



TALBOT COUNTY, MARYLAND

County Council

MINUTES

December 6, 2016

Present – President Jennifer L. Williams, Vice President Corey W. Pack, Dirck K. Bartlett, Chuck F. Callahan, Laura E. Price, County Manager R. Andrew Hollis, and Assistant County Attorney Anthony Kupersmith. County Attorney Michael L. Pullen was absent.

- I. Agenda – Ms. Williams requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, December 6, 2016.
- II. Minutes – Ms. Williams requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, November 15, 2016.
- III. Disbursements – Ms. Williams requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, November 22, 2016, Tuesday, November 29, 2016, and Tuesday, December 6, 2016.
- IV. Introduction of Michael Smith, Talbot County Alcoholic Beverages Inspector – Planning Officer, Mary Kay Verdery, introduced Mr. Michael Smith as the new Talbot County Alcoholic Beverages Inspector. She stated that Mr. Smith has been employed with the Anne Arundel Fire Company since 1989 where he is currently a Battalion Chief responsible for the leadership and management of a 54-person shift assigned to seven fire stations. She stated that as Talbot County’s Alcoholic Beverage Inspector, Mr. Smith will be responsible for administrative enforcement of the County’s alcoholic beverage laws as outlined in the Talbot County Code, while at the same time promoting cooperation with license holders in the county through trust and open communication. Council welcomed Mr. Smith to the position and thanked former alcoholic beverages inspector, Kenley Timms, for his service in the role of the County’s first alcoholic beverages inspector.
- V. Update by Talbot Humane – Patty Crankshaw-Quimby, Executive Director, Talbot Humane – Ms. Crankshaw-Quimby’s presentation was postponed to a future date.
- VI. Presentation of Requests from Talbot County Public Schools – Kelly Griffith, Ed.D., Superintendent, Talbot County Public Schools; Kevin Shafer, Plant Operations & Transportation Manager, Talbot County Public Schools
 - St. Michaels School Roof Replacement – Dr. Griffith and Mr. Shafer briefed the Council on costs expended thus far on the St. Michaels Middle-High School roof replacement project. Dr. Griffith requested Council’s consideration for a letter of commitment to The Garland Company to lock in current prices of roofing for Phase III (the final phase) of the project before January 1, 2017 in order to realize \$66,000 in savings. She stated that after January 1, 2017, price of materials will increase from \$12.47/sq. foot to \$13.93/sq. ft.; if approved, work on Phase III will begin after July 1, 2017, the beginning of the next fiscal year. Council discussion ensued with Dr. Griffith and Mr. Shafer. Talbot County Finance Director, Angela Lane stated that if the Council takes action now, they are committing to including the project the budget for FY2018. She stated that \$600,000 has already been committed in the County’s Capital Projects although funding has not yet been

identified for Phase III which is estimated to cost \$626,667.80. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved moving forward with Phase III of the roof replacement project, with the understanding that funding will come out of next year’s budget, by voting 5 – 0 as follows:

- Ms. Williams – Aye
- Ms. Price – Aye
- Mr. Bartlett – Aye
- Mr. Pack – Aye
- Mr. Callahan - Aye

- Budget Transfer – Dr. Griffith requested Council approval to transfer a portion of the \$231,979 fund balance remaining from FY2016 to FY2017 for the following projects: \$17,000 for completion of the White Marsh Elementary School awning project; and \$26,000 for the installation of time clocks in various school facilities in order to comply with new Fair Labor Standards Act overtime regulations for non-exempt support staff which take effect January 1, 2017; and to re-appropriate the remaining funding of \$188,979 to the FY2018 Board of Education Budget. Council discussion ensued with Dr. Griffith, Mr. Shafer and County Finance Director, Angela Lane. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved additional funding in the sum of \$17,000 to complete the White Marsh Elementary School awning project and \$26,000 for the installation of time clocks for non-exempt Board of Education staff by voting 5 – 0 as follows:

- Ms. Williams – Aye
- Ms. Price – Aye
- Mr. Bartlett – Aye
- Mr. Pack – Aye
- Mr. Callahan - Aye

Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved re-appropriating the remaining fund balance of \$188,979 to the FY2018 Board of Education budget by voting 5 – 0 as follows:

- Ms. Williams – Aye
- Ms. Price – Aye
- Mr. Bartlett – Aye
- Mr. Pack – Aye
- Mr. Callahan – Aye

VII. Public Hearing:

Bill No. 1352, A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ADOPT DEFINITIONS FOR SMALL, MEDIUM AND LARGE SCALE SOLAR ENERGY SYSTEMS, TO ESTABLISH SETBACKS, SCREENING, MITIGATION, SITING, AND DECOMMISSIONING REQUIREMENTS, TO ADOPT PROCEDURES FOR APPLICATION, REVIEW, AND APPROVAL, AND GENERALLY RELATING TO SOLAR ENERGY SYSTEMS was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Planning Officer, Mary Kay Verdery, provided Council with staff’s response to several objections cited in a recent letter received from Utility Scale Solar Energy Coalition of Maryland, including setback requirements; mandates for redesign of projects that would result in significant loss of prime farmland; the strict limit of .5 percent combined aggregate acreages of the solar array systems of 726 acres; and the language regarding site management

with respect to the distinction between a property owner and the owner of the Solar Energy System (SES). Ms. Verdery requested Council's consideration to amend line 265 to read *ten (10) acres or more*, and to amend line 271 to read *one (1) acre or less*. Scott Kane, chairman of the Solar Array Committee, speaking as a private citizen, requested Council's consideration to impose more stringent requirements for screening for SES; specifically, that screening for the solar facility should be required to grow to the height of the solar facility within two (2) years. Ms. Verdery stated that input is welcome as the update of Chapter 190 of the Talbot County Code moves forward. At Council's request, the public record on Bill No. 1352 will remain open until Friday, December 9, 2016 at 12:00 Noon. Bill No. 1352 is eligible for vote on Tuesday, December 13, 2016.

VIII. Introduction of Numbered Resolution:

A RESOLUTION TO APPROVE THE TRANSFER OF CERTAIN COUNTY-OWNED AND MAINTAINED PUBLIC ROADS KNOWN AS MARYS COURT, MISTLETOE DRIVE, BRYAN DRIVE, AND A PORTION OF PORT STREET TO THE TOWN OF EASTON, MARYLAND IN ACCORDANCE WITH THE ANNEXATION PLANS ADOPTED BY THE TOWN FOR THE TALBOT COMMERCE PARK ANNEXATION AND THE EASTON POINT ANNEXATION RESPECTIVELY, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Assistant County Attorney, Tony Kupersmith, stated that the resolution relates to the annexation of two recent properties by the Town of Easton: Talbot Commerce Park (Marys Court, Mistletoe Drive and Bryan Drive) and a portion of Port Street. He stated that the roads in the subject areas are County roads; however, the Town's annexation plan for each of the properties authorizes the Town to take ownership of the roads through Quitclaim Deeds, the final details which are being worked out. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams as Resolution No. 237. A public hearing was scheduled for Tuesday, January 10, 2017 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, Easton, Maryland 21601.

IX. Update by Talbot County Golf Board – Owen Sutherland, General Manager, Hog Neck Golf Course; Rick Stacey, Golf Superintendent, Hog Neck Golf Course; John Bartlett, Manager, Pro Shop, Hog Neck Golf Course; Members, Talbot County Golf Board – Mr. John Robinson, Member, Talbot County Golf Board, stated that over the past year, Hog Neck Golf Course has experienced a 145% increase in membership and number of rounds of golf played, resulting in increased revenue for the Course. He stated that it is the opinion of the Golf Board that Hog Neck is at a crossroads with regard to making investments to replace aging infrastructure at the Golf Course which held its 40th anniversary earlier this year. He stated that with Council's support, it is the Golf Board's opinion that Hog Neck Golf Course can be restored to its position as one of the top ten public golf courses in Maryland. Mr. Sutherland stated that the past season also saw an increase in youth participation and an increase in new and returning tournament bookings. Mr. Sutherland, Mr. Stacey, and Mr. Bartlett utilized a PowerPoint presentation to provide Council with an outline of initiatives put in place at Hog Neck Golf Course to improve customer service, competitiveness with other local courses and increase profit margins. They made recommendations with regard to maintenance staffing and wages, provided information on golfing fee increases, effective March 1, 2017, outlined challenges with increasing failures of the current irrigation system and provided cost estimates totaling \$2.2 million for renovation and enhancement to the bunkers, driving range, the irrigation system, and a new cart storage facility. Council discussion ensued with the representatives as various items were brought forward. Hog Neck Golf Course is an enterprise fund. Mr. Sutherland concluded his presentation by stating that Hog Neck will be hosting its customer appreciation party on Friday, December 16, 2016 from 5:00 p.m. to 8:00 p.m.; the admission price is a new unwrapped toy to benefit the U.S. Marine Toys for Tots program, or \$5 which will go toward the purchase of toys.

