



# TALBOT COUNTY, MARYLAND

County Council

MINUTES

November 19, 2019

## *SPECIAL LEGISLATIVE DAY*

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 – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, November 19, 2019.
- II. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, November 19, 2019.
- III. Introduction of Legislation:

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ALTER THE SETBACK AND ROAD ACCESS REQUIREMENTS FOR PRODUCT RECYCLING WHEN SUCH USE IS ESTABLISHED WITHIN AN ACTIVE MINERAL EXTRACTION SITE AND TO REQUIRE AN OPERATION PLAN AS PART OF THE PROCESS FOR APPROVING A PRODUCT RECYCLING USE IN SUCH LOCATION was read into the record by the Clerk and brought forward for introduction. Prior to introduction Mary Kay Verdery, Planning Officer, outlined the County’s recycling land use provisions, which incorporate product recycling of materials including various masonry materials as well as trees, leaves, etc. Ms. Verdery stated that the land use is permitted by special exception in the County’s four conservation districts, subject to certain performance standards which she enumerated. She also outlined the County’s mineral extraction land use provisions and the provisions in the proposed text amendment with regard to same. Ms. Verdery stated that the Planning Commission, at its Wednesday, November 6, 2019 meeting, unanimously voted 4 – 0 to recommend to Council that the legislation be introduced. Council discussion ensued with Ms. Verdery and Ryan Showalter, attorney for the applicant of the proposed text amendment. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1437. A public hearing was scheduled for Tuesday, December 10, 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 THE CRITICAL AREA OVERLAY DISTRICT ON THE OFFICIAL ZONING MAPS OF TALBOT COUNTY TO ESTABLISH A NEW MODIFIED BUFFER AREA, IDENTIFIED AS “COMMUNITY #39”, ON CERTAIN LOTS OR PARCELS OF LAND IN THE VILLAGE OF BELLEVUE, TALBOT COUNTY, MARYLAND, DESCRIBED AS TAX MAP 46, PARCEL 141 (LOT 4), PARCEL 115, AND A CERTAIN PORTION OF PARCEL 148, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Mary Kay Verdery, Planning Officer, stated that the applicant is requesting the establishment of an amended critical area overlay district to establish a new modified buffer area in Bellevue, to be known as Community Number 39, which would allow for a reduced buffer (50.7 feet) from mean high water for the properties within Community Number 39. Council discussion ensued with Ms. Verdery and Ryan Showalter, attorney for the applicant. Ms. Verdery stated that the Planning Commission, at its meeting on Wednesday, November 6, 2019, unanimously voted 4 – 0 to recommend to Council that the legislation be introduced. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1438. A public hearing was

scheduled for Tuesday, December 10, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. \*

**\*Note:** Prior to advertising the public hearing for Bill Non. 1438 it was determined that the legislation was required to be advertised for three (3) successive weeks. The public hearing was advertised to be held on Tuesday, December 17, 2019 at 6:30 p.m. A notice of the public hearing will be sent to adjacent property owners.

Ms. Verdery stated that prior to the vote on Bill No. 1438, a majority of the Council is required to make a site visit to the location proposed for the establishment of the proposed new modified buffer area.

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ALLOW INCREASED PIER SIZE FOR FISHERIES, AQUACULTURE AND HATCHERIES ACTIVITIES was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Mary Kay Verdery, Planning Officer, stated that Ryan Showalter, attorney for the applicant, Ferry Cove Project, LLC, is requesting a major site plan approval for a 17,245 square foot oyster hatchery building for which he is also requesting a 165-foot long, eight-foot wide pier and 460 square foot L-shaped platform. If approved, the text amendment will allow the pier length, width and platform area to exceed current Code limitations for certain land uses through the site plan approval process. Ms. Verdery stated that the Planning Commission had reviewed the matter at its meeting on Wednesday, November 6, 2019, noted their concerns and recommendations, and had unanimously voted 4 – 0 to recommend to the Council that the legislation be introduced. Council discussion ensued with Ms. Verdery and Ryan Showalter, attorney for the applicant. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, and Ms. Price as Bill No. 1439. A public hearing was scheduled for Tuesday, December 10, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

