



# TALBOT COUNTY, MARYLAND

County Council

MINUTES

December 19, 2017

Present – President Jennifer L. Williams, Vice President Corey W. Pack, Dirck K. Bartlett, Chuck F. Callahan, Laura E. Price, County Manager R. Andrew Hollis and Acting County Attorney Anthony Kupersmith.

- I. Agenda – Ms. Williams requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, December 19, 2017.
- II. Disbursements – Ms. Williams requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, December 19, 2017.
- III. Presentation of Talbot County Hazard Mitigation and Community Resilience Plan – Jim Bass, Talbot County Emergency Management Coordinator – Mr. Bass briefed the Council on the new Hazard Mitigation Plan for Talbot County and stated that the Plan, which the federal government requires the County to maintain, now also incorporates a Community Resilience Plan. He stated that the document before Council for approval was developed over a period of 18 months following input from the municipalities and the public. The proposed Plan defines hazard mitigation as “sustained action taken to reduce or eliminate long-term risk to life, property and hazards;” community resilience is defined as “the capacity to adapt to change in conditions and prepare for, withstand, and recover from disruptions, such as natural hazards.” Mr. Bass outlined the five pillars of community resilience for Talbot County as follows: education; infrastructure protection; environmental protection; economic stability; and public safety, health, and welfare. Council discussion ensued with Mr. Bass.
- IV. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION TO ADOPT THE HAZARD MITIGATION PLAN FOR TALBOT COUNTY, MARYLAND was read into the record by the Clerk, brought forward for introduction, and introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved moving the administrative resolution to second reader by voting 5 – 0 as follows:

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

Upon motion by Mr. Bartlett, and unanimous consent of the Council, a full reading of the administrative resolution was waived.

The Council approved the Administrative Resolution by voting 5 – 0 as follows:

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

V. Introduction of Legislation:

A BILL TO AMEND SECTION 102-4 (ADVISORY BOARD MEMBERS, TENURE; COMPENSATION, CHAIRMAN) OF CHAPTER 102 OF THE TALBOT COUNTY CODE (PARKS AND RECREATION) TO CHANGE THE COMPOSITION OF THE TALBOT COUNTY PARKS AND RECREATION ADVISORY BOARD was read into the record by the Clerk and brought forward for introduction. The legislation was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams as Bill No. 1380. A public hearing was scheduled for Tuesday, January 9, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND BILL NO. 1115, TO AMEND SECTION 5 (MEMBERSHIP; TERMS; VACANCIES) OF ARTICLE II (BOARD OF TOURISM) OF CHAPTER 24 OF THE TALBOT COUNTY CODE (BOARDS, COMMITTEES AND COMMISSIONS) TO CHANGE THE COMPOSITION OF THE TALBOT COUNTY BOARD OF TOURISM was read into the record by the Clerk and brought forward for introduction. The legislation was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams as Bill No. 1381. A public hearing was scheduled for Tuesday, January 9, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. County Manager's Report:

- A. Talbot County Animal Control Board - Requested Council approval for the reappointment of Peter Von Pawel to a three-year term as an alternate on the Talbot County Animal Control Board; said term will expire on July 1, 2020. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- B. Talbot County Commission on the Aging – Requested Council approval for the appointment of Vivian Dodge to a three-year term on the Talbot County Commission on the Aging as a representative of Talbot Hospice; said term will expire on April 1, 2021. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved the appointment by voting 5 – 0 as follows:

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

- C. Talbot County Emergency Services Advisory Board – Requested Council approval for the appointment of Kirsten Jones to a three-year term on the Talbot County Emergency Services Advisory Board as a representative of the Talbot County Fire and Rescue Association; requested the reappointment of Jack Harrald to a three-year term on the Talbot County Emergency Services Advisory Board as a representative of the Bay Hundred District; said terms will expire on February 1, 2021. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved the appointments by voting 5 – 0 as follows:

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

- D. Bid No. 16-01, TALBOT COUNTY BIOSOLIDS UTILIZATION FACILITY IMPROVEMENTS - TALBOT COUNTY, MARYLAND - Requested Council approval of the County Engineer’s request to utilize \$31,315.09 in remaining grant funds for the Biosolids Utilization Facility Improvement Project for the following equipment: moisture analyzer test equipment (\$2,686.81); revised estimate from Beracah Homes for the new office building (\$15,000); and sole source replacement of spray irrigation system, including wiring (\$13,628.28). Council discussion ensued with Ray Clarke, County Engineer. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved the request by voting 5 – 0 as follows:

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

- E. Maryland Department of Natural Resources Chesapeake & Atlantic Coastal Bays Trust Fund Grant – Requested Council approval to apply for grant funding from the Maryland Chesapeake & Atlantic Coastal Bays Trust Fund in the sum of \$800,000. If received, the funding will be utilized to reduce stormwater runoff at the following County facilities: the County Offices on Bay Street; Talbot County Community Center; and the Roads Department facility on Port Street. Upon motion Mr. Pack, seconded by Mr. Callahan, the Council approved applying for the funds by voting 5 – 0 as follows:

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

- F. County Offices Closed – Mr. Hollis stated that County offices will be closed on Monday, December 25, 2017 for the Christmas Eve holiday and on Tuesday, December 26, 2017 for the Christmas Day holiday.

