



# Talbot County, Maryland



Easton, Maryland

## MINUTES

July 24, 2012

Present – President Corey W. Pack, Vice President R. Andrew Hollis, Dirck K. Bartlett, Thomas G. Duncan, Laura E. Price, Assistant County Manager Jessica K. Morris, Assistant County Manager Clay B. Stamp, and County Attorney Michael Pullen. County Manager John C. Craig was absent.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, July 24, 2012.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, July 10, 2012.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the disbursements of July 17, 2012 and July 24, 2012.
- IV. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION TO ADOPT AN EMERGENCY BURNING BAN THROUGHOUT TALBOT COUNTY DUE TO PROLONGED OR UNUSUAL CONDITIONS THAT ARE CONDUCIVE TO THE EASY START AND SPREAD OF FIRE was read into the record by the Clerk. Prior to introduction of the administrative resolution, Jamie McNeal, Fire Chief, Easton Volunteer Fire Department, expressed appreciation to County staff for their prompt response in the drafting of legislation. He reiterated the concern of his department and the other fire agencies in Talbot County about recent severely dry weather and several resulting fires which had presented significant challenges to both manpower and resources. Kathy Foster, Talbot County Health Officer, expressed support for the burning ban, stating that burning, particularly in the summer, decreases the air quality and negatively impacts the health of those individuals with respiratory diseases. She stated that 50% of jurisdictions in Maryland have an automatic burn ban from June 1<sup>st</sup> through August 31<sup>st</sup>. Council discussion ensued and various members expressed their support for the administrative resolution. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the Administrative Resolution by voting 5 – 0 as follows:

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

The Administrative Resolution will take effect immediately.

- V. Introduction of Legislation:

AN EMERGENCY BILL TO AUTHORIZE THE COUNTY COUNCIL IN ITS CAPACITY AS COUNTY EXECUTIVE TO ADOPT A BURNING BAN IN ANY PART OF THE COUNTY OR THROUGHOUT THE COUNTY AS A WHOLE BASED UPON THE RECOMMENDATION OF A BURN BAN COMMITTEE, TO ESTABLISH THAT COMMITTEE, TO PROVIDE NOTICE OF ADOPTION OF THE BURNING BAN TO THE PUBLIC, TO PROVIDE A RIGHT OF ENTRY TO

EXTINGUISH A FIRE STARTED IN VIOLATION OF A BURNING BAN AND OTHERWISE ENFORCE THIS ARTICLE, AND TO PROVIDE FOR CIVIL PENALTIES was read into the record by the Clerk. Prior to introduction of the legislation, Clay Stamp, Talbot County Emergency Services Director, thanked the Council for putting the Administrative Resolution in place to address the immediate issue of a burn ban. He stated that the proposed ordinance would put the process in place by which the Council, acting as the County Executive, could, in the future, institute a burn ban at any time it deemed same necessary. Mr. Pullen stated that the proposed ordinance would allow the Council to act administratively as the County Executive to institute a burn ban between meetings based on the recommendations of a Burn Ban Committee, as provided for in the proposed legislation, without the necessity of waiting until the next Council meeting to enact an administrative resolution. Council discussion ensued. The legislation was introduced as Bill No. 1220 by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE IMPROVEMENTS AT THE BELLEVUE FERRY LANDING was read into the record by the Clerk.

A BILL TO AUTHORIZE IMPROVEMENTS TO THE FOLLOWING COUNTY BRIDGES; KINGSTON ROAD OVER KINGS CREEK (STATE BRIDGE NO. T-0002); BRUCEVILLE ROAD OVER MILES CREEK (STATE BRIDGE NO. T-0003); MULLETT BRANCH ROAD OVER KINGS CREEK (STATE BRIDGE NO. T-0006); WRIGHTS MILL ROAD OVER MILES CREEK (STATE BRIDGE NO. T-0007); MONEYMAKE ROAD OVER BOLINGBROKE CREEK (STATE BRIDGE NO. T-0008); AND RABBIT HILL ROAD OVER POTTS MILL CREEK (STATE BRIDGE NO. T-0009) was read into the record by the Clerk.

