



TALBOT COUNTY, MARYLAND

County Council

MINUTES

December 17, 2019

SPECIAL LEGISLATIVE DAY

Present – President Corey W. Pack, Vice President Chuck F. Callahan, Frank Divilio, Pete Leshner, Laura Price, County Manager R. Andrew Hollis and County Attorney Anthony Kupersmith.

- I. Agenda – The Agenda of Tuesday, December 17, 2019 was brought forward for approval. Ms. Price requested to amend the Agenda to include an item in the County Manager’s Report, *a recommendation to award Bid No. 19-18, 2020 TALBOT COUNTY TRAVEL GUIDE*; there was no objection. Mr. Pack then requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, December 17, 2019, as amended.
- II. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, December 17, 2019.
- III. Presentation of Certificates of Recognition to Rotary Club of Easton and Lady Patriots of the Eastern Shore – Joe Gamble, Sheriff, Talbot County, Maryland; Major Scott Mergenthaler, Talbot County Sheriff’s Office – Sheriff Gamble briefed the Council on recent funding provided by the Lady Patriots of the Eastern Shore and the Easton Rotary Club for the purchase of two fully-trained drug dogs for the Talbot County Sheriff’s Office. He stated that the first dog, Buck, will join the Department in late January or early February; a second dog is still in the process of being selected. In addition to assisting with drug enforcement efforts, the dogs will be utilized in schools and the community for educational purposes. Sheriff Gamble presented certificates of recognition to Connie Sheer, president of the Lady Patriots of the Eastern Shore, and Jackie Wilson, Easton Rotary Club Flags for Heroes Co-Chair, in appreciation for their generous donations to the Talbot County Sheriff’s Office K-9 program. Representatives of the Lady Patriots of the Eastern Shore and Easton Rotary Club were also in attendance.
- IV. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (THE “PLAN”) TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF TRAPPE, MARYLAND, ASSOCIATED WITH THE LAKESIDE PLANNED UNIT DEVELOPMENT (THE “LAKESIDE PROJECT”) (FORMERLY KNOWN AS “TRAPPE EAST”), FURTHER DESCRIBED AS TAX MAP 54, PARCEL 304; TAX MAP 55, PARCELS 14, 15, 17, 19, 44, 65, 83, AND 85; AND, TAX MAP 59, PARCEL 4, THE TOTAL AREA CONSISTING OF EIGHT HUNDRED SIXTY-FIVE ACRES, MORE OR LESS (THE “PROPERTY”), FROM “S-2” AND “W-2” (AREAS WHERE IMPROVEMENTS OR EXTENSIONS TO EXISTING, OR CONSTRUCTION OF NEW COMMUNITY, MULTI-USE, OR SHARED SANITARY FACILITIES ARE PROGRAMMED FOR PROGRESS WITHIN THREE TO FIVE YEARS) TO “S-1” AND “W-1” (AREAS SERVED OR TO BE SERVED BY COMMUNITY, MULTI-USE, OR SHARED SANITARY FACILITIES WHICH ARE EXISTING, UNDER CONSTRUCTION, OR HAVE IMMEDIATE PRIORITY STATUS); TO AMEND THE PLAN TO ADD CERTAIN WATER AND SEWER CAPITAL PROJECTS RELATED TO THE LAKESIDE PROJECT AND EXISTING SYSTEMS FOR THE FISCAL YEARS 2020 THROUGH 2030; AND, TO AMEND THE PLAN TO UPDATE THE NARRATIVE DESCRIPTION IN THE PLAN RELATIVE TO THE LAKESIDE PROJECT AND EXISTING SYSTEMS was read into the record by the

Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, briefed the Council on the application process for amendments to the County's Comprehensive Water and Sewer Plan. He stated that once an application is received, it is forwarded to the Office of Law for the preparation of a resolution as is required under Code of Maryland Regulation (COMAR) since the County is the custodian of the Comprehensive Water and Sewer Plan. The County accepts proposed amendments to the Plan once each quarter, on the last legislative day of March, June, September, and December. Once introduced, the proposed legislation will be forwarded to the Public Works Advisory Board and the Planning Commission; the task of the Planning Commission is to determine the consistency of the proposed amendment to the County's Comprehensive Plan. He stated that the legislation is then forwarded back to the Council for vote. Council discussion ensued with Mr. Clarke regarding the differences between the current application by the Town of Trappe and the previous application for the same proposed project. The resolution was introduced by Mr. Callahan, Mr. Divilio, and Mr. Pack as Resolution No. 281. A public hearing was scheduled for Tuesday, February 11, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. Resolution No. 281 will be forwarded to the Public Works Advisory Board and the Planning Commission for their review and comment prior to the public hearing.

