



TALBOT COUNTY, MARYLAND

County Council

MINUTES

January 28, 2020

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

- I. Agenda – The Agenda of Tuesday, January 28, 2020 was brought forward for approval. Mr. Divilio requested to amend the Agenda to add three items to the County Manager’s Report and Ms. Price requested to amend the agenda to add a new *Item VIII. Discussion of House Bill 292, Toll Roads, Highways, and Bridges – County Government Consent Requirement – Expansion*; there was no objection. Mr. Callahan then requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, January 28, 2020, as amended.
- II. Disbursements – Mr. Callahan requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, January 21, 2020, and Tuesday, January 28, 2020.
- III. Introduction of Sheena Van Ornum, Talbot County Housing Coordinator – Miguel Salinas, Assistant Planning Officer, introduced Sheena Van Ornum, the new part-time Talbot County Housing Coordinator. Ms. Van Ornum stated that she most recently worked at a regional planning agency in Omaha, Nebraska which assisted rural communities in southwest Iowa. She stated that she is looking forward to working with the community and the Council to address housing needs in the county and to assisting Talbot County citizens with finding resources to meet their housing needs. Council welcomed Ms. Van Ornum to Talbot County.
- IV. Update on Talbot County Recycle Center – Easton Elementary School Demolition Material – Warren Edwards, Roads Superintendent – Prior to Mr. Edwards’ update, Mr. Callahan stated that in December 2019, the Council approved having Mr. Edwards move forward with the County permitting process for the proposed recycling center on St. Michaels Road. Mr. Hollis stated that Mr. Edwards is requesting to be allowed to take the construction debris from the old Easton Elementary Schools and to stockpile the debris at the location of the proposed recycling center for use in the future. Mr. Hollis stated that Mr. Edwards had received confirmation from the Board of Education of their interest and that the matter is time sensitive due to the proposed demolition schedule. Mr. Edwards stated that he had met with representatives of Whiting-Turner, the contractor for the project, and A-Del Construction, the company hired for demolition of the old schools. He stated that representatives of both companies had visited the proposed site for deposit of the debris; demolition is anticipated to begin in mid-April 2020. Council discussion ensued with Mr. Edwards who outlined the tonnage of debris anticipated and the cost of leasing of equipment to process the debris materials. Mr. Hollis reiterated that Council had only given Mr. Edwards approval to begin the permitting process; a recycling center at the site had not yet received final Council approval. Mr. Hollis stated that although Mr. Edwards had indicated that the County could utilize all the debris materials, it was his recommendation to not move forward with stockpiling the debris if Council has any concerns about not moving forward with the recycling center project. Mr. Edwards expressed his confidence in making the project successful and Council discussion again ensued. Miguel Salinas, Assistant Planning Officer, briefed the Council on land use regulations associated with the requested use for the site and Council discussion ensued with Mr. Salinas and Mr. Edwards. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council approved a contract with the Board of Education to take the demolition material, with the understanding that the County will be renting equipment for 30 days and spending approximately an

additional \$36,000 to run the equipment for a minimum of 5,000 tons of material to be sold back at approximately a minimum of \$60,000 by voting 4 – 0 as follows:

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

- V. Request to Submit an Easement Application to Maryland Department of Natural Resources Rural Legacy Program for the Tuckahoe Rural Legacy Area – Martin Sokolich, Planner III, Talbot County Department of Planning and Zoning; David Satterfield, Conservation Specialist, Eastern Shore Land Conservancy – Mr. Sokolich briefed the Council on the history of the Rural Legacy Program, the boundaries of which were recently expanded by the State. He stated that Talbot County has participated in the Rural Legacy Program since 1997 when Eastern Shore Land Conservancy established the Agricultural Security Corridor as another way to preserve land for open spaces and agriculture in Caroline, Cecil, Kent, Dorchester, and Talbot counties. He stated that the Rural Legacy Program differs from the MALPF program in that it follows major water routes, thereby preserving marshland and native species of animals in those areas. Council discussion ensued with Mr. Sokolich and Mr. Satterfield. Mr. Sokolich then requested Council’s consideration to move forward with the current round of easement offers by prioritizing the Tuckahoe Rural Legacy Area. He stated that the Talbot County Agricultural Land Preservation Advisory Board had reviewed and concurred with the prioritization and that the proposal is consistent with the County’s 2016 Comprehensive Plan. Upon motion by Mr. Leshler, seconded by Ms. Price, the Council approved submittal of an application to the Maryland Department of Natural Resources Rural Legacy Program, as presented, by voting 4 – 0 as follows:

