



TALBOT COUNTY, MARYLAND

County Council

MINUTES

August 12, 2014

Present – President Corey W. Pack, Vice President Laura E. Price, Dirck K. Bartlett, Thomas G. Duncan, R. Andrew Hollis, County Manager Clay B. Stamp, County Attorney Michael Pullen and Staff Attorney Tony Kupersmith.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, August 12, 2014.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of July 8, 2014.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of July 29, 2014, August 5, 2014, and August 12, 2014.
- IV. Presentation on Housing Bond Allocation Program – Bill Milko, Senior Loan Underwriter, Maryland Department of Housing and Community Development – Mr. Milko briefed the Council on financing programs offered through the Maryland Mortgage Program and Maryland Home Credit Program. He provided a PowerPoint presentation outlining the types, terms, interest rates, down payment assistance options, and the Partner Match Programs offered by his office for 30-year fixed rate mortgages to those qualifying as first-time homebuyers under the criteria of the Program. He also provided information on homebuyer education opportunities and program eligibility requirements. Council discussion with Mr. Milko ensued. At Council’s request, staff will schedule a presentation by representatives of DHCD at a future Council meeting to further specifically discuss the Housing Bond Allocation Program and to discuss the Partner Match Program facet of the mortgage programs offered by Mr. Milko’s office. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the transfer of Talbot County’s 2014 Department of Housing and Community Development (DHCD) bond allocation in the sum of \$1,343,457 back to DHCD by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan - Aye
- V. Presentation of Talbot County Emergency Management Plan – Michael Boldosser, Emergency Planner; Tim McNeal, Department of Emergency Services Division Chief – 911 Communications – Mr. Boldosser and Mr. McNeal provided a brief synopsis of the County’s updated Emergency Management Plan. Mr. Boldosser stated that the format of the Plan provides for the County’s response to all types of hazards, both natural and manmade, by specifying to the various agencies within Talbot County that particular agency’s responsibility, or Emergency Support Function, for a particular hazard. Mr. Boldosser stated that the Plan does not specify how agencies should perform their individual responsibilities, only that the County expects the agencies to perform the specific duties to which their agency is assigned. Council discussion ensued with Mr. Boldosser and Mr. McNeal as various facets of the Plan were brought forward. County Manager Clay Stamp, who is also the Director of the Department of Emergency Services, stated that the Plan

provides a comprehensive approach by the County for the planning, response and recovery from emergencies which occur. He stated that the partner agencies and the Maryland Emergency Management Agency (MEMA) have reviewed and approved the Plan. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council approved the Emergency Management Plan as presented by voting 5 – 0 as follows:

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

VI. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY SOLID WASTE MANAGEMENT PLAN TO INCREASE THE PERCENTAGE OF THE SOLID WASTE STREAM DIVERTED TO RECYCLING WITHIN THE COUNTY FROM FIFTEEN PERCENT (15%), THE FORMER RECYCLING GOAL SET BY STATE LAW UNDER SECTION 9-505 (A) (19) OF THE ENVIRONMENT ARTICLE, TO AT LEAST TWENTY PERCENT (20%), THE CURRENT RECYCLING GOAL FOR JURISDICTIONS SUCH AS TALBOT COUNTY WITH A POPULATION LESS THAN 150,000 was brought forward for introduction. Prior to introduction, County Engineer Ray Clarke stated that the State of Maryland has increased its requirements for recycling from 15 percent to 20 percent and the County is required by the State to modify its Solid Waste Management Plan to reflect the increase. He stated that approximately 30 to 40 percent of the County's waste is now recycled; the Towns of St. Michaels, Easton and Oxford now have curbside recycling so that approximately 40 to 50 percent of their waste stream is recycled. The resolution was read into the record by the Clerk and introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack and Ms. Price as Resolution No. 213. A public hearing was scheduled for Tuesday, September 9, 2014 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AMEND THE TALBOT COUNTY SOLID WASTE MANAGEMENT PLAN TO ESTABLISH A RECYCLING PROGRAM FOR APARTMENT BUILDINGS AND CONDOMINIUMS WITH 10 OR MORE DWELLING UNITS AS REQUIRED BY STATE LAW UNDER SECTION 9-1703 (B) (12) OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND was brought forward for introduction. Prior to introduction, County Engineer Ray Clarke stated that the State of Maryland now requires that apartment complexes and condominium units with ten or more units within one building establish a recycling plan. He noted that since the Towns of St. Michaels and Easton already provide curbside recycling, they are not required to provide any additional recycling programming. Mr. Clarke stated that the proposed resolution has been submitted to the State and has received conditional approval. Council discussion ensued with Mr. Clarke. The resolution was then read into the record by the Clerk and introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 214. A public hearing was scheduled for Tuesday, September 9, 2014 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VII. Public Hearings:

