



TALBOT COUNTY, MARYLAND

County Council

MINUTES

August 23, 2022

Present – President Chuck Callahan, Vice President Pete Leshner, Frank Divilio, Corey W. Pack, Laura Everngam Price, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, August 23, 2022.
- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, August 9, 2022.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, August 16, 2022 and Tuesday, August 23, 2022.
- IV. Presentation of Chesapeake College’s FY23 Revised Budget Request – Dr. Cliff Coppersmith, President, Chesapeake College; Karen Smith, Vice President for Administrative Services, Chesapeake College – Dr. Coppersmith stated that Chesapeake College had received additional funding from the State in April 2022 in the sum of \$1,295,019. He outlined distribution of the funding which included salary adjustments in technical areas; a 5% across the board increase for all full-time and permanent part-time employees, and two Fund Balance requests: \$50,000 for technical contract assistance toward development of the College’s plan to present to the State for technical building renovation and \$50,000 for an applicant tracking and HR management system. Dr. Coppersmith stated that there is no change to the amount of funding required from the participating counties. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved the revised budget request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- V. Introduction of Administrative Resolution:

ADMINISTRATIVE RESOLUTION ESTABLISHING THE FREDERICK DOUGLASS PARK ON THE TUCKAHOE COMMITTEE was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Patrick Thomas, County Attorney, stated that the administrative resolution was requested by Mr. Pack. He stated that the advisory committee established in 2018 by the Council was a temporary committee tasked with assisting in the development of a Master Plan and an Interpretive Plan for the Frederick Douglass Park on the Tuckahoe; the administrative resolution now before the Council would establish an on-going committee which would serve as a liaison between the County Council and entities engaged in fundraising for the Park as outlined in the administrative resolution adopted by the Council in October 2021. Mr. Pack stated that the Council cannot fundraise; therefore, this Committee will work with future Councils to ensure that any funding received for the Park is utilized for the Park. Council discussion

ensued. The administrative resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price. The Council approved the administrative resolution by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

The Administrative Resolution is effective immediately.

VI. Introduction of Numbered Resolution:

A RESOLUTION TO AMEND RESOLUTION NO. 175, A RESOLUTION TO ESTABLISH SEWER SERVICE CONNECTION POLICIES FROM THE UNIONVILLE, TUNIS MILLS, AND COPPERVILLE SEWER SERVICE AREA LOW-PRESSURE FORCE MAIN COLLECTION SYSTEM TO THE ROYAL OAK PUMP STATION, FOR THE PURPOSE OF EXEMPTING COUNTY GOVERNMENTAL USES AND SERVICES FROM THE PROVISIONS THEREOF, SUBJECT TO CERTAIN CONDITIONS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ray Clarke, County Engineer, stated that the resolution is a policy resolution. He stated that the resolution relates to the force main between the Unionville pump station the Royal Oak pump station; if approved, the resolution would provide the County with an opportunity to extend sewer to a property owned by the County for governmental services. Ms. Price gave a brief history of Resolution No. 175 and requested that Mr. Clarke provide additional information to the public as reassurance as to the limited scope of the proposed resolution to amend Resolution No. 175. Mr. Clarke stated that he would provide a listing of all government-owned properties along the subject force main. He emphasized that if the proposed resolution is adopted, any County property requesting sewer service outside the current sewer service area would be required to go through the process of amending the Comprehensive Water and Sewer Plan; any property owned by the County that currently does not comply with Resolution No. 175 would not be able to extend sewer to that property if the property were a vacant property. Council discussion ensued with Mr. Clarke. Mr. Pack stated that when Resolution No. 175 was drafted, it was not intended to exclude the County from using the line for County purposes; however, the language was not included. Council discussion again ensued. The resolution was introduced by Mr. Divilio, Mr. Pack, and Ms. Price as Resolution No. 334. A public hearing was scheduled for Tuesday, September 13, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

VII. Introduction of Legislation:

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) REGARDING THE EXPANSION OF STRUCTURES UTILIZED FOR NONCONFORMING USES, SUBJECT TO CERTAIN CONDITIONS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Brennan Tarleton, Acting Planning Officer, and Bryce Yelton, Planner II, briefed the Council on the purpose of the proposed text amendment. Mr. Yelton stated that the text amendment would add conditions to the existing nonconforming uses section of the Talbot County Code which allows uses that are not permitted in certain zoning districts to be continued, as long as they are continuously used. He stated that current provisions provide for an expansion of up to 20 percent of gross floor area; the proposed legislation would provide for nonconforming uses to add up to an additional 3,000 square feet; provided 100 percent of the gross floor

area is not exceeded. Mr. Tarleton stated that the applicant presented several options to the Planning Commission regarding the threshold for expansion and that the Planning Commission chose to go with an amendment to one of the options. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1525. A public hearing was scheduled for Tuesday, September 13, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

