



TALBOT COUNTY, MARYLAND

County Council

MINUTES

September 11, 2018

Present – President Jennifer L. Williams, Dirck K. Bartlett, Chuck F. Callahan, Laura E. Price, County Manager R. Andrew Hollis, County Attorney Anthony Kupersmith, and Assistant County Attorney, Mary O'Donnell. Vice President Corey W. Pack joined the meeting by phone. The Council meeting was held in the Meeting Room, Talbot County Free Library, 100 W. Dover Street, Easton, Maryland.

- I. Agenda – Ms. Williams requested and received Council's unanimous consent for approval of the Agenda of Tuesday, September 11, 2018.
- II. Minutes – Ms. Williams requested and received Council's unanimous consent for approval of the Minutes of Tuesday, August 14, 2018.
- III. Disbursements – Ms. Williams requested and received Council's unanimous consent for approval of the Disbursements of Tuesday, September 4, 2018 and Tuesday, September 11, 2018.
- IV. Eligible for Vote:

Bill No. 1401, A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED "ZONING, SUBDIVISION, AND LAND DEVELOPMENT", IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN, *and amendments*, were brought forward for vote. Prior to the vote, the following amendments were introduced:

An amendment proposed by staff intended to make Bill 1401 consistent with Bill 1293. The language in § 58.1 D. 3. was removed from Chapter 190 of the Talbot County Code by Bill 1293, but the County's code publisher erroneously failed to remove it from the official version of the Code. The language, therefore, was inadvertently included in Next Step 190.

The amendment was introduced by Mr. Bartlett, Mr. Callahan, Ms. Price, and Ms. Williams as Amendment No. 10.

An amendment was proposed by Ms. Williams intended to allow dwelling units in accessory structures to be rented for short-term rentals, to allow greater flexibility to address problems with setbacks and eliminate the requirement for a 500 foot setback between short-term rental properties, to increase the possible maximum fines the Short Term Rental Review Board can issue, to add a requirement for potable water inspections, and to limit when new short-term rental license applications can be received to reduce the staff burden on the review of these applications, among other changes.

Ms. Williams stated that the amendment makes several changes to the short-term rental provisions in NextStep190 which were proposed by the Planning Commission and she outlined each of the proposed changes in more detail.

The amendment was introduced by Mr. Callahan, Mr. Pack, and Ms. Williams as Amendment No. 11.

An amendment was proposed by Ms. Price which separated Amendment No. 11 into two parts, Part A and Part B. She stated that although she agreed with several components of Amendment No. 11 as proposed by Ms. Williams, she outlined those portions to which her proposed amendments would make changes to the amendment proposed by Ms. Williams.

The amendment (Part A) was introduced by Mr. Bartlett, Mr. Callahan, Ms. Price, and Ms. Williams as Amendment No. 12. Mr. Pack abstained from introduction of the amendment as he had not had an opportunity to review same.

An amendment was proposed by Ms. Price for Part B of Amendment No. 11 as proposed by Ms. Williams. Ms. Price outlined those portions of Amendment No. 11 to which her proposed amendment would make changes to the amendment proposed by Ms. Williams.

The amendment (Part B) was introduced by Mr. Bartlett and Ms. Price as Amendment No. 13. Mr. Pack abstained from introduction of the amendment as he had not had an opportunity to review same.

Upon motion by Mr. Bartlett, seconded by Ms. Price, Amendment No. 1, to add new language to §190-33.20.B of the Talbot County Code to include a residency requirement for short-term rentals and authorize short-term rental licenses for accessory dwellings or apartments, was brought forward for vote. The Council did not approve Amendment No. 1 by voting 2 – 3 as follows:

Ms. Williams – Nay
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Nay
Mr. Pack – Nay (via telephone)