Bill No. 1288, A BILL TO AMEND CHAPTER 172 OF THE *TALBOT COUNTY CODE* TO ESTABLISH AN ANNUAL REAL PROPERTY INVESTMENT TAX CREDIT RESERVE IN THE GENERAL FUND, AND TO CHANGE THE DEFINITIONS OF "FULL-TIME POSITION" AND "SUBSTANTIAL INVESTMENT" TO ENHANCE ACCESS TO THE REAL PROPERTY TAX CREDIT PROGRAM FOR COMMERCIAL AND INDUSTRIAL BUSINESSES UNDER ARTICLE IV OF CHAPTER 172 was read into the record by the Clerk and brought forward for public hearing. Paige Bethke, Director of the Talbot

County Office of Economic Development briefed the Council on the purpose of the proposed legislation. She stated that a recommendation was included in the long-term economic development strategic plan developed for the County and incorporated towns by Sage Policy Group in 2013. She stated that the legislation, if approved, would provide for the creation of a real property tax credit reserve fund in FY 2015-2016 as a business attraction incentive to those businesses investing \$1 million and creating at least 15 full-time jobs. She stated that the current tax credit legislation enacted in 1999 requires a \$2 million investment and the creation of 50 full-time jobs, but has never been utilized. Council discussion ensued with Ms. Bethke. County Attorney Mike Pullen stated that all applications for a tax credit would come before the Council for consideration after review of eligibility and comment by Finance Director Angela Lane and the Economic Development Commission; the County Council would make the final determination as to whether the tax credit is allocated, depending on the quality of the proposal and the availability of funding allotted in the budget. The public was then afforded an opportunity to comment on the legislation. Upon motion by Mr. Hollis, second by Mr. Bartlett, and no objection by the Council, Bill No. 1288 was brought forward for third reader. The Council approved Bill No. 1288 by voting 5 – 0 as follows:

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

The provisions of Bill No. 1288 will take effect as provided for in the legislation.

Bill No. 1290, A BILL TO AMEND *TALBOT COUNTY CODE* § 190-184 TO INCREASE THE MAXIMUM GROSS FLOOR AREA FOR SUBMISSION OF A MINOR SITE PLAN FROM 300 SQUARE FEET TO 1,000 SQUARE FEET was read into the record by the Clerk and brought forward for public hearing. Brett Ewing, Talbot County Planner, stated that after Bill No. 1290 was introduced on July 22, 2014, the Council had directed staff to explore an increase to 2,500 square feet as the threshold for submission of a minor site plan. He stated that the Planning Commission, at their meeting on August 6, 2014 had approved, by a vote of 4 – 1, to recommend that the legislation be amended to provide that the threshold for submission of a minor site plan be increased to 2,500 square feet, or 25 percent of the primary structure, whichever is greater. The amendment was introduced by Mr. Hollis, Mr. Pack, and Ms. Price. The public was then afforded an opportunity to comment on the legislation and Council discussion ensued. Council requested further clarification on the proposed increase to 2,500 square feet and requested that the record on Bill No. 1290 remain open until Tuesday, August 26, 2014. Bill No. 1290 is eligible for vote on August 26, 2014.

