



Talbot County, Maryland



Easton, Maryland

MINUTES

December 6, 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 – The Agenda of December 6, 2011 was brought forward for approval. Mr. Bartlett made a motion to approve the agenda as presented; Mr. Hollis requested that *Item VI. Introduction of Numbered Resolution* and *Item VII. Introduction of Legislation* be removed from the agenda for further consideration by the Council. Mr. Bartlett withdrew his motion for approval as presented. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the agenda, as amended, by voting 5– 0 as follows:

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

- II. Minutes – The Minutes of November 22, 2011 were brought forward for approval. Mr. Bartlett requested that Tom Alspach’s title in Item XV. *Work Session on Watershed Implementation Plans (WIPs) and Total Maximum Daily Loads (TMDLs) as Mandated by the Clean Water Act* be changed to read *Tom Alspach, President of Talbot Preservation Alliance...* instead of *Tom Alspach, Attorney for Talbot Preservation Alliance...* Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council approved the Minutes, as amended, by voting 5 – 0 as follows:

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

- III. Disbursements – Disbursements of November 29, 2011 and December 6, 2011 were approved upon motion by Mr. Bartlett, seconded by Ms. Price, with the Council voting 5 – 0 as follows:

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

- IV. Presentation on County Financial Condition – Angela Lane, Finance Director – Ms. Lane stated that the FY 2011 Audit is in the process of being finalized. She stated that in FY 2011, the Council had initially budgeted the use of \$7.4 million of the Fund Balance to balance the FY 2011 budget; however, \$9.1 million was actually required to balance the budget. Ms. Lane then briefed the Council on FY 2012 Revenue projections, stating that Recordation and Transfer taxes are more than 40% below budgeted levels thus far for the first four months of FY 2012; if the trend continues the County could have a \$3.7 million shortfall. She stated that \$10.4 million remains in the Fund Balance; however, the County needs to maintain the Fund

Balance in order to pay its bills in a timely manner. She stated that to date, the County has collected approximately \$650,000 more in Income Tax revenues than projected for this time period, adding that since the County receives approximately 78% of its Income Tax revenues toward the end of the fiscal year, it is too early to project any trends; the next major distribution is in February 2012. Council discussion ensued. At Mr. Duncan's request, Ms. Lane outlined funding required for Other Post Employee Benefits (OPEB), the County's obligation to retirees other than pensions. Ms. Lane stated that the County will need to fund approximately \$15 million to OPEB; the Board of Education's portion is approximately \$50 million, and is anticipated to be jointly funded by the Board of Education and the County. Council discussion again ensued. Ms. Lane will continue to update the Council on a regular or as-needed basis.

V. Introduction of Numbered Resolution:

A RESOLUTION TO EXTEND THE MORATORIUM ENACTED BY RESOLUTION NO. 180 IN THE VILLAGES OF ROYAL OAK, NEWCOMB, BELLEVUE, UNIONVILLE, TUNIS MILLS, AND COPPERVILLE, THAT TEMPORARILY SUSPENDED ADMINISTRATIVE PROCESSING, REVIEW, OR APPROVAL OF ANY APPLICATION TO SUBDIVIDE PARCELS ZONED "VILLAGE CENTER," THAT HAD NOT RECEIVED SKETCH PLAN APPROVAL ON OR BEFORE MARCH 22, 2011, FOR AN ADDITIONAL PERIOD OF 30 DAYS FROM AND AFTER FEBRUARY 24, 2012, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE was not introduced as it had previously been removed from the agenda.

VI. Introduction of Legislation:

A BILL TO ENACT DENSITY PROVISIONS OF ONE (1) DWELLING UNIT PER TWO (2) ACRES FOR THE VILLAGE CENTER, VC-1, AND VC-2 ZONING DISTRICTS; TO PROVIDE THAT THE MINIMUM LOT SIZE SHALL BE ONE (1) ACRE; TO PROVIDE THAT NO MORE THAN TWO (2) LOTS SHALL BE SUBDIVIDED FROM AN ORIGINAL PARCEL, DEFINED AS A PARCEL, LOT, OR TRACT RECORDED AMONG THE COUNTY LAND RECORDS AS OF MARCH 22, 2011; TO MAKE THESE PROVISIONS APPLICABLE TO SUBDIVISIONS THAT HAVE NOT RECEIVED PRELIMINARY PLAT APPROVAL PRIOR TO MARCH 22, 2011; AND TO PROVIDE THAT THESE PROVISIONS ARE TO REMAIN IN EFFECT FOR THREE (3) YEARS AND THEREAFTER SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT was not introduced as it had been previously been removed from the agenda.

