



# TALBOT COUNTY, MARYLAND

County Council

MINUTES

March 22, 2016

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

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, March 22, 2016.
- II. Minutes - Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, February 23, 2016 and Tuesday, March 8, 2016.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, March 15, 2016 and Tuesday, March 22, 2016.
- IV. Presentation of Proposed Extension of St. Michaels Nature Trail Along a Portion of State Rt. 33 – Jared Paper-Evers, P.E., Transportation Engineer, Office of Highway Development, Maryland State Highway Administration; Mike Mertaugh, Assistant County Engineer – Mr. Mertaugh and Mr. Paper-Evers briefed the Council on proposed improvements by the Maryland State Highway Administration (SHA) for a 2.2 mile portion of Maryland State Route 33 between Yacht Club Road and Pea Neck Road in St. Michaels. The project, referred to by SHA as the MD 33 Urban Reconstruction Project – Yacht Club Road to Pea Neck Road, was first conceptualized in 1999, but design was later halted due to lack of State funding. Mr. Paper-Evers stated that the project, re-established in late 2014, proposes improvements which will enhance pedestrian safety and accessibility, address existing drainage issues and address roadway infrastructure needs, including the proposal for a left turn lane at the intersection of Railroad Avenue and Rt. 33 on Talbot Street which would necessitate the removal of a few parking spaces along Talbot Street. He stated that the proposed improvements also call for the installation of 5’ sidewalks, or, has been suggested and requested by some members of a community task force on the project, an extension of the “St. Michaels Nature Trail,” an 8’ to 10’ bicycle/pedestrian path from the Town of St. Michaels boundary to Pea Neck Road. Council discussion ensued with Mr. Paper-Evers and Mr. Mertaugh regarding the cost of the project, particularly in light of pending State legislation which would reallocate a larger portion of transportation funding away from more rural areas of the state to those areas with heavier populations; the estimated cost for the design phase of the project is approximately \$2.5 million. Council discussion ensued with Mr. Paper-Evers, Mr. Mertaugh and Jean Weisman, Town Manager of the Town of St. Michaels. Mr. Mertaugh and Mr. Paper-Evers requested Council’s direction as to their preference for a sidewalk or walking trail on the County portion of the roadway. By way of consensus, Council expressed their preference for a 5’ sidewalk. Mr. Mertaugh and Mr. Paper-Evers will continue to update the Council on a regular or as-needed basis as the project moves forward
- V. Presentation on Senior Center Awareness and Fundraising Campaign – Bill Shrieves, Chairman, Talbot County Senior Center Advisory Board; Gary Gunther, Executive Director, Upper Shore Aging, Inc.; Childlene Brooks, Manager, Brookletts Place – The Talbot County Senior Center – Mr. Shrieves briefed

the Council on the growth in popularity of the Talbot County Senior Center since its completion in 2009. The Center, which is available to serve the approximately 12,700 citizens in Talbot County who are aged 60 and older, currently serves 4,200 Talbot County residents each month. Mr. Shrieves stated that the senior population of Talbot County currently comprises 33.5% of the county's population and is anticipated to grow to 36.9% by 2020. He outlined the variety of programs offered at or through the Senior Center, including: computer classes, dance classes, financial education seminars, arts and crafts, musical entertainment, and both day and overnight trips. Various community groups, for a fee, may also utilize the Senior Center. Mr. Shrieves then outlined the congregate meal and Meals on Wheels programs offered through the Senior Center which help to ensure that senior citizens are provided nutritious meals and have an opportunity for socialization; support services including the State Health Insurance Assistance Program "SHIP" which provides free information on Medicare Health and Prescription Drug Programs, counseling and home visits, and the Maryland Access Point "MAP" program which refers older adults, their caregivers and those with disabilities to resources for assistance. Mr. Shrieves and Ms. Brooks then presented information on the Senior Center's plan for expansion of services over the next three years and its goal of raising \$500,000 to support the expansion of those services including, hours of operation, adding Friday meals, expanding the Meals-On-Wheels program from 90 to 120 recipients, expanding the St. Michaels Senior Center into a full service senior center, and providing additional equipment for the expansion of services. Council discussion ensued with Mr. Shrieves and Ms. Brooks. Council expressed their appreciation to Ms. Brooks and Mr. Shrieves for their work on behalf of the Talbot County Senior Center.

