



# TALBOT COUNTY, MARYLAND

County Council

MINUTES

November 28, 2017

Present – President Jennifer L. Williams, Vice President Corey W. Pack, Dirck K. Bartlett, Chuck F. Callahan, Laura E. Price, County Manager R. Andrew Hollis and Acting County Attorney Anthony Kupersmith.

- I. Agenda – Ms. Williams requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, November 28, 2017.
- II. Disbursements – Ms. Williams requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, November 21, 2017, and Tuesday, November 28, 2017.
- III. Presentation of Certificate of Recognition to SOS Sink or Swim Program – Libby Moose, member, Executive Council, SOS Sink or Swim Program, outlined the water safety program which began four years ago in Talbot County. Ms. Moose stated that to date, the Program has provided swimming lessons to approximately 2,750 children ages 18 months to 18 years at the George Murphy Pool in Easton and the Bay Hundred Pool in St. Michaels so that individuals can be prepared to save their own life or someone else’s life, if needed. Preston Peper, Director, Talbot County Department of Parks and Recreation stated that the Program provided swimming lessons to approximately 250 children and youth, and has continued to grow each year. The Clerk read a certificate of recognition into the record in recognition of the generosity and efforts of the sponsors and volunteers of the SOS Sink or Swim Program to provide children and young adults with an opportunity to learn water safety skills free of charge. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the Certificate of Recognition by voting 5 – 0 as follows:

Ms. Williams – Aye  
Ms. Price – Aye  
Mr. Bartlett – Aye  
Mr. Pack – Aye  
Mr. Callahan – Aye

Mr. Bartlett presented the Certificate of Appreciation to Ms. Moose for her work with the SOS Sink or Swim Program. Ms. Moose accepted the Certificate on behalf of the volunteers and sponsors of the Program.

- IV. Introduction of Numbered Resolution:

A RESOLUTION TO APPROVE EXECUTION OF A LEASE OF APPROXIMATELY 14,400 SQUARE FEET OF OFFICE SPACE AT THE TALBOT COUNTY BUSINESS CENTER, 28712 GLEBE ROAD, EASTON, MARYLAND 21601, FURTHER DESCRIBED AS TAX MAP 25, PARCEL 58, TO THE TALARIA COMPANY, LLC, FOR A TERM OF THREE (3) YEARS WITH BASE RENT OF FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800) PER YEAR PLUS A PROPORTIONATE SHARE OF ALL TAXES, AND COMMON AREA MAINTENANCE EXPENSES, AMONG OTHER CHARGES, was read into the record by the Clerk and brought forward for introduction. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams as Resolution No. 254. A public hearing

was scheduled for Tuesday, January 9, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601.

A RESOLUTION CONCERNING THE PROPOSED REZONING OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, BY THE TOWN OF EASTON, MARYLAND (THE “TOWN”) CONSISTING OF APPROXIMATELY 6.528 ACRES OF LAND, MORE OR LESS, (THE “PROPERTY”), FINDING THAT THE PROPOSED REZONING FROM THE TOWN’S EXISTING GENERAL COMMERCIAL ZONE TO THE TOWN’S PROPOSED MIXED USE WATERFRONT (“MXW”) ZONE WILL RESULT IN SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE PRE-ANNEXATION COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE was read into the record by the Clerk and brought forward for introduction. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams as Resolution No. 255. A public hearing was scheduled for Tuesday, December 19, 2017 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

V. Introduction of Legislation:

A BILL TO AMEND THE COMPREHENSIVE PLAN, TALBOT COUNTY, MARYLAND, ADOPTED JUNE 7, 2016, TO ADD CRITERIA TO DEFINE WHEN PARCELS THAT ARE MAPPED AS TIER IV PURSUANT TO LAND USE ARTICLE §1-508, MARYLAND CODE ANN., ARE ELIGIBLE FOR SEWER SERVICE, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Mary O’Donnell, Assistant County Attorney stated that at the recent work session on Resolution No. 250, there was discussion as to whether Resolution No. 250 was consistent with the 2016 Comprehensive Plan. She stated that some members of the Council had requested that the Office of Law look into how to align Resolution No. 250 with State and local law which requires that properties abutting a main sewer line receive sewer service regardless of the tier designation of the property. She stated that the proposed legislation outlines the specific criteria by which Tier IV parcels which abut a main sewer line in a sewer district would qualify for sewer service under the 2016 Comprehensive Plan. Council discussion ensued with Ms. O’Donnell. The legislation was introduced by Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams as Bill No. 1378. A public hearing was scheduled for Tuesday, December 19, 2017 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. The Planning Commission will review Bill 1378 at its Wednesday, January 3, 2018 meeting and provide a recommendation to the Council.

