

TALBOT COUNTY, MARYLAND

County Council MINUTES April 11, 2023

Present – President Chuck Callahan, Vice President Pete Lesher, Keasha N. Haythe, Lynn L. Mielke, Dave Stepp, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- Agenda Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, April 11, 2023.
- II. <u>Minutes</u> Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, March 28, 2023.
- III. <u>Disbursements</u> Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, April 4, 2023 and Tuesday, April 11, 2023.
- IV. Proclamation: April 25^{th} "Talbot Day" The Clerk read a proclamation into the record which recognized the date of April 25^{th} as the official birthday of Talbot County and encouraged Talbot County citizens and businesses to celebrate the beauty, history, culture and traditions of the county and to express their thankfulness for the blessings bestowed upon Talbot County in a manner they deem appropriate on that day. Upon motion by Mr. Stepp, seconded by Ms. Haythe, the Council approved the proclamation by voting 5-0 as follows:

Mr. Callahan – Aye

Mr. Stepp – Aye

Mr. Lesher – Aye

Ms. Mielke - Aye

Ms. Haythe - Aye

Mr. Stepp, sponsor of the proclamation, stated that, in his opinion, the proclamation being offered is an opportunity to follow-through on a similar proclamation approved by the County Council dated April 19, 1983 and that he is considering introducing a resolution to make April 25th a permanent day of celebration in Talbot County. Council members concurred with Mr. Stepp's comments. Mr. Stepp invited all members of the audience to accept the proclamation.

V. <u>Proclamation: Maryland Flood Awareness Month – April 2023</u> – The Clerk read a proclamation into the record in recognition of April 2023 as "Maryland Flood Awareness Month – Know, Plan, Act". The proclamation spoke of how changing weather patterns, rising seas and increased storm activity are affecting more residential structures and businesses than in previous times and are cause for preparation of personal safety and protection of structures: KNOW the risk, MAKE a plan and ACT on the plan if and when necessary. Upon motion by Mr. Lesher, seconded by Mr. Stepp, the Council approved the proclamation by voting 5 – 0 as follows:

Mr. Callahan - Aye

Mr. Stepp – Aye

Mr. Lesher – Aye

Ms. Mielke – Aye

Ms. Haythe - Aye

Following the vote, Bryce Yelton, Planner II, stated that he had recently achieved the designation as a Certified Floodplain Manager. He briefed the Council on the Community Rating System (CRS) in which Talbot County participates, and the importance and benefits of having flood insurance. Mr. Yelton encouraged county residents to contact the Talbot County Department of Planning and Zoning for additional information.

VI. Proclamation: Sexual Assault Awareness Month – April 2023 – The Clerk read a proclamation into the record in recognition of April as Sexual Assault Awareness Month. The proclamation spoke of the prevalence of, and violence associated with, sexual assault, the often long-term serious health issues which can result following such assaults, and the need for communities to work to provide support services for victims and to work to prevent sexual assault. Katie Theeke, Vice President of Marketing & Communications, For All Seasons, Inc., and Susan Ahlstrom, MS, Trauma, Addictions, Mental Health and Recovery (TAMAR) Coordinator, For All Seasons, Inc., briefed the Council on the services offered by their organization for victims of sexual assault. Council members expressed their appreciation and support for the work of For All Seasons, Inc. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved the proclamation by voting 5 – 0 as follows:

Mr. Callahan - Aye Mr. Stepp - Aye Mr. Lesher - Aye Ms. Mielke - Aye Ms. Haythe - Aye

Ms. Haythe presented the Proclamation to Ms. Theeke and Ms. Ahlstrom who accepted on behalf of For All Seasons, Inc.