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP REAL PROPERTY LOCATED AT 24500 ROLLES RANGE ROAD, ST. MICHAELS, MARYLAND 21663, FURTHER DESCRIBED AS TAX MAP 23, PARCEL 41, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, stated that an application was submitted approximately 3 to 4 months ago. He stated that the subject property is the only property on Rolles Range Road that does not have public sewer. Council discussion ensued with Mr. Clarke. The resolution was introduced by Mr. Callahan and Mr. Pack as Resolution No. 282. A public hearing was scheduled for Tuesday, February 11, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. Resolution No. 282 will be forwarded to the Public Works Advisory Board and the Planning Commission for their review and comment prior to the public hearing.

V. Public Hearings:

Bill No. 1438, A BILL TO AMEND THE CRITICAL AREA OVERLAY DISTRICT ON THE OFFICIAL ZONING MAPS OF TALBOT COUNTY TO ESTABLISH A NEW MODIFIED BUFFER AREA, IDENTIFIED AS "COMMUNITY #39", ON CERTAIN LOTS OR PARCELS OF LAND IN THE VILLAGE OF BELLEVUE, TALBOT COUNTY, MARYLAND, DESCRIBED AS TAX MAP 46, PARCEL 141 (LOT 4), PARCEL 115, AND A CERTAIN PORTION OF PARCEL 148, was read into the record and brought forward for public hearing. Prior to the public hearing, Mary Kay Verdery, Planning Officer, stated that the proposed legislation, if approved, would establish a new modified buffer area with a setback of 50.7 feet from mean high water, in the location outlined in the legislation, based on existing structures in the area. She stated that the underlying zoning district of Village Hamlet will not be modified. Prior to approval or disapproval of the proposed amendment a majority of the Council must make a site visit to inspect the physical features of the property and to determine the character of the surrounding neighborhood. The public was afforded an opportunity to comment on the proposed legislation. At Council's request, the public hearing will remain open until a majority of Council members have made a site visit. Bill No. 1438 is eligible for vote on Tuesday, January 14, 2020.

VI. Eligible for Vote:

Bill No. 1439, A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ALLOW INCREASED PIER SIZE FOR

FISHERIES, AQUACULTURE AND HATCHERIES ACTIVITIES was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Mary Kay Verdery, Planning Officer, stated that the applicant is requesting a major site plan approval for a 17,245 square foot oyster hatchery building as well as a 165-foot long, eight-foot wide pier and 460 square foot L-shaped platform. She stated that if approved, the text amendment will allow the pier length, width and platform area to exceed current Code limitations for certain land uses through the site plan approval process. She stated that the Planning Commission had reviewed the matter at its meeting on Wednesday, November 6, 2019, noted their concerns and recommendations, and had unanimously voted 4 – 0 to recommend to the Council that the legislation be approved. Mr. Pack requested Council's consideration to amend §31.2 Piers and related facilities (community and private). (D)(9)(b) to read as follows: *The request for such extensions shall not exceed 200 feet in length*, instead of225 feet in length as is currently stated. Council discussion ensued with Ms. Verdery and Ryan Showalter, attorney for the applicant, Ferry Cove Project, LLC. Mr. Pack made a formal motion to amend §31.2 Piers and related facilities (community and private). (D)(9)(b) ... *extensions shall not exceed 200 feet in length*. County Attorney Anthony Kupersmith asked for a Point of Order and stated that Mr. Pack needed to pass the gavel to Mr. Callahan in order to make a motion. Mr. Pack passed the gavel to Mr. Callahan; the motion was seconded by Mr. Divilio. The Council approved the amendment by voting 4 – 1 as follows:

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

Mr. Callahan returned the gavel to Mr. Pack. Upon motion by Mr. Callahan, seconded by Mr. Divilio, Bill No. 1439, as amended, was brought to third reader. Council members expressed their support for the legislation and the type of business potential the legislation would provide for Talbot County. The Council approved Bill No. 1439, as amended, by voting 5 – 0 as follows:

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

Bill No. 1439, as amended, will take effect as provided for in the legislation.