VI. Eligible for Amendment/Vote:

Resolution No. 250, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (“CWSP”) TO CREATE A NEW SEWER SERVICE AREA COMPRISED OF CERTAIN PARCELS OF LAND IN THE VILLAGES OF BOZMAN AND NEAVITT DESIGNATED AS “TIER III-B” IN THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN (“COMPREHENSIVE PLAN”) AND CERTAIN ADDITIONAL PARCELS OF LAND DESIGNATED AS “TIER III-C” IN THE COMPREHENSIVE PLAN (COLLECTIVELY, THE “ELIGIBLE PROPERTIES”); TO CLASSIFY AND MAP THE ELIGIBLE PROPERTIES AS “S-1” IMMEDIATE PRIORITY STATUS; TO APPROVE A CAPITAL PROJECT TO EXTEND SANITARY SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT IN ST. MICHAELS TO

SERVE THE ELIGIBLE PROPERTIES; TO PURSUE GRANT FUNDING AND LOW-INTEREST LOANS TO FUND THE PROJECT; TO REQUIRE OWNERS OF THE ELIGIBLE PROPERTIES TO PAY CONNECTION AND SERVICE CHARGES, AS ESTABLISHED FROM TIME TO TIME, AND TO CONVEY EASEMENTS TO THE COUNTY FOR ACCESS, MAINTENANCE, AND REPAIR OF INDIVIDUAL SYSTEMS; AND TO ESTABLISH ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO THE EXTENSION OF SEWER TO THE ELIGIBLE PROPERTIES, was brought forward for amendment/vote. At Council's request, the Clerk read Amendment 1, also known as the green amendment, into the record. Mr. Kupersmith outlined the provisions of Amendment 1 and Council discussion ensued. He stated that if Amendment 1 is introduced, Resolution No. 250 is required to be re-advertised and another public hearing scheduled as the amendment is substantive.

Amendment 1 adds certain Tier IV properties that abut the proposed sewer line to the proposed new sewer service area, as required by State and local law. Such properties are mapped Tier IV under the Comprehensive Plan. The amendment limits connections of such abutting Tier IV properties to one sewer connection per tier map parcel, unless the property owner pays the entire cost of each additional connection. The amendment also adds requirements for connection to the system and clarifies that the connecting property owners will be responsible for the costs of the sewer expansion. Amendment 1 was introduced by Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams.

Amendment 2, also known as the blue amendment, was read into the record by the Clerk. Mr. Bartlett outlined the provisions of Amendment 2, the differences between Amendment 1 and Amendment 2 and the reasons he was offering Amendment 2 for Council's consideration. Council discussion ensued. Mr. Kupersmith stated that Amendment 2 is substantive and will require that Resolution No. 250 be re-advertised and another public hearing scheduled.

Amendment 2 creates a process for certain Tier IV properties that abut the proposed sewer line to petition to be included in the proposed sewer service area, to comply with State and local law. Such properties are mapped Tier IV under the Comprehensive Plan. For Tier IV properties added to the sewer service area through the petition process, the amendment limits the sewer connection to improvements within 200 feet of the right-of-way or road in which the sewer line is laid. Amendment 2 was introduced by Mr. Bartlett.

Amendment 3, also known as the goldenrod amendment, was read into the record by the Clerk as follows:

*WHEREAS, it is the intention of the Council that this new sewer service area will not increase the amount of development or density currently allowed by law due to the inclusion of these parcels.*

Amendment 3 clarifies the Council's intent that the expansion of sewer service to properties mapped Tier IV under the Comprehensive Plan is not for the purpose of new growth and development. Mr. Kupersmith stated that Amendment 3 is non-substantive.

Ms. Price outlined the provisions of Amendment 3, which she offered for Council's consideration as an amendment to Amendment 1 and Council discussion ensued. Ms. Price requested that the language of the proposed amendment be changed to state as follows:

*WHEREAS, it is the intention of the Council that this new sewer service area will not increase the amount of development or density currently allowed by law due to the inclusion of these tier four parcels.*

Council discussion again ensued. The language of proposed Amendment 3 was changed to read as follows:

*WHEREAS, it is the intention of the Council that the inclusion of Tier IV parcels in this new sewer service area will not increase the amount of development or density allowed by law.*

Amendment 3 was introduced by Mr. Bartlett and Mrs. Price.