Bill No. 1291, A BILL TO PROVIDE THAT AMOUNTS OWED TO THE COUNTY SHALL BE LEVIED, COLLECTED, AND ENFORCED IN THE SAME MANNER AS COUNTY REAL PROPERTY TAXES, AND HAVE THE SAME PRIORITY RIGHTS, BEAR THE SAME INTEREST AND PENALTIES, CONSTITUTE A LIEN ON THE REAL PROPERTY SO ASSESSED, AND BE TREATED THE SAME AS COUNTY REAL PROPERTY TAXES was read into the record by the Clerk, brought forward for public hearing, and the public was afforded an opportunity to comment on the legislation. County Attorney Mike Pullen stated that approval of the legislation would allow the County to collect monies the County is owed in the same manner as County real property taxes are collected. As had been requested by the Council on July 22, 2014, Mr. Pullen provided information on provisions in place by surrounding jurisdictions for collection of monies owed. Mr. Pullen stated that Bill No. 1291 does not speak to how the monies came to be owed to the County. A motion was made by Mr. Duncan to bring Bill No. 1291 to third reader; the motion was seconded by Ms. Price, with the Council voting 4 – 1 as follows:

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

The Council approved Bill No. 1291 by voting 5 – 0 as follows:

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

The provisions of Bill No. 1291 will take effect as provided for in the legislation.

Bill No. 1293, A BILL TO AUTHORIZE THE BOARD OF APPEALS TO GRANT VARIANCES FROM SPECIFIC STANDARDS OR CRITERIA FOR GRANTING SPECIAL EXCEPTIONS was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Assistant Planning Officer Mary Kay Verdery provided a brief outline of the purpose of the legislation. She stated that current legislation states that a variance is limited to the definition of bulk requirement and parking standards. She stated that if approved, Bill No. 1293 would allow an applicant who is applying for a special exception to also apply for a variance; she provided several scenarios where the legislation could be applied. Ms. Verdery stated that the Planning Commission, at its meeting on August 6, 2014, unanimously recommended approval of Bill No. 1293, with the caveat that the definition of “bulk requirements” in Bill No. 1293 be changed to reflect the definition of “bulk requirements” as enacted by Bill No. 1259 (cottage industry). The public was then afforded an opportunity to comment on the legislation. A motion was made by Ms. Price to bring Bill No. 1293 to third reader; Mr. Duncan seconded the motion, with the Council voting 5 – 0 as follows:

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

Mr. Pullen asked for a Point of Order stating that he wished to note for the record that the definition of “bulk requirements” was amended last spring but that Bill No. 1293 as introduced did not include the amended definition. He stated that the bill of enrollment should include the definition of “bulk requirements” as adopted in Bill No. 1259. Council discussion ensued with Mr. Pullen.

The Council approved Bill No. 1293 by voting 5 – 0 as follows:

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

Bill No. 1294, A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ESTABLISH LOT COVERAGE LIMITATIONS APPLICABLE TO LOTS OF RECORD THAT INCREASE IN CRITICAL AREA DUE TO ADOPTION OF OFFICIAL ZONING MAPS ESTABLISHING THE DIGITALLY GENERATED, GEO-REFERENCED 1,000 FOOT CRITICAL AREA BOUNDARY was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Assistant Planning Officer Mary Kay Verdery briefed the Council on the purpose of the proposed legislation. She stated that the proposed legislation is an update to the Critical Area lot coverage standards based on its companion bill, Bill No. 1295, which will update the Critical Area maps. Ms. Verdery stated that once the Critical Area maps are amended, some properties will see an increase or decrease of their acreage within the Critical Area. She then outlined the proposed lot coverage provisions cited in Bill No. 1294 for those properties affected by the Critical Area mapping update and provided examples of same. Council discussion ensued with Ms. Verdery; the public was then afforded an opportunity to comment on the legislation. At Council's request for further clarification on the language in the proposed legislation, the record on Bill No. 1294 will remain open until Tuesday, August 26, 2014. Bill No. 1294 is eligible for vote on August 26, 2014.