Upon motion by Mr. Callahan, seconded by Mr. Bartlett, Amendment No. 2, to add new language to §190-12.1 of the Talbot County Code to clarify the height limit and setbacks for certain grain facilities, was brought forward for vote. The Council approved Amendment No. 2 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Ms. Price, seconded by Mr. Bartlett, Amendment No. 3, to add new language to §190-63.2 of the Talbot County Code to limit the number of short term rental licenses issued by Talbot County to preserve neighborhood character and quality of life, was brought forward for vote. The Council did not approve Amendment No. 3 by voting 2 – 3 as follows:

Ms. Williams – Nay
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Nay
Mr. Pack – Nay (via telephone)

Upon motion by Mr. Callahan, seconded by Ms. Price, Amendment No. 4, to add new language to §190-55.2 of the Talbot County Code to clarify that sewer extensions are intended to provide an environmental health related service, not to function as a justification for zoning changes in and of themselves, was brought forward for vote. The Council approved Amendment No. 4 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Mr. Bartlett, seconded by Mr. Callahan, Amendment No. 5, to add new language to §190-38 of the Talbot County Code to recognize that noise regulations are being shifted to a separate section of the Talbot County Code (Chapter 92), was brought forward for vote. The Council approved Amendment No. 5 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Amendment No. 6, proposed by staff, to add new language to §190-15.11, §190-18.2, §190-30.3 §190-33.20, §190-41.2, and §190-49.2 of the Talbot County Code to make various minor non-substantive changes to the ordinance for clarity, consistency and form, was brought forward for vote. The Council approved Amendment No. 6 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Mr. Callahan, seconded by Ms. Price, Amendment No. 7, to add new language to §190-8.5, §190-15.3, §190-15.5, §190-15.10, §190-15.11, §190-28.1, §190-33.23, §190-55.5, and §190-78 of the Talbot County Code to clarify various Critical Area zoning regulations, was brought forward for vote. The Council approved Amendment No. 7 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Mr. Bartlett, seconded by Ms. Price, Amendment No. 8, to eliminate the Property Maintenance and Landscaping Contracting use from the zoning ordinance (§190-25.2, §190-30.3, and §190-41.3 of the Talbot County Code) while providing additional flexibility for Cottage Industry uses on lots great than 10 acres in size, was brought forward for vote. The Council approved Amendment No. 8 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Mr. Bartlett, seconded by Ms. Price, Amendment No. 9, to limit the number of short-term rental licenses issued by Talbot County in the Town Residential (TR) zoning district to preserve neighborhood character and quality of life, was brought forward for vote. The Council did not approve Amendment No. 9 by voting 2 – 3 as follows:

Ms. Williams – Nay
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Nay
Mr. Pack – Nay (via telephone)

Upon motion by Mr. Bartlett, seconded by Ms. Price, Amendment No. 10, to make Bill 1401 consistent with Bill 1293, was brought forward for vote. The Council approved Amendment No. 10 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Upon motion by Mr. Callahan, seconded by Mr. Pack, Amendment No. 11, to allow dwelling units in accessory structures to be rented for short-term rentals, to allow greater flexibility to address problems with setbacks and eliminate the requirement for a 500 foot setback between short-term rental properties, to increase the possible maximum fines the Short Term Rental Review Board can issue, to add a requirement for potable water inspections, and to limit when new short-term rental license applications can be received to reduce the staff burden on the review of these applications, among other changes, was brought forward for vote. The Council approved Amendment No. 11 by voting 3 - 2 as follows:

Ms. Williams – Aye
Ms. Price – Nay
Mr. Bartlett – Nay
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Ms. Price stated that she wished to withdraw Amendment No. 12 and Amendment No. 13 since the Council had approved Amendment No. 11.

Upon motion by Mr. Bartlett, seconded by Mr. Callahan, Bill No. 1401, as amended, was brought to third reader. Upon motion by Mr. Bartlett, and no objection by the Council, a full reading of the legislation was waived. Prior to the vote, Council members commented on the legislation and expressed their appreciation for the participation of the public and the many hours of work on the part of staff.

The Council approved Bill No. 1401, as amended, by voting 4 – 1 as follows:

Ms. Williams – Aye
Ms. Price – Nay
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via telephone)

Bill No. 1401, as amended, will become effective as provided for in the legislation.

