



Talbot County, Maryland



Easton, Maryland

MINUTES

April 10, 2012

Present – President Corey W. Pack, Vice President R. Andrew Hollis, Dirck K. Bartlett, Thomas G. Duncan, Laura E. Price, County Manager John C. Craig, and County Attorney Michael Pullen.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, April 10, 2012.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, March 27, 2012.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the disbursements of April 3, 2012 and April 10, 2012.
- IV. Presentation by Friends of the Talbot County Free Library and Proclamation for Library Lovers Month – The Clerk read a proclamation into the record in recognition of April as Library Lovers Month. The proclamation spoke of the role of libraries as institutions which connect the past to the present and future, as locations providing free access to information for all individuals, and as centers for lifelong learning, both personally and professionally. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the proclamation by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan- Aye

Carla Howell, President of the Friends of the Library, presented postcards to the Council with comments from Talbot County residents as to why they like the Library. The Council recognized other representatives of Friends of the Library and members of the Library staff who were in attendance. Ms. Price presented the Proclamation to Ms. Howell, who accepted on behalf of the Friends of the Library.

- V. Proclamation: April as Month of the Young Child: The Clerk read a proclamation into the record in recognition of April as Month of the Young Child. The proclamation encouraged individuals and communities to focus on the needs of young children and to support the organizations which meet those needs. Tara O’Barsky, Executive Director, Critchlow Adkins Children’s Center, expressed appreciation to the Council for the recognition and introduced participants of the Children’s Center programs and representatives of various organizations which serve children in Talbot and surrounding counties.

Mr. Bartlett presented the Proclamation to Mason Vaughan, attendee of Critchlow Adkins Children’s Center.

- VI. Presentation of Fiscal Year 2010-2011 Audit – Chris Hall, CPA, TGM Group LLC; Angela Lane, Finance Director – Mr. Hall highlighted information contained in the Talbot County Comprehensive Annual Financial Report for fiscal year ending June 30, 2011. He outlined various aspects of the Audit, reporting that the County’s Expenditures had exceeded Revenues by approximately 9.1 million, and that a portion of the Fund Balance had been used to balance the FY 2010-2011 budget; a balanced budget is required by the Talbot County Charter. Council discussion ensued regarding various information contained in the Audit, the proposed transfer by the State to local jurisdictions of several costs, including teachers’ pensions, and the County’s declining Fund Balance. Ms. Lane expressed appreciation to Mr. Hall and his staff and to the staff of the Finance Office for the hours worked to assemble the information required for the Audit in a quick and efficient manner. The Audit stated that at present Talbot County remains fiscally solvent and stable; however, the County is unable to replenish its cash reserves in the current economy as it continues to have a shortage of revenues. The FY 2010-2011 Audit is available on the County’s website at www.talbotcountymd.gov.
- VII. Council Discussion of McNeal Annexation Application (9818 and 9802 Ocean Gateway - Map 25, parcels 5 and 6) to the Town of Easton – Sandy Coyman, Planning Officer, briefed the Council on an annexation zoning waiver request by the owners of approximately 2.4 acres of property near Easton Airport. He stated that the request is for a waiver of the County’s five-year hold on the property’s current zoning requirements for the parcels which are presently zoned by the County as Town Conservation. He stated that the Planning Commission had reviewed the waiver request at their March 7, 2012 meeting and had unanimously recommended that the County waive its zoning requirements, provided the proposed new town zoning is adopted by the Town of Easton and it is applied to the McNeal property. The parcels, which are also within the Gateway Overlay District, are currently under consideration for annexation into the Town of Easton as a Business Commercial (BC) District as approved by the Town on March 19, 2012. Mr. Coyman outlined the “Five Year Rule,” stating that the County’s role is to review the property and to determine whether the proposal is consistent with current County zoning; if it is not consistent, the County must then determine whether it is willing to waive its zoning requirements. He stated that the current County zoning designation, Town Conservation, is characterized by agricultural and low-density residential uses; the proposed Business Commercial District, as approved by the Town, is characterized by light industrial, service and commercial uses on small lots. Mr. Coyman stated that unless the County waives its five-year hold, the Town of Easton can annex the property, but no development can occur on same for five years. Council discussion ensued with Mr. Coyman, Sharon Van Emburgh, attorney for the Town of Easton, and Brynja Booth, attorney for the property owners. At Mr. Duncan’s request, the Council deferred its decision on the matter until the meeting of Tuesday, April 24, 2012 in order to provide Mr. Duncan an opportunity to discuss several issues related to the matter with Mr. Pullen.
- VIII. Introduction of Administrative Resolution: Mike Henry, Easton Airport Manager, briefed the Council on the proposed changes to the current Easton Airport Rules and Regulations as outlined in proposed Change #4 to the Rules and Regulations. Mr. Henry stated that the changes are related to aircraft owners’ annual inspections of their aircraft and recent Federal Aviation Administration rulings regarding communications with the tower and ground in the runway safety area. The Clerk then read into the record an administrative resolution entitled, A RESOLUTION TO AMEND “EASTON AIRPORT RULES AND REGULATIONS.” Council discussion ensued. The administrative resolution was introduced by Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price. Council discussion further ensued and the Council approved the Administrative Resolution by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

