



Talbot County, Maryland



Easton, Maryland

MINUTES

December 22, 2009

Present – President Levin F. Harrison, IV, Vice President Philip Carey Foster, Dirck K. Bartlett, Thomas G. Duncan, County Manager R. Andrew Hollis, Assistant County Manager James Urbanczyk and County Attorney Michael Pullen. Council Member Corey W. Pack was absent.

- I. Agenda – Agenda of December 22, 2009 was approved upon motion by Mr. Bartlett, seconded by Mr. Duncan, with the Council voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

- II. Minutes – Minutes of December 8, 2009 were approved upon motion by Mr. Duncan, seconded by Mr. Bartlett, with the Council voting 4 - 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

- III. Disbursements – Disbursements of December 15, 2009 and December 22, 2009 were approved upon motion by Mr. Foster, seconded by Mr. Bartlett, with the Council voting 4 - 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Following the vote on the disbursements, Mr. Harrison announced that Mr. Pack might arrive before the meeting is concluded; however, should he not be able to attend, he had left votes on the administrative resolutions and Bill No. 1176.

- IV. Introduction of Administrative Resolutions:

AN ADMINISTRATIVE RESOLUTION TO REDUCE APPROPRIATIONS AND EXPENDITURES IN TALBOT COUNTY'S FY 09-10 BUDGET TO COVER SHORTFALLS IN BUDGETED AMOUNTS OF ANTICIPATED STATE INCOME TAX RECEIPTS was read into the record by the Clerk. Upon motion by Mr. Foster, seconded by Mr. Bartlett, the Administrative Resolution was accepted. Council discussion and comments ensued as to the necessity of the reduced appropriations outlined in the Administrative Resolution, reiterating Council's goal throughout the process to avoid employee layoffs. Prior to the vote, Mr. Pullen requested a point of order, advising that Mr. Pack had left two ballots which Council could accept if they so chose. Mr. Pullen continued that the Rules of Procedure typically require that a Council member provide a week's advance notice that they intend to cast a vote via ballot; however, Mr. Pack had been unaware a week in advance that he would be absent for the December 22, 2009 meeting. A motion was made by Mr. Foster and seconded by Mr. Duncan that the ballots submitted by Mr. Pack for both

administrative resolutions be accepted. Council approved accepting Mr. Pack's ballots on both administrative resolutions by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Council approved the Administrative Resolution on the budget as presented by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye
Mr. Pack – Aye (via ballot)

Mr. Foster requested that the Rule concerning one week's notice be reviewed at some point in the near future.

AN ADMINISTRATIVE RESOLUTION DESIGNATING CERTAIN AREAS OF TALBOT COUNTY AS A RECOVERY ZONE FOR THE PURPOSES OF ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS was read into the record by the Clerk. Mr. Foster requested and received unanimous consent of the Council to waive a full reading of the administrative resolution. Paige Bethke, Director of Economic Development, advised Council that an allotment of American Recovery and Reinvestment Act monies had been set aside for counties to be used as tax-free bond investments to support economic development. She added that use of the funds requires the establishment of recovery zones which meet the criteria of having a high unemployment rate, a high number of foreclosures and general economic distress, and have the potential for generation of jobs. Ms. Bethke also advised that projects must be shovel-ready by January 1, 2011 and have water and sewer available; no County funds are involved and the County does not pledge its credit rating for the projects. Mr. Bartlett made a motion to approve the Administrative Resolution; Council discussion ensued, an amendment was made by Mr. Duncan to include the corporate boundaries of all incorporated towns and/or cities in Talbot County in the administrative resolution, with the understanding that the municipalities could decline if they so chose. Council approved inclusion of the amendment in the administrative resolution by voting 3 – 1 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Nay

Council approved the Administrative Resolution, as amended, by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

Mr. Pack's vote on the Administrative Resolution was nullified since same had been amended after he had cast his vote.

V. Public Hearing:

Prior to the public hearing on Bill No. 1176, Planning Officer Sandy Coyman, Assistant Planning Officer Mary Kay Verdery, and Long Range Planner Martin Sokolich reviewed the 26 amendments to Bill No. 1176, advising Council that the majority of the amendments, including the 150-day approval period, were necessary to bring the bill into compliance with a recent ruling by the Federal Communication Commission (FCC). County Attorney Michael Pullen advised the Council that should a member wish to vote individually on any particular amendment, they could do so by separating the amendment out. Staff presented each amendment for Council's consideration, with Council members requesting the separating out of Amendment #9 and Amendment #16. The public was afforded an opportunity to comment.