- VI. Presentation of Easton Elementary School Dobson/Moton Feasibility Study for Board of Education FY2017 Capital Improvement Plan - Gayle Secrist, Director of Support Services, Talbot County Public Schools; Brad Hastings, AIA, LEED AP, Vice President, Becker Morgan Group; Brenden Frederick, AIA, LEED AP, Architect, Senior Associate with Becker Morgan Group – Salisbury, MD; Scott Saxman, Regional Manager, Whiting-Turner Contracting Company – Ms. Secrist stated that when the Talbot County Board of Education had presented its 2016/2017 Capital Improvement Plan, Council had requested that a Feasibility Study be conducted on the possible consolidation of the Easton Elementary School Moton Building and the Easton Elementary School Dobson Building into one structure to determine the long-term operating efficiency of one building versus two. She stated that the Board of Education had approved and budgeted \$80,190 in its FY2016 budget for the Feasibility Study and the County Council had approved the funding for that purpose. She stated that Becker Morgan Group had been selected as the vendor to perform the Feasibility Study at a cost of \$62,000 in September 2015. Ms. Secrist outlined the criteria by which the Maryland Interagency for School Construction evaluates proposed school construction projects. She stated that the overwhelming sentiment expressed at a series of meetings with the public and staff from both schools was that there be a physical separation of the lower elementary grades from the higher elementary grades and that the names of both buildings be retained. Mr. Hastings and Mr. Frederick briefed the Council on the three (3) options provided by the Feasibility Study as reviewed and approved by the State for continuation into the schematic design phase. The options presented were as follows: Option A calls for fully renovating the Dobson and Moton Buildings and expanding the facilities by 10,000 sq. ft. and 5,000 sq. ft., respectively - total anticipated cost is \$66,205,853 with a construction duration time of 4 ½ years; Option B calls for demolishing the Dobson Building (except for the Head Start portion), and fully renovating the Motion building and expanding same by 56,000 sq. ft. - total anticipated cost is \$63,197,979 with a construction duration time of 4 years; Option C calls for demolishing the existing facilities and constructing new Dobson and Moton buildings in a campus style as a single, 107,000 sq. ft., 2-story structure – total anticipated cost is \$53,139,552 with a construction duration time of 2 years/7 months. Council discussion ensued with Ms. Secrist, Becker Morgan Group representatives, and Mr. Saxman, contractor for the 2006 St. Michaels Middle-High School campus, as to the advantages and disadvantages of each option, student accommodation during the various phases of renovation/construction, traffic patterns, etc. The presentation concluded with Consultant, Morgan Becker Group's, recommendation of Option C as the more cost-effective option to implement, a shorter project duration, having the lowest life cycle cost for energy consumption, as well as the option which best meets State criteria to provide a facility

for educational adequacy and handicap accessibility. Ms. Secrist will continue to update the Council as more information is received and the project moves forward.