Bill No. 1402, A BILL TO AMEND THE OFFICIAL ZONING MAPS OF TALBOT COUNTY, MARYLAND (SPECIFICALLY, MAPS 1, 4, 5, 6, 10, 11, 12, 14, 16, 22, 24, 30, 31, 32, 33, 38, 39, 40, 40A, 41, 42, 43, 44, 44A, 45, 46, 47, 48, 49, 51, 55, AND 56) AND TO REZONE THE AFFECTED LANDS CONSISTENT WITH THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN, was read into the record by the Clerk and brought forward for vote. The Council approved Bill No. 1402 by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Aye (via absentee ballot)

Bill No. 1402 will take effect as provided for in the legislation.

- V. Presentation of Proclamation – 2018 as Year of the Bird – The Clerk read a proclamation into the record in recognition of 2018 as the Year of the Bird in recognition of the 100th anniversary of the Migratory Bird Treaty Act. The proclamation spoke of the variety of species of birds in Maryland habitats, including the State bird, the Baltimore Oriole, the symbol of the Chesapeake, the Great Blue Heron, and the national emblem, the Bald Eagle, and the significant economic contributions made to the national economy by those who participate in birding activities. Upon motion by Mr. Callahan, seconded by Mr. Bartlett, the Council approved the proclamation by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan – Aye

Mr. Bartlett presented the Proclamation to Mark Scallion, Center Director, National Audubon Society Pickering Creek Audubon Center, and other representatives of the National Audubon Society Pickering Creek Audubon Center in attendance.

- VI. Presentation of Proclamation – September 2018 as General Aviation Month in Talbot County – The Clerk read a proclamation into the record which recognized the importance of general aviation and community airports to Maryland’s economy through the various services they provide and their direct employment of thousands of citizens at airports throughout the state. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the proclamation by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack – Aye
Mr. Callahan – Aye

Ms. Price presented the Proclamation to Mr. Henry, outgoing Easton Airport Manager. Micah Risher, recently appointed to succeed Mr. Henry as Manager of Easton Airport when Mr. Henry retires at the end of September, and Jack Pettit, President, Talbot County Airport Board were also in attendance. Ms. Price stated that Airport Day, scheduled for Saturday, September 15, 2018, has been cancelled due to the uncertainty of the path of Hurricane Florence.

VII. Introduction of Numbered Resolution:

A RESOLUTION SUPPORTING THE EXPANSION OF THE EXISTING MARYLAND ENTERPRISE ZONE IN A PORTION OF CENSUS TRACT 9603 LOCATED IN THE TOWN OF EASTON FOR PORTIONS OF CENSUS BLOCKS 9605012, 9602012, 9603001, AND 9604002, MORE PARTICULARLY SHOWN ON EXHIBIT A TO THIS RESOLUTION, PURSUANT TO ECONOMIC DEVELOPMENT ARTICLE § 5-701 ET SEQ., MARYLAND ANNOTATED CODE, was read into the record by the Clerk and brought forward for introduction. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Ms. Price, and Ms. Williams as Resolution No. 264. A public hearing was scheduled for Tuesday, October 9, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VIII. County Manager’s Report:

A. Bid No. 18-07 – ASPHALT PAVING – COVEYS LANDING PARKING LOT – TALBOT COUNTY, MARYLAND – Requested Council approval to award Bid No. 18-07 to the low bidder, Slayden’s Excavating & Hauling, LLC in the sum of \$24,960.00. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the award by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett - Aye
Mr. Callahan – Aye

B. Request from Department of Public Works - Requested Council approval to partner with Easton Utilities and to utilize the services of CTC Technology and Energy to assist with the submittal of a grant application to the Governor’s Office of Rural Broadband; if approved, funding received would be used to expand broadband services to un-served and underserved areas of Talbot County. Upon motion by Mr. Bartlett, seconded by Mr. Callahan, the Council approved the request by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett - Aye
Mr. Callahan – Aye

C. Cancellation of Airport Day – Mr. Hollis stated that Airport Day 2018 has been cancelled due to uncertainty of the weather resulting from Hurricane Florence.