The meeting recessed for approximately five minutes.

The meeting reconvened. Bill No. 1176, incorporating each of the proposed amendments, was then brought forth for discussion. Mr. Harrison made a motion to amend Lines 36 and 41 on Page 3 of 19 to change the word "two" FCC licensed operators to "one." Council did not approve the change in wording by voting 1 – 3 as follows:

Mr. Harrison – Aye
Mr. Duncan – Nay
Mr. Foster – Nay
Mr. Bartlett - Nay

Mr. Foster made a motion to amend Line 26 on Page 3 of 19, referred to by Mr. Pullen as Amendment 2A, to add the following words: "Notwithstanding any other section of this chapter, this limitation shall not be subject to modification by either a special exception or variance." Council approved the additional wording by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Mr. Foster made a motion to delete the words "sign an agreement to be maintained by the County, agreeing to bring facilities into compliance" of Lines 132 and 133 on Page 6 of 19, and delete the word "new" on Line 134 on Page 6 of 19, and to insert the word "comply" on Line 132 after the words "owners must". Council approved the amendment to the proposed amendment by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

The definition of WCPPA Guidance Plan was brought forward for Council discussion. Mr. Harrison made a motion to replace the words "Planning Commission" with the words "County Council", insert a period after the words "Guidance Plan," and to delete the remainder of the sentence on Lines 569 – 572 on Page 18 of 19. Council approved the amendment to the proposed amendment by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Proposed Amendment No. 9 on Page 3 of 8 of the document entitled, Bill 1176 with Amendments Proposed December 22, 2009, was brought forward for Council's consideration. Proposed Amendment No. 9 would delete the following language from Bill No. 1176: *All tower owners must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the facility.* Mr. Duncan made a motion to not delete the sentence and to add the following words: "within 90 days of final construction, co-location and activation of equipment." Council approved the amendment to proposed Amendment No. 9 by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Proposed Amendment No. 16 on Page 5 of 8 of the document entitled, Bill 1176 with Amendments Proposed December 22, 2009, was brought forward for Council's consideration. Mr. Foster made a motion to add the following wording, suggested by Mr. Pullen, to the end of Proposed Amendment No. 16: *At the applicant's request, the application shall be submitted to the Planning Commission to decide whether the application is complete or incomplete. If an incomplete application is not completed within thirty (30) days after written notice from the Planning Office, the matter shall be submitted to the Planning Commission for a decision on the merits of the application. However, if the applicant stipulates in writing that the application is not complete, the time for final action by the County on the application shall be extended, and shall not begin to run again until the application is completed.* Council approved the amendment to Proposed Amendment No. 16 by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Proposed Amendment No. 4 on Page 1 of 8 of the document entitled, Bill 1176 with Amendments Proposed December 22, 2009, was brought forward for Council's consideration. Mr. Bartlett made a motion to add the word "licensed" prior to the word "professional." Council approved the amendment to proposed Amendment No. 4 by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Amendments 1 – 26 were brought forward for vote. Council approved the amendments, as presented, and/or amended, by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Mr. Foster made a motion to revise the geographic area outlined on the Priority Placement Area map to cover lands west of Bozman-Neavitt Road from the northern point of the proposed limits, south, to

encompass Change Point. Council approved the reconfiguration of the WCPPA Plan by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Council approved adoption of the map amendment by voting 3 – 1 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Nay

The definition of Wireless Communication Priority Placement Areas was brought forward for Council's consideration. Mr. Foster made a motion to strike the word "on" in Line 576, to add the word "herein," and to strike all additional words on Line 577 preceding the word "where." Council approved the amendment to the definition by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

An amendment known as the "green amendment" was brought forth for Council's consideration. The purpose of the "green amendment" is to clarify that a wireless communication tower proposed outside of a Wireless Communication Priority Placement Area shall be prohibited if there is a vacant Priority Placement Area within the same Election District. Council discussion ensued. Council did not approve the "green amendment" by voting 2 - 2 as follows:

Mr. Harrison – Nay
Mr. Duncan – Nay
Mr. Foster – Aye
Mr. Bartlett – Aye

Bill No. 1176, as amended, was brought to third reader. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of Bill No. 1176, as amended, was waived. Council approved Bill No. 1176, as amended, by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Bill No. 1176, as amended, will take effect as provided for in the legislation.