IX. Introduction of Numbered Resolution:

A RESOLUTION TO CONSIDER THE PETITION OF JEFFREY SMITH, STATION ROAD A/K/A CEDAR GROVE ROAD, ROYAL OAK, MARYLAND, TAX MAP 40A PARCEL 696, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND - THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A PORTION OF A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS PINE STREET, was read into the record by Mr. Pack. Mary Kay Verdery, Assistant Planning Officer, stated that plat and deed research on the subject property indicated that roads and streets had been created for the property dating from 1947 but had never been used by the County. She stated that in order for the property owner to be able to move forward with a single lot subdivision, the paper streets need to be abandoned. The resolution was then introduced by Mr. Bartlett, Mr. Hollis, and Ms. Price as Resolution No. 194. A public hearing was scheduled for Tuesday, May 8, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

X. Eligible for Vote:

Bill No. 1216, A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, “ZONING, SUBDIVISION AND LAND DEVELOPMENT”, ARTICLE III, LAND USES, §190-16, §190-39, AND ARTICLE XI, §190-208 AND ADDING §190.38.1 TO DEFINE THE “LANDSCAPE CONTRACTOR” USE, AND TO PERMIT THE SAME SUBJECT TO AMENDED REGULATIONS

and

an amendment

To add VC-1 and VC-2 to the General Table of Land Uses and allow landscape contractors as a special exception were brought forward for vote. The purpose of the proposed legislation is to specify a land use category for landscape contractors in the General Table of Land Uses and to remove landscape contractors from the list of permitted cottage industry uses. Mr. Ewing had stated at the public hearing on March 27, 2012 that there had been several landscape contractors who had previously been cited for operating landscaping businesses without proper approvals and who had sought to come into compliance with the County Code; however, the size of their properties did not meet cottage industry guidelines. In response to recent citizen concerns regarding the proposed legislation, he stated that, although current cottage industry regulations in the Zoning Ordinance do not list the requirement for a Maryland Home Improvement Contractor License, County staff does require the licenses, which are issued by the State, as a condition for approval of a cottage industry. The Talbot County Code currently permits landscaping contractors in the Limited Commercial (LC), General Commercial (GC) and Limited Industrial (LI) zones as well as a cottage industry use, with specific standards; no variances can be requested. Council members expressed their concerns with regard to the legislation as drafted and discussion ensued with Mr. Ewing regarding same.

The amendment to Bill No. 1216 *To add VC-1 and VC-2 to the General Table of Land Uses and allow landscape contractors as a special exception* was then brought forward for vote. The Council approved the amendment to Bill No. 1216 by voting 3 – 2 as follows:

Mr. Pack – Aye
Mr. Hollis – Nay
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Nay

Mr. Hollis left the meeting for an appointment, having previously indicating his intention to do so.

Bill No. 1216, as amended, was then brought forward for discussion and vote. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council did not approve Bill No. 1216, as amended, by voting 0 – 5 as follows:

Mr. Pack – Nay
Mr. Hollis – Nay (via absentee ballot)
Mr. Bartlett – Nay
Ms. Price – Nay
Mr. Duncan – Nay

The provisions of Bill No. 1216 will not take effect.

XI. County Manager's Report:

A. Talbot County Airport Advisory Board – Requested Council approval for the reappointment of Charles Daffin and John “Jack” Pettit to four-year terms on the Talbot County Airport Advisory Board; said terms will expire June 1, 2016. Upon motion by Mr. Duncan, the Council approved the reappointments by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

B. Talbot County Commission on the Aging – Requested Council approval for the appointment of Otis Sampson to a three-year term on the Talbot County Commission on the Aging; said term will expire April 1, 2015. Upon motion by Mr. Duncan, seconded by Ms. Price, the Council approved the appointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