- D. Sign-Up for Citizen Alerts through Talbot County Department of Emergency Services - Mr. Hollis encouraged individuals to register for citizen alerts through the Talbot County Department of Emergency Services web page at www.talbotdes.org.

IX. Council Comments:

- Ms. Price – Ms. Price stated that the 9/11 ceremony held this morning was, in her opinion, a beautiful ceremony. She expressed her appreciation to staff for doing a wonderful job again this year and stated that on this sad occasion it really is important that we never forget what happened. She stated that, in her opinion, the guest speaker for the event, David Lovelady, did an amazing job of sharing about the unity the country had after the events of 9/11, and, in his opinion, how it would be nice to have more of that unity in the country today. Ms. Price concluded her comments by again thanking staff for putting the ceremony together.
- Mr. Bartlett - Mr. Bartlett concurred with Ms. Price’s comments about the ceremony and expressed his appreciation to staff, the band, and the singers. He stated that, in his opinion, it was a wonderful morning and a great tribute.
- Mr. Callahan - Mr. Callahan concurred with his colleagues’ comments about the ceremony and staff’s efforts in organizing it. He stated that it is a special day and a sad day, but we all come together. He stated that, in his opinion, it was a great ceremony with all the firefighters, police and emergency services personnel participating. He stated that he has a passion for that himself and knows how hard it is to find volunteers but that they are like one big family. He expressed his appreciation for their participation and that it means a lot to him. Mr. Callahan stated that now that NextStep190 has been passed, it will enable the Bozman Store project to move ahead and, in his opinion, it is a very, very positive thing and he is very proud of it.
- Ms. Williams - Ms. Williams expressed her appreciation to staff for putting together, in her opinion, an excellent commemorative ceremony. She stated that probably everyone in this room is of an age that remembers well where they were the morning of September 11, 2001. She stated that she recalls her parents talking about how they remembered where they were on Pearl Harbor Day and that now she has the same feeling about 9/11, it is a very clear memory. She stated that although it is always a sad day, it is a celebration of our first responders. She stated that unfortunately, the County just recognized and mourned the death of one of our own who recently died in the line of duty, Assistant Chief Danny Lister of the Queen Anne’s/Hillsboro Fire Department. She stated that she and Mr. Bartlett had attended Mr. Lister’s funeral last Saturday and it was, in her opinion, a truly inspiring event, parts of which really touched her heart and brought tears to everyone’s eyes. She stated that, on behalf of Talbot County, we appreciate Danny and the hero he was dying at the scene of an accident trying to help others. Ms. Williams concluded her comments encouraging citizens to look on the Department of Emergency Services website and on Facebook to get information on what preparations are needed should Hurricane Florence or other storms head our way.

Upon motion by Mr. Callahan, seconded by Mr. Bartlett, the Council voted to adjourn and to reconvene on Tuesday, September 18, 2018 at 6:00 p.m. at Easton High School in the Chef Cook Program area for a Joint

Dinner Meeting with the Talbot County Board of Education and to reconvene in Open Session on Tuesday, September 25, 2018 at 4:30 p.m. 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 at 6:00 p.m. for the regularly-scheduled meeting by voting 4 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Callahan - Aye

The meeting adjourned at 8:16 p.m.

The transcript of the September 11, 2018 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XIV. On Tuesday, September 11, 2018, a Closed Session of the Talbot County Council convened at 4:30 p.m. in the Bradley Meeting Room and County Council Conference Room. Upon motion by Mr. Bartlett, seconded by Mr. Callahan, the Council met in Closed Session by voting 3 – 0 as follows:

Mr. Bartlett – Aye
Mr. Callahan – Aye
Mr. Pack – Absent
Ms. Price – Absent
Ms. Williams - Aye

Ms. Price arrived at 4:35 p.m.