VII. Presentation of Revised Priority Listing to Maryland Department of Transportation – Ray Clarke, County Engineer; Mike Mertaugh, Assistant County Engineer - Mr. Clarke and Mr. Mertaugh briefed the Council on staff's recommendations for Talbot County's project priority listing as requested annually by the Maryland Department of Transportation. The recommendations included the MD Route 322/US 50 Intersection – North improvements; MD Route 33 Capacity, Safety and Evacuation Improvements; MD Route 33 Oxford Causeway improvements; MD Route 329 (Royal Oak Road) Safety Improvements; US Route 50/MD Route 328 - Goldsborough Street Intersection Improvements; MD Route 50/MD Route 331 – Dover Street Intersection Improvements; US Route 50/Chapel Road – Intersection Improvements; US Route 50/MD Route 309/MD Route 662 Intersection Capacity Improvements; and Easton Airport – Airfield Modernization Program, which were approved, pending any additions, at the Tuesday, March 28th Council meeting. At Council's request, Mr. Clarke had contacted each of the municipalities regarding any projects they wished to include in the priority listing; he then briefed the Council on information received from the municipalities. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved the priority listing, pending any additions by the Town of Queen Anne, by voting 5-0 as follows:

Mr. Callahan – Aye

Mr. Stepp – Aye Mr. Lesher – Aye

MI. Lesliel – Aye

Ms. Mielke - Aye

Ms. Haythe - Aye

VIII. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE 911 FEE FOR TALBOT COUNTY, MARYLAND BY INCREASING THE FEE FROM \$0.75 PER MONTH TO \$1.50 PER MONTH was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that State law allows counties to impose a 911 fee in an amount to cover the projected operational costs of its 911 system. The fee can be increased if the revenues from the current year are not sufficient to cover the operating costs. He stated that the fee was last raised to \$0.75 per month in 2004. Brian LeCates, Director, Talbot County Department of Emergency Services, stated that the fee will include both wireless phones and landlines to help offset the operational costs of the 911 Center; \$0.50 will go to the State and the remaining portion will to the county in which the phone is registered. Council discussion ensued with Mr. LeCates. The resolution was introduced by Mr. Callahan, Ms. Haythe, Mr. Lesher, Ms. Mielke, and Mr. Stepp as Resolution No. 341. A public hearing will be held on Tuesday, April 25, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601.

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF EASTON, MARYLAND (THE "TOWN") OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF PORT STREET AT EASTON POINT, CONSISTING OF 4.743 ACRES OF LAND AND 0.156 ACRES OF LAND, MORE OR LESS (COLLECTIVELY, THE "PROPERTIES"), FINDING THAT THE PROPERTIES' PROPOSED REZONING FROM TALBOT COUNTY'S LIMITED INDUSTRIAL ("LI") ZONING TO THE TOWN'S MIXED-USE WATERFRONT ("MXW") ZONING UPON THEIR ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY'S LI ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the Town of Easton has introduced legislation to annex certain property at Easton Point and wants to rezone the property from the County's current Limited Industrial ("Ll") zoning to Mixed-Use Waterfront ("MXW") zoning which would result in substantially different uses or higher density than the County's LI zoning. Mr. Thomas stated that in order for the Town of Easton to implement the new MXW zoning classification, State law requires that the County grant a waiver of the 5-year hold on its zoning classification. The legislation was introduced by Mr. Callahan, Ms. Haythe, Mr. Lesher, Ms. Mielke, and Mr. Stepp as Resolution No. 342. A public hearing was scheduled for Tuesday, May 9, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

IX. Public Hearings:

Resolution No. 338, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (CWSP) FOR CONSISTENCY WITH DISCHARGE PERMIT NO. 19-DP-3460, ISSUED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ON OCTOBER 27, 2022 AND TO REQUIRE THAT ANY FUTURE EXPANSION OF THE NEW LAKESIDE WASTEWATER TREATMENT PLANT SHALL REQUIRE AN AMENDMENT TO THE CWSP was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Attorney, Patrick Thomas, stated that the resolution, requested by Ms. Mielke, would make the Comprehensive Water and Sewer

Plan consistent with the discharge permit issued in October 2022 by the Maryland Department of the Environment for the Lakeside Wastewater Treatment Plant and would also require an amendment to the County's Comprehensive Water and Sewer Plan for any proposed expansion of the Lakeside Wastewater Treatment Plant. County Engineer, Ray Clarke, stated that the Planning Commission, at its meeting on Wednesday, April 5, 2023, voted to table consideration of Resolution No. 338 until their meeting of Wednesday, May 3, 2023. Members of the public were then afforded an opportunity to comment on the legislation. During the public hearing, Bill Anderson, Chair, Public Works Advisory Board, stated that the Public Works Advisory Board, at its last meeting (Wednesday, March 9, 2023), recommended approval of the resolution by a vote of 3 – 0. Written comments on Resolution No. 338 will be accepted until Tuesday, May 9, 2023.

