



TALBOT COUNTY, MARYLAND

County Council

MINUTES

March 24, 2015

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

- I. Agenda – The Agenda of March 24, 2015 was brought forward for approval. Ms. Williams made a motion to amend the agenda for Item VIII. *Introduction of Legislation, A Bill to Amend the Hours of Sale for Class “H” and Class “J” Alcoholic Beverage Licenses*, to include Class “G;” there was no objection. Mr. Pack then requested and received Council’s unanimous consent for approval of the agenda of March 24, 2015, as amended.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of February 24, 2015.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, March 17, 2015 and Tuesday, March 24, 2015.
- IV. Presentation on Easton Rotary Club’s Flags for Heroes Project – Patrick Fitzgerald, Member, Easton Rotary Club; Jackie Wilson, Co-Chair, Easton Rotary Club’s Flags for Heroes Project – Ms. Wilson briefed the Council on the Easton Rotary Club’s Flags for Heroes Project, now in its fourth year, and thanked the Council for their past support of the project. She stated that individuals and organizations are offered an opportunity, at a cost of \$50 per flag, to sponsor a flag in honor of an individual or organization whom they consider to be a hero; the flags will be placed on the grounds of the Talbot County Community Center, the Talbot County Courthouse and Idlewild Park during Memorial Day Weekend. Ms. Wilson stated that Easton Rotary Club hopes to sell sponsorships for 750 flags this year; \$55,000 in proceeds from the previous three years of the program has been distributed to local organizations including, Talbot Hospice, the Mental Health Association in Talbot County, the Talbot Paramedic Foundation, and the Easton Volunteer Fire Department.
- V. Quarterly Update by Board of Health and Presentation on Economic Impact of Substance Abuse – Manjula Paul, MSN, RN, MPH, Talbot County Health Officer; Paula Lowry, Prevention Coordinator, Talbot County Health Department; Dr. Memo Diriker, Director, Business, Economic, and Community Outreach Network (BEACON), Franklin P. Perdue School of Business, Salisbury University; Dr. Sarah Bunch, Assistant Director, BEACON, Franklin P. Perdue School of Business, Salisbury University – Ms. Paul used a PowerPoint presentation to brief the Council on recent efforts by the public health sector to call attention to the importance of management of chronic diseases, specifically high blood pressure, heart disease, and diabetes, which are among the leading causes of death for Americans. Ms. Paul stated that chronic diseases now affect such a large percentage of the population that collective intervention efforts are needed between the public health sector, individuals and their healthcare providers. Ms. Paul then reviewed symptoms and preventative measures for each of the chronic diseases previously outlined. She stated that the Talbot County Health Department had received a grant in the sum of \$43,000 from the Center for Disease Control (CDC), the funding of which is being used to implement a chronic disease prevention program in the community which focuses on community education and community screening for high blood pressure and diabetes. She stated that by partnering with various community agencies, the Health Department will work

with individuals and their healthcare providers to better manage treatment to help reduce the burden of emergency room care for these individuals. Ms. Lowry provided an update on cancer statistics for Talbot County. She stated that in 2011, the latest information available, Talbot County had 21 cases of colorectal cancer with 7 deaths; 55 cases of breast cancer with 9 deaths, and zero cases of cervical cancer with zero deaths. She stated that implementation of the Affordable Care Act has resulted in less cancer screening by the Health Department; as a result, beginning in 2016, the Health Department will assist individuals who have no insurance, or are underinsured, with navigating through available health insurance options. Ms. Lowry then briefed the Council on the recent receipt of a Tobacco Enforcement Grant, the proceeds from which will be distributed to the Sheriff's Office for compliance checks with the approximately 45 tobacco vendors in the county, to non-governmental organizations (NGOs) who will be conducting tobacco vendor education on behalf of the Health Department, and for educational packets and promotion through media outlets; Talbot County has been in 100% compliance for three of the past five years. Ms. Lowry concluded her comments by reminding everyone that March is Colorectal Cancer Awareness Month and that all individuals over the age of 50 should be screened. Dr. Diriker and Dr. Bunch presented statistical information on the economic and societal costs of drug and alcohol abuse in Talbot County and on Maryland's Eastern Shore. Dr. Bunch stated that the factors calculated in the costs of substance abuse included crime (criminal justice system costs, and lost productivity of crime victims); health (hospitalization and specialized treatment); and productivity (lost workforce productivity, incarceration, hospitalization, in-patient treatment). She stated that the cost for the Eastern Shore of Maryland was \$1.1 billion; 80% of which is due to drug use and 20% due to alcohol use; Talbot County's portion totals \$80 million, or \$62 million and \$18 million for drug and alcohol use, respectively. The BEACON representatives provided a detailed breakdown of the study conducted by their office, emphasizing that money expended on prevention of drug and alcohol abuse provides the highest return on investment. Discussion with Council ensued. The Talbot County Health Department will continue to update the Council on a regular or as-needed basis.