- IV. Recognition of 2019 Maryland Tourism Awards – Cassandra Vanhooser, Director, Talbot County Department of Economic Development and Tourism, Judy Bixler, Chairperson, Talbot County Tourism Board – Ms. Vanhooser briefed the Council on the Talbot County Office of Tourism’s recent award from the Maryland Office of Tourism Development at the Maryland Travel and Tourism Summit. She stated that the award was a cooperative project between Caroline, Kent, Queen Anne’s, and Talbot counties for the Stories of the Chesapeake Heritage Area, one of 13 certified heritage areas in Maryland. The certified heritage areas are the funding mechanism for heritage tourism products and cultural assets in Maryland, citing the Chesapeake Bay Maritime Museum as an example. Ms. Vanhooser outlined the award-winning project, *Maryland’s Tastiest Catch*, which involved the development of a marketing campaign for our region to call attention to the food and culture of the Chesapeake Bay. She stated that the project also included a cookbook by that name. Council expressed their appreciation to Ms. Vanhooser for all her efforts. Ms. Vanhooser stated that Ms. Bixler is, in addition to acting as the current chairperson of the Talbot County Tourism Board, is also the chairperson of the State Tourism Development Board. Ms. Vanhooser stated that all counties in Maryland contribute a portion of their tourism grant funding to participate in a State study conducted by Tourism Economics which utilizes data from the Comptroller’s Office; the Comptroller’s Office, in turn, provides jurisdictions with economic impact numbers from tourism. Ms. Vanhooser provided various statistical information related to tourism in Talbot County, which she noted increased by 7.8 percent in calendar year 2018 to 588,700 visitors and generated 217 million dollars in revenue; 1,971 individuals work directly for the tourism sector in Talbot County. Council discussion ensued with Ms. Vanhooser and Ms. Bixler. Council members congratulated Ms. Vanhooser for having received the award.
- V. Discussion of Comprehensive Economic Development Strategy (CEDS) Program and Possible New Projects – Cassandra Vanhooser, Director, Talbot County Department of Economic Development and

Tourism; Sam Shoge, Talbot County Economic Development Coordinator – Mr. Shoge and Ms. Vanhooser briefed the Council on upcoming projects they will be requesting to include in the CEDS Program. Mr. Shoge stated that the CEDS document, drafted by the Mid-Shore Regional Council, opens up the region (Caroline, Dorchester, and Talbot Counties) to federal funding for various projects. He stated that in order to be eligible for federal funding, proposed projects need to be included in the Comprehensive Economic Development Strategy (CEDS); the projects are then reviewed by various committees and assigned a priority within the region for their overall economic development potential. Mr. Shoge stated that the Mistletoe Hall Commerce Business Park is the most recent project funded by the CEDS program for our region. He expressed his appreciation to Scott Warner, Executive Director, Mid-Shore Regional Council, for his assistance in helping the Town of Easton, through its partnership with Talbot County, to secure the funding. Mr. Shoge stated that Talbot County is hoping to include the Frederick Douglass Park on the Tuckahoe as a project in the CEDS document. Ms. Vanhooser stated that she and Mr. Shoge had reviewed various Talbot County projects with staff and had determined that the Frederick Douglass Park on the Tuckahoe project was the top priority as it was the project most ready to be included in accordance with the objectives outlined in the CEDS document. Ms. Vanhooser echoed Mr. Shoge's comments in expressing her appreciation to Mr. Warner for his assistance. Council discussion ensued with Mr. Shoge, Ms. Vanhooser and Mr. Warner. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved having the Department of Economic Development and Tourism submit the Frederick Douglass Park on the Tuckahoe project to the Executive Board of Mid-Shore Regional Council for vetting and subsequent forwarding to the full Mid-Shore Regional Council for vote to include the project in the CEDS document by voting 5 – 0 as follows:

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

VI. Submittal of Short Term Rental Review Board's Recommendations and Discussion of Next Steps – Scott Kane, Chairman, Short Term Rental Review Board – Council members expressed their appreciation to Mr. Kane and the members of the Short Term Rental Review Board for all the hard work which went into drafting the recommendations before the Council for consideration. Mr. Kane stated that the recommendations are the result of several work sessions with staff as well as public comment sessions during which the public provided testimony and/or written comments. Several Council members stated that they had concerns about some of the recommendations which, in their opinion, warranted additional discussion. Council discussion ensued regarding whether a work session should be scheduled to individually review each of the recommendations and to accept additional written comments until a pre-determined time prior to the work session, or to request that staff draft legislation for Council's consideration of those recommendations upon which they were in agreement. By a show of hands, Mr. Callahan, Mr. Divilio, Mr. Leshner and Mr. Pack approved having staff schedule a work session at which time each of the recommendations of the Short Term Rental Review Board will be discussed. At Council's request, the Short Term Rental Review Board recommendations will be posted on the Department of Planning and Zoning's website. Once a date for the work session has been determined, it will be advertised.

