



Talbot County, Maryland



Easton, Maryland

MINUTES - AS AMENDED

December 13, 2011

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 – Agenda of December 13, 2011 was approved upon motion by Mr. Hollis, seconded by Bartlett, with the Council voting 5– 0 as follows:

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

- II. Minutes – Minutes of December 6, 2011 were approved upon motion by Ms. Price, seconded by Mr. Hollis, with the Council voting 5 – 0 as follows:

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

- III. Disbursements – Disbursements of December 13, 2011 were approved upon motion by Mr. Bartlett, seconded by Mr. Duncan, with the Council voting 5 – 0 as follows:

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

- IV. County Manager’s Report:

- A. Talbot County Planning & Zoning Commission – Requested Council approval for the appointment of Paul Spies to the Talbot County Planning & Zoning Commission. Mr. Spies’ term on the Commission begins on the date of his appointment, December 13, 2011, and will expire at midnight at the end of December 2, 2016. Upon motion by Ms. Price, seconded by Mr. Hollis, the Council approved the appointment by voting 5 – 0 as follows:

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

- B. Request for Communications Consultant Services – Requested Council approval of the Emergency Services Director’s recommendation to enter into a contract with RCC Communications Consultants to have them conduct a study of the public safety radio system serving the counties of Caroline, Queen Anne’s and Talbot. The Study will be used to determine the best option for upgrade or replacement of the public safety system currently in place since 1999; funding for the Study at a cost of \$20,038.40 will come from \$40,000 provided to the three counties as part of a nationwide settlement with Sprint Nextel over frequency issues. Council discussion ensued. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved entering into the contract with RCC Communications Consultants by voting 5 – 0 as follows:

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

- C. Request by Easton Airport to Accept a Grant Offer from the Maryland Aviation Administration (MAA) – Requested Council approval of the Airport Manager’s request to accept a grant offer from MAA in the sum of \$219,179.09 for the following three projects: Design and bid of T-Hangar Taxi Lanes in the sum of \$139,979.09; Design, bid and installation of a cooling system for the Air Traffic Control Tower in the sum of \$67,500.00 to correct cooling issues related to the original installation of the system; and the acquisition of a zero turn mower in the sum of \$11,700.00 as previously approved by the Council. MAA has agreed to pay 75%, or up to \$174,065.00, of the cost of the project; Easton Airport will pay the remaining 25%. On Tuesday, December 6, 2011, Council had approved submission of a grant application for the projects, with the understanding that any consultants for the Air Traffic Control Tower cooling system project not be the same as those involved in the design of the original project; Mr. Henry addressed Mr. Bartlett’s previous concerns and confirmed that the consultants were not the same. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council approved acceptance of the grant offer from MAA in a sum up to \$174,065.00 by voting 5 – 0 as follows:

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

- D. Bid No. 11-16, ENGINEERING SERVICES – ST. MICHAELS WASTEWATER SYSTEM SEWER REPLACEMENT AND REHABILITATION – Requested Council approval of the County Engineer’s recommendation to award engineering services for the St. Michaels Wastewater System Sewer Replacement and Rehabilitation Project to the lowest responsive bidder, Wallace Montgomery & Associates, in the sum of \$60,219.11, and an hourly rate of \$46.20 per hour after 350 hours have been used during the construction management and construction inspection phase of the project. Council discussion ensued. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the award, with the understanding that should more than 350 hours need to be expended on construction management and construction inspection services, the matter will be brought before the Council for approval by voting 5 – 0 as follows:

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

VIII. Public Hearings:

A joint public hearing was held on Bill No. 1213, A BILL TO REPEAL CHAPTER 164, TALBOT COUNTY CODE, ***STORMWATER MANAGEMENT***, IN ITS ENTIRETY, AND RE-ENACT A NEW ORDINANCE TO IMPLEMENT NEWLY ADOPTED STORMWATER MANAGEMENT REQUIREMENTS MANDATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) IN ACCORDANCE WITH MDE’S MODEL STORMWATER MANAGEMENT ORDINANCE, AS MODIFIED, and Resolution No. 190, A RESOLUTION TO ADOPT THE TALBOT COUNTY STORMWATER MANAGEMENT PROCESS & IMPLEMENTATION GUIDE ATTACHED HERETO, WHICH IS INCORPORATED BY REFERENCE HEREIN, and the public was afforded an opportunity to comment on the legislation. Council discussion ensued. Upon motion by Mr. Duncan, seconded by Mr. Hollis, Bill No. 1213 and Resolution No. 190 were brought to third reader. The Council approved bringing the legislation to third reader by voting 5 – 0 as follows:

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

Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved bringing Bill No. 1213 and Resolution No. 190 forward for vote by voting 5 – 0 as follows:

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

The Council approved Bill No. 1213 and Resolution No. 190 by voting 5 – 0 as follows:

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

Bill No. 1213 and Resolution No. 190 will take effect as provided for in the legislation.

Prior to the public hearing on Bill No. 1212, County Attorney Michael Pullen provided a brief outline of each of the proposed amendments to Bill No. 1212, as introduced on Tuesday, December 6, 2011. A public hearing was then held on ***Proposed Amendments Only*** to Bill No. 1212, A BILL TO REPEAL AND REENACT CHAPTER 11, ALCOHOLIC BEVERAGES, TALBOT COUNTY CODE, TO ELIMINATE THE EXISTING CLASS “F” LICENSE CLASSIFICATION AND REPLACE IT WITH CLASS “B-R”

AND CLASS “F-A” LICENSE CLASSIFICATIONS; TO PROVIDE THAT ALL EXISTING HOTELS AND RESTAURANTS HOLDING AN ALCOHOLIC BEVERAGE LICENSE SHALL BE ENTITLED TO RECEIVE A CATERER’S ENDORSEMENT BY APPLYING FOR SAME, UNLESS THEY AFFIRMATIVELY DECLINE TO DO SO, TO REQUIRE SUPERMARKETS OR CHAIN STORES THAT APPLY FOR A CLASS “A” (OFF-SALE, BEER AND LIGHT WINE LICENSE), AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OFFER ALCOHOLIC BEVERAGES FOR SALE ONLY IN A SEPARATE AREA DIVIDED FROM THE MAIN STORE BY A WALL OR PARTITION, TO GRANDFATHER EXISTING SUPERMARKETS AND CHAIN STORES FROM HAVING TO COMPLY WITH THIS REQUIREMENT, TO PROHIBIT ISSUANCE OF NEW CLASS “E” LICENSES (OFF-SALE, BEER, WINE, AND LIQUOR) FOR ANY USE EXCEPT ALCOHOL DISPENSARIES, TO GRANDFATHER EXISTING CLASS “E” LICENSES, EXCEPT FOR PHARMACIES, AND TO ALLOW EXISTING PHARMACIES HOLDING A CLASS “E” LICENSE TO RENEW SUCH LICENSE FOR ONE RENEWAL PERIOD, AND THEREAFTER TO DISALLOW CONTINUED RETAIL SALE OF LIQUOR AND ALLOW ANY SUCH PHARMACY TO CHANGE ITS LICENSE CLASSIFICATION TO A CLASS “A” LICENSE (OFF-SALE, BEER AND LIGHT WINE), AT THE EXISTING LOCATION AND RENEW IT, TO PROHIBIT NEW ALCOHOLIC BEVERAGE LICENSES TO BE ISSUED TO PHARMACIES, TO GRANDFATHER EXISTING GAS STATIONS WITH CLASS “A” LICENSES AND PROHIBIT NEW OFF-SALE LICENSES TO GAS STATIONS, TO REQUIRE CLASS “D” LICENSES (ON-AND-OFF SALE, MARINAS), TO SELL AND SERVE ALCOHOL ONLY IN CAFÉS, TO ESTABLISH A MARKET-TEST FORMULA FOR ISSUANCE OF NEW OFF-SALE LICENSES TO CLARIFY ACCOMMODATION OF THE PUBLIC AND TO PERMIT ISSUANCE OF A NEW OFF-SALE LICENSE WHEN THE TOTAL POPULATION WITHIN THE SERVICE AREA EQUALS OR EXCEEDS 750 PERSONS, TO ENACT NEW DEFINITIONS FOR “ALCOHOL DISPENSARIES” “CAFÉS” AND “GAS STATIONS,” AND GENERALLY CONCERNING THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN TALBOT COUNTY, AND PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY HEREOF, and the public was afforded an opportunity to comment on the proposed amendments. The following additional amendments were then introduced: Ms. Price introduced an amendment, known as Amendment No. 1: An amendment to eliminate the requirement that cashiers for off-sales of beer and light wine be at least 21 years of age. Ms. Price stated that she was offering the amendment so that the Talbot County Code is in line with the State Code which requires cashiers for off-sales of beer and light wine to be 18 years of age; the State Code requires that cashiers for sales of liquor be 21 years of age. Mr. Pack offered Amendment No. 2: An Amendment to amend the definition of “Supermarket” by reducing the minimum size from 20,000 gross square feet to 16,900 square feet of sales area. He stated that it had been brought to Council’s attention that there is one supermarket in Talbot County which has less than 20,000 gross square feet, and the amendment was being offered in fairness to that establishment. Mr. Pack also introduced Amendment No. 3: An amendment to grandfather pharmacies with existing Class E licenses, provided that all alcoholic beverages shall be offered for sale exclusively within an enclosed area not exceeding 25% of the sales area, separated from the main sales area by permanent walls or partitions at least 8 feet high, and all such sales shall be processed through a separate cashier. Amendment No. 4: An Amendment to authorize gas stations with a pre-existing Class A off-sale beer and light wine license to re-apply for a Class A license within one year (of the date of this legislation), was introduced by Ms. Price. She stated that she was offering the amendment in response to current economic conditions which have forced some businesses to close and by so doing, the businesses have had to relinquish their liquor licenses; the amendment would provide an opportunity for the business owner to find a buyer and to transfer the liquor license to the new owner, provided they new owner meets all other requirements of the Liquor License Commissioners. Mr. Duncan stated that he wished to offer an amendment to Talbot County Code § 11-4 C, B-T (non-profit theaters) on-sale licenses. The amendment, known as Amendment No. 5, would allow non-profit theaters to include liquor for on-premises consumption in addition to beer and light wine, provided Bill No. 1212 passed in its present form. He stated that he was, however, totally against the legislation as written and made a motion that Bill No. 1212 be put aside, voted on, dismissed, and a new bill be rewritten. He stated that, in