Bill No. 1295, A BILL TO REPEAL AND RE-ENACT THE TALBOT COUNTY, MARYLAND, ZONING MAPS 1 THROUGH 64, TO INCLUDE 40A AND 44A, TO COMPLY WITH THE STATEWIDE BASE MAP REVIEW REQUIRED BY HB 1253, ACTS OF THE GENERAL ASSEMBLY 2008, TO INCORPORATE COMPREHENSIVE CRITICAL AREA BOUNDARY LINE ADJUSTMENTS AND TO ESTABLISH THE DIGITALLY GENERATED, GEO-REFERENCED, 1,000 FOOT CRITICAL AREA ZONING BOUNDARY, AND TO REPEAL AND RE-ENACT THE CRITICAL AREA MAPS THAT DELINEATE INTENSELY DEVELOPED AREAS ("IDA'S") AND LIMITED DEVELOPMENT AREAS ("LDA'S") was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Ms. Verdery stated that many public meetings had been held to provide the public an opportunity to view their property on the new, digitally-generated Critical Area maps; and, in addition, postcards had been mailed to property owners on numerous occasions whose acreage with the Critical Area will be increased or decreased by the new maps. Ms. Verdery stated that once the updated maps are approved by the County Council, they will be forwarded to the Critical Area Commission for final approval; Bill No. 1294 will also be forwarded to the Critical Area Commission for final approval. The public was then afforded an opportunity to comment on the legislation. Upon motion by Mr. Hollis, and no objection by the Council, Bill No. 1295 was brought to third reader. The Council approved Bill No. 1295 by voting 5 – 0 as follows:

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

The Council meeting recessed for 10 minutes.

Bill No. 1289, A BILL TO AMEND TIER MAPS FOR THE VILLAGES OF MCDANIEL, WITTMAN, ROYAL OAK, BOZMAN, AND NEAVITT was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Planning Officer Sandy Coyman provided a PowerPoint presentation of the proposed tier map changes as well as maps depicting the tier and Priority Funding Area (PFA) designations for several other villages. He presented the Planning Commission's recommendation on Bill No. 1289, stating that the Commission, at its meeting on August 6, 2014, had unanimously voted to not recommend approval of the legislation. Mr. Coyman stated that the Commission had found that the proposed legislation would result in tier maps that are: (1) not consistent with all applicable laws and regulations; (2) internally inconsistent in that they do not accurately reflect current conditions of similarly