VII. County Manager's Report:

A. Request from Talbot County Senior Centers – Requested Council approval to utilize Contingency Funds in the sum of \$2,450 for the purchase of ten (10) additional monthly bus passes requested by the Talbot County Senior Centers; requests for passes have already exceeded the funding allocated in FY2020; Mr. Hollis certified that Contingency Funds are

available. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved use of Contingency Funds as outlined by voting 5 – 0 as follows:

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

- B. Special Legislative Day – Requested Council approval to declare Tuesday, December 17, 2019 a Special Legislative Day. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved Tuesday, December 17, 2019 as a Special Legislative Day by voting 5 – 0 as follows:

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

- C. Cordova Village Master Plan – Mr. Hollis stated that the Cordova Village Master Plan meeting will be held on Thursday, November 21, 2019 at the Cordova Volunteer Fire Department. The open house begins at 5:30 p.m. and the presentation begins at 6:30 p.m.
- D. County Offices Closed – Mr. Hollis stated that County offices will be closed on Thursday, November 28, 2019 for the Thanksgiving holiday and on Friday, November 29, 2019 for Native American Heritage Day.

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

IX. Council Election of Officers for 2019-2020 – Mr. Pack was elected president of the Council for 2019-2020; Mr. Callahan was elected vice president for 2019-2020.

X. Council Comments:

Mr. Divilio – Mr. Divilio read a letter from Childlene Brooks, Manager, Brookletts Place, The Talbot County Senior Center, into the record which outlined the reason for her request for funding of additional bus passes. Following Mr. Callahan’s comments, Mr. Divilio reminded everyone that Saturday, November 30<sup>th</sup> was Shop Local Day, which, in his opinion, is a big deal. He stated that Easton, St. Michaels, and Oxford are, in his opinion, great towns and have great shops that we may walk past and forget to stop in on our way to restaurants. He asked that everyone take the time to stop in, meet the merchants and check out their inventory. He stated that, in his opinion, that’s what is great about having small town clothing stores, toy stores, etc. – there are always new items. Mr. Divilio concluded his comments by stating that without local shops it would be a different picture downtown.

Mr. Leshner – No comments.

Ms. Price - Ms. Price responded to comments made by Ms. Jodi Hardesty during the public comment portion of the meeting that short term rental regulations should be

simpler and less onerous. She stated that nothing had changed in the building code and the standards did not suddenly change, the only difference is that now there are inspections versus an affidavit process. She stated that she wants the public to understand that the Council did not change the 2003 Building Code, the County simply inspects now rather than accepting a written affidavit. Ms. Price concluded her comments by stating that whether there should be a waiver process for historic homes is something that, in her opinion, the Council should consider.

Mr. Callahan - Mr. Callahan wished everyone a happy and safe Thanksgiving. He wished the very best to his girlfriend, Julie's grandmother, Pearl, who is moving to a retirement home in Atlanta. He stated that she has been a big part of the family and he wishes her well.

Mr. Pack - Mr. Pack wished everyone a happy Thanksgiving. He stated the Property Tax Referendum Committee, of which Angela Lane, County Finance Director, is chairwoman, had held a meeting earlier in the day at the County's Bay Street offices. He stated that the Committee is actively working to put together a possible amendment to the property tax code for the Council to consider for the 2020 election period. He stated that the public will be hearing more from the Committee as they continue their work and begin their education campaign out in the community. He stated that, in his opinion, the group is comprised of well-intended and notable citizens who are giving of their time and talents. Mr. Pack offered prayers for Mr. John Ford of the Town of Easton who has a serious medical condition. He stated that although Mr. Ford is not a member of the Property Tax Referendum Committee, he was very interested in the work of the Committee and had attended its first meeting. He offered his thoughts and prayers to John and his wife, Peggy, and their family for John's speedy recovery. Mr. Pack stated that the Talbot Arts Council Winners Circle reception will be held tomorrow evening at the Academy Art Museum and, in his opinion, it is always a great time to see the young talent we have in Talbot County in a variety of fields from music to painting, to sculpture, to dance. Mr. Pack offered his thoughts and prayers to Mr. Eric Lowery, the leader of the Frederick Douglass Honor Society since its inception. He stated that Mr. Lowery is not well and was unable to attend this year's Douglass Day Ceremony and expressed his hope to Mr. Lowery, his wife Harriette and their family for a speedy recovery. Mr. Pack concluded his comments by offering condolences to the family of Mr. Harvey Smith who recently passed away. Mr. Pack stated that Mr. Smith was, in his opinion, a very dedicated fireman who was a fixture at the Easton Volunteer Fire Department where he was a life member and always greeted everyone with a smile.

XI. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, December 10, 2019 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 5 – 0 as follows:

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

The meeting adjourned at 6:50 p.m.