A BILL TO AUTHORIZE RECAULKING, REPOINTING AND WATERPROOFING AT 100 SOUTH HANSON STREET, EASTON was read into the record by the Clerk.

A BILL TO AUTHORIZE ROOF REPLACEMENTS AT FOUR (4) COUNTY BUILDINGS was read into the record by the Clerk.

A BILL TO AUTHORIZE REPOINTING OF SOUTHWING OF COUNTY COURTHOUSE COMPLEX was read into the record by the Clerk.

Prior to introduction of the proposed legislation, Finance Director Angela Lane stated that funding for all the capital projects listed was approved in the budget adopted by the Council in May 2012; introduction of legislation for the projects fulfills the requirement of the County Charter that all capital projects have enabling legislation. Council discussion of the proposed legislation ensued. Mr. Bartlett requested that an analysis of the historic mortar be conducted in order to ensure that the consistency of the mortar used in the repointing of the bricks would match that of the historic mortar. Council discussion again ensued. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council voted to approve the expenditures and to authorize the improvements by voting 5 – 0 as follows:

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

A BILL TO AUTHORIZE IMPROVEMENTS AT THE BELLEVUE FERRY LANDING was introduced as Bill No. 1221. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE IMPROVEMENTS TO THE FOLLOWING COUNTY BRIDGES; KINGSTON ROAD OVER KINGS CREEK (STATE BRIDGE NO. T-0002); BRUCEVILLE ROAD OVER MILES CREEK (STATE BRIDGE NO. T-0003); MULLETT BRANCH ROAD OVER KINGS CREEK (STATE BRIDGE NO. T-0006); WRIGHTS MILL ROAD OVER MILES CREEK (STATE BRIDGE NO. T-0007); MONEYMAKE ROAD OVER BOLINGBROKE CREEK (STATE BRIDGE NO. T-0008); AND RABBIT HILL ROAD OVER POTTS MILL CREEK (STATE BRIDGE NO. T-0009) was introduced as Bill No. 1222. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE RECAULKING, REPOINTING AND WATERPROOFING AT 100 SOUTH HANSON STREET, EASTON was introduced at Bill No. 1223. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE ROOF REPLACEMENTS AT FOUR (4) COUNTY BUILDINGS was introduced as Bill No. 1224. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE REPOINTING OF SOUTHWING OF COUNTY COURTHOUSE COMPLEX was introduced as Bill No. 1225. A public hearing was scheduled for Tuesday, August 14, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. Public Hearing:

Bill No. 1219, A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY was brought forward for public hearing. Prior to the public hearing, Mike Pullen stated that in 2010, the Maryland General Assembly enacted SB 315. He stated that SB 315 requires that local jurisdictions adopt or amend their Code of Ethics to incorporate provisions which are applicable to State officials are also applicable to local officials. He stated that changes include more stringent financial disclosure requirements for elected officials and candidates for elected office; financial disclosure requirements for non-elected officials is less stringent. Mr. Pullen stated that the provisions outlined in Bill 1219 have been reviewed and approved by the State Ethics Commission. Council discussion ensued and the public was afforded an opportunity to comment on the legislation. Upon motion by Mr. Duncan, Bill No. 1219 was brought to third reader. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved Bill No. 1219 by voting as follows:

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

The provisions of Bill No. 1219 will take effect as provided for in the legislation.

- VII. Council Consideration of McNeal Application to Waive 5-year Hold on 9818 and 9802 Ocean Gateway – Map 25, Parcels 5 and 6 – Sarah Everhart, attorney for the McNeals, briefed the Council on the request by her clients for a waiver of the 5-year hold of the County’s zoning requirements on approximately 2.4 acres of property near Easton Airport. Ms. Everhart stated that the property is currently zoned Town Conservation (TC) and is adjacent to the proposed site for the relocation of the Memorial Hospital at Easton; the owners are requesting a waiver so that upon annexation by the Town of Easton, the property can be zoned Business Commercial (BC). Council discussion ensued and Mr. Bartlett reiterated his concern for the annexing of any property adjacent to the hospital until such time as the hospital purchases the land and fulfills their obligation under the Option Agreement with the County. Mr. Hollis reiterated that the County Planning Commission had recommended approval of the waiver of the County’s zoning requirements by a vote of 5 – 0. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the waiver request by voting 4 – 1 as follows:

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

- VIII. Discussion of Talbot County Annual Planning Report – Sandy Coyman, Planning Officer – Mr. Coyman briefed the Council on the County’s Annual Planning Report for 2011, submitted annually to the Maryland Department of Planning as required by State legislation. Mr. Coyman outlined various data in the Report, including information related to development within the County during 2011, the County’s plans for improving its planning and development process, consistency with changes made in the previous Annual Report and the County’s Comprehensive Plan, and County ordinances related to planning. Mr. Coyman stated that in 2011, Talbot County issued 18 new residential building permits; Council discussion ensued. At Mr. Bartlett’s request, Mr. Coyman will change the wording of Item No. 7 of *Process Improvements* to reflect that planning efforts are ongoing at the Village level for each of the 22 Villages in Talbot County. The Council approved submission of the 2011 Annual Planning Report to the Maryland Department of Planning, as amended.

- IX. County Manger’s Report:

- A. Talbot County Economic Development Commission – Requested Council approval for the appointment of St. Michaels Commissioner Ann Borders to the Talbot County Economic Development Commission; said term will complete the unexpired term of former Commissioner Michael Brady and will expire June 30, 2014. Upon motion by Mr. Hollis, seconded by Mr. Duncan, 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. Talbot County Local Emergency Planning Committee – Requested Council approval to forward the names of Bill Wilson and Dana Meintzer to the Governor for consideration of reappointment to three-year terms on the Talbot County Local Emergency Planning Committee as representatives of the emergency services and fuel oil sectors, respectively; if reappointed,

said terms will expire August 1, 2015. Upon motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved forwarding the recommendations to the Governor for consideration by voting 5 – 0 as follows:

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

- C. Maryland Department of Natural Resources Waterway Improvement Fund Grant – Requested Council approval to have the Parks & Recreation Department apply for and accept a Maryland Department of Natural Resources Waterway Improvement Fund Grant in the sum of \$50,000; said funding will be used to assist in the maintenance and repair of the County’s public landings; no County funds are required. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved submission 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

X. Council Comments:

Ms. Price – Ms. Price stated that she had recently attended a meeting at which the Maryland Department of Agriculture had presented new farming and other agricultural regulations to the agricultural community. She stated that, in her opinion, the new regulations are burdensome and onerous. Ms. Price stated that the regulations, scheduled to take effect in 2016, require that nutrients be incorporated into the soil, and are contrary to the current 30-year practice of no-till, which have proven to improve the health of the Bay. She stated that the regulations were not approved by the Maryland State Legislature but still moved forward and are anticipated to require substantial expenditures by farmers to implement. Ms. Price encouraged those individuals who wished to comment on the new regulations to do so before the comment period ends in August.

Mr. Duncan– Mr. Duncan commented on the recent passing of two members of the Talbot County community: Dr. Callum Bain and John Swaine, Jr. Mr. Duncan stated that Dr. Bain was a member of several environmental groups in the County which are involved in protecting the local waterways and the environment, and that although he and Dr. Bain did not always agree, he never had a doubt that Dr. Bain had the best interests of all County citizens in mind. Mr. Duncan stated that Mr. Swaine, a long-time Talbot County farmer was also known as the Talbot County Weatherman, compiled information for many years on the date, time, and amount of rainfall in the County and was always willing to share the information with those who were interested. Mr. Duncan concluded his comments by stating that, in his opinion, the Talbot County community was better off as a result of the contributions of both men and lamented the passing of, in his opinion, two stellar members of the community.

Mr. Pack - Mr. Pack stated that he and the other Council members concurred with Mr. Duncan’s statements.

Mr. Bartlett - No comments.

Mr. Hollis - No comments.