situated villages and show designations which contain policies which have yet to be formally adopted; (3) are inconsistent with the *Talbot County Comprehensive Plan*; (4) interim maps that must be finalized during the completion of the comprehensive planning process and then be formally incorporated into the comprehensive plan to have enduring legal significance. Mr. Coyman stated that the tier maps are intended to be a reflection of local government plans and goals for growth and land preservation and as such, reflects existing zoning, comprehensive plans and sewer service. He stated Maryland Senate Bill 236 (SB 236) required local jurisdictions to classify land in tier designations, but that until the tiers are included in the jurisdiction's comprehensive plan they can be changed administratively; once incorporated into the jurisdiction's comprehensive plan however, the tiers may only be changed through the comprehensive planning process; following the enactment of SB236, the Maryland Department of Planning provided guidance instructions for jurisdictions as to how to create the tier maps. He stated that the only tier designations application to Bill No. 1289 are: Tier IIIa – areas not planned for public sewer which are located in rural villages or other existing rural communities and which are planned for limited infill and peripheral development only; Tier IIIb – rural villages or existing communities or neighborhoods designated as water quality strategy areas which have, or are planned to have, public sewer systems to address water quality and that are planned for infill and limited peripheral development only; and Tier IV – areas not planned for public sewer systems in the County Comprehensive Plan or Comprehensive Water and Sewer Plan that are either planned or zoned for and/or dominated by agricultural, resource protection, preservation, and/or conservation areas. County Attorney Mike Pullen stated that the goal of SB236, enacted in 2012 by the State of Maryland, was to limit large scale rural subdivisions on septic and that the process for adopting tier maps was to have been an administrative process through which local jurisdictions reflected their existing zoning, sewer service and comprehensive plans. Mr. Pullen stated that the maps were intended to be interim maps and would not be formally adopted and incorporated into the Comprehensive Plan until they have gone through the comprehensive planning process which is currently underway and applies to the entire county. Mr. Pullen stated that Bill No. 1289 would amend the existing tier maps and would reset the starting point for discussion of the matter during the comprehensive planning process by making the zoning in the five villages referenced in the legislation consistent with the other eight villages of Tunis Mills, Unionville, Copperville, Belleuve, Claiborne, Tilghman, Fairbank and Bar Neck and consistent with the intent of SB236. He reiterated Mr. Coyman's statement that the maps do not change any of the existing zoning, interim density remains in place pending conclusion of the comprehensive planning process, at which time the larger issues of growth, development, sewer service, PFA's, etc. will be discussed and public input and comment received; following review and recommendation by the Planning Commission, the matter will be forwarded to the Council for review and additional public input and comment. The public was then afforded an opportunity to comment on the legislation and Council discussion ensued. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, Bill No. 1289 was brought to third reader; Mr. Pack requested that the Clerk read the legislation into the record. Mr. Pullen asked for a Point of Order to clarify that the motion and second were made for the vote to go to third reader. The Council approved moving Bill No. 1289 to third reader by voting 5 – 0 as follows:

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

Bill No. 1289 was then brought forward for vote. The Council initially voted to not approve Bill No. 1289 by voting 2 – 3 as follows:

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

Mr. Pack then requested that his vote be changed to “nay,” making the vote 1 – 4 as follows:

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

The provisions of Bill No. 1289 will not take effect.

Bill No. 1292, A BILL TO PROVIDE THAT REGULATED ACTIVITIES WITHIN NONTIDAL WETLANDS AND THEIR BUFFERS THAT ARE AUTHORIZED BY A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ARE NOT SUBJECT TO THE REQUIREMENT FOR A TWENTY-FIVE FOOT BUFFER FROM THE EDGE OF NONTIDAL WETLANDS UNDER § 190-123 C AND § 190-140 B, TALBOT COUNTY CODE was read into the record by the Clerk and brought forward for public hearing. Assistant Planning Officer Mary Kay Verdery stated that the Planning Commission, at its meeting on August 6, 2014, had unanimously opposed Bill No. 1292, stating in their recommendation that, in their opinion, the amendment appears premature as the topic is currently being adjudicated in the local courts and delaying the amendment until after the decision of the court would create no immediate serious consequence. Ms. Verdery stated that the Planning Commission would like the County to retain influence and authority in the land use process associated with nontidal wetlands. The public was then afforded an opportunity to comment on the legislation. Upon motion by Mr. Duncan, seconded by Ms. Price, Bill No. 1292 was brought to third reader with the Council voting 5 – 0 as follows:

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

Bill No 1292 was then brought forward for vote. The Council did not approve Bill No. 1292 by voting 0 – 5 as follows:

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

The provisions of Bill No. 1292 will not take effect.

VIII. Eligible for Vote:

Bill No. 1287, A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO DEFINE PIER WIDTH, LENGTH AND CUMULATIVE AREA TOTALS FOR PLATFORMS, FLOATING DOCKS, FINGER PIERS, CATWALKS AND BOATLIFTS; AND RAISED WALKWAY WIDTHS OVER NONTIDAL WETLANDS was read into the record by the Clerk and brought forward for vote. Assistant Planning Officer Mary Kay Verdery stated that during introduction of the proposed legislation, Mr. Brandon Weems had presented some recommendations for possible amendments to the legislation for Council's consideration. At Council's request, staff had presented the seven amendments proposed by Mr. Weems to the Planning Commission at its meeting on August 6, 2014 for review and recommendation, with the request that where possible, to group some of the proposed amendments together. Ms. Verdery reviewed with Council the Planning Commission's response and recommendation to the seven amendments proposed by Mr. Weems as follows:

Amendment No. 1 clarifies wording by inclusion of the words "personal watercraft" and to provide consistency with regard to a "nonconforming pier." Ms. Verdery stated that wording in the amendment incorporates the first four amendments as submitted by Mr. Weems; the Planning Commission unanimously approved the amendment.