VII. County Manager's Report:

A. Bid No. 11-18, GLEBE ROAD IMPROVEMENTS, TALBOT COUNTY, MARYLAND – Requested Council approval of the Assistant County Engineer's recommendation to award Bid No. 11-18 to the low bidder, David A. Bramble, Inc. in the sum of \$2,097,918.60. Funding for this Capital Project has been appropriated. Mr. Craig stated that once the project begins, the road will be closed to the general public for the duration of the project, approximately nine (9) months. Prior to closure of the road, a public notice will be published in *The Star Democrat*. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, 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

B. Request by Easton Airport to Submit a Grant Application to the Maryland Aviation Administration (MAA) – Requested Council approval of the Airport Manager’s request to submit a grant application to 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; said cost is to correct cooling issues related to the original installation; and the Acquisition of a Zero Turn Mower in the sum of \$11,700.00, as previously approved by the Council. Mr. Craig stated that it is anticipated that MAA will pay 75%, or \$164,384.00, of the cost of the project; Easton Airport will pay 25%, or \$54,795.09. Mr. Bartlett made a motion to approve submittal of the grant application, with the understanding that any consultants for the project will not be the same as those involved in the original project; Ms. Price seconded the motion. The Council approved submittal of the grant application, with the caveat as requested by Mr. Bartlett, by voting 5 – 0 as follows:

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

VIII. Public Hearing:

A public hearing was held on 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 legislation. At the conclusion of the public hearing, Mr. Bartlett stated that Mr. Pullen had

drafted several amendments for Council's consideration. Council discussion ensued regarding the provisions included in the amendments and as to whether or not the amendments were substantive. Mr. Hollis stated that the amendments Mr. Pullen had presented for Council's consideration were, in Mr. Pullen's legal opinion, non-substantive. Mr. Hollis then introduced the amendments and requested that the public hearing be held open until the Council meeting of Tuesday, December 13, 2011 for the purpose of hearing testimony from the public on the amendments only; Mr. Bartlett seconded the motion, with the condition that written comments on the entire bill will be accepted until 12:00 Noon on Friday, December 9, 2011. Council requested that the proposed amendments be posted on the County's website by Wednesday, December 7, 2011. Bill No. 1212, and proposed amendments, will be eligible for vote on Tuesday, December 13, 2011.

- IX. Council Discussion of Draft Total Maximum Daily Load (TMDL) Scenario and Milestones – Sandy Coyman, Planning Officer – Mr. Coyman briefed the Council on staff's recommendation for Talbot County's initial submission of TMDL strategies and milestones to the Maryland Department of the Environment as part of Phase II of the Watershed Improvement Plan, mandated by the Clean Water Act. Mr. Coyman stated that once the State's plan is finalized, it will be forwarded to the Environmental Protection Agency (EPA); submissions by local jurisdictions, at the request of the State, will be considered by the State for inclusion in its Plan. Mr. Coyman stated that County staff is recommending that the County's TMDL strategies should include: (1) best management practices which are currently being implemented; (2) best management practices that involve no cost to the County; and (3) best management practices for which loans and grants have been received in the past and for which funding is anticipated to continue into the future. Council discussion ensued with regard to the specific sectors Talbot County has been assigned to address, the urban and septic sectors, and expressed concern that the agricultural sector will be addressed by the Maryland Department of Agriculture, thus possibly hindering Talbot County from meeting its TMDL goals. Mr. Coyman emphasized to Council that much work remains to be done to develop the TMDL process. Upon motion by Mr. Duncan, seconded by Ms. Price, the Council accepted Mr. Coyman's memorandum as presented, and approved forwarding the information to the State by voting 5 – 0 as follows:

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

- X. Council Comments:

Ms. Price - Ms. Price wished her colleagues "happy anniversary," stating that one year ago the present Council had been sworn in. She expressed condolences to the family of Tom Norton, a member of the Talbot County Airport Board.

Mr. Duncan – No comments.

Mr. Hollis – Mr. Hollis seconded Ms. Price's comments in expressing condolences to the family of Tom Norton.

Mr. Pack - Mr. Pack presented a Past President's gavel to Mr. Bartlett in recognition of his leadership of the Council for 2010 to 2011.

