



TALBOT COUNTY, MARYLAND

County Council

MINUTES

May 21, 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 (via telephone).

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Thursday, May 21, 2020.

- II. Amendment to Local Emergency Declaration Regarding COVID-19 Issued March 16, 2020 and Amended March 31, 2020 and Amended April 28, 2020 – Mr. Pack stated that both he and Ms. Price were offering amendments to the Local Emergency Declaration regarding COVID-19, which had been most recently amended by the Council on April 28, 2020. He stated that his proposed amendment to the Declaration would require short-term rental facilities to post the following information listed in Section 10 of the Emergency Declaration: guidelines from the Centers for Disease Control and Prevention regarding the coronavirus, referenced as Exhibit “A”; the guidelines for Short Term Rentals set forth in Exhibit “B”; and the regulations within each of the incorporated towns in Talbot County (Exhibit “C”) so that visitors are aware of such regulations as they travel around the county. He stated that each incorporated town in Talbot County enacts its own ordinances within the town and some of the incorporated towns enacted more restrictive guidelines with regard to short-term rentals. Mr. Pack outlined his other proposed change to the April 28, 2020 Amended Local Declaration, the extension of the Emergency Declaration for an additional 30 days, until June 30, 2020, in order to, in his opinion, provide an opportunity to see where we are headed. Council discussion ensued. Ms. Price stated that the language she was offering was the same as presented by Mr. Pack, with the exception that her proposal incorporated the language into one exhibit (Exhibit “A”) instead of three. She stated that it was her intent to make the language as simple as possible by including links to the CDC website and the websites of the incorporated towns in the county so that Council will not need to continually update the documents. Council discussion again ensued. Mr. Divilio stated that he agreed with Ms. Price’s amendment to change the wording in Section 10 from *recommends* to *requires* that all short-term rentals and bed and breakfasts provide Exhibit “A” to their guests and suggested striking No. 6 on Exhibit “A”: *Encourage guests to acknowledge in writing that they understand and agree to abide with local distancing rules to confirm that they haven’t demonstrated symptoms for 14 days, and if they display symptoms, they will shelter-in-place immediately.* Mr. Hollis called Council’s attention to the word “critical” in *Section 8a, Board and Commission Meetings*, stating that keeping the word “critical” in the document would mean that the County would be stopping progress for another 30 days for those individuals who may be seeking a variance for a setback, etc.; Council concurred with Mr. Hollis’ statements that the word “critical” should be removed from *Section 8a, Board and Commission Meetings* and *Section 9a, County Council Meetings*. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved making the changes and having Exhibit “A” to THIRD AMENDED EMERGENCY DECLARATION – Recommended Guidelines for Short-Term Rentals and Bed and Breakfasts read as follows:
 1. Post a copy of the Centers for Disease Control and Prevention’s guidance on “Coronavirus and Travel in the United States” (available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>) at the premises.

2. Provide information to guests related to any special COVID-19 restrictions adopted by the County's five municipalities: Easton (<https://www.eastonmd.gov/>), St. Michaels (<https://stmichaelsmd.gov/>), Oxford (<http://oxfordmd.net/main/>), Trappe (<http://trappemd.net/>), and Queen Anne.
3. Encourage guests to use delivery services for groceries and other goods rather than traveling in person to the store.
4. Encourage guests to take advantage of delivery and curbside pick-up options from local restaurants.
5. Encourage guests to come prepared with required personal protective equipment.
6. Modify check-in and check-out hours to allow for extended, Centers for Disease Control and Prevention-recommended cleaning and disinfection of properties.

by voting 5 – 0 as follows:

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

III. County Manager's Report:

- A. Letter to Governor Hogan Requesting Outdoor Seating at Restaurants During Stage One Recovery Plan – Mr. Pack briefed the Council on his request for Council's consideration to forward a letter to the Governor regarding restaurant outdoor seating. He stated that he had recently been on a Zoom call with Delegate Mautz and several restaurant owners in the Bay Hundred area regarding the possibility of outdoor seating at their businesses following the recent loosening of the Governor's stay-at-home order. Mr. Pack stated that several other Eastern Shore jurisdictions, including Wicomico County, Queen Anne's County, and the Town of St. Michaels have submitted letters to the Governor requesting they be allowed to utilize outdoor seating at their establishments. Ms. Price requested Council's consideration that the letter be amended to more clearly state that restaurant patrons be allowed to utilize outdoor seating simply to consume their food purchase; they are not asking that a waiter or waitress serve them at the outdoor seating. Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved forwarding a letter to Governor Hogan, as amended, by voting 5 – 0 as follows:

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

IV. Public Comments: Members of the public were afforded an opportunity to comment on matters of interest to them.

V. Council Comments:

Mr. Leshler - Mr. Leshler stated that he looked forward to next Tuesday's Council meeting and addressing other sections of the Emergency Declaration. He requested that the Office of Law address three questions, as follows, so that Council can give instructions to the legal staff to prepare documents for the Council in advance of the meeting: 1. The reopening of public buildings either by appointment or by reopening as usual, and safety measures which can be put in place for staff, from masks to Plexiglas shields, etc. He stated that, in his opinion, we should have that discussion before going into that meeting if the Council chooses to go in that direction in compliance with the Governor's Order for reopening retail establishments; 2. We need to address the reopening of board and commission meetings and allow the public either to be in attendance, with appropriate measures in place or to be able to participate by telephone conference or live stream or other available technology so that individuals who are not comfortable appearing in person can still participate; and 3. With regard to the Council, do we allow or provide some sort of public physical access, with appropriate safety provisions in place, including social distancing and PPE, allow the public to participate in our meetings and to allow the Council to address non-emergency matters? Mr. Leshler stated that, in his opinion, nothing should be done that is out of compliance with the Governor's Emergency Declaration revised orders; as those have changed.

