



# TALBOT COUNTY, MARYLAND

County Council

**MINUTES**

December 12, 2023

Present – President Chuck Callahan, Vice President Pete Leshner, Keasha N. Haythe, Lynn L. Mielke, Dave Stepp, County Manager Clay Stamp, and County Attorney Patrick Thomas

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, December 12, 2023.
- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, November 28, 2023.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, December 5, 2023 and Tuesday, December 12, 2023.
- IV. Introduction of Numbered Resolution:

A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF TRAPPE, MARYLAND (THE “TOWN”) OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF THE TOWN, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND, CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND BEING A PORTION OF PARCEL 302, SHOWN ON TAX MAP 54 (THE “PROPERTY”), FINDING THAT THE PROPERTY’S PROPOSED REZONING FROM TALBOT COUNTY’S TOWN RESIDENTIAL (“TR”) ZONING TO THE TOWN’S INDUSTRIAL (“M”) ZONING UPON ITS ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY’S TR ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the resolution was requested by the Town of Trappe which is considering the annexation of property, a portion of which is already in the Town and zoned “M” (Industrial); the portion to be annexed is currently under the County’s Town Residential (“TR”) zoning. Mr. Thomas stated in order for the Town to apply its industrial zoning to the property within five years, the County will need to grant a waiver of the current zoning. Zach Smith, attorney for the property owner, briefed the Council in more detail on the owner’s plans for the property which is the subject of the legislation. The legislation was introduced by Mr. Callahan, Ms. Haythe, Mr. Leshner, and Mr. Stepp as Resolution No. 352. A public hearing was scheduled for Tuesday, January 9, 2024 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

- V. County Manager’s Report:
  - A. Upper Shore Aging Board of Directors – Requested Council approval for the appointment of Kevin Moran to a three-year term on the Upper Shore Aging Board of Directors; said term will expire in September 2026. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye  
Mr. Stepp – Aye  
Mr. Leshner – Aye  
Ms. Mielke – Aye  
Ms. Haythe – Aye

- B. Request from Town of St. Michaels - Requested Council approval of a request from the Town of St. Michaels for a letter in support of their application for two (2) Maryland Department of Natural Resources (DNR) Grants (Outcome 2 and Outcome 3). Roy Myers, Chair, St. Michaels Climate Change Sea Level Commission, stated that if approved, the funding would be utilized to address projected stormwater flooding and sea level rise anticipated to affect eight (8) areas of St. Michaels by 2050. Mr. Myers briefed the Council on the various recommendations including, raising the bulkhead on West Harbor Road in the East Chew Street area, replacing the failing bulkhead at Back Creek Park with a living shoreline, and installing a tide gate under the bridge on the St. Michaels walking trail; no County funds are required. Upon motion by Ms. Haythe, seconded by Ms. Mielke, the Council approved forwarding letters of support for the grant applications as presented by voting 5 - 0 as follows:

Mr. Callahan – Aye  
Mr. Stepp – Aye  
Mr. Leshner – Aye  
Ms. Mielke – Aye  
Ms. Haythe – Aye

- C. Request from Pickering Creek Audubon Center – Requested Council approval of a request from Pickering Creek Audubon Center for a letter in support of their application for a Maryland Department of Natural Resources (DNR) Grants Gateway– Outcome 3 Grant; no County funding is required. If approved, the funding will be utilized for a living shoreline to protect native habitat and infrastructure at the Pickering Creek property which is in danger due to climate change and sea level rise. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved forwarding a letter of support for the grant application by voting 5 – 0 as follows:

Mr. Callahan – Aye  
Mr. Stepp – Aye  
Mr. Leshner – Aye  
Ms. Mielke – Aye  
Ms. Haythe – Aye

- D. County Office Closed – Mr. Stamp stated that County Offices will be closed on Monday, December 25, 2023, Tuesday, December 26, 2023 and Monday, January 1, 2024.