VI. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO ADD A NEW CAPITAL PROJECT FOR THE INSTALLATION OF A SCREW PRESS TO UPGRADE THE REGION II (ST. MICHAELS) WASTEWATER TREATMENT PLANT was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, stated that the resolution is required as a condition of the pre-application process with the Maryland Department of the Environment Water Quality Finance Administration Grant and Revolving Loan Financing Program before the County can include the project in its Capital Project listing. Mr. Clarke stated that the project involves the replacement of the 20-year old belt filter press at the Region II Wastewater Treatment Plant in St. Michaels with a screw-type press at a cost of \$600,000 (\$500,000 for the screw press and \$100,000 for design related to the project). The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams as Resolution No. 219. A public hearing was scheduled for Tuesday, April 14, 2015 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AMEND THE COMPREHENSIVE WATER AND SEWER PLAN TO AUTHORIZE A CAPITAL PROJECT TO UPGRADE THE REGION V WASTEWATER TREATMENT PLANT TO UTILIZE ENHANCED NUTRIENT REMOVAL TECHNOLOGIES was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, stated that the resolution is required as a condition of the pre-application process with the Maryland Department of the Environment Water Quality Finance Administration Grant and Revolving Loan Financing Program before the County can include the project in its Capital Project listing. He stated that the proposed project to upgrade the Region V (Tilghman) Wastewater Treatment Plant to ENR technology is estimated to cost approximately \$3.5 million; however, his office is in the process of reviewing available

technologies which would lessen the cost. He stated that minor wastewater treatment plants, like the Region V plant, are now eligible for grant funding from the Bay Restoration Fund and his office would be submitting an application for the funding. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams as Resolution No. 220. A public hearing was scheduled for Tuesday, April 14, 2015 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

VII. Introduction of Legislation:

A BILL TO AMEND § 11-7 A. AND § 11-7 B., TALBOT COUNTY CODE “ALCOHOLIC BEVERAGES,” TO REVISE THE HOURS A HOLDER OF A SPECIAL CLASS H AND SPECIAL CLASS J LICENSE CAN KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney Mike Pullen stated that the purpose of the proposed legislation is to change the starting times for the sale of alcoholic beverages for Class H and Class J licenses from 12:00 Noon to 10:30 a.m. The legislation was introduced by Mr. Callahan, Ms. Price and Ms. Williams as Bill No. 1300. A public hearing was scheduled for Tuesday, April 14, 2015 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 AMEND § 11-5 D., TALBOT COUNTY CODE “ALCOHOLIC BEVERAGES,” TO REVISE THE HOURS A HOLDER OF A CLASS G (CLUBS) LICENSE CAN KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES was read into the record by the Clerk and brought forward for introduction. Mr. Pullen stated that the proposed legislation is similar to Bill No. 1300, just introduced, except that it applies to private clubs. He stated that the purpose of the proposed legislation is to change the starting time for the sale of alcoholic beverages for Class G licenses from 12:30 p.m. to 10:30 a.m. The legislation was introduced by Mr. Callahan, Ms. Price and Ms. Williams as Bill No. 1301. A public hearing was scheduled for Tuesday, April 14, 2015 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

VIII. Eligible for Vote:

Bill No. 1298, A BILL TO PROVIDE THAT REGULATED ACTIVITIES WITHIN NONTIDAL WETLANDS AND THEIR BUFFERS THAT ARE AUTHORIZED BY A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AND DEVELOPMENT ACTIVITIES THAT DO NOT REQUIRE A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, ARE NOT SUBJECT TO THE REQUIREMENT FOR A TWENTY-FIVE FOOT BUFFER FROM THE EDGE OF NONTIDAL WETLANDS UNDER § 190-123 C AND § 190-140 B, TALBOT COUNTY CODE was read into the record by the Clerk and brought forward for vote. Prior to Council’s vote on the legislation, Mr. Pullen stated that the purpose of the bill is to eliminate the requirement for a variance from the Talbot County Board of Appeals when an applicant has received an MDE permit to impact the nontidal wetland buffer; or, alternatively, where the applicant is exempt from the requirement that they obtain an MDE permit. Each Council member then expressed his or her opinion as to why they would be voting for or against the legislation; Mr. Bartlett stated that he was recusing himself from voting on the legislation in order to avoid the appearance of any conflicts of interest since he is a builder. Following Mr. Callahan’s comments, Mr. Pullen stated that he wished to clarify that the discussions which occurred in executive sessions were limited to him providing Council with legal advice concerning pending and threatened litigation to which the County is a party, not with the merits of the bill. Upon motion by Ms. Williams, seconded by Mr. Callahan, the Council approved Bill No. 1298 by voting 3 – 1 – 1 as follows:

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

Bill No. 1298 will become effective as provided for in the legislation.