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

- VI. Public Hearings on Completed Community Development Block Grant Projects – Jessica Morris, Assistant County Manager, stated that the County had partnered with Habitat for Humanity Choptank and Talbot Interfaith Shelter on Community Development Block Grants (CDBG). She stated that one of the conditions of the CDBG grant requires a public hearing to be held prior to the application for funding and again after the funding has been expended. She stated that funding in the sum of \$356,577 received by the County was used by Habitat for Humanity Choptank for site work related to construction of seven homes on Brooks Lane in St. Michaels; the funds have been spent and the homes are being built on schedule. She stated that CDBG funding in the sum \$74,000 received by the County was used by Talbot Interfaith Shelter located at 107 Goldsborough Street in Easton to enclose a screened-in porch in order to transform it into an all-weather counseling room and a space for case management services. Wayne Suggs, Director of Construction, Habitat for Humanity Choptank, utilized a PowerPoint presentation to brief the Council about the mission of the organization, the criteria for qualifying to become a Habitat homeowner, and to provide information on the Brooks Lane project. Julie Lowe, Executive Director, Talbot Interfaith Shelter, briefed the Council on the mission of the organization, the only family shelter in Talbot County, and the successful completion of the project. The public was afforded an opportunity to comment on, or ask questions about, the projects. No further action was required by the Council.

- VII. Council discussion of HB 292/SB 229, TOLL ROADS, HIGHWAYS, AND BRIDGES - COUNTY GOVERNMENT CONSENT REQUIREMENT – EXPANSION – Prior to discussion, Ms. Price stated that the legislation, which was reviewed by the Maryland Association of Counties (MACo) last year and has been introduced again this year, provides veto power to the nine Eastern Shore counties if any are an

“affected county”, *i.e.*, the county where a new bridge would have its ending point. She stated that the current legislation would prohibit a State agency from constructing a toll road, toll highway or toll bridge without the consent of the majority of the affected counties, and expands local autonomy for such projects. However, Ms. Price stated that now that the NEPA (National Environmental Policy Act) has narrowed the location for a possible new bridge landing to three locations, Queen Anne’s County, Talbot County, or Kent County, MACo may not be able to oppose the legislation since the proposed legislation expands local autonomy to all 23 counties and Baltimore City. She stated that she had only learned on Monday night that the hearing on the legislation would be on Wednesday, and as such, she requested Council consideration for authority as the County’s MACo representative to get together with Queen Anne’s County and Kent County, and if necessary, to oppose the legislation or to support it with a different amendment. Mr. Leshar stated that he concurred with Ms. Price’s analysis and made a motion to authorize Ms. Price the flexibility to oppose the legislation or to support with amendments to reduce the concern for the landing of a Bay crossing in Talbot, Kent, or Queen Anne’s County. Council members expressed their agreement with the comments of Ms. Price and Mr. Leshar, stating that Council had discussed the subject numerous times. Mr. Divilio stated that after consulting with the Office of Law, Council will probably be including on the agenda, on a regular basis, upcoming State legislation which may affect Talbot County. Council discussion ensued regarding the public hearing schedule for State legislation in relation to the Council’s meeting schedule. Mr. Divilio seconded Mr. Leshar’s motion and the Council approved authorizing Ms. Price to speak on behalf of the Council with regard to HB292/SB229 by voting 4 – 0 as follows:

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

VIII. County Manager’s Report:

A. Request from Hog Neck Golf Course - Requested Council approval of the recommendation of Rich Setter, Hog Neck Golf Course General Manager/Head Golf Professional, to enter into a new four-year lease agreement with Capitol Golf Carts (formerly Horizon). Mr. Setter stated that the lease on the current fleet of golf carts, also leased through Capitol, expires on July 1, 2020. He stated that the leasing of newer carts, which have GPS technology, will improve player experience and permit staff to control pace of play. The additional cost of leasing the newer carts will be offset by modest increases in fees for the 2020 season. Council discussion ensued with Mr. Setter. Upon motion by Mr. Divilio, seconded by Mr. Leshar, the Council approved the recommendation as presented by voting 4– 0 as follows:

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

B. Request from Department of Public Works – Requested Council approval of the County Engineer’s recommendation to authorize Chesapeake Bay Trust and Eastern Shore Resource Conservation to submit a grant application on the County’s behalf to the Maryland Department of Natural Resources for FY21 Chesapeake and Atlantic Coastal Bay Trust funding. If approved, said funding will be used to assist with tree, shrub, and meadow plantings for improvements in water quality at various locations in the county; the cost is anticipated to be less than \$75,000; no County funding is required. Upon motion by Mr. Leshar, seconded by Mr. Divilio, the Council approved the recommendation by voting 4 – 0 as follows:

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

- C. Request from Department of Public Works – Requested Council approval of the County Engineer’s recommendation to submit applications to the Maryland Department of the Environment for grant and loan funding packages for the following three projects: (1) Bio-Solids Facility Refinancing; (2) Region II (St. Michaels) Sewer Collection System and Pump Station Improvements; (3) Region V (Tilghman) Sewer Collection System and Pump Station Improvements. Ray Clarke, County Engineer, briefed the Council on each of the proposed projects. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved submittal of grant and loan applications as outlined by voting 4 – 0 as follows:

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

- D. Talbot County Commission on the Aging – Requested Council approval for the appointment of Jennifer Pierson to a term on the Talbot County Commission on the Aging; said term will complete the unexpired term of Johanna Norris and will expire on April 1, 2021. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved the appointment by voting 4 – 0 as follows:

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

- E. Talbot County Economic Development Commission – Requested Council approval for the appointment of Sandi Pepe to the Talbot County Economic Development Commission as a representative of the Town of Oxford; said term will complete the unexpired term of Peter Dunbar which will expire on June 30, 2021. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the appointment by voting 4 – 0 as follows:

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

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

X. Council Comments:

Mr. Leshner – No comments.

Ms. Price - No comments.

Mr. Divilio - No comments.

Mr. Callahan - No comments.

- XI. Upon motion by Mr. Divilio seconded by Mr. Leshner, the Council voted to adjourn and to reconvene on Tuesday, February 11, 2020 at 6:00 p.m. 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 4 – 0 as follows:

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

The meeting adjourned at 7:32 p.m.

The transcript of the January 28, 2020 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XII. Work Session with Talbot County Board of Electrical Examiners – The Council held a work session with staff and members of the Board of Electrical Examiners on Tuesday, January 28, 2020 at 3:30 p.m. in the Bradley Meeting Room. The purpose of the work session was to have the Board of Electrical Examiners update the Council on matters related to the Board’s duties including, issuance of new licenses, renewal of current licenses, responding to questions from County inspectors, and the hearing of complaints against those performing electrical work in Talbot County including electricians performing substandard work, individuals performing electrical work without a license, and the farming out of licensed work. Other topics of discussion included adoption of the 2017 National Electrical Code, contractor responsibilities, the history of fines and collections levied by the Board, the current inspection process, review of the current Talbot County Electrical Code, and the Board’s suggestions for revisions to same. Council discussion ensued with Brent Garner, Talbot County Permits Manager/Building Official, Mary Kay Verdery, Planning Officer, Mary O’Donnell, Assistant County Attorney, and members of the Board in attendance. At Council’s request, the Office of Law will draft language for possible revisions to the Talbot County Electrical Code for Council’s consideration.
- XIII. Work Session with Short Term Rental Review Board and County Staff to Discuss the Short Term Rental Review Board’s Recommendations to the County Council – The Council held a work session with staff and members of the Short Term Rental Review Board at 6:00 p.m. on Tuesday, January 21, 2020 in the Wye Oak Room at the Talbot County Community Center. The work session was a continuation of the December 18, 2019 work session on the Board’s recommendations to the Council. As each recommendation was brought forward, Council discussion ensued with staff and those members of the Board in attendance and a straw vote was taken by the Council as to whether the recommendation should move forward. Topics of discussion included a moratorium, minimum standards, current County Building Code, a waiver process for license renewals, enforcement, etc. At Council’s direction, legislation will be drafted for Council’s consideration for introduction at a later date.
- XIV. Work Session with Short Term Rental Review Board and County Staff to Discuss the Short Term Rental Review Board’s Recommendations to the County Council – The Council held a work session with staff and members of the Short Term Rental Review Board at 5:00 p.m. on Wednesday, December 18, 2019 in the Wye Oak Room at the Talbot County Community Center. The purpose of the work session was to review recommendations of the Short Term Rental Review Board regarding the short term rental process which were compiled following a series of four work sessions at which citizens were afforded an opportunity to comment on current regulations and to submit their suggestions for possible changes to same. As each