- VII. Presentation by Talbot County Office of Tourism on the Recent Economic Analysis of Talbot County's Tourism Industry – Cassandra Vanhooser, Director of Tourism – Ms. Vanhooser briefed the Council on the economic impact of the tourism industry in Maryland and in particular, Talbot County, for 2014. She stated that the Study was compiled by Tourism Economics, an Oxford Economics Company, from data collected by the Maryland Comptroller's Office. The study was paid for by the State's Destination Marketing Organizations, which includes the Talbot County Office of Tourism. Ms. Vanhooser stated that in 2014, the latest year for which data is available, tourism industry sales in Talbot County rose 6%, the industry employs 1,825 people, or 13.8% of the county's employment base. She stated that the growth in tourism was lead by overnight visits, indicating that people are staying longer and spending more money in the county. She stated that tourism sales in Talbot County have grown by more than 3% for five consecutive years, representing almost an 18% growth in a five-year timeframe. Ms. Vanhooser also briefed the Council on the growth of tourism in Maryland, stating that visitors spent \$16.4 billion in 2014, the tourism industry generates \$2.2 billion in state and local taxes and employs over 140,000 people, making it the 10<sup>th</sup> largest employer in the state. Ms. Vanhooser stated that without the tourism industry, each household in Maryland would pay approximately \$1,010 in additional taxes. She stated that as the chairperson of the Maryland Association of Destination Marketing Organizations, she had recently appeared before Congress to lobby on behalf of tourism and to emphasize to the Congressional representatives that a healthy tourism industry reflects a healthy economy for the country. Ms. Vanhooser concluded her comments by stating that Restaurant Week in Talbot County will take place from April 3<sup>rd</sup> – 9<sup>th</sup>, with the launch party at the Tidewater Inn on Sunday, April 3<sup>rd</sup> from 2:00 p.m. to 4:00 p.m. Council commended Ms. Vanhooser for her efforts to attract tourists to Talbot County.
- VIII. Presentation of Working Waterfronts Grant for the Villages of Tilghman and Bellevue – Mary Kay Verdery, Planning Officer; Jeremy Rothwell, Planner – Mr. Rothwell updated the Council on the Working Waterfront Enhancement Grant for which the County had applied and received funding to support the revitalization of working waterfront communities, the retention of existing marine businesses, and to provide planning assistance for same. He stated that the grants are part of a national initiative by the National Oceanic and Atmospheric Administration (NOAA), and have been in place in Maryland since 2007. He stated that the State had established the Maryland Working Waterfront Commission, comprised of a diverse group of business people, watermen, and tourism-related businesses, and had issued its report in 2008. Included in the Report were recommendations for protecting and preserving access to Maryland's public waters by those in the commercial fishing industry, one of which was the creation of a new Working Waterfront Grant Program for local governments. Mr. Rothwell stated that the funding received by Talbot County will be used for the development of Master Plans for the villages of Tilghman and Bellevue and outlined the reasons for the selection of each village. He stated that the Villages of Wittman, Neavitt and Bozman are also good candidates for funding from the Working Waterfront Grant in future years should funding remain available. Mr. Rothwell outlined the intended goals of, and tasks associated with, the Village Master Plans, and the timeline for the various phases of same; no County funding is required; however, staff will provide in-kind services. He requested Council's consideration for the appointment of a Citizen's Advisory Committee to work with the third-party consultant. He stated Members of the Citizen's Advisory Committee will provide direction to the third-party consultant and planning staff on the drafting of the Master Plans, and will assist in community outreach efforts; the third-party consultant will facilitate discussion between stakeholders, build consensus, and draft the Master Plans. Council discussion ensued with Mr. Rothwell as various components of the project were brought forward. Mr. Rothwell will continue to update the Council as the project for development of the Master Plans moves forward.
- IX. Update on Talbot County's Response to ACLU/NAACP Complaint of Open Public Meetings Act Violation – Mike Pullen, County Attorney – Prior to the update, Mr. Pullen stated that the NAACP had requested