C. Talbot County Golf Board – Requested Council approval for the reappointment of Melvin Newell to a three-year term on the Talbot County Golf Board; said term will expire on June 1, 2015. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- D. Mid-Shore Mental Health Systems, Inc. Regional Behavioral Health Advisory Committee – Requested Council approval for the appointment of Jackie Davis to a three-year term on the Mid-Shore Mental Health Systems, Inc. Regional Behavioral Health Advisory Committee; said term will expire on June 30, 2014. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council approved the appointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- E. Talbot County Village Center Board – Requested Council approval for the reappointment of Janet Hammed to a three-year term on the Talbot County Village Center Board as a representative of the Village of Bozman; said term will expire on June 30, 2015. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- F. Talbot County Village Center Board – Requested Council approval for the reappointment of Herbert Hickman to a three-year term on the Talbot County Village Center Board as a representative of the Village of McDaniel; said term will expire June 30, 2015. Upon motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- G. Talbot County Village Center Board – Requested Council approval for the reappointment of Jacqueline O’Neil to a three-year term on the Talbot County Village Center Board as a representative of the Village of Tilghman; said term will expire June 30, 2015. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- H. Bid No. 12-03, PIER AND MOORING SLIPS – TONGERS BASIN, TILGHMAN – Requested Council approval of the Assistant County Engineer’s recommendation to award Bid No. 12-03 to the second lowest bidder, Arrow Environmental Services, Inc., in the sum of \$38,522.00; the lowest bid was determined to be non-responsive. The project will be funded by a Maryland Department of Natural Resources Waterway Improvement Grant in the sum of \$7,601.00 and County funds in the sum of \$30,921.00; County funding for the project was previously approved as a Capital Project. Upon motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved the award by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- I. Mid-Shore Regional Foster Care Court Improvement Project – Requested Council approval to accept a grant from the Maryland Judicial Center in the sum of \$39,484.28 on behalf of the Circuit Court for Talbot County; said grant funding will be used to assist with the CINA (Children in Need of Assistance) Program in Talbot, Caroline, and Dorchester Counties; no County funding is required. Mr. Craig stated that the Circuit Court is aware that should future grant funding for the program be unavailable, the program will be discontinued. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved acceptance of the grant by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

XII. Council Comments:

- Mr. Bartlett - Mr. Bartlett stated that, after looking at the debate in Annapolis over the past month or so, Annapolis, in his opinion, is putting additional financial restraints on counties as the Council wrestles with finalizing the budget for this year. He asked that the citizens of Talbot County remember that Talbot County is “swallowing huge pills” and that they are not very pleasant to take. He stated that, in his opinion, it is not going to be pleasant for anybody but the County is doing the best it can. He stated that the budget will be introduced on Tuesday, April 17th, commended the Finance Department, Mr. Craig and other County staff for getting the Council the information needed for the budget, and that he looked forward to the public hearing on the budget.
- Mr. Duncan - Mr. Duncan stated that the County’s budget has decreased \$16 million since FY2008, the General Fund and reserves have been hurt, services have been cut and people have been laid off. He stated that County staff worked hard to make the numbers work but that the revenue stream is not what it was several years ago and income taxes, the second largest source of revenue, are down 40%. He stated that the State has the same revenue problems and they just pass the misery down to the counties. He stated that, in his opinion, when the Council introduces the budget no one will be pleased and that he had been here a long time but this year’s budget is probably one of the most trying with revenues continuing to decline. He stated that Annapolis still has not resolved all its budget issues, and

depending upon what happens there, it will affect the counties. Mr. Duncan concluded his comments by assuring everyone that the County is doing the best it can and hopes citizens will understand.

Ms. Price - Ms. Price referenced Mr. Duncan’s statement about Annapolis not yet resolving its own budget, stating that, in her opinion, Annapolis can’t get its job done but wants to take over the Council’s job and that it is very disheartening to have the State step on our toes and not let us keep local control since the Council was elected to do a job. She stated that the State approved the expenditures portion of its budget but not the revenue portion because, in her opinion, the State is not willing to cut expenditures at the State level. She stated that because the State has not finalized its budget, Talbot County does not know what is going to happen with regard to several matters, including teachers’ pensions. She concluded her comments by stating that this has been a very difficult budget year and that last year, the Council was able to have a balanced approach to the budget but she was not sure it was possible this year. She expressed concern that officials at the State level were out of touch with those on the local level and that it would be a good idea for those individuals who wished to serve on a state or federal level should first serve at the local level to more fully understand how lean county and municipal budgets could be.

Mr. Pack - Mr. Pack stated that while Annapolis is trying to “iron out” its budget issues, we will probably be the ones who will be flattened in the process. He stated that he was sorry to hear that Kent County Commissioner Raisin had recently resigned due to frustration over what he stated were the requirements and restrictions imposed by the State and the loss of local power. He stated that Annapolis has not finalized its budget but still has a \$1 billion increase in its budget and that he could understand Commissioner Raisin’s frustration in light of several proposals by the State, including a doubling of the Flush Tax to help replenish \$800 million to the Chesapeake Bay Restoration Fund. Mr. Pack stated that, in his opinion, we need to continue to fight for the counties’ right to govern, stating that, had some members of the Legislature not taken half the Legislative Session to push through their personal agendas to satisfy personal interest groups, the Legislature could probably have completed its job within the scheduled 90-day session. He expressed frustration with what is going to happen in Annapolis while Talbot County still has to move forward with introduction of its budget, irregardless of what happens in Annapolis. He stated that while the County is trying to “keep the ship afloat,” he is cautiously optimistic, citing County staff and the quality of the work they do; he urged County citizens to take note. Mr. Pack concluded his comments by stating that he hoped everyone had a happy Easter.