recommendation was brought forward, Council discussion ensued with staff and members of the Board and a straw vote was taken by the Council as to whether the recommendation should move forward. Topics of discussion included requirements for minimum stays, concerns for safety, responsibilities of the short term rental property’s owner/resident agent, County Code enforcement, etc. Due to time constraints, the remaining recommendations will be scheduled for review at a future date.

XV. Summary of Closed Session Held on January 28, 2020:

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

Time of closed session: 4:40 p.m. to 5:30 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: Price, Callahan, Divilio, Lesher
 Members opposed: None
 Abstaining: None
 Absent: Pack

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
Discuss appointments to various boards and commissions	GP § 3-305(b) (1)	Laura Price, Chuck Callahan, Frank Divilio, Pete Lesher, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O’Donnell	None
Discuss a personnel matter involving the Department of Parks & Recreation	GP § 3-305 (b) (1)	Same as above	Consensus to advertise vacancy

CASH STATEMENT 1/21/2020

BALANCE 1/14/2019	19,012,423.16
TOTAL ADP PAYROLL PPE 12/31/2019	(3,117.62)
CIGNA CLAIMS PAID THRU 1/13/2020	(46,361.54)
WELLS FARGO GOLF EQUIP LEASE PMT 1/2020	(4,092.00)

WELLNESS/PRE-PAID USA REWARD CARDS	(6,636.07)
1/3/2020 PAYMENTUS CHARGEBACK	(285.94)
DEPOSITS	672,564.44
CHECKS	(901,018.55)
VOIDED CHECK(S) #338651, 338743, 338745	733.13
BALANCE 1/21/2020	<u>18,724,209.01</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			10,111,935.75
TOTAL INVESTED			<u>30,611,935.75</u>

PETTY CASH BALANCE	<u>15,570.00</u>
---------------------------	-------------------------

<u>GRAND TOTAL ALL FUNDS</u>	<u>49,351,714.76</u>
-------------------------------------	-----------------------------

CASH STATEMENT 1/28/2020

BALANCE 1/21/2019	18,730,444.25
TOTAL ADP PAYROLL PPE 1/10/2020	(618,882.07)
DEFERRED COMP DED PPE 1/10/2020	(17,193.11)
PENSION DED PPE 1/10/2020	(37,678.93)
DEFERRED COMP PPE 1/10/2020 PLAN 401 (A)	(6,786.73)
CIGNA CLAIMS PAID THRU 1/21/2020	(147,126.38)
ENTERPRISE LEASE PAYMENT JAN 2020	(4,796.84)
SALES & USE COMMUNITY CENTER DUE 1/20/2020	(484.81)
SALES & USE HOG NECK GOLF COURSE DUE 1/20/2020	(579.25)
1/18/2020 PAYMENTUS CHARGEBACK	(182.50)
DEPOSITS	761,686.66
CHECKS	(511,234.77)
VOIDED CHECK(S) #339357	605.00

BALANCE 1/28/2020 **18,147,790.52**

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		1.64%	20,500,000.00
1880 BANK			10,111,935.75
TOTAL INVESTED			<u>30,611,935.75</u>
PETTY CASH			<u>15,570.00</u>
BALANCE			
<u>GRAND TOTAL ALL FUNDS</u>			<u>48,775,296.27</u>