VII. Public Hearings:

Resolution No. 255. A RESOLUTION CONCERNING THE PROPOSED REZONING OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, BY THE TOWN OF EASTON, MARYLAND (THE “TOWN”) CONSISTING OF APPROXIMATELY 6.528 ACRES OF LAND, MORE OR LESS, (THE “PROPERTY”), FINDING THAT THE PROPOSED REZONING FROM THE TOWN’S EXISTING GENERAL COMMERCIAL ZONE TO THE TOWN’S PROPOSED MIXED USE WATERFRONT (“MXW”) ZONE WILL RESULT IN SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE PRE-ANNEXATION COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Miguel Salinas, Assistant Planning Officer, provided a brief history of the Town of Easton’s annexation of the eight parcels which are the subject of Resolution No. 255. He stated that since annexation of the parcels, the Town has been working on a mixed use waterfront district (MXW District) to implement at the Easton Point portion of the Port Street small area plan. The Town is requesting Council consideration to waive the five-year zoning restriction on the recently annexed parcels so the MXW zoning district can be applied. He stated that State law restricts the authority of municipalities to apply zoning on annexed land for a period of five (5) years under the following circumstances: if the Town’s zoning permits land uses that are substantially different than the County’s pre-existing zoning, or if the Town’s zoning permits density that exceeds 50 percent of the County’s pre-existing zoning district, both of which are the case in this instance. Mr. Salinas stated that the County Planning Commission is recommending that Council grant the request for a waiver on the five-year hold; the Town of Easton approved the new MXW zoning district on December 4, 2017. Mr. Salinas concluded his comments by stating that should the Town annex additional properties at Easton Point, a waiver for those annexed properties will need to be requested by the Town. Council comment ensued with Mr. Salinas and the public was afforded an opportunity to comment on the proposed legislation. Council comment ensued with representatives of the Town of Easton. Comments on Resolution No. 255 will be accepted until Noon on Friday, December 22, 2017. Resolution No. 255 is eligible for vote on Tuesday, January 9, 2018.

Bill No. 1378, A BILL TO AMEND THE COMPREHENSIVE PLAN, TALBOT COUNTY, MARYLAND, ADOPTED JUNE 7, 2016, TO ADD CRITERIA TO DEFINE WHEN PARCELS THAT ARE MAPPED AS TIER IV PURSUANT TO LAND USE ARTICLE § 1-508, MARYLAND CODE ANN., ARE ELIGIBLE FOR SEWER SERVICE was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Miguel Salinas, Assistant Planning Officer, stated that several opinions have been expressed that the 2016 Comprehensive Plan prohibits public sewer service to any Tier IV properties in the county. He stated that in an effort to clarify the issue and to comply with the State’s requirement that properties which abut a non-interceptor line are eligible for sewer service, an amendment to the Comprehensive Plan had been drafted and is reflected in Bill No. 1378. He stated that the proposed legislation outlines several policies outlined in Chapters 2 and 6 of the 2016 Comprehensive Plan which speak about the protection of significant environmental areas; that the County will require properties with failing systems to be connected to sewer if the service is available; and that the County will identify and prioritize sewer system connection to those areas with failing, inadequate, and substandard septic systems in coastal communities and subdivisions but limited to villages and current PFAs. Mr. Salinas stated that the purpose of the introduction of Bill No. 1378 as currently drafted is not to increase any development density outside of the villages, but to ensure that the Comprehensive Plan follows those State requirements that we have to abide by and to service those properties that abut the sewer lines with service districts. At Ms. Price’s request, Mr. Salinas repeated the purpose for the introduction of Bill No. 1378. He stated that the document, as currently drafted, continues to be a working document – NextStep190, the project to update the County’s zoning ordinance, does not currently propose any changes to the WRC or the RC, which is critical area, or the AC, or the CP zoning

districts, or any other zoning districts except for the village zoning districts which we have to update; those zoning districts are typically in Tier IV areas. Mr. Salinas stated that the Planning Commission is scheduled to review Bill No. 1378 at its regularly scheduled meeting on Wednesday, January 3, 2018. Council discussion ensued with Mr. Salinas and Ray Clarke, County Engineer. Following Council's request that the public hearing on Bill No. 1378 be continued to Tuesday, January 9, 2018, the public was afforded an opportunity to comment on the proposed legislation.

