



# Talbot County, Maryland



Easton, Maryland

MINUTES

February 25, 2014

Present – President Corey W. Pack, Vice President Laura E. Price, Thomas G. Duncan, R. Andrew Hollis, County Manager John C. Craig, County Attorney Michael Pullen and Staff Attorney Tony Kupersmith. Council Member Dirck Bartlett was absent.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, February 25, 2014.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, February 11, 2014 and Tuesday, February 25, 2014. He later requested that the record be corrected to reflect that only the Minutes of the meeting of February 11, 2014 were brought forward for approval.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of February 18, 2014 and February 25, 2014.
- IV. Presentation of FY 2015 Delmarva Community Transit’s FY 2015 Annual Transportation Plan – Santo Grande, Executive Director, Delmarva Community Services, Inc.; Cathy Frye, Finance Director, Delmarva Community Services, Inc.; Andrea Waters, CCTM, Grant Administrator, Delmarva Community Services, Inc.; Mary Handley, Mobility Manager, Delmarva Community Services, Inc./Delmarva Community Transit – Ms. Frye and Ms. Waters briefed the Council on Delmarva Community Transit’s Annual Transportation Grant application for FY 2015 to the State of Maryland under the Federal Transit Act. The grant application includes operating and capital funding requests as well as the sources of all funding received through the Maryland Transportation Administration, including federal funding, for the public transportation system for Caroline, Kent and Talbot counties; funding for the transportation system in Dorchester County is filed separately.
- V. Introduction of Administrative Resolution:

A RESOLUTION AUTHORIZING TALBOT COUNTY TO FILE AN APPLICATION WITH THE MARYLAND TRANSIT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION FOR A SECTION 5303, 5304, 5307, 5309, 5310, 5311, 5316 AND/OR 5317 GRANT UNDER THE FEDERAL TRANSIT ACT was read into the record by the Clerk and brought forward for introduction. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved the Administrative Resolution by voting 4 – 0 as follows:

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

- VI. Mr. Pack advised that he was moving *Item IX, Quarterly Update by Talbot County Economic Development Commission* forward on the Agenda prior to *Item VII, Public Hearing on Bill No. 1259* as it was not yet 2:00 p.m.

- VII. Quarterly Update by Talbot County Economic Development Commission – Paige Bethke, Director, Talbot County Office of Economic Development; Ted Bautz, Chairman, Talbot County Economic Development Commission; Haim Loran, Member, Talbot County Economic Development Commission – Ms. Bethke stated that her office has been working with the Economic Development Commission to begin implementing the 15 recommendations outlined in the Long-Term Economic Development Strategic Plan for Talbot County and its Incorporated Municipalities, towns and 22 villages (the “Strategic Plan”) presented to the Council in April 2013. She stated that the recommendations were formulated following input by citizens and the Towns from SWOT (Strengths, Weaknesses, Opportunities, and Threats) sessions. Ms. Bethke stated that as previously requested by the Council, the Economic Development Commission had identified several of the recommendations as priorities, including: Business Environment; Marketing; and Workforce Development. Mr. Bautz, Chairman of the Business Environment Committee, stated that the Committee is reviewing the business climate in Talbot County by looking at how the business community operates and by viewing the County’s business competitiveness from the standpoint of a site selector for a range of criteria including existing workforce skills and access to higher education. Mr. Bautz stated that, in his opinion, there are some rich opportunities relating to regulatory and policy matters, incentives, and permitting processes as identified during the SWOT sessions; he stated that some progress has been made and the Commission will continue to update the Council. Ms. Bethke stated that the Marketing Committee, of which Mr. Loran is the chairman, is reviewing how Talbot County is positioning itself in the market; the competitiveness of Talbot County’s incentives compared to those of other counties in the state, and how the County can better align its resources to be more competitive. Ms. Bethke stated that the Committees are anticipated to make their recommendations to the Council in approximately six months. Ms. Bethke stated that at Council’s direction, the Economic Development Commission has been meeting with partners including, Chesapeake College, the Small Business Development Center, the Department of Labor, Licensing and Regulation (DLLR), SCORE – Counselors to America’s Small Businesses, and the Easton Business Alliance to focus on business retention. As a result, the Economic Development Commission has designated the last Monday of each month for the purpose of holding forums in the towns to meet with businesses who are interested in learning more about the resources available for workforce development through organizations which partner with the Office of Economic Development; to date, forums have been held in Trappe and St. Michaels. She stated that her office is also working with the Neighborhood Service Center and The Benedictine School to bring available resources for workforce development to those organizations. She stated that Chesapeake College will be offering an “Earn Your High School Diploma Now” session at the St. Michaels Branch of the Talbot County Free Library on Monday, March 3, 2014. [Mr. Bartlett arrived at 6:23 p.m.] Council discussion with Ms. Bethke and Mr. Bautz ensued as various items were brought forward; the overall state of the economy in Talbot County was also discussed. Ms. Bethke concluded her comments by extending an invitation to The Council to attend the 6<sup>th</sup> Annual Business Appreciation Awards Breakfast on Thursday, April 24, 2014 at the Milestone; the Awards Breakfast will recognize Talbot County businesses for outstanding achievements in innovation, investment and expansion. The Office of Economic Development and the Economic Development Commission will continue to update the Council on a regular or as-needed basis.
- VIII. Update on Tilghman Recycling Locations – Ray Clarke, County Engineer – Mr. Clarke updated the Council on plans for placement of four recycling bins for cardboard, plastic, metal and paper at Back Creek Park on Tilghman Island. He stated that, if approved by the Council, Maryland Environmental Service will install the recycling containers at the Back Creek Park location on Wednesday, February 26, 2014. Mr. Clarke stated that signs have been posted for the past two weeks advising citizens that placement of recycling containers was forthcoming. He stated that due to space constraints at the Back Creek Park location, no recycling containers for glass will be installed at the present time. Council discussion ensued with Mr. Clarke as to how to incorporate bins for glass recycling at the same location as soon as is feasible.