XIII. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters; and to reconvene on Tuesday, April 17, 2012 for a Special Legislative Day at 2:30 p.m. by voting 4 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan - Aye

The meeting adjourned at 3:46 p.m.

XIV. On Tuesday, April 10, 2012, an Executive Session of the Talbot County Council convened at 12:35 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council met in Executive Session by voting 5 – 0 as follows:

- Mr. Bartlett – Aye
- Mr. Duncan – Aye
- Mr. Hollis – Aye
- Mr. Pack – Aye
- Ms. Price – Aye

In accordance with State Article § 10-508 (a)(1)(i)(3)(4)(7) the purpose of the Executive Session was for discussion of a legal/real estate matter for legal advice concerning the possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same; for a personnel matter to discuss appointment to various County boards and committees; and for a legal matter for legal advice regarding potential litigation. The Executive Session recessed at 1:30 p.m. and reconvened at 4:00 p.m. The Executive Session ended at 8:30 p.m.

The transcript of the April 10, 2012 County Council meeting is available for review in the Office of the County Manager during regular office hours.

CASH STATEMENT 4/03/2012

BALANCE 3/27/2012	\$7,495,497.84
UHC CLAIMS THRU 3/27/2012	(51,954.22)
BOARD OF EDUCATION 3/2012	(2,700,250.00)
STATE BOARD OF ELECTIONS PPE 3/6/2012	(4,726.59)
INTEGRA 4/2012	(14,458.24)
PAYROLL-FD/SS/MS WH 3/30/2012	(107,259.74)
SECURED	(9,035.47)
DEFERRED COMP DED	(10,227.72)
MD WH	(28,629.94)
PENSION DED	(28,012.31)
ACH TRANSFER	(10,556.75)
FLEX SPENDING ACCT	(2,282.51)
DEPOSITS	798,786.27
CHECKS	(891,085.37)
BALANCE 4/03/2012	<u>\$4,435,805.25</u>

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	16,096.21
AIP-35	BALANCE 3/27/2012 \$37,352.09
	DEPOSITS 19,246.00

	CHECKS	(20,537.20)	36,060.89
AIP36	BALANCE 3/27/2012	8,519.87	
	DEPOSITS	2,060.00	10,579.87
AIP37	BALANCE 3/27/2012	728.93	
	DEPOSITS	982.00	1,710.93
AIP38			--

AIRPORT ACCOUNTS TOTAL BALANCE \$64,447.90

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/19/2011	04/17/12	0.41%	4,000,000.00
07/19/2011	07/17/12	0.61%	4,000,000.00
10/18/2011	07/18/12	0.26%	3,000,000.00
10/18/2011	07/18/12	0.26%	5,000,000.00
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00

PNC-MLGIP INVESTMENTS TOTAL 0.11% 13,000,000.00

TOTAL INVESTED \$36,000,000.00

PETTY CASH BALANCE \$6,800.00

GRAND TOTAL ALL FUNDS \$40,507,053.15

CASH STATEMENT 4/10/2012

BALANCE 4/03/2012 \$4,435,805.25

UHC CLAIMS THRU 4/03/2012 (35,019.97)

POSTAGE WIRE (3,000.00)

PAYROLL-FD/SS/MS WH 4/05/2012 (2,968.25)

MD WH (553.64)

PENSION DED (252.00)

FLEX SPENDING ACCT (150.00)

DEPOSITS 484,071.98

CHECKS (417,564.39)

BALANCE 4/10/2012 \$4,460,368.98

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS --

AIP-34 16,096.21

AIP-35	BALANCE 4/3/2012	\$36,060.89	
	TRANS FR GEN ACCT.	3,465.50	
	CHECKS	(3,465.50)	36,060.89
AIP36	BALANCE 4/3/2012	10,579.87	
	TRANS FR GEN FUND	1,956.91	
	CHECKS	(1,956.91)	10,579.87
AIP37			1,710.93
AIP38			--

AIRPORT ACCOUNTS TOTAL BALANCE

\$64,447.90

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/19/2011	04/17/12	0.41%	4,000,000.00
07/19/2011	07/17/12	0.61%	4,000,000.00
10/18/2011	07/18/12	0.26%	3,000,000.00
10/18/2011	07/18/12	0.26%	5,000,000.00
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00

PNC-MLGIP INVESTMENTS TOTAL 0.12% 13,000,000.00

TOTAL INVESTED

\$36,000,000.00

PETTY CASH BALANCE

\$6,800.00

GRAND TOTAL ALL FUNDS

\$40,531,616.88