his opinion, the current bill could be cleaned up, and some of the proposed amendments could be incorporated into the legislation to make the legislation more understandable. Mr. Duncan stated that, in his opinion, the legislation should include information on any penalties involved, adding that the current penalties apply to the legislation presently in effect, not as proposed. Council discussion ensued; there was no second to Mr. Duncan's motion. The public hearing on amendments to Bill No. 1212 will remain open until Tuesday, January 10, 2012. Written comments on Bill No. 1212, and proposed amendments, will be accepted until 12:00 Noon on Friday, January 5, 2012. Bill No. 1212, and proposed amendments, will be eligible for vote on Tuesday, January 10, 2012.

IX. County Manager's Report Continued:

E. Change Orders for Bid No. 10-13, TALBOT COUNTY FREE LIBRARY BUILDING RENOVATION AND EXPANSION - EASTON, MARYLAND – Requested Council approval of three change orders related to the renovation and expansion of the Talbot County Free Library in Easton: Technology purchases in the sum of \$122,847.34 for the purchase of 40 computers, check-out scanners, printers, etc.; \$13,273 for purchase of security system equipment and installation of same by low bidder, Terrapin Security; and Opening Day Collection in the sum of \$250,000 for purchase of books, DVDs, circulation materials, etc. Council discussion ensued and Council expressed appreciation to the Library Board and staff for their willingness to lower equipment purchase costs by reducing the number of computers originally requested from 50 to 40. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved the three change orders to Bid No. 10-13 in the sum of \$386,120.34 as requested by voting 5 – 0 as follows:

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

F. Correction to Article in *The Star Democrat* – Mr. Craig clarified a statement made in the Monday, December 12, 2011 issue of *The Star Democrat* regarding the County Budget. He stated that the article had incorrectly stated that the County was obligating \$2, 000,000 to an Other Post Employee Benefits (OPEB) Trust with another \$7,000,000 held in reserve to be allocated for future deposit. Mr. Craig stated that Council had directed him to obligate \$7,000,000, and to reserve the other \$2,000,000 of the total of \$9,000,000 set aside; *The Star Democrat* has since printed a correction.