Mr. Pack reiterated Mr. Leshler's requests and asked Mr. Hollis to brief the Council on the re-opening plan for County government. Mr. Hollis emphasized that County government had never closed; the plan calls for bringing staff back to full staffing levels as well as providing access by the public back into County buildings. Mr. Hollis stated that the goal is for County operations to be in compliance with the Governor's Executive Order. Mr. Hollis will provide a copy of the proposed plan for Council's review.

Ms. Price - Ms. Price stated that, in her opinion, she thinks it is time to start getting government out of the way and trusting our businesses and trusting people to do the right thing which they are more likely to do when they are not being told what to do. She stated that it has been long enough now that she thinks there is a lot more understanding of who is vulnerable, who is not, what safe actions can be taken, and that, in her opinion, outside is safe. She stated that she does not see why we can't walk down a beach, whether in Ocean City or in Oxford, and that people should be encouraged to use caution and get outside; we are all going to be physically and mentally healthier. Ms. Price stated that we need to start trusting ourselves to do the right thing and allowing businesses the flexibility to put guidelines in place for their own business instead of us telling them what to do; now is a time for personal responsibility, we are all grown-ups and can do the right thing. She stated that we can't create a perfectly safe environment for everyone – businesses will do everything they can and government will do everything they can, but people need to take care of themselves.

Mr. Divilio - Mr. Divilio expressed his appreciation to all the frontline County employees who are fielding phone calls without having any answers. He stated that the Parks and Recreation Advisory Board will be holding a meeting this evening and will be

discussing the pools and camps for the summer. He stated that the Parks and Recreation Department continues to receive calls inquiring whether camps will be held this summer and state that the decision has not yet been made. He stated that although there are a lot of members of the community who are looking for the services the County provides, we don't have the answers yet, but we are hoping to work through it as quickly as possible. Mr. Divilio again expressed his appreciation to all County employees for the extra stress they are under and the difficult phone calls they are receiving.

Mr. Callahan - Mr. Callahan expressed his appreciation to staff for organizing the meeting for today. He stated that it is an unusual time for the Council to be here, but it is extremely important that we are here working for the public. He stated that, in his opinion, we have done a good job up to this point and expressed his appreciation to Dr. Fredia Wadley and County staff. He stated that it has now been 70 plus days that they have "been in the trenches" under the State of Emergency taking guidance from five different people with five different ideas but we have all worked together, we have talked and we have all come to an agreement. He expressed his appreciation to Mr. Pack for his thoughts and his understanding of how important some things are with respect to getting to a point where we are starting to open up and he really appreciates Mr. Pack going the extra mile for us. He stated that, in his opinion, at the end of the day, there is not one person listening or who is here who does not want to be safe, and that's what the Council is striving for. He stated that at the same time, everyone is looking for the new normal and getting back to things being better because, in his opinion, we have a great county and we have great people living here. Mr. Callahan again expressed his appreciation to everyone for their part in getting us to this point, and he thinks we have great things coming in the next month to six weeks.

Mr. Pack - Mr. Pack expressed his appreciation to Mr. Callahan for his kind words. He stated that when one looks at his record on STRs, in his opinion, he has been one of the strongest proponents of STR legislation on this Council and the prior Council. He stated that he wanted to make sure that STRs could exist in Talbot County as they have for years, but also wants to make sure the serenity of the communities that they are in is respected. He stated that finding that balance is what the past Council and this Council is still trying to strive to do. He stated that his initial hesitation in reopening STRs was not based on his lack of support, or a change in support for STRs, but was over his concern about public health and that's where his concern will remain as we move along this path – not because we are getting phone calls and emails but because we have input from our health officer and good data to back up our decisions. He stated that at the end of the day that is what the Council will be held accountable for. He reiterated that his hesitation did not come from trying to stifle the STR owners but wanted to make sure that the information we were getting from the Director of Emergency Services and the Health Officer led to us moving down this path. He stated that following a phone call that he and Mr. Leshner had with them, and after consulting with the municipalities, he felt comfortable with making changes. Mr. Pack stated that the County had received \$3.2 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding which will go toward helping some small businesses which may have received Payroll Protection Program (PPP) Funding but may also need additional funding. He stated that the Council will be working with Cassandra Vanhooser, Director, Department of Economic Development and Tourism with assistance to

businesses and with Linda Webb, Director, Talbot County Department of Social Services to assist qualified individuals with rental assistance, utility bills, etc. who may have lost their jobs due to the COVID-19 pandemic. He stated that there may also be Community Development Block Grant (CDBG) funding available which the County will be working to bring to the County and the towns. Mr. Pack reiterated his previous statement that his hesitation with regard to reopening short-term rentals was to make sure that the health data supported the reopening, that the incorporated towns had an opportunity to weigh in, and to get people from a state of compliance to a state of commitment by wearing face masks, practicing social distancing, washing hands, and complying with CDC guidelines, and understand the bigger picture that's involved. He stated that, in his opinion, that's what governments are trying to do. He stated that, in his opinion, the virus is going to be around until we get a vaccine in place and until we make sure that people have the right amount of antibodies in place, or we have herd immunity and we all just build up immunity and fight the virus off together as a group; until then, people have to continue to be committed to the cause. In the meantime, that's where the funding comes in, to help people out.

- VI. The Council will reconvene on Tuesday, May 26, 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 Closed Session and the Council meeting will take place in the Wye Oak Room.

The meeting adjourned at 11:47 a.m.

The transcript of the May 21, 2020 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.