IX. Public Hearing:

Bill No. 1259, A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW COTTAGE INDUSTRY AS AN ACCESSORY, SECONDARY USE TO A RESIDENTIAL USE IN THE AC, CP, WRC, RC, TC, VC1, VC2, VC ZONING DISTRICTS AND TO REQUIRE MAJOR SITE PLAN APPROVAL AND BIENNIAL USE CERTIFICATES, was read into the record by the Clerk and brought forward for public hearing. The proposed legislation would allow Cottage Industry as an accessory use instead of a Special Exception to a residential use by requiring major site plan approval from the Planning Commission. When introduced in January, Ms. Verdery had stated that the benefits of requiring a major site plan include providing for notification of adjoining property owners; requiring applicants to address compliance with the County Comprehensive Plan; requiring that design standards assess the effects on surrounding development, communities, facilities, open space and available utilities; and providing an opportunity for future compliance inspections through required biennial use certificates. She had also stated that accessory use status would allow applicants an opportunity to request a variance from specific standards through the Board of Appeals; permission for minor variances would be granted by the Planning Officer upon recommendation by the Planning Commission. The Planning Commission, at its January 2014 meeting, had unanimously recommended that the Council approve the proposed amendments as included in Bill No. 1259. Ms. Verdery then briefed the Council on an amendment proposed by staff to Bill No. 1259 which would address inconsistencies between the definition of “Bulk Requirements” in § 190-208. *Terms Defined.* :

**§ 190-208. Terms Defined.**

\* \* \*

BULK REQUIREMENTS – Numerical regulations that govern the size or dimension of lots and the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include setback, height, area, lot size, lot coverage, and width requirements. Density requirements and regulations for specific land uses requiring a special exception are not bulk requirements.

and

§ 190-182. *Variances.* Subsection A.(3) of the Talbot County Code, and to clarify these provisions. The amendment as proposed states as follows:

**§ 190-182. Variances.**

A. Authority.

- (1) The Board of Appeals or the Planning Director may authorize a variation or modification from the bulk requirements or numerical parking standards of this chapter subject to the standards given in this section.
- (2) The Planning Director shall make decisions on minor variances and administrative variance as described in this section. All other variances shall be heard and decided by the Board of Appeals.
- (3) A variance may not be granted to the following:
  - (a) Density, ~~minimum lot size and minimum lot width requirements.~~

- (b) ~~Requirements not related to the location or dimensions of structures~~ Provisions other than bulk requirements or numerical parking standards, such as number of employees and time of operation.
- (c) ~~Requirements that are conditions~~ Regulations or conditions under which a ~~particular~~ special exception may be or has been granted by the Board of Appeals.