Resolution No. 339, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES IN AND AROUND THE VILLAGES OF BAR NECK AND FAIRBANK FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS FOR SEWER SERVICE FROM THE REGION V (TILGHMAN) WASTEWATER SYSTEM was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Engineer, Ray Clarke, stated that the Planning Commission, at its meeting on Wednesday, April 5, 2023, voted 5 – 0 to table consideration of Resolution No. 339 until its meeting of Wednesday, May 3, 2023; the Planning Works Advisory Board will review Resolution No. 339 at its meeting on Thursday, April 20, 2023. Members of the public were then afforded an opportunity to comment on the legislation. Written comments on Resolution No. 339 will be accepted until Tuesday, May 9, 2023.

Resolution No. 340, A RESOLUTION TO FORMALLY ACCEPT THE OFFER FROM TRIPPES CREEK. LLC TO DEDICATE JENNINGS ROAD TO PUBLIC USE AS A PUBLIC COUNTY ROAD, SAID ROAD BEING MORE PARTICULARLY SHOWN AND DESIGNATED AS "JENNINGS ROAD (50' PUBLIC R/W)" ON A PLAT ENTITLED "LOT LINE ABANDONMENT & FINAL SUBDIVISION PLAT & FCP 2001-08 SCHWANINGER FARM AT COOKE'S HOPE IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 42 GRIDS 16 & 22 PARCELS 7, 21, 215," DATED APRIL 22, 2002 (REVISED THROUGH SEPTEMBER 5, 2006), AND RECORDED AMONG THE PLAT RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER M.A.S. NO. 82, PAGE 42, AND TO ACCEPT FEE SIMPLE TITLE TO THE SAME, FOR NO CONSIDERATION was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Engineer, Ray Clarke, stated that the road which is the subject of the resolution was constructed approximately 15 years ago and is maintained by the County. The purpose of the resolution is to officially make Jennings Road a County road. Zach Smith, attorney for Trippes Creek, LLC, stated that Jennings Road was always intended to be a County road and was built to County road standards. Member of the public were then afforded an opportunity to comment on the legislation. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved Resolution No. 340 by voting 5 - 0 as follows:

Mr. Callahan – Aye Mr. Stepp – Aye Mr. Lesher – Aye Ms. Mielke – Aye Ms. Haythe – Aye

Resolution No. 340 is effective immediately.

Bill No. 1528, A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT), SECTIONS 190-15 (CRITICAL AREA OVERLAY), 190-25.2 (TABLE OF LAND USES), 190-31 (MARINE USES), 190-33 (ACCESSORY USES), 190-50 (NONCONFORMING STRUCTURES), 190-58.2 (MINOR VARIANCES), AND 190-78 (TERMS DEFINED), REGARDING EROSION CONTROL MEASURES, PIERS, AND RIPARIAN STRUCTURES was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Brennan Tarleton, Planning Officer, outlined the history of the proposed amendments to the various sections of Chapter 190 as outlined in the legislation, including changes requested by staff to the applicant for reconsideration, as well as proposed changes to the various sections of Chapter 190 as recommended by staff. He stated that the Planning Commission, at its meeting in January 2023, recommended Council approval of the proposed amendments. Members of the public were then afforded an opportunity to comment on the legislation. Bill No. 1528 is eligible for vote on Tuesday, April 25, 2023.