Amendment No. 2 (Mr. Weems' fifth amendment) proposed an increase in the square footage of private and community piers from 60 square feet to 120 square feet. Ms. Verdery stated that the Planning Commission, by a vote of 4 to 1, approved the amendment.

Amendment No. 3 proposes to increase the number of boatlifts permitted to six, to be consistent with the State requirement of a total of six boat or personal watercraft lifts, with the six lifts including no more than four boat lifts. Ms. Verdery stated that the Planning Commission, by a vote of 2 – 3, opposed the amendment.

Amendment No. 4 (Mr. Weems' seventh amendment) which amends Amendment No. 1, adds the wording "*or the channelward edge of tidal wetlands*" as the distance from which to measure the length of a pier. Ms. Verdery stated that the Planning Commission unanimously opposed the amendment. She stated that County staff has submitted a proposed compromise to the amendment, which was acceptable to Mr. Weems, states: "*for areas of tidal wetland great than 100 feet in width, a pier may extend 50 feet or less in length measured from the channelward edge of tidal wetlands.*"

Council discussion ensued with Ms. Verdery as each amendment was brought forward.

Amendment No. 1 was introduced by Mr. Pack and Ms. Price. The Council approved Amendment No. 1 by voting 4 – 1 as follows:

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

Amendment No. 4 was not introduced by the Council.

Amendment No. 2 was introduced by Mr. Hollis, Mr. Pack, and Ms. Price. The Council approved Amendment No. 2 by voting 3 – 2 as follows:

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

Amendment No. 3 was introduced by Mr. Pack and Ms. Price. The Council approved the amendment by voting 3-2 as follows:

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

Bill No. 1287, as amended, was then brought forward for vote. The Council approved Bill No. 1287, as amended, by voting 4 – 1 as follows

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

IX. County Manager's Report:

- A. Change Order for Bid No. 13-21, Vehicle Access Ramp Replacement – Bellevue Ferry Dock – Requested Council approval of the County Engineer's recommendation for a change order to Davis, Bowen & Friedel for Bid No. 13-21 in the sum of \$16,670.00; said change order will provide the Talbot County Department of Public Works with engineering services related to bidding, construction management and inspection and the contract phase for the project. Council discussion ensued with Ray Clarke, County Engineer. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the Change Order by voting 5 – 0 as follows:

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

- B. Program Open Space Projects for FY 2015 – Requested Council approval to submit an application to Program Open Space for funding of the following projects; a rock barrier between the parking area and fields at the Talbot County Community Center at a budgeted cost of \$15,000; replacement of ball field fencing at the Community Center at a budgeted cost of \$50,000; and painting of the Longwoods Schoolhouse at a budgeted cost of approximately \$22,000; said costs are 90% reimbursable by Program Open Space; if funding is approved, the projects will be bid out utilizing the County's procurement policy. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved moving forward with the projects, contingent upon receipt of Program Open Space funding by voting 5 – 0 as follows:

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

- C. Bid 14-09, TERMINAL APRON REHABILITATION, EASTON AIRPORT - Requested Council approval to award Bid No. 14-09 to the sole bidder, David A. Bramble, Inc., in the sum of \$610,675.00; total cost for the project is \$672,416.28 and includes professional construction management fees to Easton Airport consultant, Michael Baker Corporation, in the sum of \$61,741.28. Council discussion ensued with Mr. Henry. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council approved the award by voting 5 – 0 as follows:

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

- D. Easton Airport Obstruction Removal Project – Easton Airport Manager Mike Henry stated that he had received email correspondence from the Federal Aviation Administration (FAA) that the FAA had found the full amount of funding for the obstruction removal project at Easton Airport; once formal notification and paperwork have been received, his office will be requesting Council approval to accept the funding for the project.