The public hearing on Resolution No. 250 and Amendment 1, Amendment 2, and Amendment 3 was scheduled for Tuesday, January 9, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601.

The Planning Commission will review the amendments to Resolution No. 250 at its meeting on Thursday, December 7, 2017 and provide a recommendation to the Council at its meeting on Wednesday, January 3, 2018.

VII. Council Election of Officers for 2017-2018: Ms. Williams was elected as President of the Talbot County Council for 2017-2018. Mr. Pack was elected Vice-President of the Talbot County Council for 2017-2018.

VIII. County Manager's Report:

A. Talbot County Planning Commission – Requested Council approval for the reappointment of Michael Sullivan to a five-year term on the Talbot County Planning Commission; said term will expire at midnight on December 2, 2022. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council approved the reappointment by voting 5 – 0 as follows:

Ms. Williams – Aye  
Ms. Price – Aye  
Mr. Bartlett – Aye  
Mr. Pack – Aye  
Mr. Callahan – Aye

B. Special Legislative Day – Mr. Hollis requested that Council declare Tuesday, December 19, 2017 as a Special Legislative Day. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved Tuesday, December 19, 2017 as a Special Legislative Day by voting 5 – 0 as follows:

Ms. Williams – Aye  
Ms. Price – Aye  
Mr. Bartlett – Aye  
Mr. Pack – Aye  
Mr. Callahan – Aye

C. Introduction of Assistant County Attorney – Anthony Kupersmith, Acting County Attorney, formally introduced Mary O'Donnell as the new Assistant County Attorney for Talbot County. He stated that Ms. O'Donnell comes to Talbot County from the City of Alexandria, Virginia where she worked on a variety of different issues that included federal court litigation. He stated that she is an experienced attorney with a well-rounded approach and, in his opinion, the Council, as well as County staff, will enjoy working with her. Council welcomed Ms. O'Donnell to Talbot County.

IX. Council Comments:

Mr. Callahan – Mr. Callahan reminded everyone that Council would be going to the MACo Winter Conference in Cambridge next week and would bring everyone up to speed at a later date.

Mr. Pack - Mr. Pack stated that he hoped everyone had had a happy and safe Thanksgiving.

Ms. Price - No comments.

Mr. Bartlett - Mr. Bartlett congratulated Ms. Williams and Mr. Pack on their election as president and vice president of the Council for the next year.

Ms. Williams - Ms. Williams expressed the Council's appreciation to the Talbot County Garden Club for presenting the Council with a book in recognition of the 100 years that the Club has been in existence. She stated that the book, in her opinion, is lovely, it was kind of them to present the Council with a copy, and it's fun to look at pictures of Talbot County over the past 100 years.

- X. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council voted to adjourn and to reconvene in Open Session at 4:30 p.m. on Tuesday, December 12, 2017 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 at 6:00 p.m. for the regularly scheduled meeting by voting 5 – 0 as follows:

Ms. Williams - Aye

Ms. Price - Aye

Mr. Bartlett – Aye

Mr. Pack - Aye

Mr. Callahan- Aye

The meeting adjourned at 7:06 p.m.

The transcript of the November 28, 2017 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XI. On Monday, November 27, 2017 a Closed Session of the Talbot County Council convened at 3:35 p.m. in the Bradley Meeting Room and County Council Conference Room. Upon motion by Ms. Price, seconded by Mr. Pack, the Council met in Closed Session by voting 5 – 0 as follows:

Mr. Bartlett – Aye

Mr. Callahan - Aye

Mr. Pack – Aye

Ms. Price – Aye

Ms. Williams – Aye

In accordance with General Provisions Article § 3-305(b)(1)(i) (7)(8) the purpose of the Closed Session was for legal matters for legal advice regarding litigation involving *Talbot County, et al. vs. Clayland Farm Enterprises, LLC*. The Closed Session ended at 4:05 p.m.