The transcript of the November 19, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XII. Joint Meeting with Talbot County Board of Education – The County Council held a joint meeting with the Board of Education on Monday, November 18, 2019 at 5:30 p.m. in the Easton High School Culinary Arts Dining Room. Michael Garman, Susan Delean-Botkin, Emily Jackson, April Motovidlak, Otis Sampson, Kelly Griffith, Charles Connolly, Helga Einhorn, Lynne Duncan, Steve Wilson, were in attendance on behalf of the Board of Education. Corey Pack, Chuck Callahan, Pete Leshner, Laura Price, Andy Hollis, and Angela Lane were in attendance on behalf of Talbot County. Andrew Burke was also in attendance as an observer. The following topics were discussed: (1) Enrollment in Firefighter and Emergency Medical Responder (MRFI) Program through CTE - Dr. Einhorn shared trend data about the program and a summary of student criteria to participate in the program. She explained that after making the commitment, students are required to leave their home school to attend training in Queen Anne’s County during their senior year. Members of the Council expressed their concern regarding conversations with, and feedback from, local members of the fire department and EMT services who have expressed their desire to be more involved in the process to possibly train or involve and/or recruit students in local emergency service departments. Dr. Griffith offered to meet with local representatives to discuss the process and consider how they can collaborate with schools; (2) Update on School Safety Plan for TCPS and Grant Opportunities - Ms. Duncan briefed the Council on the School Safety Grant received from the State of Maryland. In addition, Dr. Griffith shared concerns about funding the School Resource Officers after grants end this year; (3) Update on Easton Elementary School Project - Dr. Griffith provided an update on the Easton Elementary School construction project, stating that it was 70% complete and ahead of schedule. MSDE has approved closing the campus on April 7 and 8, 2020, to move Moton students into the new building. She also noted that currently students are going to Moton Park for recess. In addition, a grand opening and memorial service are being planned; (4) FY 21 Budget Timeline - Dr. Griffith provided a copy of the budget timeline; (5) Update on Kirwan Commission - Dr. Griffith shared information on Kirwan indicating that Superintendents had discussed formulas and the projection is that Talbot County would be required to provide approximately \$6 million more to schools the first year. Mrs. Price shared that she has attended all meetings and that in addition to Kirwan, MACO is also working on a formula to determine how much each county would be required to pay; (6) 2019-20 School Demographics Dr. Griffith provided a copy of the one page “At a Glance” which details demographics and important statistics for Talbot County Public Schools. The official enrollment as of September 30, 2019 was 4,703 students; and (7) American Education Week - Dr. Griffith shared a copy of a flyer listing the events and activities for American Education Week, and invited the Council to visit schools. The meeting adjourned at 6:45 p.m.

XIII. Summary of Closed Session Held on November 19, 2019:

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

Time of closed session:	5:05 p.m. to 6:00 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: Pack, Callahan, Price, Divilio, Lesher

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:

<b>Topic description</b>	<b>Statutory authority</b>	<b>Persons present</b>	<b>Action taken</b>
Discuss appointments to various boards and commissions	GP § 3-305 (b) (1)	Corey Pack, Chuck Callahan, Laura Price, Frank Divilio, Pete Lesher, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O'Donnell	None
Discuss acquisition of real property for a public purpose, namely parkland near Bill Burton fishing pier	GP § 3-305(b) (3)	Same as above	Consensus to reach out to DNR to discuss possible acquisition
Receive legal advice regarding bid awarded for Frederick Douglass Park interpretative element	GP § 3-305 (b) (7)	Same as above	Consensus to allow Frederick Douglass Park Committee to further consider matter
Receive legal advice regarding Preserve at Wye Mills sewer system	GP § 3-305 (b) (7)	Same as above	Direction to pursue PIA request
Receive legal advice regarding Open Meetings Act complaint	GP § 3-305 (b) (7)	Same as above	None

**CASH STATEMENT 11/19/2019**

BALANCE 11/12/2019	15,511,554.68
TOTAL ADP PAYROLL PPE 11/01/2019	(633,883.07)
DEFERRED COMP DED PPE 11/01/2019	(17,529.87)

PENSION DED PPE 11/01/2019	(37,746.07)
DEFERRED COMP PPE 11/01/2019 PLAN 401(A)	(6,925.57)
CIGNA CLAIMS PAID THRU 11/12/2019	(11,970.73)
WELLS FARGO EQUIPMENT LEASE 11/2019	(4,092.00)
BANK CHARGES 9/2019	(3,148.57)
INTEREST ON ACCOUNTS 9/2019	39,374.49
BANK CHARGES 10/2019	(2,865.93)
INTEREST ON ACCOUNTS 10/2019	32,244.12

DEPOSITS	567,353.36
CHECKS	(342,578.46)

**BALANCE 11/19/2019** **15,089,786.38**

**INVESTMENTS - CERTIFICATES OF DEPOSIT**

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		1.74%	20,500,000.00
1880 BANK			10,103,490.02
<b>TOTAL INVESTED</b>			<b><u><u>30,603,490.02</u></u></b>
<b>PETTY CASH BALANCE</b>			<b><u><u>15,570.00</u></u></b>
<b><u>GRAND TOTAL ALL FUNDS</u></b>			<b><u><u>45,708,846.40</u></u></b>