Mr. Bartlett- Mr. Bartlett welcomed Andy Hollis as Vice President and Corey Pack as President of the Council for the coming year. He stated that he hoped the Council can continue to do good work for the citizens of Talbot County.

- XI. Upon motion by Mr. Duncan, 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, December 13, 2011 at 5:00 p.m. for Executive Session for discussion of legal, personnel, and real estate matters, and for the legislative session at 6:00 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 3:45 p.m.

- XII. On Tuesday, December 6, 2011, 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. Duncan, seconded by Mr. Hollis, 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 12:50 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 appointments to various County boards and committees; to discuss the hiring process for a golf professional; and to discuss a vacancy in Talbot Family Network; for a legal matter for legal advice regarding potential litigation; for a legal/real estate matter to discuss legal advice concerning the possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same; and for a real estate matter to discuss possible acquisition of property for a public purpose. The meeting recessed at 1:30 p.m. and reconvened at 4:00 p.m. The Executive Session ended at 7:20 p.m.

The transcript of the December 6, 2011 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XIII. Quarterly Meeting with Municipalities - The Council met with elected officials of the incorporated towns of Talbot County at 5:00 p.m. on Tuesday, November 29, 2011. County staff updated the Towns' representatives on Bill No. 1212, the rewrite of the Talbot County Liquor Code; the public hearing for Bill No. 1212 is scheduled for Tuesday, December 6, 2011 at 2:00 p.m. The Town of Easton provided an update on proposals for Easton Point Park, an update on the proposed placement of speed cameras in school zones, an update on a Memorandum of Understanding with the County regarding the enforcement and regulation of road signs, presented a request for consideration by the Council to include tickets in County tax bills entitling residents to a free trip to the Mid-Shore Regional Landfill for trash disposal, and requested Council's consideration that a portion of the manufactured home rental community tax for Jensen's Hyde Park be provided to the Town of Easton now that Hyde Park Community has been annexed

into the Town. The Town of Oxford provided an update on the status of the Town’s proposed annexation of submerged lands (referred to as “mooring legislation”) adjacent to the Town’s boundaries, and requested information on the feasibility of a countywide recycling program. Council discussion ensued with the Towns’ representatives on the various matters brought forward. The meeting adjourned at 6:00 p.m.

XIV. Work Session with Talbot County Free Library – The Council met with representatives of the Talbot County Free Library to review the status of the on-going renovation and expansion project at the Easton branch of the Talbot County Free Library and to discuss remaining items for the project which require funding. Council discussion ensued with the representatives. The work session ended at 7:10 p.m.

CASH STATEMENT 11/29/2011

BALANCE 11/22/2011	\$10,545,280.73
UHC CLAIMS THRU 11/22/2011	(53,887.29)
PAYROLL-FD/SS/MS WH 11/22/2011	(98,570.57)
SECU DED	(9,298.14)
DEFERRED COMP DED	(10,152.72)
MD WH	(27,690.48)
PENSION DED	(28,508.51)
ACH TRANSFER	(10,913.00)
FLEX SPENDING ACCT	(2,467.89)
DEPOSITS	360,469.98
CHECKS	(561,791.20)
VOID CHECK NO.S 272786,272926	980.42
BALANCE 11/29/2011	<u>\$10,103,451.33</u>

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	16,346.21
AIP-35	47,303.39
AIP36	12,067.87
AIP37	712.50
AIP38	--
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$76,429.97</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	0.10%	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>\$49,186,681.30</u>

CASH STATEMENT 12/06/2011

BALANCE 11/29/2011		\$10,103,451.33
UHC CLAIMS THRU 11/15/2011		(28,635.55)
BOARD OF EDUCATION 11/2011		(2,700,250.00)
INCOME TAX 11/2011		3,899,901.41
BOARD OF ELECTIONS PPE 11/1&11/15/2011		(9,453.17)
INTEGRA 12/2011		(13,697.28)
PAYROLL-FD/SS/MS WH 12/02/2011		(2,685.81)
MD WH		(595.93)
PENSION DED		(257.83)
FLEX SPENDING ACCT		(150.00)
DEPOSITS		824,273.32
CHECKS		(354,270.45)
VOID CHECK NO. 271885		525.00
BALANCE 12/06/2011		<u>11,718,155.04</u>

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS		-
AIP34		16,346.21
AIP35		47,303.39
AIP36		12,067.87
AIP37		712.50
AIP38		--
AIRPORT ACCOUNTS TOTAL BALANCE		<u>\$76,429.97</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>\$50,801,385.01</u>