENT OF TRANSPORTATION GRANT APPLICATION REQUEST-PUBLIC WORKS

Mr. Moore advised that Governor Hogan's Office announced an additional \$25 million will be provided as a Special Fund appropriation for the purpose of repairs and investments in local roads which will be divided as follows: \$2 million to Baltimore City, \$19 million to municipalities and \$4 million being split between county governments. The Council approved Mr. Moore's request to submit a Maryland Department of Transportation Grant Application for these funds. The Council acknowledged that the County is required to use these funds under the guidelines of the "Permitted uses of Highway User Revenues."

LETTERS OF SUPPORT-GROWING FACILITIES

The Council agreed to execute letters of support for the applications of two companies for medical marijuana grower licenses, which entities may open facilities in the County.

REQUEST TO ADVERTISE-ADMINISTRATIVE ASSISTANT-ECONOMIC DEVELOPMENT

The Council agreed to advertise the Administrative Assistant position in the Economic Development Department in-house and in local news publication(s).

OTHER

Mr. Goldman advised Council that the biannual Federal Emergency Management Agency Calvex Calvert Cliffs exercise was conducted and the initial feedback is that the participants did an exemplary job. He said FEMA will assign a grade to this exercise within the next couple of days.

APPOINTMENT-COUNTY MANAGER

Councilman Travers announced that the Council agreed to appoint Mr. Goldman as County Manager in executive session. A brief discussion initiated by Councilman Nichols was held regarding past actions taken to appoint an individual as either Acting County Manager or County Manager in open session. Mr. Merryweather said this action is appropriate for open session. The Council agreed to appoint Mr. Goldman as County Manager with Councilmen Price and Nichols opposing.

PUBLIC COMMENTS

In response to an inquiry from Pete Macinta, resident, Councilman Travers said pursuant to the State mandated sprinkler requirement a system must be installed if a property is renovated by 51%. Mr. Macinta queried as to whether that percentage is per renovation. Councilman Travers expressed his belief that it is per permit. Mr. Goldman suggested Mr. Macinta pose that question to Mr. Dodd.

Pursuant to a question from Gloria Dolan, resident, Councilman Travers said the Council members are waiting for Governor Hogan to advise if the Zero Waste Executive Order will be rescinded or changed in order to ensure they are able to take the appropriate legal actions to ensure the continued disposal of County waste. Mr. Moore noted that the landfill vertical expansion will not be affected since the permit was obtained prior to the issuance of the Order. Based on a question posed by Ms. Dolan, Mr. Moore and Councilman Travers said it is anticipated that the 175 foot vertical expansion will result in landfill space being available until 2024. Mr. Moore said this may change if waste loading increases.

In response to a question from Ms. Dolan, Councilman Travers explained that one of the reasons the Council is seeking Governor Hogan's response on the Zero Waste Executive Order is to

determine how to address waste after 2024. He noted that the vertical expansion is a short term fix.

Councilman Bradshaw advised that Wilbur Levengood, Jr., Caroline County Commissioner, visited a gasification company in Pennsylvania which processes poultry litter and other material into post ash. He expressed his understanding that the gasification unit at this facility removes and recycles metals. In response to a question from Ms. Dolan, Councilman Bradshaw said he believes this company uses particulate filters.

Mr. Goldman stressed that preliminary discussions are being held with representatives of a gasification company to determine if such a process is a viable option for Dorchester County.

Kenneth Heesh, resident, noted that the Zero Waste Executive Order also calls for an 85% waste diversion and 80% recycling and questioned whether the County is trying to meet these goals. Councilman Travers said efforts are underway to meet the recycling goal, however home pick up may not be financially feasible. He explained that recycled stations have been expanded, some have been repaved, old containers have been painted and a few new containers have been purchased. He noted that Council is working on identifying other alternatives to extend the life of the landfill.

Mr. Heesh said it is his understanding other counties are doing home pick up. Councilman Travers referenced the County's large land mass and expressed concern about the cost and travel time involved with this service. Councilman Nichols noted that a study was conducted in 1996 or 1997.

In response to a question from Councilman Bradshaw, Mr. Moore said two years ago the cost for recycling, after material collected was sold, was \$80,000. He explained that only cardboard, newspaper and aluminum generate income. He noted that the Mid Shore Landfill applies \$5 of the per tonnage disposal fee to subsidize a recycling program.

In response to a question from Donald Jones, resident, Councilman Travers confirmed that the Council voted three to two to appoint Mr. Goldman as County Manager with Councilmen Nichols and Price opposing.

COUNCIL'S COMMENTS/ADJOURNMENT

Councilman Bradshaw said the second of three Healthy Waters Round Table events was held recently. He referred to an article in The Star Democrat in which the Maryland Riverkeeper Conservancy pointed to agriculture as a major pollution source and an email he sent to the Council from Michelle Chesnik, Delmarva Poultry Industry. He noted that tomorrow night there will be round table discussion at the University of Maryland Eastern Shore, which is being hosted by Assateague Coastal Trust and Assateague Coastkeeper, regarding a possible moratorium on poultry houses on the Delmarva Peninsula. He said John Willey, Acting Soil Conservation District Director, advised him that in approximately two to three weeks there will be 12 site plans submitted for 35 houses in the County, noting that two are currently under

construction at the Murphy farm. He advised that he will attend this discussion and report back to the Council and the Clean Chesapeake Coalition.

Councilman Price opined that the tour with Secretary Craig was productive. He encouraged the public to attend the Annual Town of Hurlock Fall Festival and the Town of East New Market's Heritage Day which will be held on October 3, 2015.

Councilman Travers said he has a Traffic Safety Committee referral. He explained that an individual expressed concern about parking on both sides of a turn on Hip Roof Road, particularly during deer season. Councilman Nichols recollected that the same issue was forwarded to this Committee and their comments and/or recommendations were reviewed by Council. Councilman Travers asked staff to research and provide information on the actions previously taken on this road.

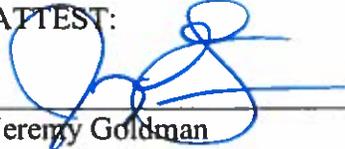
Councilman Travers advised that the Council will meet with the Secretaries of the Maryland Department of Natural Resources, and Maryland Department of Environment, for a discussion regarding dredging and shoreline issues and a tour of issue areas on October 13, 2015.

Councilman Bradshaw said he has secured a boat for the tour. The Council acknowledged that staff will contact them regarding their attendance and tour locations.

Councilman Travers announced that the next meeting will be held on October 6, 2015 at 6 p.m. and the Council reserves the right to meet in executive session prior to regular session. He said the Annual Transportation Meeting with Maryland Department of Transportation officials and the meeting with legislators will be held on that date.

With no further business to discuss, the Council adjourned.

ATTEST:



Jeremy Goldman
County Manager

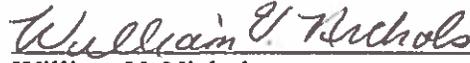
DORCHESTER COUNTY COUNCIL.



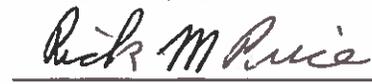
Ricky C. Travers, President



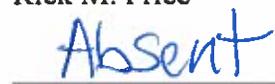
Tom C. Bradshaw, Vice President



William V. Nichols



Rick M. Price



Don B. Satterfield

Approved the 20th day of October, 2015.