VI. County Manager's Report:

- A. Talbot County Adult Public Guardianship Review Board – Requested Council approval for the reappointment of Wendy Young-Dyott, Debbye Jackson, Glenn Klakring, Dr. Brenda Scribner, Joseph Newell and Maggie Mayo to 3-year terms on the Talbot County Adult Public

Guardianship Review Board; said terms will expire January 1, 2013. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council approved the reappointments by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

- B. Talbot County Board of Appeals – Requested Council approval for the reappointment of Rush Moody, Phillip Jones and Russel Kacher (alternate) to three-year terms on the Talbot County Board of Appeals; said terms will expire on February 11, 2013. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved the reappointments by voting 4 – 0 as follows:

Mr. Harrison – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

VII. Council Comments:

- Mr. Bartlett- Mr. Bartlett wished everyone Happy Hanukkah, Happy Holidays, and Merry Christmas. He thanked County staff for their hard work during the past year, adding that he had enjoyed working with them, and hoped the County's financial situation improves in the coming year. Mr. Bartlett concluded his comments by wishing his colleagues and their families Happy Holidays.
- Mr. Duncan - Mr. Duncan wished everyone Happy Holidays, thanked County staff for their hard work, and thanked County citizens for their participation in government.
- Mr. Foster- Mr. Foster echoed Mr. Duncan's and Mr. Bartlett's remarks by wishing everyone a happy holiday season, adding that, in his opinion, it had been an interesting year. He continued that, in his opinion, the support from the community had been commendable, and that, in his opinion, it was comforting because the Council has had to make difficult decisions which they had no idea they would be facing when they ran for office three years ago. Mr. Foster concluded his comments by thanking everyone for their kindness and understanding as the Council makes decisions it never wanted to have to make.
- Mr. Harrison- Mr. Harrison echoed the sentiments of his colleagues and thanked County staff for their work throughout the past year. He thanked the County Roads Department and private contractors for their hard work during the recent snowstorm to help clear county roads. Mr. Harrison reminded everyone that the work session originally scheduled for today at 3:00 p.m. had been rescheduled to Tuesday, January 5, 2010.

- VIII. Upon motion by Mr. Foster, seconded by Mr. Duncan the Council voted to reconvene in Executive Session for discussion of legal, personnel, and real estate matters and discussion of contracts and agreements with other entities, to reconvene for a work session on Tuesday, January 5, 2010 at 4:00 p.m. and to reconvene in Executive Session on Tuesday, January 12, 2010 at 12:30 p.m. for discussion of legal, personnel, and real estate matters by voting 4 – 0 as follows:

Mr. Harrison - Aye
Mr. Duncan - Aye
Mr. Foster - Aye
Mr. Bartlett- Aye

The meeting adjourned at 5:51 p.m.

The transcript of the December 22, 2009 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- IX. Prior to the meeting on December 22, 2009 an Executive Session of the Talbot County Council convened at 1:05 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council met in Executive Session by voting 3 - 0 as follows:

Mr. Harrison – Not present
Mr. Pack – Not present
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Mr. Harrison arrived at 1:10 p.m.

Mr. Pack arrived at 1:20 p.m.

In accordance with State Article §10-508(a)(1)(i)(7)(8) the purpose of the Executive Session was for legal matters to obtain legal advice concerning a Consent Order from the Maryland Department of the Environment and to obtain legal advice regarding the permitting of the Trappe Wastewater Treatment Plant by the Maryland Department of the Environment; for a legal/real estate matter to obtain legal advice concerning the possible relocation of The Memorial Hospital at Easton to County-owned property and the timetable for same; for a legal and real estate matter involving Villa Landing; and for a personnel matter to discuss appointments to various County boards and committees. The meeting recessed at 1:30 p.m., reconvened at 5:55 p.m. and ended at 6:35 p.m.