X. County Manager's Report:

- A. Request from Hog Neck Golf Course - Requested Council approval to purchase golf course greens chemicals for the 2017 season from Site One Landscape Supply in the sum of \$19,972.45; said pricing is an early order pricing incentive and as such is a sole source procurement request. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the purchase by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan - Aye

- B. Request from Easton Airport – Requested Council approval for assignment of the Clark Enterprise, Inc. hangar lease at Easton Airport to the recent purchaser of the lease, C & E Holdings, Incorporated. Mike Henry, Manager, Easton Airport, stated that 20 years remain on the lease; terms of the lease, which originally became effective in August 2007, will remain unchanged. Mr. Bartlett made a motion that the Council approve the proposed hangar lease assignment from Clark Enterprises, Inc., the current tenant, to C&E Holdings, Incorporated, the new tenant, on the terms and conditions negotiated by the airport manager and approved by the County Attorney. Mr. Bartlett included in his motion that the County Manager be authorized to execute the documents needed to affect the transfer, provided that the County receive an executed personal guaranty to perform all the lease obligations from Edward Lewis, an affiliate of the new tenant, C&E Holdings, Inc. The motion was seconded by Ms. Price, and the Council approved the lease assignment as outlined by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan - Aye

- C. Easton Airport Self-Fueling Fees – Requested Council approval to increase self-fueling permit fees at Easton Airport from the current \$0.15 per gallon to \$.075 per gallon; the fee was last increased in 2009. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the request by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- D. Request from Department of Economic Development and Tourism – Requested Council approval to utilize contingency funding to purchase a Ford Escape for the Department of Economic Development and Tourism in the sum of \$21,974 by piggybacking on an existing State contract; Mr. Hollis certified that contingency funding is available. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the purchase by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- E. Request from Department of Public Works – Requested Council approval to award engineering design services for sewer extension to the Tricefield community in St. Michaels to Lane Engineering, LLC in the sum of \$9,500; Lane Engineering, LLC was the engineer of record for the original design work in 2009. Council discussion ensued with County Engineer, Ray Clarke. Upon motion by Mr. Bartlett, seconded by Mr. Callahan, the Council approved the award by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- F. Bid No. 16-08, TALBOT COUNTY COURTHOUSE ELEVATOR ADDITION – TALBOT COUNTY, MARYLAND (Change Order No. 2) – Requested Council approval of Change Order No. 2 for Bid No. 16-08 in the sum of \$62,976.28. County Engineer, Ray Clarke, outlined the various components included in the Change Order and stated that discussions are on-going with Delmarva Veteran Builders, LLC, the contractor for the project, regarding the prices quoted for several items. He stated that one project (first floor bathrooms) is anticipated to be completed by County maintenance staff and will therefore be deleted from the items listed on the Change Order. Council discussion ensued with Mr. Clarke. Following discussion, Mr. Clarke amended his request to approval of Change Order No. 2 in a sum not to exceed \$63,000. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council approved Change Order No. 2, as amended, by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- G. Talbot County Board of Appeals – Requested Council approval for the reappointment of Frank Cavanaugh to a three-year term as an alternate on the Talbot County Board of Appeals; said term will expire on February 11, 2020. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the reappointment by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- H. Talbot County Economic Development Commission – Requested Council approval for the appointment of Dr. Clayton “Clay” Railey to a three-year term on the Talbot County Economic Development Commission as an at-large member; said term will expire on July 1, 2019. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved the appointment by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