X. <u>County Manager's Report:</u>

A. Talbot County Commission on the Aging – Mr. Stamp requested Council approval of the appointment of Terry Satchell to the Talbot County Commission on the Aging as a representative of University of Maryland Medical System – Shore Regional Health; said term will complete the unexpired term of Julie Crocker which will expire on April 1, 2024. Upon motion by Mr. Lesher, seconded by Ms. Mielke, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye Mr. Stepp – Aye Mr. Lesher - Aye Ms. Mielke – Aye Ms. Haythe – Aye

- B. Talbot County Board and Committee Vacancies Mr. Stamp stated that the County has vacancies on the following boards and committees: Adult Public Guardianship Review Board; Agricultural Resolution Board; Animal Control Board; Board of Appeals; Board of Electrical Examiners; Commission on the Aging; Historic Preservation Commission; Public Works Advisory Board and the Talbot County Local Drug and Alcohol Abuse Council. Individuals interested in serving should contact the County Manager's Office at 410-770-8010 or visit the County website at www.talbotcountymd.gov.
- C. Letter of Support for Maryland Heritage Areas Authority Non-Capital Grant Requested Council approval to forward a letter in support of the Department of Economic Development and Tourism's application to the Maryland Historical Trust Maryland Heritage Areas Program for a non-capital grant in the sum of \$50,000; if approved, the funding will be used to develop audio versions of the County's current four Frederick Douglass Driving Tours; Talbot County will provide a 100% match through cash and/or in-kind services. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved forwarding a letter in support of the application by voting 5 0 as follows:

Mr. Callahan – Aye Mr. Stepp – Aye Mr. Lesher – Aye Ms. Mielke – Aye Ms. Haythe - Aye

D. Request from County Manager – Requested Council approval of the Second Amendment to Memorandum of Understanding between Caroline County, Kent County, Talbot County, and Delmarva Community Services, Inc. for Regional Public Transit Services. Mr. Stamp stated that the document had been reviewed by legal counsel of all participating counties. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved the second amendment to the Memorandum of Understanding by voting 5 - 0 as follows:

Mr. Callahan – Aye Mr. Stepp – Aye Mr. Lesher - Aye Ms. Mielke – Aye Ms. Haythe – Aye

E. Special Legislative Day - Requested Council approval to declare Tuesday, April 18, 2023 as a Special Legislative Day for the purpose of introduction of the FY24 Budget and Appropriation Ordinance. Upon motion by Mr. Lesher, seconded by Ms. Haythe, the Council approved Tuesday, April 18, 2023 as a Special Legislative Day by voting 5 – 0 as follows:

Mr. Callahan – Aye Mr. Stepp – Aye Mr. Lesher - Aye Ms. Mielke– Aye Ms. Haythe – Aye

- XI. Public Comments: There were no public comments.
- XII. Council Comments:

Mr. Stepp-

Mr. Stepp expressed his appreciation to the Finance Office, the County Manager's Office and County Departments for all their work on the FY24 budget. He stated that Council members had taken the National Vietnam War Veterans Day proclamation, presented at the March 28, 2023 Council meeting, to the VFW for presentation the following day and, in his opinion, it was a moving presentation with many touching stories from the veterans. Mr. Stepp stated that the Council had, in his opinion, a productive meeting with the Town of Easton regarding the Easton Point project and what the Town is proposing as the project moves forward. Mr. Stepp concluded his comments by expressing his appreciation to his colleagues for approving the Talbot Day proclamation, he looks forward to celebrating it and thinks

we will see some great things from the community as the celebration grows.

Mr. Lesher - No comments.

Ms. Mielke - Ms. Mielke stated that she had attended the presentation of the proclamation to the Vietnam veterans at the VFW and concurred with Mr. Stepp's comments. She stated that there were many touching stories, and that some were heart-wrenching, and how even 50 years later, the veterans are still affected by that war. She stated that she was proud to be able to give them the proclamation. Ms. Mielke concluded her comments by stating that the VFW had a pinning ceremony whereby all veterans of the Vietnam War were offered the opportunity to receive a pin in recognition of their service.

Ms. Haythe - No comments.

Mr. Callahan – Mr. Callahan expressed his appreciation to County staff for their work on the budget, to members the Courthouse security team, and to those in attendance.

XIII. Upon motion by Ms. Haythe, seconded by Mr. Stepp, the Council voted to adjourn and to reconvene on Tuesday, April 18, 2023 at 5:15 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 that meeting, and at 6:00 p.m. for the regularly scheduled meeting by voting 5 - 0 as follows:

Mr. Callahan - Aye Mr. Stepp - Aye Mr. Lesher - Aye Ms. Mielke – Aye Mr. Haythe - Aye

The meeting adjourned at 7:40 p.m.