- X. An Executive Session of the Talbot County Council convened on Tuesday, December 15, 2009 at 12:10 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council met in Executive Session by voting 5 - 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

In accordance with State Article §10-508(a)(1)(i)(7)(8) the purpose of the Executive Session was for a legal matter to obtain legal advice to discuss a recent ruling from the Federal Communications Commission (FCC) regarding wireless communication towers and deadlines for tower approval and its affect in Talbot County; and for a personnel matter to discuss a matter involving the Talbot County Detention Center. The meeting ended at 1:40 p.m.

- XI. Work Session: Adoption of Water Resources Plan Element to the Talbot County Comprehensive Plan as required by Article 66B § 3.05(a)(4)(vi) MD. ANN. CODE – Due to time constraints, the work session was rescheduled to 4:00 p.m. on Tuesday, January 5, 2010 4:00 p.m.

CASH STATEMENT 12/15/2009

BALANCE 12/08/2009		\$6,885,234.31
MD STATE RETIREMENT ANNUAL BILLING		(892,936.00)
UHC CLAIMS 12/8/2009		(57,532.34)
STATE REPORT 11/2009		(183,644.92)
TRANS LOCAL SHARE TO AIP34		(500.00)
TRANS LOCAL SHARE TO AIP35		(4,200.00)
PUBLIC IMPROVEMENT BONDS – SERIES 2008		(1,319,375.00)
PAYROLL-FD/SS/MS WH 12/11/2009		(114,563.25)
SECU DED		(10,782.77)
DEFERRED COMP DED		(8,138.45)
MD WH		(30,120.38)
PENSION DED		(22,510.15)
ACH TRANSFER		(10,900.00)
FLEX SPENDING ACCT		(2,210.29)
DEPOSITS		1,517,363.05
CHECKS		(719,644.71)
VOID CHECK NO. S 257794, 257926		31,231.20
BALANCE 12/15/2009		<u>5,056,770.30</u>

AIRPORT ACCOUNTS

AIP29	BALANCE 12/08/2009	\$ 2,484.63	
	DEPOSITS	19,132.00	21,616.63
AIP30	BALANCE 12/08/2009	718.61	
	DEPOSITS	44,996.00	45,714.61
AIP-32			597.01
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			-
AIP-34-NEW	BALANCE 12/08/2009	--	-
	TRANS FR GEN ACCT	500.00	-
	CHECKS	(500.00)	-
AIP-35-NEW	BALANCE 12/08/2009	4,200.00	
	TRANS FR GEN ACCT	4,200.00	
	CHECKS	(4,200.00)	4,200.00

AIRPORT ACCOUNTS TOTAL BALANCE **\$74,633.25**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/28/2009	12/29/10	0.97%	6,000,000.00
08/04/2009	01/26/10	0.66%	6,000,000.00
02/24/2009	02/23/10	2.76%	6,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00

09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00
PNC - MLGIP INVESTMENTS TOTAL		0.17%	3,000,000.00
TOTAL INVESTED			<u>\$63,000,000.00</u>
PETTY CASH BALANCE			<u>\$6,500.00</u>
GRAND TOTAL ALL FUNDS			<u>\$68,137,903.55</u>

CASH STATEMENT 12/22/2009

BALANCE 12/15/2009	\$5,056,770.30
RETIREE GIFT CHEQUES	(507.50)
UHC CLAIMS 12/15/2009	(68,822.33)
DEPOSITS	3,564,992.40
CHECKS	(425,456.27)
VOID CHECK NO.S 253712,258107, P-3061646	763.98
BALANCE 12/22/2009	<u>8,127,740.58</u>

AIRPORT ACCOUNTS

AIP29	21,616.63
AIP30	45,714.61
AIP-32	597.01
AIP33-DSA	2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	-
AIP34-NEW	-
AIP-35-NEW	4,200.00
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$74,633.25</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/28/2009	12/29/10	0.97%	6,000,000.00
08/04/2009	01/26/10	0.66%	6,000,000.00
02/24/2009	02/23/10	2.76%	6,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00

11/24/2009	09/28/10	0.60%	6,000,000.00
PNC - MLGIP INVESTMENTS TOTAL		0.16%	3,000,000.00
TOTAL INVESTED			<u>\$63,000,000.00</u>
PETTY CASH BALANCE			<u>\$6,500.00</u>
GRAND TOTAL ALL FUNDS			<u>\$71,208,873.83</u>