



TALBOT COUNTY, MARYLAND

County Council

MINUTES

May 14, 2019

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. Assistant County Attorney Mary O’Donnell was absent.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, May 14, 2019.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, April 9, 2019.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, May 14, 2019.
- IV. Proclamation: Older Americans Month – Prior to presentation of the proclamation, Gary Gunther, Executive Director, Upper Shore Aging, Inc. stated that since 1992, May has been designated as Older Americans Month to recognize the contributions of older citizens. He stated that approximately 15,000, or 37%, of the citizens of Talbot County are aged 60 or older. He stated that Brookletts Place – The Talbot County Senior Center in Easton, and the new Bay Hundred Senior Center in St. Michaels, scheduled to open on Monday, June 3, 2019 offer various programming to help keep seniors active and engaged. Lauren Harding, Chairperson, Talbot County Commission on the Aging, and Jenna Marchi, Member, Talbot County Commission on the Aging, expressed their appreciation for the Council’s support of the Commission. The Clerk read a proclamation into the record which spoke of the contributions made by older Americans to their communities, including the sharing of their knowledge and experience with younger generations, and the importance of bringing together all generations to engage in activities that promote the physical, mental and emotional well-being of all. Upon motion by Mr. Callahan, seconded by Mr. Leshner, the Council approved the proclamation by voting 5 – 0 as follows:

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

Mr. Divilio presented the Proclamation to Mr. Gunther, Ms. Harding and Ms. Marchi.

- V. Presentation by Partners in Care Maryland – Mandy Arnold, President & CEO, Partners in Care Maryland; Pam O’Brien, Program Coordinator, Partners in Care Maryland – Ms. Arnold stated that Partners in Care Maryland, a volunteer-based organization, has been in the Talbot County community for approximately 10 years and currently has 195 members. She stated that the mission of the organization is to help older citizens (aged 50 and older) remain in their homes, retain their dignity and respect, and continue to be an active part of the community. Ms. Arnold stated that the services provided by her organization are based on an exchange of time; participating members earn time in a “timebank” and information is tracked as to who is providing services and who receives services. Ms. Arnold emphasized that background checks

are conducted for the volunteers, providers, and recipients of services which range from rides to doctors' appointments, to handyman services, to helping with groceries, to phone calls and visits, all having an positive impact on social isolation which can have detrimental health consequences. Ms. O'Brien briefed the Council on initiatives of Partners in Care Maryland on behalf of their customers as well as upcoming events planned for their members. Council expressed their appreciation to Ms. Arnold and Ms. O'Brien for the services provided by their organization.

- VI. Presentation on Oyster futures Research Program – Elizabeth North, Ph.D., University of Maryland Center for Environmental Science, Horn Point Laboratory – Dr. North provided information and recommendations resulting from a recent oyster futures research program. She stated that oysters are important for food, cultural heritage, industry and economy as well as for water quality and recreation. She stated that various stakeholders participated in the research program, which included commercial fishermen who harvest oysters, citizen and non-profit group representatives, aquaculturists, and oyster buyers to determine the best means of bringing the oyster back; 60% of the group was comprised of individuals from industry; 40% were private citizens, non-profit or government representatives. She stated that the stakeholders utilized a consensus solution process to outline objectives and reach consensus on recommendations for regulations and policies to be submitted to the government. She stated that the group's goal is a healthy, economically viable and sustainable oyster fishery and ecosystem. Council discussion ensued with Dr. North on various recommendations made and future anticipated outcomes from model forecasts. Council members expressed their appreciation to Dr. North for the extensive work of the workgroup.
- VII. Presentation on State of the Choptank and Miles Rivers – Matt Pluta, Choptank Riverkeeper & Director, Riverkeeper Programs, ShoreRivers; Elle Bassett, Miles-Wye Riverkeeper, ShoreRivers – Mr. Pluta provided an update on water quality conditions of the rivers within Talbot County. He stated ShoreRivers monitors 50 sites in the Choptank and Miles Rivers twice a month and collects the data which is then compiled into a "report card". Mr. Pluta outlined the type of information included in the report card and provided charts of the data, stating that the large amount of rainfall received in the area in 2018 negatively impacted the bodies of water being monitored. Ms. Bassett provided information on samples taken from the Miles, Wye and Wye East Rivers, concurring with Mr. Pluta's statement that the excessive amount of rainfall and subsequent sediment in the rivers caused by erosion negatively impacted both the clarity and the quality of the water in the rivers. She stated that a decrease in water quality is worse more upstream which indicates that most of the pollution is coming from the land; however there are things can be done to change that trend. Mr. Pluta stated that the water quality conditions in the Choptank River worsened in 2018, when compared to previous years. He stated that despite issues at the Conowingo Dam and Baltimore Harbor, in his opinion, the pollution impacting the Choptank and Tred Avon Rivers, Broad Creek and Harris Creek is the result of what we are doing on our land which is being washed into the waterways during rain events. Mr. Pluta and Ms. Bassett outlined various projects of ShoreRivers to reduce pollution in county waterways, including the boat pump-out program on the Miles River which encourages boats to take advantage of properly disposing of their boat waste free of charge and partnerships with individuals and businesses in the watershed who are seeking innovative ways to mitigate run-off from their properties. Council discussion ensued with Mr. Pluta and Ms. Bassett. Council thanked Mr. Pluta and Ms. Bassett for the information.
- VIII. Public Hearing:

Bill No. 1411, A BILL TO ADDRESS REMAINING COMMENTS AND CONDITIONS OF APPROVAL IMPOSED BY THE MARYLAND CRITICAL AREA COMMISSION (THE "COMMISSION") FOR TALBOT COUNTY BILLS 1376 AND 1401 BY AMENDING CERTAIN CRITICAL AREA PROVISIONS IN CHAPTER 190 OF THE TALBOT COUNTY CODE (THE "ZONING ORDINANCE") RELATED TO GROWTH ALLOCATION, FOREST

CLEARING, BUFFER ESTABLISHMENT AND STANDARDS, CONSERVATION AREAS, NATURAL RESOURCE-ORIENTED ACTIVITIES, AND LOT LINE RECONFIGURATION; AMENDING THE CATALOG OF LIMITED DEVELOPMENT AREAS OF TALBOT COUNTY, MARYLAND (THE “CATALOG”) (SPECIFICALLY, LIMITED DEVELOPMENT AREA MAP 58); AND, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE COMMISSION PURSUANT TO TALBOT COUNTY CODE SECTION 190-15.3 J. FOR THE COMPREHENSIVE REVIEW AND RECLASSIFICATION OF TWENTY-NINE (29) PARCELS OR PORTIONS OF PARCELS, TOTALING 35.35 ACRES, FROM RESOURCE CONSERVATION AREA (RCA) DESIGNATION TO LIMITED DEVELOPMENT AREA (LDA) AS SHOWN IN THE CATALOG, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Mary Kay Verdery, Planning Officer, stated that the purpose of the legislation is to address remaining comments and conditions for approval of Bill Nos. 1376 and 1401 and to clarify a map inconsistency. The public was then afforded an opportunity to comment on the legislation. Upon motion by Mr. Callahan, seconded by Ms. Price, Bill No. 1411 was brought to third reader. Mr. Divilio requested that Council postpone the vote so that members of the public who were unable to access the “catalog” information on the County’s website can do so; there was no objection. Mr. Callahan withdrew his motion to bring Bill No. 1411 to third reader. Comments on Bill No. 1411 will be accepted through Friday, May 24, 2019. Bill No. 1411 is eligible for vote on Tuesday, May 28, 2019.