X. Council Comments:

Mr. Bartlett - No comments.

Mr. Hollis – Mr. Hollis extended holiday wishes to everyone, wishing them a Merry Christmas and Happy New Year.

Ms. Price – Ms. Price wished everyone Merry Christmas and Happy Holidays.

Mr. Duncan - Mr. Duncan stated that he hoped everyone enjoyed being with their families during the holiday season and offered best wishes to County staff. He concluded his comments by stating that he hoped the coming year was a good solid one for the County and for families.

Mr. Pack- Mr. Pack echoed the sentiments of his colleagues, wishing everyone a Merry Christmas and Happy New Year. He thanked the candidates who had submitted their names for consideration for the Planning Commission position, stating that, in his opinion, all candidates were strong and deserving, and it was great to see such talent.

XI. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters; and to reconvene on Tuesday, January 10, 2012 at 12:30 p.m. in Executive Session for discussion of legal, personnel, and real estate matters, and for the legislative session at 1:30 p.m. 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 7:29 p.m.

XII. On Tuesday, December 13, 2011, an Executive Session of the Talbot County Council convened at 5:05 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council met in Executive Session by voting 4-0 as follows:

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

Mr. Bartlett arrived at 5:15 p.m.

In accordance with State Article §10-508(a)(1)(i)(3)(4)(7)(8) the purpose of the Executive Session was for discussion of personnel matters to discuss vacancies in the following County departments: Detention Center, Emergency Medical Services, Parks and Recreation, Planning & Zoning; and to discuss appointments to various County boards and committees; for a legal/real estate matter for legal advice concerning possible relocation of Memorial Hospital at Easton to County-owned property and the timetable for same; for a legal matter for legal advice regarding potential litigation; and for a real estate matter to discuss possible acquisition of property for a public purpose. The meeting recessed at 6:00 p.m. and reconvened at 7:00 p.m. The Executive Session ended at 10:00 p.m.

The transcript of the December 13, 2011 County Council meeting is available for review in the Office of the County Manager during regular office hours.

CASH STATEMENT 12/13/2011
BALANCE 12/06/2011

\$11,718,155.04

UHC CLAIMS THRU 12/06/2011	(52,029.51)
POSTAGE WIRE	(3,000.00)
BANK CHARGES 11/2011	(2,646.22)
INTEREST ON ACCT 11/2001	(2,868.80)
STATE REPORT 11/2011	(148,611.81)

PUBLIC IMPROVEMENT BOND-2008 12/2011 PYMT	(1,336,175.00)
PAYROLL-FD/SS/MS WH 12/09/2011	(99,957.67)
SECU DED	(9,298.75)
DEFERRED COMP DED	(10,077.72)
MD WH	(28,003.16)
PENSION DED	(28,279.88)
ACH TRANSFER	(10,916.00)
FLEX SPENDING ACCT	(2,467.89)
DEPOSITS	819,323.17
CHECKS	(676,123.83)
BALANCE 12/13/2011	<u>\$10,132,759.57</u>

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	16,346.21
AIP-35	
BALANCE 12/6/2011	\$47,303.39
DEPOSITS	261.00
TRANS FR GEN FUND	262.14
CHECKS	(10,475.14)
AIP36	
BALANCE 12/6/2011	12,067.87
DEPOSITS	93.00
TRANS FR GEN FUND	93.13
CHECKS	(3,734.13)
	8,519.87
AIP37	
BALANCE 12/6/2011	712.50
DEPOSITS	142.00
	854.50
AIP38	--
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$63,071.97</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/18/2011	12/20/11	0.56%	3,000,000.00
07/19/2011	01/17/12	0.31%	3,000,000.00
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
PNC-MLGIP INVESTMENTS TOTAL		0.09%	13,000,000.00
TOTAL INVESTED			<u>\$39,000,000.00</u>

PETTY CASH BALANCE	<u>\$6,800.00</u>
GRAND TOTAL ALL FUNDS	<u>\$49,202,631.54</u>