- XII. On Tuesday, November 28, 2017, a Closed Session of the Talbot County Council convened at 4:40 p.m. in the Bradley Meeting Room and the County Council Conference Room. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council met in Closed Session by voting 5 – 0 as follows:

Mr. Bartlett – Aye  
Mr. Callahan – Aye  
Mr. Pack – Aye  
Ms. Price – Aye  
Ms. Williams – Aye

In accordance with General Provision Article § 3-305(b)(1)(i) the purpose of the Closed Session was for personnel matters to discuss a personnel matter involving the Sheriff's Office and to discuss appointments to various County Boards and committees. The Closed Session ended at 5:15 p.m.

- XIII. *Work Session with Members of Planning Commission, Public Works Advisory Board and County Staff on Resolution No. 250, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN ("CWSP") TO CREATE A NEW SEWER SERVICE AREA COMPRISED OF CERTAIN PARCELS OF LAND IN THE VILLAGES OF BOZMAN AND NEAVITT DESIGNATED AS "TIER III-B" IN THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN ("COMPREHENSIVE PLAN") AND CERTAIN ADDITIONAL PARCELS OF LAND DESIGNATED AS "TIER III-C" IN THE COMPREHENISVE PLAN (COLLECTIVELY, THE "ELIGIBLE PROPERTIES"); TO CLASSIFY AND MAP THE ELIGIBLE PROPERTIES AS "S-1" IMMEDIATE PRIORITY STATUS; TO APPROVE A CAPITAL PROJECT TO EXTEND SANITARY SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT IN ST. MICHAELS TO SERVE THE ELIGIBLE PROPERTIES; TO PURSUE GRANT FUNDING AND LOW-INTEREST LOANS TO FUND THE PROJECT; TO REQUIRE OWNERS OF THE ELIGIBLE PROPERTIES TO PAY CONNECTION AND SERVICE CHARGES, AS ESTABLISHED FROM TIME TO TIME, AND TO CONVEY EASEMENTS TO THE COUNTY FOR ACCESS, MAINTENANCE, AND REPAIR OF INDIVIDUAL SYSTEMS; AND TO ESTABLISH ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO THE EXTENSION OF SEWER TO THE ELIGIBLE PROPERTIES* was held at 4:00 p.m. on Monday, November 20, 2017 in the Bradley Meeting Room. The purpose of the work session was to discuss possible legal concerns related to inclusion of several Tier IV parcels in the proposed new sewer service area as outlined in Resolution No. 250. State and County law require that properties abutting a main sewer line receive sewer service regardless of the tier designation of the property under State law. Council discussion ensued with representatives of the Planning Commission, Public Works Advisory Board, and County Staff regarding whether the inclusion of Tier IV parcels was consistent or not consistent with the 2016 Comprehensive Plan, the intent of the 2016 Comprehensive Plan with regard to Tier IV parcels and discussion of possible amendments to Resolution No. 250 and the 2016 Comprehensive Plan. Janice Oden and Theresa Wong, Maryland Department of the Environment and Chuck Boyd, Maryland Department of Planning were in attendance and participated in the discussion. The work session ended at 5:33 p.m.
- XIV. Work Session with Ray Clarke, County Engineer on Upcoming Projects in Region II (St. Michaels) and Region V (Tilghman) Sanitary Sewer Districts – The Council held a work session with Ray Clarke, County Engineer, at 4:00 p.m. on Monday, November 27, 2017 in the Bradley Meeting Room. Mr. Clarke briefed the Council on his request to seek grant funding through Rural Development or the Maryland Department of the Environment for Preliminary Engineering Reports (PERs) and Environmental Reports (ERs) for several proposed sewer extension and/or upgrade projects. The projects included extension of sewer to Ferry Point Marina in Trappe, the option to upgrade and expand the Region V Wastewater Treatment Plant (Tilghman) with Enhanced Nutrient Removal (ENR) Technology or pump the wastewater to the Region II Plant in St. Michaels, and the option of community-based wastewater treatment systems versus extension of sewer to areas like Bozman and Neavitt, extension of sewer to the villages of Fairbank and Bar Neck, Sherwood, Wittman, McDaniel and Claiborne, feasibility study for expansion of the Region II Wastewater Treatment Plant, and review of inflow and infiltration issues within the St. Michaels and Tilghman Sewer Collection Systems. Mr. Clarke outlined the funding available for a PER and ER for each project. Council discussion ensued with Mr. Clarke. At Council's direction, Mr. Clarke will seek proposals

for the projects through the County’s Open-ended Engineering Services Agreement and will seek grant funding to help offset the cost of the Reports.