VIII. Introduction of Amendment to Bill No. 1524, A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) REGARDING SOLAR ENERGY SYSTEMS, was read into the record by the Clerk and brought forward for introduction. Mr. Leshner, sponsor of the amendment, stated that during the Council’s work session with the Planning Commission on solar energy systems, discussion ensued as to the best means to preserve the highest quality croplands in Talbot County; however, no such provision was included in the original legislation as introduced. Mr. Leshner stated that following discussion with the Planning Commission, the Planning Commission, at the direction of the Council, brought forward suggested language to not only correct the omission but to include language that would also be acceptable to the Maryland Public Service Commission. He stated that the proposed amendment includes use of the Maryland Agricultural Land Preservation Foundation (MALPF) evaluation criteria for farmland being considered for selection as a site for a solar energy system; farmland scoring more than 240 points would be ineligible to be used for solar energy installations. Council discussion ensued. The amendment was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner and Ms. Price. A public hearing on the amendment was scheduled for Tuesday, September 13, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

IX. Eligible for Vote:

Resolution No. 331, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR THE PURPOSE OF RECLASSIFYING AND REMAPPING TWO PARCELS OF REAL PROPERTY LOCATED AT 29659 MATTHEWSTOWN ROAD (MARYLAND ROUTE 328), EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 45 AND LOCATED ON CAMAC STREET, EASTON, MARYLAND, SHOWN ON TAX MAP 26 AS PARCEL 186, FROM “W-2” AND “S-2”, PLANNED WATER AND SEWER SERVICE IN 3 TO 5 YEARS, TO “W-1” AND “S-1”, IMMEDIATE PRIORITY STATUS

and

Amendment, were read into the record by the Clerk and brought forward for vote. Prior to the vote, Patrick Thomas, County Attorney, stated that the amendment clarifies that Exhibit “A” to Resolution No. 331 was updated on July 27, 2022 to change Parcel 186 to read Parcel 186, Parcel C and to change the acreage referenced in the resolution from 2.16 acres 1.78 acres. County Engineer, Ray Clarke, stated that the Planning Commission voted 5 – 0 (at their meeting on Wednesday, July 6, 2022) that Resolution No. 331 was consistent with the County’s Comprehensive Plan; the Public Works Advisory Board (at their meeting on Thursday, June 23, 2022) voted 3 – 0 to recommend that the Council approve the resolution. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved the amendment by voting 5 – 0 as follows:

- Mr. Callahan – Aye
- Mr. Divilio – Aye
- Mr. Leshner – Aye
- Ms. Price – Aye
- Mr. Pack - Aye

Council discussion then ensued on Resolution No. 331, as amended, and representatives of the Town of Easton, and the attorney for the applicant were offered an opportunity to speak; Council discussion again ensued. The Council approved Resolution No. 331, as amended, by voting 3 – 2 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Nay
Mr. Pack – Nay

Resolution No. 331, as amended, is effective immediately.

- X. Presentation of Draft Talbot County 2022 Land Preservation, Parks & Recreation Plan – Preston Peper, Director, Talbot County Department of Parks and Recreation – Mr. Peper stated that a land preservation, parks and recreation plan is required by the State to be completed every five years; the Plan serves as a guide by the State to determine the amount of property in conservation within the state and assists them with determining the distribution of Program Open Space funding to the various counties and municipalities. Mr. Peper expressed his appreciation to the Department of Planning and Zoning for their assistance to the contractor who drafted the Plan for Talbot County; the Plan was previously approved the Parks & Recreation Advisory Board and the Department of Planning & Zoning. Mr. Peper stated that the Plan does not outline specific projects; details on specific projects are provided in an annual report forwarded to the State. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the 2022 Land Preservation, Parks & Recreation Plan as presented by voting 5 - 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- XI. County Manager’s Report:

- A. Request from Department of Parks and Recreation – Requested Council approval to award the contract for construction of eight (8) pickle ball courts at the Talbot County Community Center to ATC Corporation in the sum of \$370,204.50 through piggybacking on a contract with the National Cooperative Purchasing Alliance; FY23 Local Parks and Playground Infrastructure Grant funding will be used for the project; no County funding is required. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved award of the contract by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- B. Request from Department of Parks and Recreation – Requested Council approval to award the contract for construction of dugouts and a playground at the Talbot County Community Center and construction of a playground at Back Creek Park to GameTime Playground Solutions in the sum of \$478,709.10 utilizing FY23 Local Parks and Playground Infrastructure Grant

funding; no County funding is required. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved award of the contract by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- C. Request to Local Delegation – Requested Council approval to ask the local delegation to pre-file Corrections Officers Retirement System (CORS) membership legislation for Talbot County; CORS is a component of the Maryland State Retirement and Pension System. Mr. Stamp stated that Council had previously authorized a letter to be forwarded to the local delegation during the 2022 Legislative Session; however, the matter was unable to complete the process of going through the legislative process prior to the end of the Legislative Session. Council discussion ensued. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the request to the local delegation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- D. Request from Hog Neck Golf Course – Requested Council approval to award the contract for installation of three (3) new HVAC units for the pavilion at Hog Neck Golf Course to Velocity HVAC in the sum of \$54,789.00; three quotes were received, of which Velocity HVAC was the lowest. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved award of the contract by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

Rich Setter, General Manager/Head Golf Professional, Hog Neck Golf Course updated the Council on the golf course pavilion renovation project via PowerPoint presentation.

- E. Local Emergency Planning Committee – Requested Council approval to forward the name of the following individual to the Governor for consideration of appointment to a three-year term on the Talbot County Local Emergency Planning Committee: Joyce Harrod (Town of St. Michaels); requested approval to forward the name of the following individual to the Governor for consideration of reappointment to a three-year term: Cheryl Lewis (Town of Oxford); if approved, said terms will expire on August 1, 2025. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved forwarding the names to the Governor by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

XII. Public Comments: Members of the public were afforded an opportunity to comment on matters of interest to them.

XIII. Council Comments:

Mr. Leshner – Mr. Leshner stated that school is starting and reminded everyone to drive slowly.

Mr. Divilio – No comments.

Mr. Pack – Mr. Pack concurred with Mr. Leshner's comments and wished all students a safe beginning to the school year. He stated that many school districts in the country are struggling to get classroom teachers and that there is teacher strike in one school district in Ohio so substitute teachers are at a premium. Mr. Pack stated that, in his opinion, we need to continue to work with our School Board and the new Superintendent to assist them; a meeting with them is scheduled later this month. Mr. Pack stated that his comments on Resolution No. 331 were not meant to put anyone on the spot or to cast dispersions on anyone, but were based on his concerns about how the school system could be impacted by new development. He stated that the County has a very limited voice in developments which take place within the incorporated towns, but, in his opinion, when we have the opportunity to weigh in, we should. He stated that, in his opinion, it should not just be a matter of "rubberstamping" and moving on – but to make sure due diligence is done and where any kind of mitigation can be applied. Mr. Pack reiterated that he did not want anyone to take his comments as demeaning; he was just trying to get some concerns out in the open.

Ms. Price – Ms. Price stated that, in her opinion, the Maryland Association of Counties (MACo) Summer Conference last week was amazing and expressed her appreciation to all staff involved, including Cassandra Vanhooser, Karen Roberts and Parker Durham who manned the Talbot County booth. She stated that the Taste of Maryland was brought back and Talbot County provided a thousand oysters for the event. She stated that other County staff were able to attend and visit the IT and other educational sessions, including the new County Finance Director. Ms. Price expressed her appreciation to Talbot County for its support and to her colleagues for their attendance. She stated that the Council had an opportunity to meet with representatives of the Maryland Department of Transportation to set up the County's priorities for the upcoming Consolidated Transportation Plan meeting in October. She stated that the Governor gave the opening address for the Conference and she was honored to be able to introduce him. She stated that on Saturday there was a live candidate forum with five of the six major party nominees for attorney general, comptroller and governor all making their way around along with senators and delegates. Ms. Price stated that, in her opinion, although last year's conference was a full conference, this year, with so many locally elected officials as well as senators and delegates in attendance and interacting, people seemed much more comfortable.

She stated that this year’s Conference was the largest ever held when all the exhibitors, elected officials and staff are included; 2019 was the largest prior to this year with 3,100 attendees; this year it was 3,600, and in her opinion, it had an amazing vibe; individuals were participating in everything, were out and about during the day and during the night – it was a wonderful conference and very beneficial – we work hard and make important connections that are invaluable by the time the legislative session begins in Annapolis. Ms. Price concluded her comments by again expressing her appreciation to everyone in the County for their participation, and to the MACo staff for putting on an amazing conference.