- VII. Update on Census 2020 – Martin Sokolich, Planner III, Talbot County Department of Planning and Zoning; Miguel Salinas, Assistant Planning Officer, Talbot County Department of Planning and Zoning – Mr. Sokolich requested Council approval to submit an application to the State of Maryland Department of Commerce for a \$20,000 grant to assist the County with the Complete Count for the 2020 Census. He stated that individuals in rural areas are sometimes hard to reach as they may not have a permanent address. He stated that due to that reason, among others, the 2020 Census will be the first digital census and consequently there will be less funding expended on people going door to door. Instead, the emphasis will be on getting individuals to a location which has a computer terminal or phone so that they can participate in the Census. However, Mr. Sokolich stated, because many rural areas do not have sufficient Internet access or it is a long distance to a computer terminal, the State of Maryland has set up its own 2020 Census Complete Count Committee whereby individuals from communities reach out to their neighbors by various means to encourage them to complete the Census form so that a complete and accurate count can be

obtained. He stated that Brookletts Place, The Talbot County Senior Center, and the Talbot County Free Library in Easton, as well as other community facilities have agreed to open their doors on Census Day, April 1, 2022, so individuals can stop in and complete the forms. Mr. Salinas stated that the Town of Easton will also be submitting a grant application for funding to assist with the Complete Count through the Maryland Department of Planning; the County will be coordinating its grant application efforts with the Town. Council discussion ensued with Mr. Sokolich and Mr. Salinas. Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved submitting the grant application by voting 5 – 0 as follows:

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

- VIII. Presentation of Maryland Agricultural Land Preservation Foundation (MALPF) Program Recertification Report – Martin Sokolich, Planner III, Talbot County Department of Planning and Zoning – Mr. Sokolich stated that by providing the State with more detailed information about how MALPF funding is utilized and the status of land preservation in the county, Talbot County is permitted to retain an additional portion of the transfer taxes collected in the county for the purpose of land preservation. He stated that Talbot County averages the preservation of three farms per year; last year 52 applications were received and of those 12 were forwarded to the State; 3 of the 12 are now completing the process bringing the total acreage preserved this year to 270. Mr. Salinas requested Council’s approval to forward the Recertification Report to the State and stated that the Agricultural Land Preservation Advisory Board and the Planning Commission had reviewed the Report and had recommended approval. Upon motion by Ms. Price, seconded by Mr. Leshler, the Council approved submittal of the Recertification Report to the MALPF Program as presented by voting 5 – 0 as follows:

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

IX. County Manager’s Report:

- A. Request from Department of Emergency Services – Requested Council approval to have the Department of Emergency Services apply for and accept a Hazard Mitigation Assistance Grant from the Federal Emergency Management Agency (FEMA) in the sum of \$37,500; if approved, the funding will be utilized to update the County’s Hazard Mitigation Plan; the anticipated cost of \$50,000 includes a 25% non-federal soft match of \$12,500 to be provided by Talbot County staff through in-kind support. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the request by voting 5 – 0 as follows:

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

- B. Request from Department of Emergency Services – Requested Council approval for the purchase of a new 2019 Horton ambulance on a Ford F-550 chassis; said purchase will be made utilizing the Houston-Galveston Area Council contract pricing in the sum of \$288,237; the FY2020 budget includes \$300,000 for the purchase. Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved the purchase by voting 5 – 0 as follows:

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

- C. Response to Maryland Transportation Authority – Corridor Alternative 8 – Chesapeake Bay Crossing Study Tier 1 NEPA – Requested Council approval to forward a letter to the Maryland Transportation Authority (MTA) reiterating its previously stated opposition to consideration of the Corridor 8 Alternative (Talbot County) as an additional Chesapeake Bay crossing. Mr. Hollis stated that the draft letter for consideration provides more specificity by identifying several sections of the Comprehensive Plan as justification as to why the Corridor 8 Alternative should not move forward to the second tier of review. Council discussion ensued. Upon motion by Mr. Leshner, seconded by Ms. Price, the Council approved forwarding the letter by voting 5 – 0 as follows:

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

- D. Bid No. 19-18, 2020 TALBOT COUNTY TRAVEL GUIDE PROJECT - TALBOT COUNTY, MARYLAND – Requested Council approval of the recommendation of the Director of the Department of Economic Development and Tourism to award Bid No. 19-18 to Chesapeake Bay Media in the sum of \$50,000. Cassandra Vanhooser, Director, stated that although the other proposal received was for considerably less money, the proposals were not comparable; she outlined the differences for Council. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the award as recommended by voting 5 – 0 as follows:

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

- E. County Offices Closed – Mr. Hollis stated that County offices will be closed on Tuesday, December 24, 2019 for Christmas Eve, Wednesday, December 25, 2019 for Christmas Day, and Wednesday, January 1, 2020 for New Year’s Day.

- X. Public Comments: Members of the public commented on topics of interest to them.