XI. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council voted to adjourn to Executive Session for discussion of legal, personnel and real estate matters, and to reconvene in Executive Session on Tuesday, August 14, 2012 at 12:30 p.m. for discussion of legal, personnel, and real estate matters, and for the regularly scheduled 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 7:10 p.m.

The transcript of the July 24, 2012 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XII. On Tuesday, July 24, 2012, 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. Bartlett, the Council met in Executive Session by voting 5 – 0 as follows:

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

In accordance with State Article § 10-508 (a)(i)(1)(3)(4)(7)(14) the purpose of the Executive Session was for discussion of a legal/real estate matter for legal advice concerning the possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same; for a real estate matter to discuss acquisition of property for a public purpose; for a legal matter for legal advice on pending contract negotiations; and for a personnel matter to discuss appointments to various County boards and committees. The Executive Session recessed at 6:00 p.m. and reconvened at 7:15 p.m. The Executive Session ended at 8:30 p.m.

**CASH STATEMENT 07/17/2012**  
**BALANCE 7/10/2012**

	\$4,923,090.37
UHC CLAIMS THRU 7/10/2012	(21,146.86)
STATE REPORT 6/2012	(26.83)
POSTAGE WIRE	(3,000.00)
STATE BOARD OF ELECTIONS PPE 6/26/2012	(3,692.38)
DEPOSITS	4,960,579.02

CHECKS (510,469.39)

**BALANCE 07/17/2012 \$9,345,333.93**

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS --

AIP-34	BALANCE 7/10/2012	15,622.99	
	DEPOSITS	4,584.00	
	CHECKS	(4,825.29)	15,381.70

AIP-35 37,082.09

AIP36 8,535.74

AIP37	BALANCE 7/10/2012	532.80	
	DEPOSITS	5,767.00	
	CHECKS	(6,070.91)	228.89

AIP38	BALANCE 7/10/201	--	--
	DEPOSITS	3,612.00	3,612.00

**AIRPORT ACCOUNTS TOTAL BALANCE \$64,840.42**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.15%	6,000,000.00

**TOTAL INVESTED \$25,000,000.00**

**PETTY CASH BALANCE \$6,800.00**

**GRAND TOTAL ALL FUNDS \$34,416,974.35**

**CASH STATEMENT 07/24/2012**

**BALANCE 7/17/2012 \$9,345,333.93**

BANK CHARGES 6/2012	(2,902.61)
INTEREST ON ACCT 6/2012	1,035.00
UHC CLAIMS THRU 7/17/2012	(62,707.74)
SALE&INT ON CD@TALBOT BANK	4,024,407.11
SALE&INT ON CD@TALBOT BANK	3,005,861.04

SALE&INT ON CD@TALBOT BANK			5,009,768.40
MLGIP INVESTMENT			(8,000,000.00)
PAYROLL-FD/SS/MS WH 7/20/2012			(105,810.39)
SECU DED			(7,925.43)
DEFERRED COMP DED			(9,847.72)
MD WH			(27,833.88)
PENSION DED			(28,327.86)
ACH TRANSFER			(9,961.75)
FLEX SPENDING ACCT			(2,292.89)
DEPOSITS			7,209,062.90
CHECKS			(705,950.21)
VOID CHECK NO.S 258470/270665/276375/276974/277377			5,337.32
<b>BALANCE 7/24/2012</b>			<b><u>\$19,637,245.22</u></b>
<b><u>AIRPORT ACCOUNTS</u></b>			
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP-34			15,381.70
AIP-35			37,082.09
AIP-36	BALANCE 7/17/2012	8,535.74	
	TRANS FR GEN FUND	559.77	
	CHECKS	(559.77)	8,535.74
AIP-37			228.89
AIP-38			3,612.00
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>			<b><u>\$64,840.42</u></b>
<b>INVESTMENTS – CERTIFICATES OF DEPOSIT</b>			
<b><u>CERTIFICATE DATE</u></b>	<b><u>MATURITY DATE</u></b>	<b><u>RATE</u></b>	<b><u>AMOUNT</u></b>
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.14%	14,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$21,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$6,800.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$40,708,885.64</u></b>