VIII. Council Comments:

Mr. Callahan – Mr. Callahan expressed his appreciation to citizens for voicing their opinions and to Ray Clarke, Miguel Salinas and staff for getting the County to this point and providing information to the citizens. He expressed his appreciation to Mary O'Donnell for clarifying the matter. He stated that, in his opinion, it is a tough subject, but we will get through it, that's why we are going through the proper steps by having public hearings and having the Planning Commission review it. Mr. Callahan reiterated speaker Mark McInturff's statement that this is the 17<sup>th</sup> meeting that the County has had on the rezoning, so it's been out there. Mr. Callahan concluded his comments by stating that he respects what Mr. Bartlett is saying, but requested that Mr. Bartlett look at what Bill No. 1378 is saying and keep in mind that sewer is not going to dictate growth.

Mr. Pack - Mr. Pack wished everyone Merry Christmas. He stated that sometimes, in his opinion, you're damned if you do and damned if you don't. He stated that there have been several hearings on this matter, and as Mr. McInturff said, 17 by his count. He stated that we have a County website on which all meetings are downloaded and our meetings are advertised ahead of time on the agenda; the newspaper does a fairly good job letting people know the week before about what is coming up and they announce what the Council will be talking about, so at this point, he is stunned by some of the comments that the Council is not doing its due diligence to get information out. He stated that the Council holds public hearings, has its commissions hold hearings, staff goes out into the communities to hold community meetings, and still, in the opinion of some, we're not doing enough. He asked that members of the public go to what is already there – go to their computers, look at the previous meetings and agendas – it's already there at your fingertips. He stated that the Council has always been fairly accessible through phone calls and emails and can also meet with us one on one if you want that type of further discussion on matters. He stated that each person is entitled to his or her opinion on various matters but he is a bit stunned to hear people say that the Council has not educated or tried to educate the public on this piece of legislation which is, in his opinion, just not accurate. Mr. Pack stated that he does not buy the previous remark by a speaker that it is not plausible or feasible to move forward since ShoreRivers did not do an analysis. He stated that the County has top notch, qualified people who are looking at each and every process as the County moves forward. He stated that, in his opinion, just because we did not ask ShoreRivers to do an analysis, does not mean that the Council is not doing its due diligence. Mr. Pack again wished everyone a Merry Christmas. Following Mr. Bartlett's comments, Mr. Pack wished everyone a Happy Hanukkah.

Ms. Price - Ms. Price followed-up on Mr. Pack's comments by stating that when she finally saw the email that Talbot Preservation Alliance (TPA) sent out, but was not sent to

the Council, she was astonished and hurt at the language and the misinformation in the email, particularly the statement that the Council was doing this right before Christmas to hide it from the public. She stated that, in her opinion, most of the Council members have a relationship with the leadership of that group, but they did not reach out to us. She stated that she has had a relationship with the leader of that group for the last seven years. She stated that perhaps members of the general public may not go on the County's website, but for individuals from organizations like the Chesapeake Bay Foundation, Riverkeepers, TPA and other groups to not know what the County has been doing about the Comprehensive Plan and the work sessions, etc. and to then deluge the Council in the last 48 hours with dozens and dozens of emails based on the information in the email that was sent out to hundreds of citizens, half of which was inaccurate, was just astonishing. She stated that to then sit there and come and testify on things that the Council had spent a lot of time before the public hearing clarifying with staff that was inaccurate, was also astonishing. Ms. Price reiterated that the connection was not mandatory, stating that there must be a third party sale, the septic has to fail, or there has to be a substantial addition. She reiterated that staff had spent 20 to 30 minutes prior to the public hearing providing clarifying information and that the Council has no problem continuing the public hearing until after review of the legislation by the Planning Commission as the Council wants to hear from them as well. She stated that when comments and information do not come from the County and keeps being passed on, by the time it gets to the fourth person, it is no longer accurate. She stated that, in her opinion, organizations should be coming to the Council for clarification if they cannot understand it on the website or on the meeting video. Ms. Price concluded her comments by wishing everyone a Merry Christmas, Happy Holidays and Happy New Year.