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

VII. Council Comments:

- Mr. Stepp - Mr. Stepp wished everyone a very Merry Christmas and to stay safe, happy and healthy, and to enjoy time with friends and family. He stated that he is looking forward to serving Talbot County citizens in 2024.
- Mr. Leshner - Mr. Leshner stated that last week he and several other Council members attended the Maryland Association of Counties (MACo) Winter Conference in Cambridge and, in his opinion, it was the most productive session he has attended to date. He stated that members of the Council had an impromptu meeting with members from Caroline, Kent, and Queen Anne's counties regarding the future of the Mid-Shore II Regional Landfill in Ridgely (Maryland) and the possible extension of the life of the landfill for another seven to ten years. Mr. Leshner stated that the matter had been discussed during a presentation by Maryland Environmental Service to the Council two weeks ago. He stated that, in his opinion, there is good communication and coordination among the counties on the issue. He stated that while at MACo, he had learned more about the State's proposed \$3 billion transportation funding cuts, including maintaining shared Highway User Revenues at their present levels rather than gradually restoring the funds over the next three years as had been negotiated with the previous administration and the legislature. Mr. Leshner stated that Talbot County, as well as other jurisdictions, will feel the effects of the cuts and that the Council will need to adjust its plans during the upcoming budget. Mr. Leshner stated that the Council also received an update at MACo on the Maryland Blueprint for Education funding requirements between now and 2034 which represent a 32% increase for Talbot County above the prior mandate. Mr. Leshner concluded his comments by stating that having the knowledge of what's coming will help the County to better prepare.
- Ms. Mielke - Ms. Mielke expressed her appreciation to the citizens of Talbot County for their generosity during the holiday season, from the collection of toys at the Hog Neck Christmas party for children in need, to the Easton Rotary Christmas project mentioned by Easton Town Council President Frank Gunsallus. She stated that, in her opinion, we should all be proud of what all our organizations do. Ms. Mielke concluded her comments by stating that, in her opinion, we live in a wonderful county; she is so grateful and hopes that the citizens are grateful as well.
- Ms. Haythe - Ms. Haythe wished everyone a Merry Christmas and a Happy New Year and encouraged those families struggling with hardships during the holidays reach out to the great resources available in Talbot County.
- Mr. Callahan – Mr. Callahan stated that, in his opinion, it has been a great first year together as a Council, and expressed his appreciation to County staff for their hard work, and to the Sheriff and his department for being there for the public.

VIII. Public Hearings:

Resolution No. 351, A RESOLUTION TO ESTABLISH A VEHICLE WEIGHT LIMIT ON BLACK DOG ALLEY PURSUANT TO MD. CODE ANN., TRANSPORTATION § 25-

102(A)(11) AND CHAPTER 134 OF THE TALBOT COUNTY CODE (ROADS ORDINANCE) IN ORDER TO REROUTE HEAVY TRUCK “THROUGH TRAFFIC” was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Attorney, Patrick Thomas, outlined the provisions of the proposed legislation which, if approved, would establish a weight limit of 17,000 gross combination weight rating (GCWR) and gross vehicle weight rating (GVWR) on Black Dog Alley for the primary purpose of preventing heavy truck through traffic on the road. Mr. Thomas outlined exceptions to the weight limit, including government vehicles, agricultural vehicles, emergency vehicles, vehicles owned by property owners that live along Black Dog Alley, or those whose properties are only accessible by Black Dog Alley, and any vehicles providing services to those residents. Members of the public were afforded an opportunity to comment on the legislation. The Council approved Resolution No. 351 by voting 5 – 0 as follows:

Mr. Callahan – Aye  
Mr. Stepp – Aye  
Mr. Leshner – Aye  
Ms. Mielke – Aye  
Ms. Haythe – Aye

Resolution No. 351 is effective immediately.

Bill No. 1550, A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) REGARDING THE ISSUANCE OF CLASS E BEER, WINE, AND LIQUOR LICENSES FOR URBAN LOCATIONS, was read into the record by the Clerk and brought forward for public hearing. County Attorney, Patrick Thomas, stated that the proposed legislation would create an exception to the market test outlined in Section 11-8 (D) of the Talbot County Code, to permit a Class E alcohol dispensary in a municipality that does not currently have one. He stated that Trappe is the only municipality in the county that does not already have a Class E alcohol dispensary. Members of the public were then afforded an opportunity to comment on the legislation. Bill No. 1550 is eligible for vote on Tuesday, January 9, 2024.

- IX. Public Comments: The Public Comments portion of the meeting was reopened, and members of the public were afforded an opportunity to comment on matters of interest to them.

The transcript of the December 12, 2023 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

Upon motion by Mr. Stepp, seconded by Ms. Haythe, the Council voted to adjourn and to reconvene on Tuesday, January 9, 2024 at 4:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of matters as listed on the statement for closing that meeting; and for the regularly scheduled meeting at 6:00 p.m. by voting 5 - 0 as follows:

Mr. Callahan - Aye  
Mr. Stepp – Aye  
Mr. Leshner - Aye  
Ms. Mielke – Aye  
Ms. Haythe – Aye

The meeting adjourned at 7:01 p.m.