removal of the Confederate statue from the courthouse lawn and to replace it with a joint Union and Confederate statue. He stated that the Council had decided to leave the statue in place and to consider proposals for a new statue that would commemorate the soldiers from Talbot County who fought for the Union. He stated that the ACLU and the NAACP elected to file a complaint against the Council, suggesting that the County had violated the Open Meetings Act. The County has now responded to that complaint and explained to the Open Meetings Act Compliance Board why the County believes that it fully complied with the Act. He stated that the County believes that there's been no violation of the Act because the County owns the Courthouse and the existing statue and manages and controls the courthouse grounds, and control of County owned property is an administrative function that is exempt from the Act; consequently, there's been no violation. Mr. Pullen outlined the circumstances under which the Open Meetings Act applies, and those circumstances under which it does not apply. He stated that the Act applies when a public body performs an advisory function or a quasi legislative function, but it does not apply when the public body performs an administrative function. He outlined an example of each and stated that in the County's view, the Council was performing an administrative function and is exempt from the Act, which means that there was no violation. He stated that the County has filed a detailed answer with the Open Meetings Act Compliance Board. Mr. Pullen concluded his comments by stating that the Council looks forward to working collaboratively with the NAACP concerning this or any other important issues that affect the community. A press release, along with a copy of the County's detailed response, has been forwarded to *The Star Democrat*.

X. County Manager's Report:

A. Request from Department of Public Works – Requested Council approval of the County Engineer's recommendation to apply for and accept grant funding from the Maryland Department of the Environment Bay Restoration Fund in the sum of \$732,000; if approved, the funding will be utilized for the installation of On-site Sewage Disposal System denitrifying treatment units for those septic systems both inside and outside the Critical Area which are failing. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved submittal of the grant application by voting 5 - 0 as follows:

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

B. Request from Department of Public Works – Requested Council approval to utilize \$20,000 of the \$100,000 appropriated by the Council to the Ditch Water Quality Improvement Program in FY2016, along with \$20,000 to \$30,000 in grant funding from the Maryland Department of Natural Resources for a two-stage ditch project on Bloomfield Road. County Engineer, Ray Clarke, stated that the project would involve working with the property owner to open up the County's drainage ditch in order to provide more area to address nutrient runoff during wet weather events. Council discussion ensued with Mr. Clarke regarding the allocation of funding for this particular project at the present time. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council did not approve moving forward with the project by voting 2 – 1 – 2 as follows:

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

- C. Talbot County Board of Appeals – Requested Council approval for the reappointment of Phillip “Phil” Jones to a three-year term on the Talbot County Board of Appeals as a full member; said term will expire February 11, 2019. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council approved the reappointment by voting 5 – 0 as follows:

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

- D. Talbot County Board of Appeals – Requested Council approval for the reappointment of Jeffrey Adelman to a three-year term on the Talbot County Board of Appeals as an alternate member; said term will expire on February 11, 2019. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- E. Talbot County Board of Appeals – Requested Council approval for the appointment of Greg Gannon to the Talbot County Board of Appeals as an alternate member; said term will complete the unexpired term of Louis Dorsey who was recently appointed as a full member and will expire on February 11, 2017. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the appointment by voting 5 – 0 as follows:

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

- F. Talbot County Emergency Services Advisory Board – Requested Council approval for the appointment of Michael Brophy to the Talbot County Emergency Services Advisory Board as a representative of the Talbot County Fire & Rescue Association; said term will complete the unexpired term of Margaret “Meg” Roney and will expire on February 1, 2018. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the appointment by voting 5 – 0 as follows:

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

G. County Offices Closed – Mr. Hollis stated that County offices will be closed on Friday, March 25, 2016 in commemoration of Good Friday.

H. Public Comment Session on Draft Comprehensive Plan – Mr. Hollis stated a public comment session on the draft Comprehensive Plan will be held on Tuesday, March 29, 2016 from 5:30 p.m. to 8:00 p.m. in the Meeting Room of the Talbot County Free Library in Easton. Mary Kay Verdery, Planning Officer, stated that the most recent draft of the Comprehensive Plan, and associated maps, were posted to the County’s website as of March 14, 2016.

XI. Council Comments:

Ms. Williams - Ms. Williams reiterated Mr. Pack’s statement at the beginning of the meeting stating that our hearts go out to the people of Brussels. She stated that, in her opinion, it is unfathomable what happened there and it is hard to conceive what it must be like to be in a city and to have something like that happen. Ms. Williams again stated that the people of Brussels are in our hearts and prayers.