- I. Upper Shore Workforce Investment Board – Requested Council approval for the reappointment of Randy Holliday and Mary Ellen Carter to three-year terms on the Upper Shore Workforce Investment Board as representatives of the private sector; said terms will expire on June 30, 2019. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council approved the reappointments by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

XI. Council Comments:

Ms. Price – Ms. Price stated that tomorrow through Friday, the Maryland Association of Counties will be meeting in Cambridge at the Hyatt for one of its two annual conferences. She stated that tomorrow evening will be a special night honoring Baltimore City Councilwoman Rikki Spector, who has decided not to run for re-election after having served for 39 years. She stated that Council will be attending general sessions in the morning and specialty sessions in the afternoons each day; Lieutenant Governor Boyd Rutherford will be the speaker for Thursday night’s dinner. Ms. Price concluded her comments by stating that, in her opinion, it should be a good time and a lot of learning involved.

Mr. Bartlett - No comments.

Mr. Callahan - Mr. Callahan stated that he and Mr. Bartlett had attended a meeting at Martingham and met with the new owner of the golf course, Mr. Cohen. He stated that approximately 150 to 200 people attended and there were some heated moments, but at the end of the meeting it seemed, in his opinion, that Mr. Cohen was willing to make some exceptions. He stated that he thought that Mr. Bartlett’s speech had gone really well and they were receptive to it. Mr. Callahan stated that he wants the public to know that as a Council we listened and are concerned about the berms which are, in his opinion, very different, and that the Council is trying to do what it can in this particular situation to show support for the public. Following Mr. Bartlett’s comments, Mr. Callahan stated that County staff recently held several public meetings related to the update of Chapter 190 (Zoning, Subdivision, and Land Development) of the Talbot County Code and that, in his opinion, the

meetings were good. He stated that we're going to be working on the zoning for the next 12 to 18 months and we will keep the public involved and keep them aware of when and where the meetings will take place.

Mr. Bartlett - Following Mr. Callahan's comments, Mr. Bartlett stated that, in his opinion, the meeting at Martingham was a good meeting and that the basic resolution was that Mr. Cohen was going to send the golf course designer to meet with the residents who live in the Quail Hollow condominiums, look at the berm height, and maybe make a compromise by lowering the berms, planting some trees, or a combination. Mr. Bartlett stated that, in his opinion, it was very positive that the owner was willing to do that and that time will tell how it's all going to work out. Following Mr. Pack's comments, Mr. Callahan congratulated Ms. Williams for doing a great job in her first meeting as new Council president.

Mr. Pack - Mr. Pack concurred with Mr. Callahan's remarks regarding the rewrite for Chapter 190 of the County Code. He stated that, in his opinion, Ms. Verdery and her staff did an excellent job working with CodeWright Planners, LLC, the firm the County brought in to work with us on the rewrite of the Code. Mr. Pack stated that he was not able to attend all the community meetings, but, in his opinion, the information exchange went very well. He congratulated Ms. Verdery and her staff for making sure that the community has input in the zoning rewrite.

Ms. Williams - Ms. Williams presented Mr. Pack with a gavel in recognition of his service and leadership to the Talbot County Council for the period 2013 to 2016, stating that Mr. Pack had also served as president of the Council from 2011 to 2012. She offered her congratulations and thanks to Mr. Pack. Mr. Pack expressed appreciation to his colleagues.

XII. Upon motion by Mr. Pack, seconded by Mr. Callahan, the Council voted to adjourn into Closed Session for discussion of legal, personnel, and real estate matters as listed on the Statement for Closing the Meeting which is available for public review; and to reconvene at 4:00 p.m. on Tuesday, December 13, 2016 for a work session on Short Term Rental Legislation. The Council will be convening at 5:00 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the Statement for Closing the Meeting, and at 6:00 p.m. for the regularly scheduled Council meeting by voting 5 – 0 as follows:

Ms. Williams – Aye
Ms. Price – Aye
Mr. Bartlett – Aye
Mr. Pack - Aye
Mr. Callahan – Aye

The meeting adjourned at 8:35 p.m.