IX. Introduction of Legislation:

A RESOLUTION TO APPROVE EXECUTION OF A LEASE OF A PORTION OF THE BELLEVUE LANDING WHARF, LOCATED AT 5536 BELLEVUE ROAD, ROYAL OAK, MARYLAND 21662, TO OBFY, INC., WHICH OPERATES THE HISTORIC OXFORD-BELLEVUE FERRY, FOR A TERM OF FIVE (5) YEARS WITH UP TO FIVE (5) ONE YEAR (1-YEAR) RENEWAL TERMS FOR GOOD AND VALUABLE CONSIDERATION, BUT NO MONETARY CONSIDERATION, INCLUDING THE OBLIGATION TO RUN THE FERRY SEASONALLY FOR THE BENEFIT OF THE PUBLIC AND TO MAINTAIN THE FERRY SLIP IN GOOD REPAIR was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Capt. Judy Bixler, President of OBFY, Inc. which owns and operates the Oxford-Bellevue Ferry, stated that the lease is important to the continued operation of the Ferry as it provides the ability for the Ferry to land in Bellevue. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Resolution No. 274. A public hearing was scheduled for Tuesday, June 11, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO APPROVE EXECUTION OF A LEASE OF APPROXIMATELY ONE HUNDRED (100) SQUARE FEET OF SPACE INSIDE THE TERMINAL AT THE EASTON AIRPORT, 29137 NEWNAM ROAD, EASTON, MARYLAND 21601, TO EASTON JET SERVICE, LLC, FOR A TERM OF ONE (1) YEAR WITH BASE RENT OF THREE HUNDRED TWENTY-TWO DOLLARS AND NINETY-ONE CENTS (\$322.91) PER MONTH WITH THE RIGHT TO RENEW FOR UP TO FIVE (5) ADDITIONAL ONE (1) YEAR TERMS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Micah Risher, Manager, Easton Airport, stated that Easton Jet Service, LLC, one of the Airport’s long-term tenants, is looking to expand its business and is interested in having a presence in the Airport terminal. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Resolution No. 275. A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO REVISE COTTAGE INDUSTRY TRUCK WEIGHT LIMITS ON CERTAIN ROADWAYS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Mary Kay Verdery, Planning Officer, briefed the Council on the provisions outlined in the legislation and Council discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1412. A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ESTABLISH THAT THE BUILDING INSPECTOR CONDUCTING SHORT TERM RENTAL INSPECTIONS MUST BE INTERNATIONAL CODE COUNCIL CERTIFIED; TO CLARIFY THE PROCESS FOR PROVIDING NOTICE OF NEW LICENSE HEARINGS; TO MAKE THE DEFINITION OF “SHORT TERM RENTAL” CONSISTENT WITH THE OPERATING GUIDELINES FOR SHORT TERM RENTALS SET FORTH IN SECTION 190-33.20, WHICH PROVIDE FOR A THREE NIGHT MINIMUM STAY; AND, TO MAKE CERTAIN GRAMMATICAL CHANGES FOR EASE OF READING was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ms. Verdery briefed the Council on the provisions outlined in the legislation and Council discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1413. Following introduction, Ms. Price requested that staff draft an amendment to add the words “*with delivery confirmation*” to §10-63 Short-Term Rental Licenses and Review Board I. Hearing and decision. 4. To read as follows:mail *with delivery confirmation* to the list of property owners..... . A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO CLARIFY SITE PLAN STANDARDS FOR PARKING, DRIVEWAYS, AND APPROVALS FOR CHANGE IN USE was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ms. Verdery briefed the Council on the provisions outlined in the legislation and Council discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Callahan, Mr. Divilio, and Mr. Leshner as Bill No. 1414. A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO AUTHORIZE VERTICAL EXPANSION OF NONCONFORMING BUILDINGS AS TO SETBACKS WITHOUT A VARIANCE AND AS TO LOT COVERAGE WHERE CERTAIN CRITERIA ARE MET, INCLUDING THAT FOR A BUILDING WITHIN A SETBACK IT IS NO CLOSER TO THE PROPERTY LINE THAN THE EXISTING WALLS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ms. Verdery briefed the Council on the provisions outlined in the legislation and Council discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, and Mr. Pack as Bill No. 1415. A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ADD “MARINE EQUIPMENT SERVICES AND REPAIR” TO THE TABLE OF LAND USES AND TO ESTABLISH MINIMUM PARKING REQUIREMENTS FOR SUCH USE was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ms. Verdery briefed the Council on the provisions outlined in the legislation and Council

discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1416. A public hearing was scheduled for Tuesday, June 11, 2019 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 CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO AMEND THE DEFINITION OF “CONTRACTING, BUILDING TRADE AND CONSTRUCTION” TO INCLUDE “OUTDOOR MAINTENANCE AND LANDSCAPE SERVICES” AND TO ELIMINATE THE DEFINITION OF “CONTRACTING, PROPERTY MAINTENANCE AND LANDSCAPE” was read into the record and brought forward for introduction. Prior to introduction, Ms. Verdery briefed the Council on the provisions outlined in the legislation and Council discussion ensued with Ms. Verdery. The legislation was introduced by Mr. Leshner and Mr. Pack as Bill No. 1417. A public hearing was scheduled for Tuesday, June 11, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

X. Eligible for Vote:

Resolution No. 271, A RESOLUTION TO ADOPT RULES OF PROCEDURE GOVERNING PROCEEDINGS OF THE TALBOT COUNTY SHORT-TERM RENTAL REVIEW BOARD, was read into the record by the Clerk and brought forward for vote. Prior to the vote, Ms. Verdery outlined the provisions of the resolution. Mr. Leshner introduced an amendment to Section 2. Special meetings. of the resolution which would increase the notice requirement for special meetings of the Board from forty-eight hours to four days. The Council approved the amendment, known as Amendment No. 1, by voting 5 – 0 as follows:

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

Mr. Leshner – Aye

Mr. Pack introduced an amendment to more clearly define “family” in Section 4. Voting of the resolution. The Council approved the amendment, known as Amendment No. 2, by voting 3 – 2 as follows:

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

Resolution No. 271, as amended was then brought forward for vote. The Council approved Resolution No. 271, as amended, by voting 5 – 0 as follows:

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

Bill No. 1409, A BILL TO AMEND BILL NO. 1387, THE 2018-2019 ANNUAL BUDGET AND APPROPRIATION ORDINANCE, TO MAKE ADDITIONAL APPROPRIATIONS FROM UNANTICIPATED REVENUES TO CERTAIN DEPARTMENTS IN THE CURRENT EXPENSE BUDGET, TO AMEND THE CURRENT EXPENSE BUDGET THROUGH FOURTH QUARTER TRANSFERS AND SUPPLEMENTARY APPROPRIATIONS, was read into the record by the Clerk and brought forward for vote. Angela Lane, Finance Director, stated that approval of the legislation will allow County departments to purchase capital items in FY2019 that were not included in the FY2020 budget; the transfer of funds between departments of the Current Expense Budget as authorized in Section 615 of the Talbot County Charter and may only be done in the fourth quarter of the fiscal year. Upon motion by Mr. Callahan, seconded by Mr. Leshner, Bill No. 1409 was brought to third reader with the Council voting 5 – 0 as follows:

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

The Council approved Bill No. 1409 by voting 5 – 0 as follows:

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

XI. County Manager’s Report:

There were no items for the County Manager’s Report.

XII. Council Comments:

Mr. Leshner - No comments.

Ms. Price - No comments.

Mr. Divilio – Mr. Divilio stated that he was proud of his brother, who is the editor of the Kent County Times, who was among a list of editors who had recently received several awards. He stated that the notices was in the Business Section of Sunday’s Star Democrat. Mr. Divilio expressed his appreciation for everything the newspaper does.

Mr. Callahan – No comments.

Mr. Pack - Mr. Pack stated that the Council will be holding final deliberations on the FY2019-2020 Budget on Thursday, May 16th at 2:30 p.m. and that there will be no Special Legislative Day on Tuesday, May 21, 2019.

XIII. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council voted adjourn and to reconvene on Thursday, May 16, 2019 at 2:30 p.m. in the Bradley Meeting Room for final Budget deliberations, and to reconvene on Tuesday, May 28, 2019 at 4:30 p.m. in Open Session and immediately adjourn into Closed

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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 5 – 0 as follows:

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

The meeting recessed at 8:06 p.m.

The transcript of the May 14, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XIV. On Tuesday, May 14, 2019, a Closed Session of the Talbot County Council convened at 2:00 p.m. in the County Council Conference Room. Upon motion by Mr. Leshler, seconded by Ms. Price the Council met in Closed Session by voting 5 – 0 as follows:

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

In addition to the Council members, the following individuals were present: R. Andrew Hollis (County Manager), Susan Moran (Council Secretary), Anthony Kupersmith (County Attorney), Mary O'Donnell (Assistant County Attorney), and Cheril Thomas (Director of Administrative Services). In accordance with General Provisions Article § 3-305(b)(1) the purpose of the Closed Session was for Personnel matters to discuss appointments to various County boards and committees (direction to advertise vacancies and to set up interviews with certain Planning Commission candidates); to discuss personnel matter regarding Department of Corrections (conducted interviews and reached consensus to make employment offer); and to discuss personnel matter regarding Easton Airport (no action taken). The Closed Session ended at 6:00 p.m.

CASH STATEMENT 5/14/2019

BALANCE 5/07/2019	\$ 6,849,603.22
CIGNA CLAIMS THRU 5/6/2019	(34,147.87)
STATE REPORT 4/2019	(43,575.20)
USDA/RD MTHLY BOND PYMT #97-08	(1,304.00)
USDA/RD QTRLY BOND PYMT #92-04	(2,833.00)
DEPOSITS	620,423.67
CHECKS	(838,819.39)
VOIDED CHECKS #333028	148.74
BALANCE 5/14/2019	<u>6,549,496.17</u>

AIRPORT ACCOUNTS

AIP42 0.00

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AIRPORT ACCOUNTS TOTAL BALANCE

0.00

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>YIELD</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		2.43%	23,000,000.00
1880 BANK			10,073,915.14
TOTAL INVESTED			<u>\$33,073,915.14</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$ 39,638,981.31</u>