In accordance with General Provisions Article § 3-305(b)(1)(i)(4)(7)(8) the purpose of the Closed Session was for a personnel matter to discuss appointments to various County Boards and Committees; for legal matters for an update on a legal matter involving the Roads Department and for an update on the case involving Angel Enterprises Limited Partnership; and for legal/real estate matters to consult with the County Attorney regarding zoning regulations involving a barge; and for legal advice regarding a request to transfer the revisionary interest in County owned property at 29088 Airpark Drive, Easton. The Closed Session ended at 5:55 p.m.

CASH STATEMENT 9/04/2018

BALANCE 8/28/2018	\$ 37,756,868.16
CIGNA CLAIMS THRU 8/27/2018	(104,551.97)
TRANSFER TO MLGIP ACCOUNT	(10,000,000.00)
SEPTEMBER 2018 RETIREE HEALTH INS PLAN #727	(27,651.40)
AIP42 CONDUCT ENVIRONMENTAL ASSESSMENT	(3,522.16)
AIP42 CONDUCT ENVIRONMENTAL ASSESSMENT	(603.66)
STATE REPORT ADJUSTMENT FY2018	(46,907.58)
STATE REPORT 7/2018	(5,508,892.56)
DEPOSITS	1,123,281.87
CHECKS	(830,707.06)
VOIDED CHECK(S) #326957, 327121	210.00

BALANCE 9/04/2018 **22,357,523.64**

AIRPORT ACCOUNTS

AIP42 0.00

AIRPORT ACCOUNTS TOTAL BALANCE **0.00**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.98%	28,000,000.00
1880 BANK			10,040,437.40

TOTAL INVESTED **\$38,040,437.40**

PETTY CASH BALANCE **\$15,570.00**

GRAND TOTAL ALL FUNDS **\$60,413,531.04**

CASH STATEMENT 9/11/2018

BALANCE 9/04/2018 \$ 22,357,523.64

TOTAL ADP BI-WEEKLY PAYROLL PPE 8/24/2018	(614,900.14)
TOTAL ADP MONTHLY PAYROLL PPE 8/31/2018	(16,179.38)
TOTAL ADP PAYROLL (SPECIAL RUN) PPE 8/10/2018	(77.46)
DEFERRED COMP DED PPE 8/24/18 & 8/31/18	(15,554.04)
DEFERRED COMP PLAN 401(A) PPE 8/24/18	(4,319.39)
PENSION DED PPE 8/24/18 & 8/31/18	(37,476.50)
SECU DED PPE 8/24/18	(3,637.33)
FLEX SPENDING BENEFITS PPE 8/24/2018	(2,384.80)
FLEX SPENDING BENEFITS PPE 8/31/18	(283.33)
CIGNA CLAIM THRU 9/4/2018	(58,773.20)
ELECTION BOARD PPE 8/14 & 8/21/2018	(17,137.02)
ELECTION BOARD PPE 8/7/2018	(4,873.64)
BOARD OF EDUCATION 8/2018	(3,319,812.00)
USDA/RD MTHLY BOND PYMT #97-08	(1,304.00)
COMMCTR CREDIT CARD TERMINAL	(1,318.94)
COMMCTR CREDIT CARD TERMINAL	(668.50)
REFUND GREENS FEE 4/20/2018	(1,995.00)
PCI COMPLIANCE GOLF	(300.00)
RETIREMENT GIFT CARD R. GRAHAM	(250.00)
RETURNED PAYMENT	(600.00)

DEPOSITS			1,362,847.47
CHECKS			(589,164.58)
BALANCE 9/11/2018			19,029,361.86
<u>AIRPORT ACCOUNTS</u>			
AIP42			0.00
AIRPORT ACCOUNTS TOTAL BALANCE			<u>0.00</u>
INVESTMENTS – CERTIFICATES OF DEPOSIT			
<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.98%	28,000,000.00
1880 BANK			10,040,437.40
TOTAL INVESTED			<u>\$38,040,437.40</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$57,085,369.26</u>