



TALBOT COUNTY, MARYLAND

County Council

MINUTES

July 28, 2020

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 July 28, 2020 was brought forward for approval. Mr. Divilio made a motion to amend the agenda to forward a letter in support of Trooper 6 remaining at Easton Airport; Mr. Callahan seconded the motion. The Council approved amending the agenda to include Mr. Divilio’s request by voting 5 – 0 as follows:

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

- II. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, July 28, 2020.

- III. Council Consideration for Letter in Support of Retaining Trooper 6 at Easton Airport – Clay Stamp, Director, Department of Emergency Services/Assistant County Manager, stated that there is currently a study underway to determine the best locations for Maryland State Police helicopters. He stated that it is his understanding that no determination has yet been made as to which location (s) will be closed and the aircraft based at those location (s) sold and that, in his opinion, it is appropriate for the Council to share its concerns about the Easton base at this time. Mr. Stamp briefed the Council on the use of Trooper 6, stating that on average, Talbot County transports one patient per week to a trauma center or other specialty care facility due to critical injuries or illness. He stated that all the Mid-Shore counties, as well as the other counties in the state, depend on the aircraft. Mr. Stamp concluded his comments by stating that the men and women of Talbot County Emergency Services are in favor of the retention of Trooper 6 at Easton Airport. The Council approved forwarding a letter in support of retaining Trooper 6 at Easton Airport by voting 5 – 0 as follows:

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

- IV. Introduction of Administrative Resolution:

EMERGENCY RESOLUTION – COVID -19 ENFORCEMENT ADOPTING CERTAIN REQUIREMENTS RELATED TO THE OPERATION OF BARS AND RESTAURANTS IN TALBOT COUNTY, NAMELY A PROHIBITION ON SERVICE AND CONGREGATING IN BAR AREAS IN ORDER TO PREVENT THE SPREAD OF COVID-19; ESTABLISHING CERTAIN LIMITS ON INDOOR AND OUTDOOR LARGE GATHERING;

ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS EMERGENCY RESOLUTION; AND, AUTHORIZING THE TALBOT COUNTY HEALTH DEPARTMENT AND THE TALBOT COUNTY OFFICE OF CODE ENFORCEMENT TO ENFORCE THE REQUIREMENTS HEREIN, was brought forward for introduction. Prior to introduction, Mr. Pack stated that, at the Council meeting on Tuesday, July 21, 2020, Talbot County Health Officer, Dr. Fredia Wadley, had made several recommendations and expressed some concerns regarding the COVID-19 positivity rate in Talbot County. The emergency resolution was read into the record by the Clerk. Dr. Wadley provided information on the positivity numbers in Maryland which are still trending upward, the rate of hospitalizations and testing, and the higher rates of infection and death for various demographic groups. Mr. Pack requested Council's consideration of the resolution scheduled for introduction when discussing outdoor events. He stated that he had had a long conversation with the Planning Officer regarding the definition of special outdoor events which are not clearly defined in the County Code. He stated that the Council is trying to find a way to quantify what those outdoor events are and how to establish what is and what is not considered an outdoor event. Council discussion ensued with Dr. Wadley who outlined the range of the maximum number of attendees permitted at indoor and outdoor events as established by Executive Orders issued by Governor Hogan. Dr. Wadley stated that, in her opinion, there is no safe number when dealing with a virus such as COVID-19. Council discussion ensued with Dr. Wadley regarding various scenarios, including property size, number of individuals allowed to attend, the ability of attendees to maintain social distancing guidelines, sanitation procedures, etc. Mr. Pack stated that the emergency resolution for Council's consideration included blank spaces to be completed with the specific limits on the number of individuals who can attend an indoor or outdoor events and that he was not comfortable inserting numbers; he stated that he instead preferred to follow the Governor's guidelines. The emergency resolution was introduced by Mr. Leshner. Ms. Price offered her emergency resolution for Council's consideration. Mr. Pack outlined the differences between the emergency resolution offered by Ms. Price and the emergency resolution offered by Mr. Leshner. The emergency resolution offered by Ms. Price was introduced by Mr. Callahan, Mr. Divilio, Mr. Pack, and Ms. Price and read into the record as follows:

EMERGENCY RESOLUTION - COVID-19 ENFORCEMENT REQUIRING COMPLIANCE WITH CERTAIN EXECUTIVE ORDERS ISSUED BY GOVERNOR HOGAN TO PREVENT THE SPREAD OF COVID-19; ESTABLISHING CIVIL MONETARY FINES FOR VIOLATIONS OF THIS EMERGENCY RESOLUTION; AUTHORIZING THE TALBOT COUNTY HEALTH DEPARTMENT AND THE TALBOT COUNTY OFFICE OF CODE ENFORCEMENT TO ENFORCE THE REGULATIONS HEREIN; AND, RECOMMENDING CERTAIN PROCEDURES FOR ENFORCEMENT; Council discussion ensued.