X. Council Comments:

Mr. Hollis - No comments.

Mr. Bartlett – No comments.

Ms. Price – No comments.

Mr. Duncan - Mr. Duncan inquired as to whether Mr. Stamp had heard anything back from the Maryland Department of Natural Resources regarding the Memorandum of Understanding the County had forwarded to them. County Manager Clay Stamp stated that he had not, but would follow up on the matter.

Mr. Pack - No comments.

- XI. Upon motion by Ms. Price, seconded by Mr. Duncan, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters and to reconvene on Tuesday, August 26, 2014 at 5:00 p.m. in Executive Session for discussion of legal, personnel, and real estate matters, and at 6:00 p.m. for the regularly scheduled meeting by voting 5 – 0 as follows:

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

The meeting adjourned at 7:17 p.m.

The transcript of the August 12, 2014 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XII. On Tuesday, August 12, 2014, an Executive Session of the Talbot County Council convened at 12:40 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)(4)(7) the purpose of the Executive Session was for discussion of personnel matters to discuss the hiring process for Permits and Inspections Manager; to discuss a personnel matter regarding Planning and Zoning; to discuss a personnel matter regarding Hog Neck Golf Course; to discuss a personnel matter regarding Department of Emergency Services; and to discuss appointments to various County boards and committees; and for legal/real estate matters for legal advice concerning relocation of Memorial Hospital at Easton to County-owned property and timetable for same. The Executive Session recessed at 1:30 p.m. and reconvened at 7:25 p.m. The Executive Session ended at 8:30 p.m.

- XIII. Meeting with Municipalities – The County Council met with the elected officials of the incorporated towns of Easton, Oxford, Queen Anne, St. Michaels and Trappe at 5:00 p.m. on Tuesday, July 29, 2014 in the Meeting Room of the Talbot County Free Library. Drew Van Dopp, Vice President, Strategic Partnerships, Maryland Broadband Cooperative, Inc., and Dave Robinson, Vice President, Sales, Maryland Broadband Cooperative, Inc., provided a brief history of Maryland Broadband Cooperative, Inc., a public/private partnership which promotes economic development in rural areas of the state by offering “last mile” fiber optic infrastructure services to its members. The representatives stated that the broadband access services provide an opportunity for small businesses in rural areas to compete with similar businesses in more urban areas. Discussion ensued with the representatives regarding the various matters related to the provision of broadband services to businesses and residents of Talbot County; the representatives expressed their willingness to work with officials of the County, Easton Utilities, Delmarva Power, Choptank Electric Cooperative, and Atlantic Broadband to bring “middle mile” broadband services closer to the Town of Easton. At Council’s request, Mr. Robinson will provide information on the funding providing broadband access for Carroll County. Mike Henry, Manager, Easton Airport, provided a brief history of the Runway 4-22 Obstruction Removal Project and the funding for same. He stated that the project had been put out to bid; however, prior to approval for completion of the project, the grant for the project had expired. He stated that the removal project was then re-bid and an extension of the grant had been requested from the Federal Aviation Administration (FAA). Mr. Henry stated that only one bidder had submitted a proposal for the project. The County anticipates receiving notification from the FAA by July 31, 2014 as to whether funding for the project, now considered by the FAA as a “pop-up” project; should funding not be provided in this federal fiscal year, the Airport will include the projects in its Capital Improvement Project listing for FY 2016. At the request of Kelley Malone, Member, Easton Town Council, Mr. Henry provided an update on matters related to the ongoing Environmental Assessment at Easton Airport; the Environmental Assessment includes hangar development, airport obstruction removal and runway length; County Council discussion ensued with Ms. Malone. Mr. Bartlett advised the Towns’ representatives that A. Morton Thomas & Associates, Inc. had been chosen as the designer for the County’s Oxford Gateway Park. Randy Esty, Mayor of the Town of Queen Anne advised that the Town of Queen Anne has been approved for a

street scape project; said project is anticipated to cost \$1.3 million but does not include replacement of the bridge at this time. The meeting adjourned at 6:00 p.m.