The transcript of the December 6, 2016 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XIII. On Tuesday, December 6, 2016 a Closed Session of the Talbot County Council convened at 5:00 p.m. in the County Council Conference Room. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council met in Closed Session by voting 5 – 0 as follows:

Mr. Bartlett – Aye
 Mr. Callahan – Aye
 Mr. Pack – Aye
 Ms. Price – Aye
 Ms. Williams – Aye

In accordance with General Provisions Article § 3-305(b)(1)(i)(3)(7)(8) the purpose of the Closed Session was for personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter in Planning & Zoning; for a legal matter for an update on litigation involving Talbot County; and for real estate matters to discuss the acquisition of property for a public purpose and to discuss the possible disposal of County property for a public purpose. The Closed Session recessed at 6:00 p.m. and reconvened at 8:40 p.m. The Closed Session ended at 9:20 p.m.

CASH STATEMENT 11/22/2016

BALANCE 11/15/2016	\$27,806,617.49
INTEGRA CLAIMS THROUGH 11/14/2016	(63,369.33)
RETURNED CHECK	(315.00)
PAYROLL-FD/SS/MS WH PPE 11/4/2016	(146,062.88)
MD WH PPE 11/4/2016	(36,016.75)
PENSION DED PPE 11/4/2016	(33,653.78)
DEF COMP DED PPE 11/4/2016	(11,186.98)
SECU PPE 11/4/2016	(4,292.11)
ACH TRANSFER	(15,596.75)
FLEX SPENDING PPE 10/21/2016	(2,940.14)
FLEX SPENDING PPE 11/4/2016	(2,960.14)
DEPOSITS	1,303,009.89
CHECKS	(874,781.18)
VOID CHECK #'S 306638,307152,309497,310771 & 311900	621.79
BALANCE 11/22/2016	<u>27,919,074.13</u>

AIRPORT ACCOUNTS

AIP42	14,212.32
AIRPORT ACCOUNTS TOTAL BALANCE	<u>14,212.32</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.42%	18,000,000.00
TOTAL INVESTED			<u>\$18,000,000.00</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>

GRAND TOTAL ALL FUNDS **\$45,948,856.45**

CASH STATEMENT 11/29/2016

BALANCE 11/22/2016	\$27,919,074.13
INTEGRA CLAIMS THROUGH 11/21/2016	(78,891.49)
DEPOSITS	500,471.01
CHECKS	(280,287.08)
BALANCE 11/29/2016	<u>28,060,366.57</u>

AIRPORT ACCOUNTS

AIP42	14,212.32
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AIRPORT ACCOUNTS TOTAL BALANCE **14,212.32**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.43%	18,000,000.00

TOTAL INVESTED **\$18,000,000.00**

PETTY CASH BALANCE **\$15,570.00**

GRAND TOTAL ALL FUNDS **\$46,090,148.89**

CASH STATEMENT 12/06/2016

BALANCE 11/29/2016	\$28,060,366.57
INTEGRA CLAIMS THROUGH 11/28/2016	(59,581.43)
BOARD OF ELECTIONS PPE 11/8/2016	(7,989.89)
PAYROLL-FD/SS/MS WH PPE 11/18/2016 AND 11/30/2016	(148,497.57)
MD WH PPE 11/18/2016 & 11/30/2016	(36,513.30)
PENSION DED PPE 11/18/2016 & 11/30/2016	(34,314.02)
DEF COMP DED PPE 11/18/2016 & 11/30/2016	(12,416.98)
SECU PPE 11/18/2016	(4,487.14)
ACH TRANSFER	(16,096.75)
FLEX SPENDING PPE 11/18/2016	(2,928.71)
FLEX SPENDING PPE 11/30/2016	(193.33)
DEPOSITS	10,003,708.52
CHECKS	(994,000.20)

BALANCE 12/06/2016				<u>36,747,055.77</u>
<u>AIRPORT ACCOUNTS</u>				
AIP42				14,212.32
AIRPORT ACCOUNTS TOTAL BALANCE				<u>14,212.32</u>
INVESTMENTS – CERTIFICATES OF DEPOSIT				
<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>		<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.42%		18,000,000.00
TOTAL INVESTED				<u>\$18,000,000.00</u>
PETTY CASH BALANCE				<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS				<u>\$54,776,838.09</u>