\* \* \*

Ms. Verdery stated that the amendment has been determined to be non-substantive by the Office of Law and is being presented only for the purposes of consistency in the County Code. Council discussion with Ms. Verdery ensued. The amendment to Bill No. 1259 was then introduced by Mr. Hollis, Mr. Pack, and Ms. Price and the public was afforded an opportunity to comment on the legislation and the amendment. During public comment, Mr. Pullen asked for a Point of Order, stating that the proposed amendment does not include a variance for density, only minimum lot size and minimum lot width. Council discussion ensued with Ms. Verdery and Tom Hughes, Chairman of the Talbot County Planning Commission. Mr. Hughes stated that the Planning Commission had not reviewed the proposed staff amendment to Bill No. 1259, only the legislation. Council requested that the Planning Commission consider calling a Special Meeting for the purpose of making a recommendation on the proposed amendment to Bill No. 1259 and deferred the vote on Bill No. 1259, and amendment, until Tuesday, March 25, 2014 in order to afford the Planning Commission an opportunity to review the amendment.

X. Eligible for Vote:

Bill No. 1257, A BILL TO AMEND THE *TALBOT COUNTY CODE*, CHAPTER 190, “ZONING SUBDIVISION AND LAND DEVELOPMENT” § 190-14. E-1 (5), TO EXTEND THE INTERIM DENSITY REGULATIONS ESTABLISHED BY BILL 1214 FOR THE VILLAGE CENTER (VC), VILLAGE CENTER RESIDENTIAL (VC1), AND VILLAGE CENTER HAMLET (VC2) ZONING DISTRICTS UNTIL ADOPTION OF COMPREHENSIVE REZONING AND LAND USE REGULATIONS REGARDING DENSITY IN THE VC, VC1, AND VC2 ZONING DISTRICTS PURSUANT TO THE COUNTY’S COMPREHENSIVE PLAN was read into the record by the Clerk and brought forward for vote. Prior to the vote, Planning Officer Sandy Coyman stated that the legislation proposes to extend the current interim zoning in the County’s village zones of one (1) dwelling per two (2) acres, with no more than one (1) additional lot to be subdivided from the original parcel until more permanent zoning for the Village Zoning Districts is adopted by the rewrite of the Comprehensive Plan. Council discussion ensued and individual Council members commented on the legislation. The Council approved Bill No. 1257 by voting 3 – 2 as follows:

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

Bill No. 1257 becomes effective as provided for in the legislation.

XI. County Manager’s Report:

- A. Talbot County Agricultural Land Preservation Advisory Board – Requested Council approval for the reappointment of Elaine Altwater to a five-year term on the Talbot County Agricultural

Land Preservation Advisory Board; said term will expire on March 13, 2019. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- B. Bid No. 14-01, MAINTENANCE REPAIRS, EATON POINT PUBLIC LANDING – Requested Council approval to award Bid No. 14-01 to the low bidder, Bridges Site & Utilities, Inc. in the sum of \$34,632.28; said maintenance repairs will include the timber bulkheads, pier and boat ramp which will be funded by a Maryland Department of Natural Resources Waterway Improvement Grant; no County funding is required. Upon motion by Mr. Hollis, seconded by Ms. Price, 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

- C. Coast Smart Communities Grant Application - Requested Council approval to apply for and accept a Coast Smart Communities Grant in the sum of \$22,561.00; said funding will be used to develop Geographic Information System (GIS) maps which can then be offered for use by the general public over the Internet as part of the County's community outreach on coastal hazards. Mr. Craig stated that the GIS maps will also assist with the County's community rating system application. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council approved submittal of the grant application by voting 5 – 0 as follows:

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

- D. County CPR Marathon – Mr. Craig stated that the Talbot County Department of Emergency Services will be holding its 3<sup>rd</sup> annual CPR and AED Training Marathon at the Talbot County Community Center on Wednesday, February 26, 2014 from 9:00 a.m. to 7:00 p.m.; the classes are free and will last approximately an hour and a half. He stated that individuals who are interested in attending may register online at [www.talbotdes.org](http://www.talbotdes.org) or by calling the Department of Emergency Services at 410-820-8311.