- XV. Work Session with Members of Planning Commission and County Staff on Bill No. 1376, *A BILL TO AMEND THE OFFICIAL ZONING MAPS OF TALBOT COUNTY, MARYLAND (SPECIFICALLY, MAPS 1, 4, 5, 10, 11, 12, 14, 16, 22, 24, 31, 32, 40, 40A, 41, 42, AND 48) AND THE CATALOG OF LIMITED DEVELOPMENT AREAS (“LDA’S”) AND INTENSELY DEVELOPED AREAS (“IDA’S”) OF TALBOT COUNTY, MARYLAND (SPECIFICALLY, LDA MAPS 32, 42, 48, 52, 53, 58, 69, AND 70) TO MODIFY VILLAGE CENTER ZONING DISTRICT (“VC ZONE”) BOUNDARIES FOR THE VILLAGES OF BOZMAN, CLAIBORNE, CORDOVA, COPPERVILLE, LONGWOODS, MCDANIEL, NEWCOMB, ROYAL OAK, SKIPTON, TUNIS MILLS, WITTMAN, WILLIAMSBURG AND WYE MILLS AS RECOMMENDED IN THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN (THE “COMPREHENSIVE PLAN”), AND TO REZONE AFFECTED LANDS REMOVED FROM THE VC ZONE TO ZONING CLASSIFICATIONS CONSISTENT WITH THE COMPREHENSIVE PLAN AND IN ACCORDANCE WITH THE SURROUNDING AREAS*, was held on Monday, November 27, 2017 at 5:00 p.m. in the Bradley Meeting Room. The purpose of the work session was to clarify various issues related to the boundaries of several parcels located in the villages of Longwoods, Skipton, and Royal Oak. Council discussion ensued regarding the zoning of several areas in the above-referenced villages. Mary Kay Verdery stated that approval of the official zoning maps is necessary before proceeding to the next phase of NextStep190.

**CASH STATEMENT 11/21/2017**

BALANCE 11/14/2017	\$34,502,901.72
TOTAL ADP PAYROLL PPE 11/03/2017	(560,749.68)
DEFERRED COM DED PPE 11/03/2017	(15,055.73)
PENSION DED PPE 11/03/2017	(35,042.41)
SECU DED PPE 11/03/2017	(4,479.64)
DEF COMP PPE 11/03/2017 PLAN 401(A)	(2,720.27)
INTEGRA CLAIMS THRU 11/13/2017	(132,083.65)
ELECTION BOARD PPE 10/10/2017	(6,879.34)
FLEX SPENDING PPE 11/03/017	(3,222.53)
SALES & USE COMMUNITY CENTER DUE 11/20/2017	(664.28)
SALES & USE HOG NECK GOLF COURSE DUE 11/20/2017	(1,534.88)
BANK CHARGES 10/2017	(2,645.57)
INTEREST ON ACCOUNTS 10/2017	28,719.65
DEPOSITS	2,145,264.54
CHECKS	(547,841.62)
VOIDED CHECK #(S) 319763	56.87
<b>BALANCE 11/21/2017</b>	<b><u>35,364,023.18</u></b>

**AIRPORT ACCOUNTS**

AIP42	0.00
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>	<b><u>0.00</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
-------------------------	----------------------	-------------	---------------

PNC-MLGIP INVESTMENTS TOTAL	1.10%	8,000,000.00
1880 BANK		10,002,054.99
<b>TOTAL INVESTED</b>		<b><u>\$18,002,054.99</u></b>
<b>PETTY CASH BALANCE</b>		<b><u>\$15,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>		<b><u>\$53,381,648.17</u></b>

**CASH STATEMENT 11/28/2017**

BALANCE 11/21/2017		\$35,364,023.18
INTEGRA CLAIMS THRU 11/20/2017		(77,746.27)
DEPOSITS		521,348.17
CHECKS		(226,719.77)
<b>BALANCE 11/28/2017</b>		<b><u>\$35,580,905.31</u></b>

**AIRPORT ACCOUNTS**

AIP42		0.00
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>		<b><u>0.00</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		1.11%	8,000,000.00
1880 BANK			10,002,054.99
<b>TOTAL INVESTED</b>			<b><u>\$18,002,054.99</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$15,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$53,598,530.30</u></b>