Mr. Bartlett - Mr. Bartlett concurred with the comments of Mr. Pack and Ms. Williams’ and thanked Mr. Pack for making a statement at the beginning of the meeting.

Ms. Price - Ms. Price stated that she too, concurred with her colleagues’ statements.

Mr. Callahan - Mr. Callahan stated that he concurred with Ms. Williams’ statements. He then wished Mr. Bartlett a Happy Birthday.

Mr. Pack - Mr. Pack thanked those who had made presentations before the Council. He stated that the owner of the Tilghman Island cell tower has advised the County that he has been notified by Verizon that they are moving forward with funding equipment for the tower and that it is scheduled to be operative in approximately three months. He stated that on Saturday, March 26<sup>th</sup> the Council will be at the St. Michaels Volunteer Fire Department dinner. He reiterated his previous statement that hearts and prayers go out to those in Brussels. Mr. Pack concluded his comments by asking for safe travels for his niece who is travelling with her class in Europe.

XII. Upon motion by Mr. Bartlett, seconded by Ms. Williams, the Council voted to adjourn to Closed Session for discussion of legal, personnel and real estate matters; to reconvene on Tuesday, March 29, 2016 from 5:30 p.m. to 8:00 p.m. in the Meeting Room of the Talbot County Free Library, Easton Branch, for a public comment session on the draft Comprehensive Plan; and to reconvene on Tuesday, April 12, 2016 at 12:30 p.m. in Closed Session for discussion of legal, personnel, and real estate matters, and for the regularly scheduled meeting at 1:30 p.m. by voting 5 – 0 as follows:

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

The meeting adjourned at 9:24 p.m.

The transcript of the March 22, 2016 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XIII. On Tuesday, March 22, 2016 an Executive Session of the Talbot County Council convened at 5:05 p.m. in the Bradley Meeting Room and the County Council Conference Room. Upon motion by Ms. Williams seconded by Mr. Callahan, the Council met in Executive 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 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 legal matters for an update on litigation involving Higginbottom and Talbot County; and for an update on the settlement agreement between Caroline County and Chesapeake College. The Executive Session ended at 5:20 p.m.

**CASH STATEMENT 03/15/2016**

BALANCE 03/08/2016	\$32,233,422.02
INTEGRA CLAIMS THRU 3/7/2016	(119,700.53)
FD/SS/MS WH PPE 02/26/2016	(134,088.19)
MD WH	(33,332.99)
PENSION DED	(32,635.90)
DEFERRED COMP	(10,786.78)
SECU DED	(5,222.03)
ACH TRANSFER	(14,406.75)
DEPOSITS	365,492.62
CHECKS	(1,430,621.80)
VOID CHECK # 306031	1,387.89
<b>BALANCE 03/15/2016</b>	<b><u>30,819,507.56</u></b>

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	0.00
AIP37	16,762.37
AIP39	73,794.25
AIP40	30,252.21
AIP41	39,343.53

<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>			<b><u>160,152.36</u></b>
<b>INVESTMENTS – CERTIFICATES OF DEPOSIT</b>			
<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.35%	18,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$15,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$48,995,229.92</u></b>

**CASH STATEMENT 03/22/2016**

BALANCE 03/15/2016			\$30,819,507.56
INTEGRA CLAIMS THRU 3/14/2016			(45,298.98)
STATE REPORT FEBRUARY 2016			(97,092.95)
AIRPORT BOND 2002			(37,355.00)
POSTAGE			(3,000.00)
WELLS FARGO EQUIP LEASE JANUARY & FEBRUARY 2016			(8,444.00)
DEPOSITS			376,413.98
CHECKS			(525,797.54)
VOID CHECKS #305392, 306021 & 306163			524.66
<b>BALANCE 03/22/2016</b>			<b><u>30,479,457.73</u></b>

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS			0.00
AIP37			16,762.37
AIP39			73,794.25
AIP40			30,252.21
AIP41			39,343.53
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>			<b><u>160,152.36</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.36%	18,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$15,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$48,655,180.09</u></b>