## XII. Council Comments:

Mr. Duncan – Mr. Duncan stated that he would not be running for reelection to the Council, the first time in 55 years that he will not serving the people of Talbot County. He stated that he is proud of his service to the people of Talbot County, serving five terms on the County Council, two terms as Sheriff, 24 years as a Maryland State Trooper, and three years in the Army. He stated that it had been a pleasure to

have served the citizens of Talbot County, and he hoped that some of the things he had done had really benefitted the County. Mr. Duncan stated that he had served with some great people who have the County's interests at heart, and who, despite disagreeing at times, in his opinion, all want to do their best for County citizens, even if through different venues. He thanked everyone for their support and their involvement in county government, stating that, in his opinion, we have a fantastic county, a county that he was, and still is, interested in preserving as, in his opinion, the jewel of the Chesapeake. He stated that the citizens of the County are very observant and diligent of what the Council does. Mr. Duncan concluded his comments by stating that for the remaining nine months of his term, he will continue to serve the citizens of Talbot County, and thanked his colleagues for their patience and support through the years.

- Ms. Price - Ms. Price stated that she admires all her colleagues and as the newest Council member, she could not have, in her opinion, sat next to a better person. She stated that Mr. Duncan, in her opinion, is a true history buff who has the ability to put the various matters that must be considered by the Council into proper context, and that he has been a huge benefit to her during her three and one half years on the Council so far, and hopefully for another four years. She stated that there are quite a few candidates this year and that she is looking forward to a great debate season, and, in her opinion, everyone who is running for election to the County Council is doing so because they love Talbot County.
- Mr. Hollis - Mr. Hollis stated that he would save his accolades for Mr. Duncan until the end of his term but that in the meantime, Mr. Duncan knows that he is held in the highest regard.
- Mr. Bartlett - Mr. Bartlett thanked Mr. Duncan for his 55 years of service to the citizens of Talbot County. He stated that, in his opinion, Mr. Duncan is a wonderful person to work with and he can't imagine how much good he has done for the county in 55 years. He stated that he imagines a completely different county if Mr. Duncan had not been involved. Mr. Bartlett stated that he values Mr. Duncan's love of the county and his hard work on behalf of its citizens for future generations, and in his opinion, couldn't leave a better legacy.
- Mr. Pack - Mr. Pack stated that he too will bestow his comments for Mr. Duncan at a later date. He stated Mr. Duncan is a great person, has served Talbot County well, and that although they may not have always agreed on things, he is always very respectful in his discussion and as such, holds Mr. Duncan in high regard. Mr. Pack stated that he had recently toured the Chesapeake Center at the invitation of Donna Harrison, President & CEO, and encouraged his colleagues to visit the facility. He stated that the Council always advocates protecting the County's vulnerable citizens, and in his opinion, what the Chesapeake Center does for the disabled of the community is admirable. He stated that the Chesapeake Center has approximately 200 workers with a production level that was much more than he realized. He stated that the Chesapeake Center will be coming before the Council in the near future to make their budget presentation and again encouraged his colleagues to take a tour of the facility. Mr. Pack concluded his comments by stating that he welcomes citizen input on County matters, and in his opinion, the debate had been a good one. He stated that County citizens are the Council's employers and the Council wants to hear from the public when it is

doing well, and also when it is doing badly, as the opinion of the public is valued.

XIII. Presentation of Past President's Gavel – Mr. Pack presented a Past President's gavel to Mr. Bartlett in recognition of his leadership of the Council for 2012 to 2013.

XIV. 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; to reconvene on Tuesday, March 4, 2014 and March 5, 2014 for Budget agency presentations which will be posted on Friday, February 28, 2014; and to reconvene in Executive Session at 12:30 p.m. on Tuesday, March 11, 2014 for discussion of legal, personnel, and real estate matters, and at 1:30 p.m. in the regularly scheduled legislative session 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 8:15 p.m.