Mr. Bartlett - Mr. Bartlett stated that he had not heard a single comment from anyone in the community who does not think that hooking up Bozman and Neavitt to a sewer line is a great idea. He stated that he too thinks it is a good idea and that it is the genesis of the Comprehensive Plan – we planned to do that because without that sewer line, those villages become uninhabitable slums; they can't expand or improve. He stated that, in his opinion, it involved a simple sewer line from the St. Michaels plant to Bozman and Neavitt; the villages have been defined and either a property is in a village or it isn't. He stated that he also does not have an issue with connecting other Tier 3B and Tier 3C properties if there is an opportunity to do so; however, now there is an inclusion of outlying parcels created by the abutment issue, which he had not heard of before. Mr. Bartlett referenced the map of the additional parcels proposed for sewer created by the abutment issue and stated that, in his opinion, it is a slippery slope and plays right into the fears of everyone in the community who worked on the Comprehensive Plan. He complimented those who had worked hard on the Plan to, in his opinion, get it right, and if we keep it simple, you are in the village of Bozman and you are going to get hooked up to sewer. He stated that, in his opinion, the only reason Bill No. 1378 is being discussed is because of the abutment issue, which, in his opinion, plays into the fears of what the Council will do with these sewer lines in the future. He stated that it is up to the Council as leaders of the County to have staff do what was put into the Comprehensive Plan, and in his opinion, simply hooking up Bozman and Neavitt is what we should be doing. He stated that there is nothing standing in the County's way to do that, not the State of Maryland or the abutment issue, if we use the map that the Department of Public Works had before

presenting this yellow and orange map that said this is what is in the Comprehensive Plan. Mr. Bartlett stated that, in his opinion, once that all gets done, we can then bring other parcels in as needed or requested – it's that simple. He concluded his comments by stating that he can see why the public gets concerned when a week after everyone has signed off on a map in the Comprehensive Plan, the map doubles in size on the number of lots coming onto the sewer line. He stated that everyone wants to do the right thing for Bozman and Neavitt, but, in his opinion, having kept it simple, it would be done by now.

Ms. Williams - Ms. Williams stated that because of the Council meeting this evening, we missed the opportunity to join Rabbi Hyman in the celebration of Hanukkah as in most years. She wished Happy Hanukkah to Rabbi Hyman and his congregation. Ms. Williams stated that Josh Bollinger, the news editor for *The Star Democrat*, and who, in her opinion, has been a very fair and responsible reporter, is leaving for a new career in public relations and is looking forward to free evenings and weekends to spend with his new bride and young son, and to get a Master's Degree. She wished him good luck in his future endeavors and thanked him for all the time he had spent with the Council over the years. Ms. Williams expressed her sorrow to Mary Kay Verdery, Planning Officer, in the recent loss of her sister, particularly during the holiday season and wished her and her family the best. Ms. Williams concluded her comments by wishing everyone a Merry Christmas and Happy Holiday.

- IX. Upon motion by Ms. Price, seconded by Mr. Pack, the Council voted to adjourn and to reconvene in Open Session at 4:30 p.m. on Tuesday, January 9, 2018, 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 5 – 0 as follows:

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

The meeting adjourned at 8:03 p.m.

The transcript of the December 19, 2017 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- X. On Tuesday, December 19, 2017 a Closed Session of the Talbot County Council convened at 4:35 p.m. in the Bradley Meeting Room and County Council Conference Room. Upon motion by Mr. Callahan, seconded by Mr. Pack, the Council met in Closed Session by voting 4 – 0 as follows:

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

Ms. Price arrived at 4:37 p.m.

In accordance with General Provisions Article § 3-305(b)(1)(i) (7)(8) the purpose of the Closed Session was for personnel matters to discuss appointments to various County boards and committees; and for legal matters

for legal advice regarding a Board of Appeals decision in the Angel Enterprises Limited Partnership case; for legal advice regarding clarification of non-enforcement of private covenants; and to discuss a legal matter involving failure of a property owner to pay accommodations tax. The Closed Session ended at 6:00 p.m.

**CASH STATEMENT 12/19/2017**

BALANCE 12/12/2017	\$36,135,040.76
TOTAL ADP PAYROLL PPE 12/15/2017	(551,155.56)
PENSION DED PPE 12/01/17	(34,824.66)
DEFERRED COMP DED PPE 12/01/17	(14,585.73)
SECU DED PPE 12/01/17	(4,479.64)
DEFERRED COMP PPE 12/01/17 PLAN 401(A)	(2,675.17)
INTEGRA CLAIMS THRU 12/11/17	(59,198.64)
FLEX SPENDING PPE 12/01/17	(2,955.87)
TALBOT CO MD 2008 PUB IMPROV BOND	(1,210,825.00)
PUBLIC IMPROV REFUND BOND 2015	(643,475.00)
POSTAGE WIRE 11/2017	(3,000.00)
DEPOSITS	1,344,128.88
CHECKS	(417,448.02)
VOIDED CHECK #(S) 319839	13.33
<b>BALANCE 12/19/2017</b>	<b><u>34,534,559.68</u></b>

**AIRPORT ACCOUNTS**

AIP42	0.00
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>	<b><u>0.00</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.15%	8,000,000.00
1880 BANK			10,006,166.24
<b>TOTAL INVESTED</b>			<b><u>\$18,006,166.24</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$15,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$52,556,295.92</u></b>