X. Summary of Closed Session Held on December 12, 2023:

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

Time of closed session: 4:50 p.m. to 4:50 p.m.  
 Place of closed session: County Council Office  
 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: Callahan, Haythe, Leshar, Mielke, Stepp  
 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>Reason for Closed Session Discussion</b>	<b>Persons Present</b>	<b>Action Taken</b>
For legal update on litigation involving Talbot Integrity Project v Talbot County	GP § 3-305(b)(7)(8)	Attorney-client privilege regarding status of litigation	Chuck Callahan, Keasha Haythe, Pete Leshar, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Council concurred with legal counsel's recommendation
For legal advice regarding proposed annexation of property into the Town of Easton	GP § 3-305(b)(7)	Attorney-client privilege regarding legal advice	Chuck Callahan, Keasha Haythe, Pete Leshar, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Council concurred with legal counsel's recommendation
To discuss proposal for business to relocate to County	GP § 3-305(b)(4)	To protect the County's bargaining position concerning a proposal for business attraction to the County	Chuck Callahan, Keasha Haythe, Pete Leshar, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss appointments to various County	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from	Chuck Callahan, Keasha Haythe, Pete Leshar, Lynn Mielke, Dave	No action

boards and committees		volunteering to serve	Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	
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**TALBOT COUNTY, MARYLAND  
WEEKLY CASH STATEMENT  
December 5, 2023**



**OPERATING FUNDS - SHORE UNITED BANK**

<b>OPERATING FUNDS AT</b>	<b>11/28/2023</b>	<b>\$103,585,862.34</b>
ADP PAYROLL PPE 12/1/2023 (HOLIDAY BONUS)		(94,464.50)
AIRPORT MERCHANT PORTAL HOSTING 10/2023		(11.00)
REPURPOSING MERCHANT PORTAL HOSTING 10/2023		(15.00)
ROADS MERCHANT PORTAL HOSTING 10/2023		(15.00)
Deposits		1,795,036.03
Checks		(107,154.42)
ACH Disbursements		(198,936.03)
Voided Check(s) #368852, 369051		33.99
<b>OPERATING FUNDS AT</b>	<b>12/5/2023</b>	<b><u>\$104,980,336.41</u></b>

**PETTY CASH FUNDS** \$18,105.00

**INVESTMENT FUNDS**

Yield

Maryland Local Government Investment Pool (MLGIP)	5.46%	\$21,454,850.77
Bayvanguard Bank	4.68%	\$10,466,904.53

**INVESTMENT FUNDS TOTAL** **\$31,921,755.30**

**TOTAL ALL CASH AND INVESTMENTS** **\$136,920,196.71**



**TALBOT COUNTY,  
MARYLAND  
WEEKLY CASH STATEMENT  
December 12, 2023**

**OPERATING FUNDS - SHORE UNITED BANK**

<b>OPERATING FUNDS AT</b>	<b>12/5/2023</b>	<b>\$</b>	<b>104,980,336.41</b>
TOTAL ADP PAYROLL PPE 11/24/2023			(859,209.07)
ADDITIONAL HOLIDAY BONUS PPE 12/01/2023			(769.88)
AIRPORT MERCHANT PORTAL HOSTING 9/2023 & 11/2023			(22.00)
REPURPOSING MERCHANT PORTAL HOSTING 9/2023 & 11/2023			(30.00)
ROADS MERCHANT PORTAL HOSTING 9/2023 & 11/2023			(30.00)
AIRPORT MERCHANT/PAPER			(91.75)
COMMUNITY CENTER SALES & USE DUE 11/20/2023			(292.02)
ROADS SALES & USE DUE 11/20/2023			(718.28)
GOLF COURSE SALES & USE DUE 11/20/2023			(2,549.89)

Deposits		17,477,035.34
Checks		(229,753.31)
ACH Disbursements		(262,098.77)
CIGNA & Integra EFTs		(409,436.28)
Voided Check(s) #367821, 370024		247.35
<b>OPERATING FUNDS AT</b>	<b>12/12/2023</b>	<b><u>\$ 120,692,617.85</u></b>
<b>PETTY CASH FUNDS</b>		\$ 18,105.00
<b><u>INVESTMENT FUNDS</u></b>		
	<u>Yield</u>	
Maryland Local Government Investment Pool (MLGIP)	5.45%	\$ 21,454,850.77
Bayvanguard Bank	4.68%	\$ 10,466,904.53
<b>INVESTMENT FUNDS TOTAL</b>		<b><u>\$ 31,921,755.30</u></b>
<b><u>TOTAL ALL CASH AND INVESTMENTS</u></b>		<b><u>\$ 152,632,478.15</u></b>