XI. Council Comments:

Mr. Divilio – Mr. Divilio stated that he had attended the Talbot County Department of Corrections Christmas program on Saturday at which time the inmates are allowed to spend time with their families and to have a nice meal. He stated that St. Vincent de Paul donates the food for the event and, in his opinion, provides an incredible spread of food. He expressed his appreciation to all the correctional officers who took their time to volunteer for the event, which, in his opinion, shows how valuable it is to them; they appreciate it, they appreciate the inmates, and the inmates are happier which makes for a healthier, safer environment for everyone. Mr. Divilio stated that he had also attended the grand opening of the new BAAM facility at which the Council had presented them a commendation. He stated that, in his opinion, it is a fantastic facility and he encouraged those who had not done so to stop in and see it. He stated that he first heard about BAAM in 2017 when the organization made a grant request to a foundation that benefits children of which he is a member. He stated that the request was granted and he recounted another time when funding was provided to BAAM for bow ties and, in his opinion, it was a great opportunity for the children to learn how to tie a tie and to start dressing up, which boosts their morale. Mr. Divilio stated that one of the young men was chosen to christen the gymnasium with a basketball shot which he made in front of 300 people. He stated that, in his opinion, it was a great event. Mr. Divilio stated that he had attended a fundraiser in Cordova for an individual who had passed away. He stated that the event was held at the fire department and was attended by approximately 200 people. Mr. Divilio concluded his comments by stating that, in his opinion, the community's support of organizations and groups is fantastic.

Mr. Leshler - Mr. Leshler stated that he had the privilege of joining Mr. Divilio and Mr. Callahan at the BAAM event, along with Mr. Hollis, Ms. Douglas and 300 others, and that, in his opinion, it was truly a wonderful thing for our community and was a wonderful occasion.

Ms. Price - Ms. Price stated that she hopes everyone has a Merry Christmas, Happy Holidays, and a Happy New Year, enjoys their loved ones and stays safe.

Mr. Callahan - Mr. Callahan echoed Mr. Leshler's and Mr. Divilio's comments. He stated that, in his opinion, this gymnasium and the new school across the street will bring great opportunities for the children of the neighborhood and the children of Easton. He stated that we are blessed to have them and he is glad to be a part of it. He expressed his appreciation to those who donated their time and money for the project. Mr. Callahan concluded his comments by wishing everyone a Merry Christmas, Happy New Year, and stated that he hoped everyone has a safe holiday.

Mr. Pack - No comments.

XII. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Wednesday, December 18, 2019, at 5:00 p.m. in the Wye Oak Room at the Talbot County Community Center for a work session with staff and members of the Short Term Rental Review Board to review and take a straw vote on the recommendations of Short Term Rental Review Board; and to reconvene on

Tuesday, January 14, 2020 at 4:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting; and for the regularly-scheduled meeting at 6:00 p.m. by voting 5 – 0 as follows:

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

The meeting adjourned at 7:58 p.m.

The transcript of the December 17, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIII. Summary of Closed Session Held on December 17, 2019:

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

Time of closed session: 5:30 p.m. to 5:50 p.m.
 Place of closed session: County Council Conference Room
 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: Pack, Callahan, Price, Divilio, Leshler
 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	Persons present	Action taken
Receive legal advice regarding Preserve at Wye Mills sewer system	GP § 3-305 (b) (7)	Corey Pack, Chuck Callahan, Laura Price, Frank Divilio, Pete Leshler, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O'Donnell	None
Discuss appointments to various boards and commissions	GP § 3-305 (b) (1)	Same as above	None
Discuss personnel matter in the	GP § 3-305 (b) (1)	Same as above	None

Department of Planning & Zoning			
Discuss personnel matter in the Finance Office	GP § 3-305 (b) (1)	Same as above	Direction to advertise position

CASH STATEMENT 12/17/2019

BALANCE 12/10/2019	8,986,474.61
TOTAL ADP MONTHLY PAYROLL PPE 11/29/2019	(618,757.83)
DEFERRED COMP DED PPE 11/29/2019	(17,279.87)
PENSION DED PE 11/29/2019	(37,868.06)
DEFERRED COMP PPE 11/29/2019 PLAN 401(A)	(6,931.53)
CIGNA CLAIMS PAID THROUGH 12/09/2019	(100,407.77)
POSTAGE WIRE	(3,000.00)
STATE REPORT 11/2019	(139,504.90)
TC PUBLIC IMPROVEMENT BOND 2015	(1,848,475.00)
BANK CHARGES 11/2019	(1,410.43)
INTEREST ON ACCOUNTS 11/2019	26,599.22
DEPOSITS	18,934,186.69
CHECKS	(398,085.61)
BALANCE 12/17/2019	<u>24,775,539.52</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		1.65%	20,500,000.00
1880 BANK			10,107,642.96
TOTAL INVESTED			<u>30,607,642.96</u>
PETTY CASH BALANCE			<u>15,570.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>55,398,752.48</u>