Mr. Pack stated that it was his intent to offer amendments to both the emergency resolutions and asked for Council's consideration to postpone the vote until the Council meeting of Tuesday, August 11, 2020 so that his proposed amendments could be finalized. Council discussion again ensued. Ms. Price proposed moving forward with just the civil penalties in place in order to protect individuals from potentially being charged criminally while the Council continues to review matters related to gatherings based on site visits by the Office of Planning and Zoning, and the penalty fee schedule. Council discussion again ensued. Mr. Leshner made a motion to strike Section 5 of the emergency resolution proposed by Ms. Price:

5. **Recommended Procedure for Enforcement.** Violations of this Emergency Resolution should be handled as follows:

- a. First Offense – Warning.
- b. Second Offense – Civil fine.
- c. Third Offense – If the violator holds a liquor license issued by the Talbot County Liquor Board, proceeding before the Liquor Board seeking suspension of the license and/or imposition of a civil fine.
- d. Fourth Offense – If the violator holds a foodservice license, proceeding by Health Department seeking suspension of foodservice license.

and go with Section 3:

3. **Abatement Orders and Civil Monetary Fines.** Violations of this Emergency Resolution are subject to the issuance of abatement orders and civil monetary fines of up to \$1,000 per violation. Such remedies are in addition to, and not in lieu of, any other remedies available under applicable laws, rules, regulations, and orders.

As there was no second to Mr. Lesher’s motion and the motion failed.

Upon motion by Mr. Divilio, seconded by Mr. Callahan, the emergency resolution proposed by Ms. Price was brought forward for vote. The Council approved the emergency resolution by voting 4 – 1 as follows:

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

The Emergency Resolution is effective immediately.

V. **Public Hearing:**

Resolution No. 290, A RESOLUTION PROHIBITING STATUES DEPICTING PERSONS, SIGNS, OR SYMBOLS ASSOCIATED WITH MILITARY ACTION ON TALBOT COUNTY PROPERTY AND PROVIDING FOR THE REMOVAL OF THE “TALBOT BOYS” STATUE WHILE RETAINING THE BASE OF THE MONUMENT, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Mr. Pack stated that since introduction of the resolution, several citizens had contacted him regarding their concerns about whether the language in Resolution No. 290 would apply to the Vietnam monument which currently sits on the Courthouse lawn. He stated that it was not his intent that the Vietnam monument would be removed and that he and Mr. Lesher would be offering an amendment to Resolution No. 290, striking the language in the first part of the resolution; Mr. Lesher would be offering a second resolution striking the first WHEREAS from the current resolution which speaks of the death of George Floyd as a time reference for future readers. Mr. Pack outlined the other provisions in the proposed amendment to Resolution No. 290. The amendment was introduced by Mr. Lesher and Mr. Pack. Members of the public were provided an opportunity to comment on Resolution No. 290 and the amendment. Resolution No. 290, and amendment, are eligible for vote on Tuesday, August 11, 2020. Written comments on Resolution No. 290, and amendment, will be accepted until the close of business on Friday, August 7, 2020.