The transcript of the April 11, 2023 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIV. Summary of Closed Session Held on April 11, 2023:

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

Time of closed session: 4:35 p.m. to 5:10 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, Haythe, Lesher, Mielke, Stepp

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 a personnel matter in Department of Public Works	GP § 3- 305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss appointments to various County boards and committees	GP § 3- 305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
For legal update on litigation involving Talbot Integrity Project v Talbot County	GP § 3- 305(b)(7)(8)	Attorney-client privilege regarding status of litigation	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Council concurred with recommendation by legal counsel
For legal update on litigation involving Bartlett et al v Talbot County	GP § 3- 305(b)(7)(8)	Attorney-client privilege regarding status of litigation	Chuck Callahan, Keasha Haythe, Pete Lesher, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action

CASH STATEMENT 04/04/2023

BALANCE 3/28/2023 99,852,544.03

TOTAL ADP PAYROLL PPE 3/17/2023		(771,160.85)
TOTAL ADP PAYROLL PPE 3/31/2023		(19,596.90)
PENSION DED PPE 3/17/2023	,	
	(45,321.26)	
DEFERRED COMP DED PPE 3/17/2023 PLAN 401/A)	(20,848.02)	
DEFERRED COMP PPE 3/17/2023 PLAN 401(A)	(8,465.16)	
PENSION DED PPE 3/31/2023	(965.54)	
DEFERRED COMP DED PPE 3/31/2023	(490.50)	
CIGNA CLAIMS PAID THRU 3/27/2023	(35,718.37)	
ROADS SALES & USE DUE 2/20/2023	(1,484.21)	
GOLF COURSE SALES & USE DUE 2/20/2023	(285.50)	
USDA/RD QTRLY BOND PYMT #92-03 3/2023	(9,478.60)	
WELLS FARGO GOLF EQUIPMENT LEASE PYMT 3/2023		(128.00)
DEPOSITS		1,206,795.77
CHECKS		(1,926,466.11)
ACH DISBURSEMENT(S)		(480,689.03)
WIRE TRANSFERS		(33,893.30)
VOIDED CHECK(S) # 365691, 365692		9,857.82
VOIDED ACH #316		26,695.00
BALANCE 04/04/2023	=	97,740,901.27
INVESTMENTS - CERTIFICATES OF DEPOSIT		
Certificate Date <u>Maturity Date</u>	Yield	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL	4.81%	20,757,738.00
BAYVANGUARD BANK	4.01/0	10,272,550.28
		10,272,660.20
TOTAL INVESTED		<u>31,030,288.28</u>
PETTY CASH BALANCE		<u>18,105.00</u>
GRAND TOTAL ALL FUNDS		128,789,294.55

CASH STATEMENT 04/11/2023

BALANCE 4/04/2023 97,740,901.27

CIGNA CLAIMS PAID THRU 4/3/202 USDA/RD MTHLY BOND PYMT #97	(102,743.44) (1,304.00)					
DEPOSITS CHECKS ACH DISBURSEMENT(S) WIRE TRANSFERS VOIDED CHECK(S) # 362346, 365732 365812, 365813 VOIDED ACH #205, 343	, 365742, 365787, 36	55809,	2,253,303.08 (513,164.73) (341,647.61) (6,958,035.39) 475,180.00 90,979.00			
BALANCE 04/11/2023	92,643,468.18					
INVESTMENTS - CERTIFICATES OF DEPOSIT						
INVESTMENTS - CERTIFICATES	OF DEPOSIT	-				
INVESTMENTS - CERTIFICATES (<u>Certificate Date</u>	OF DEPOSIT Maturity Date	<u>Yield</u>	<u>Amount</u>			
	Maturity Date	<u>Yield</u> 4.80%	Amount 20,757,738.00 10,276,913.49			
Certificate Date PNC-MLGIP INVESTMENTS TOTAL	Maturity Date		20,757,738.00			
Certificate Date PNC-MLGIP INVESTMENTS TOTAL BAYVANGUARD BANK	Maturity Date		20,757,738.00 10,276,913.49			