The transcript of the February 25, 2014 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XV. On Tuesday, February 25, 2014, 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. Duncan, seconded by Mr. Hollis, the Council met in Executive Session by voting 4-0 as follows:

Mr. Bartlett – absent  
Mr. Duncan – aye  
Mr. Hollis – aye  
Mr. Pack – aye  
Ms. Price – aye

Mr. Bartlett was absent from the first Executive Session and present for Executive Session beginning at 8:30 p.m.

In accordance with State Article § 10-508 (a)(1)(i)(7)(8) the purpose of the Executive Session was for personnel matters to discuss appointments to various County boards and committees; for a legal matter to receive an update on pending litigation involving the County. The Executive Session recessed at 6:00 p.m. and reconvened at 8:30 p.m. The Executive Session ended at 10:00 p.m.

XVI. Work Sessions held February 18, 2014:

5:00 p.m. – Work Session with Staff on Proposed Pier Legislation – Sandy Coyman, Planning Officer, Mary Kay Verdery, Assistant Planning Officer – Council met with staff to review proposed amendments to the Zoning Ordinance regarding piers. Ms. Verdery stated that the Planning Commission reviewed this proposal over several months and unanimously approved forwarding the proposal to the County Council. Ms. Verdery noted that some of the amendments had been suggested by local marine contractors and some amendments had been proposed by staff. The amendments include addressing private pier limits of finger piers, catwalks and boatlifts; expansion of the cumulative total of platform and floating dock area permitted

on community piers to include launching facilities; standardization of pier replacement criteria and defining the terms “boat lift” and “platform areas.” Mr. Duncan questioned whether he should recuse himself from the discussion as his son lives adjacent to a community pier. Mr. Pullen advised Mr. Duncan he should seek an opinion from the Ethics Commission. Mr. Duncan recused himself from the discussion. Council discussion ensued with staff regarding the proposed amendments.

6:00 p.m. – Work Session with Staff - Discussion of Agricultural Building Permit Requirements – Sandy Coyman, Planning Officer, Mary Kay Verdery, Assistant Planning Officer – Council met with staff to review how agricultural building permits are processed by the Planning and Permits Department. Currently a \$35.00 zoning certificate is issued for agricultural buildings. It has come to the attention of staff that issuance of zoning certificates for all buildings defined as agricultural in the zoning code is in conflict with the provisions of the County’s Building Code. Specifically, agricultural buildings that contain areas that house uses other than “housing farm animals, farm equipment, farm storage” are to be regulated by the International Building Code and require a full building permit. This would include agricultural structures that include offices or machine shops. Council discussion ensued. Council directed Mr. Coyman as the Chief Building Inspector to make the determination as to when a zoning certificate may be issued and when a full building permit is required. Council directed Mr. Coyman to meet with the farming community to discuss the issue and make the community aware that if an agricultural building includes plumbing, HVAC, electric, insulation or some combination thereof, a building permit may be required.

**CASH STATEMENT 2/18/2014**

BALANCE 2/11/2014	\$27,314,775.54
STATE REPORT 1/2014	(212,944.97)
UHC CLAIMS THRU 2/11/2014	(39,144.10)
PAYROLL – FD/SS/MS WH 2/14/2014	(125,459.89)
SECU DED	(7,135.92)
DEFERRED COMP DED	(10,693.49)
MD WH	(31,192.50)
PENSION DED	(30,800.31)
ACH TRANSFER	(9,531.75)
FLEX SPENDING ACCT	(2,818.70)
DEPOSITS	169,551.73
CHECKS	(619,900.61)
<b>BALANCE 2/18/2014</b>	<b><u>26,394,705.03</u></b>

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP37	303.68
AIP39	--

**AIRPORT ACCOUNTS TOTAL BALANCE 303.68**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.06%	18,000,000.00

<b>TOTAL INVESTED</b>	<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>	<b><u>\$8,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>	<b><u>\$44,403,578.71</u></b>

**CASH STATEMENT 2/25/2014**

BALANCE 2/18/2014	\$26,394,705.03
UHC CLAIMS THRU 2/18/2014	(44,965.60)
DEPOSITS	313,834.57
CHECKS	(408,508.44)
<b>BALANCE 2/25/2014</b>	<b><u>26,255,065.56</u></b>

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP37	303.68
AIP39	--
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>	<b><u>303.68</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.06%	18,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$8,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$44,263,939.24</u></b>