CASH STATEMENT 7/29/2014

BALANCE 7/22/2014		\$23,477,772.03
BANK CHARGES 6/2014		(752.76)
INTEREST ON ACCTS 6/2014		3,365.86
UHC CLAIMS THRU 7/22/2014		(51,237.98)
POSTAGE WIRE		(3,000.00)
RETURNED CHECK		(60.00)
TRANSFER LOCAL SHARE-FINAL TO AIP37		(5,470.89)
STATE BOARD OF ELECTIONS PPE 6/24 & 7/8/2014		(12,183.46)
MDE/WATER QUALITY LOAN OF 2008		(38,410.76)
TAL CO MD CONSOLIDATED PUBIMP&REF BONDS-2006		(76,642.52)
DEPOSITS		7,164,518.41
CHECKS		(888,049.26)
BALANCE 7/29/2014		<u>29,569,858.67</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP37	BALANCE	303.68	
	TRANS FR GEN FUND	5,470.89	
	CHECK	(5,774.57)	--
AIP39			69,580.62
AIRPORT ACCOUNTS TOTAL BALANCE			<u>69,580.62</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.05%	18,000,000.00
TOTAL INVESTED			<u>\$18,000,000.00</u>

PETTY CASH BALANCE

\$8,570.00

GRAND TOTAL ALL FUNDS

\$47,648,009.29

CASH STATEMENT 8/05/2014

BALANCE 7/29/2014		\$29,569,858.67
RETURNED CHECK		(4,639.64)
UHC CLAIMS THRU 7/29/2014		(58,672.33)
INTEGRA 8/2014		(16,360.64)
PAYROLL-FD/SS/MS WH 8/1/2014		(135,928.63)
SECURED		(6,158.05)

DEFERRED COMP DED			(11,993.49)
MD WH			(32,862.69)
PENSION DED			(30,900.85)
ACH TRANSFER			(11,161.75)
FLEX SPENDING ACCT			(3,294.90)
DEPOSITS			13,013,948.82
CHECKS			(1,754,848.64)
BALANCE 8/5/2014			<u>40,516,985.88</u>
<u>AIRPORT ACCOUNTS</u>			
AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP37			--
AIP39			69,580.62
AIP40	NEW ACCOUNT		--
AIP41	NEW ACCOUNT		--
AIRPORT ACCOUNTS TOTAL BALANCE			<u>69,580.62</u>
INVESTMENTS – CERTIFICATES OF DEPOSIT			
<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.05%	18,000,000.00
TOTAL INVESTED			<u>\$18,000,000.00</u>
PETTY CASH BALANCE			<u>\$8,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$58,595,136.50</u>

CASH STATEMENT 8/12/2014

BALANCE 8/05/2014			\$40,516,985.88
UHC CLAIMS THRU 8/05/2014			(39,540.44)
DEPOSITS			4,593,648.76
CHECKS			(611,169.35)
BALANCE 8/12/2014			<u>44,459,924.85</u>
<u>AIRPORT ACCOUNTS</u>			
AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP37			--
AIP39			69,580.62

AIP40	NEW ACCOUNT	--
AIP41	NEW ACCOUNT	--

AIRPORT ACCOUNTS TOTAL BALANCE **69,580.62**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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PNC-MLGIP INVESTMENTS TOTAL		0.05%	18,000,000.00
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TOTAL INVESTED **\$18,000,000.00**

PETTY CASH BALANCE **\$8,570.00**

GRAND TOTAL ALL FUNDS **\$62,538,075.47**