Mr. Callahan - Mr. Callahan expressed his appreciation to staff for their participation in the Conference, and to Mr. Stamp for his assistance to the Council at the MACo Conference.

- XIV. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, September 13, 2022 at 4:30 p.m. in Open Session and to immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting, and at 6:00 p.m. for the regularly scheduled meeting by voting 5 - 0 as follows:

Mr. Callahan - Aye
Mr. Divilio - Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

The meeting adjourned at 7:35 p.m.

The transcript of the August 23, 2022 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XV. Summary of Closed Session Held on August 23, 2022:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 4:30 p.m. to 5:50 p.m.
Place of closed session: County Council Office
Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Divilio, Leshner, Pack, Price
Members opposed: None
Abstaining: None
Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointment to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
For legal advice regarding lawsuit filed by Talbot Integrity Project	GP § 3-305(b)(7)(8)	Attorney-client discussion regarding litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed County Attorney to file motion to dismiss
To discuss possible acquisition of property for a public purpose in Easton	GP § 3-305(b)(3)	To protect the County's bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas, Micah Risher	Council directed staff to provide counter-offer
To discuss possible acquisition of property for a public purpose in Bellevue	GP § 3-305(b)(3)	To protect the County's bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas, Preston Peper	Council concurred with acquisition of property
For legal advice regarding possible acquisition of property in Wye Mills	GP § 3-305(b)(3)(7)	To protect the County's bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council concurred with agreement as drafted

CASH STATEMENT 8/16/2022

BALANCE 8/09/2022	76,179,950.48
CIGNA HEALTH CLAIMS PAID THRU 8/8/2022	(69,650.06)
SIGNATURE PUBLIC FUNDING RENT PYMT 8/2022	(32,469.74)
ENTERPRISE LEASE PYMT 7/2022	(15,403.88)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT 7/2022	(128.00)
ELECTION BOARD PPE 7/19/2022 & 7/26/2022	(14,161.13)
USDA/RD MONTHLY BOND PAYMENT #92-04 7/2022	(2,833.00)
USDA/RD MONTHLY BOND PAYMENT #97-08 7/2022	(1,304.00)
USDA/RD MONTHLY BOND PAYMENT #97-08 8/2022	(1,304.00)
RETURNED CHECK(S) #112, 975, 1019, 1043, 1900, 5120, 9436	(13,459.09)
DEPOSITS	7,125,239.15
CHECKS	(1,895,323.53)
ACH DISBURSEMENT(S)	(162,900.90)
VOIDED CHECK(S) # 359404, 360187	9,404.34
BALANCE 8/16/2022	<u>81,105,656.64</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.09%	20,500,000.00
BAYVANGUARD BANK			10,242,480.53
TOTAL INVESTED			<u>30,742,480.53</u>
PETTY CASH BALANCE			<u>12,605.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>111,860,742.17</u>

CASH STATEMENT 8/23/2022

BALANCE 8/16/2022	81,105,656.64
TOTAL ADP PAYROLL PPE 8/5/2022	(759,555.22)
ADP ELECTION PAYROLL PPE 8/18/2022	(53,650.00)
DEFERRED COMP DED PPE 8/5/2022	(22,090.11)
DEFERRED COMP PPE 8/5/2022 PLAN 401(A)	(8,259.53)
CIGNA CLAIMS PAID THRU 8/15/2022	(148,393.93)
STATE REPORT 7/2022	(5,098,954.74)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT 8/2022	(4,092.00)
USDA/RD QTRLY BOND PYMT #92-14 8/2022	(13,086.00)
USDA/RD QTRLY BOND PYMT #92-16 8/2022	(6,626.00)
ELECTION BOARD PPE 8/2/2022 & 8/9/2022	(12,317.78)
RETURNED PAYMENTUS PAYMENTS	(1,973.38)
RETURNED CHECK(S) # 1096, 1758, 2478, 2810, 4705	(17,480.86)
INTEREST ON ACCOUNTS 7/2022	84,654.70
BANK CHARGES 7/2022	(7,014.64)
DEPOSITS	5,196,001.23
CHECKS	(482,491.44)
ACH DISBURSEMENT(S)	(48,265.60)
VOIDED CHECK(S) #	
BALANCE 8/23/2022	<u>79,702,061.34</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.12%	20,500,000.00
BAYVANGUARD BANK			10,242,480.53
TOTAL INVESTED			<u>30,742,480.53</u>
PETTY CASH BALANCE			<u>12,605.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>110,457,146.87</u>