VI. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION FOR THE PURPOSE OF ACKNOWLEDGMENT AND ACCEPTANCE BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND (THE “COUNTY”) OF THE ISSUANCE BY THE MARYLAND ENVIRONMENTAL SERVICE (THE “SERVICE”) OF REFUNDING BONDS TO REFUND IN WHOLE OR IN PART ITS OUTSTANDING REVENUE BONDS (MID-SHORE II REGIONAL LANDFILL PROJECT), SERIES 2011 (THE “SERIES 2011 BONDS”); ACKNOWLEDGING THE COUNTY’S CONTINUING OBLIGATIONS UNDER THE EXISTING WASTE DISPOSAL SERVICE AGREEMENT (THE “SERVICE AGREEMENT”) BETWEEN THE SERVICE AND THE COUNTY AND AS DESCRIBED HEREIN; AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF ANY ADDITIONAL DOCUMENTS, CERTIFICATES OR INSTRUMENTS RELATED TO THE CONTEMPLATED REFUNDING, INCLUDING A CONTINUING DISCLOSURE AGREEMENT; AND GENERALLY RELATING TO THE REFUNDING OF SERIES 2011 BONDS AND THE SERVICE AGREEMENT, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Anthony Kupersmith, stated that Maryland Environmental Service requested that the County adopt an administrative resolution so that they could take advantage of historically low interest rates. He stated that Council’s adoption of the administrative resolution is the first step in Maryland Environmental Service’s refinancing of approximately \$12,000,000 in bonds; all participating counties (Caroline, Kent, Queen Anne’s and Talbot) must approve the refinancing. The administrative resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price. Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved the administrative resolution by voting 5 – 0 as follows:

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

VII. County Manager’s Report:

A. Request from Talbot County Sheriffs Office – Requested Council approval to utilize FY21 Capital Outlay funding for the purchase of five (5) mobile data computers for the Sheriff’s Office in the sum of \$23,315; said purchase will be made using a State contract. 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

B. Request for Letter to Federal Delegation – Requested Council approval to forward a letter to the federal delegation requesting that a Section 107 (Small Navigation Project) Study for Knapps Narrows required by the U.S. Army Corps of Engineers before dredging can take place be conducted and paid for the federal government. Mr. Hollis stated that some of the infrastructure portion of the previous dredging project has now failed. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved forwarding a letter to the federal delegation by voting 5 – 0 as follows:

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

VIII. Public Comments: No comments were made by members of the public.

IX. Council Comments:

Mr. Leshner – Mr. Leshner stated that he should have made the following comments when the vote on the “Talbot Boys” statue was scheduled for August 11, 2020. He stated that he had spoken to several individuals and several of those testifying this evening had asked that we take a vote tonight on the “Talbot Boys” monument. He stated that he does not want any accusations that the process is being done rashly or at the last minute, particularly with his amendment to the resolution, and wants the public to have an opportunity to further comment on the matter. He asked for patience from those who had called for the vote this evening and asked that they keep the end goal in mind. Mr. Leshner concluded his comments by stating that, in his opinion, we will get there with the removal of the monument, and we will do it with adequate public scrutiny and input.

Ms. Price - No comments.

Mr. Divilio - Mr. Divilio stated that one of the speakers had brought up an article written by his brother, Daniel Divilio, and he wanted to make sure that no one was confused.

Mr. Callahan - Mr. Callahan expressed his appreciation to all those who had called into the meeting and to those who voiced their opinions.

X. The Council will reconvene on Tuesday, August 11, 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.

The meeting adjourned at 8:47 p.m.

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

XI. No Closed Session was held on July 28, 2020.

CASH STATEMENT 7/28/2020

BALANCE 7/21/2020	33,571,796.74
TOTAL ADP PAYROLL PPE 7/10/2020	(649,164.59)
CIGNA CLAIMS PAID THRU 7/20/2020	(48,049.76)
DEFERRED COMP DED PPE 7/10/2020	(16,906.87)

PENSION DED PPE 7/10/2020	(38,016.90)
DEFERRED COMP PPE 7/10/2020 PLAN 401(A)	(7,060.11)
ELECTION BOARD PPE 6/23, 6/30, & 7/7/2020	(11,051.76)
JULY 2020 ENTERPRISE LEASE PYMT	(8,942.68)
RETURNED ELECTRONIC PAYMENTS	(802.76)

DEPOSITS	9,513,171.69
CHECKS	(492,829.31)
VOIDED CHECK(S) #343120	30,280.57

BALANCE 7/28/2020	<u>41,842,424.26</u>
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INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.21%	20,500,000.00
1880 BANK			10,137,108.55

TOTAL INVESTED	<u>30,637,108.55</u>
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PETTY CASH BALANCE	<u>12,275.00</u>
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<u>GRAND TOTAL ALL FUNDS</u>	<u>72,491,807.81</u>
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