IX. County Manager's Report:

A. Bid No. 15-10, Request for Farm Land Rental Proposals, Lewistown Road Property – Cordova, Maryland - Requested Council approval to award Bid No. 15-10 to the highest bidder, Mark S. Callahan in the sum of \$4,562.70 or \$201 per acre; three bids were received. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council approved the award 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 Emergency Services - Requested Council approval to have the Department of Emergency Services purchase 14 sets of personal protective (turn out) gear for employees in the sum of \$25,410.00; funding designated for the purchase was included in the FY 2015 budget. Upon motion by Ms. Williams, seconded by Ms. Price, the Council approved the purchase by voting 5 – 0 as follows:

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

C. Request from Department of Emergency Services – Requested Council approval to have the Department of Emergency Services purchase 15 state-of-the-art King Vision Video Laryngoscopes in the sum of \$22,123.85; the Talbot Paramedic Foundation will contribute \$10,000 toward the purchase; the remaining \$12,123.85 will be funded by Talbot County utilizing FY 2015 Capital Outlay funding. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the purchase by voting 5 – 0 as follows:

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

D. Kick-off Meeting for Dover Bridge Replacement Project – Acting Emergency Services Director, Brian LeCates, stated that on March 17, 2015 he had attended a kick-off meeting for the Dover Bridge Replacement Project. Mr. LeCates stated that flagging operations at the bridge are generally in place from 7:00 a.m. to 5:00 p.m. on weekdays; however, the State

Highway Administration retains the option to have flagging in place seven days a week. He stated that a separate meeting for emergency services personnel from the affected counties (Talbot, Caroline, and Dorchester) will take place at a later date. He advised that supervisory SHA personnel on site will be provided with a radio, and trained in its use, so that should there be an emergency vehicle which needs to get through, advance notification can be made; or in the event that there is an accident at the jobsite, direct communications can be made with the responding unit and the 911 Center. The long-awaited new Dover Bridge is anticipated to be completed in 2018. Mr. Pack asked for the public's patience with traffic during the project.

- E. Talbot County Commission on the Aging – Requested Council approval for the appointment of Julie Crocker to a three-year term on the Talbot County Commission on the Aging as a private citizen; said term will expire on April 1, 2018. Upon motion by Mr. Callahan, seconded by Ms. Williams, 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 Historic Preservation Commission – Request Council approval for the appointment of Robert Mueller to a three-year term on the Talbot County Historic Preservation Commission; said term will expire on July 1, 2018. Upon motion by Mr. Callahan, seconded by Mr. Bartlett, 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

X. Council Comments:

Mr. Callahan - Mr. Callahan stated that he was glad to see Mr. Pack and he thanked Mr. Pullen for being at the meeting while on vacation.

Ms. Price - Ms. Price welcomed Mr. Pack back and stated that she was glad to see the hope of spring.

Mr. Bartlett - Mr. Bartlett echoed his colleagues' statements and welcomed Mr. Pack back, stating that he hoped his healing was going well.

Ms. Williams – Ms. Williams stated that she was glad to see Mr. Pack back. She stated that she had just received a text from Jackie Wilson requesting a correction to the website address she had provided for Flags for Heroes; the correct website is www.flagsforheroes.org, not www.flagsforheroes.net as she had stated during her presentation earlier in the evening.

Mr. Pack - Mr. Pack stated that it was good to be back. He stated that, in his opinion, his fall and the break of his tendon had been traumatic, but commended the staff of Easton Memorial Hospital for quickly diagnosing the situation and putting him back

together again. He stated that when legislation, like Bill No. 1298, comes along it requires that that Council do a lot of soul searching to get into the details of the situation. He stated that he and Mr. Bartlett were on the Council when, in his opinion, there were a number of contentious pieces of legislation which had to be dealt with, even sometimes causing rifts between Council members. He commended his colleagues for the way they had handled themselves, despite the contentiousness of Bill 1298; there was no mudslinging, backbiting, or bad-mouthing one's fellow Council members. He stated that, in his opinion, it is really refreshing that the Council members can agree to disagree for the common good, and he commended his colleagues for being respectful of one another.

- XI. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters and to reconvene Tuesday, April 14, 2015 at 12:30 p.m. in Executive 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 8:00 p.m.

The transcript of the March 24, 2015 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XII. On Tuesday, March 24, 2015, an Executive Session of the Talbot County Council convened at 5:15 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 4 – 0 as follows:

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

In accordance with State Article § 10-508(a)(1)(i)(3)(7) the purpose of the Executive Session was for personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter at the Talbot County Health Department; to discuss a personnel matter at the Talbot County Election Board; and to discuss a personnel matter at the Road Department; and for a real estate matter to discuss possible acquisition of property for a public purpose. The Executive Session recessed at 6:00 p.m. and reconvened at 8:10 p.m. The Executive Session ended at 8:45 p.m.

- XII. Work Session with Staff on Draft Comprehensive Plan – Mary Kay Verdery, Planning Officer; Martin Sokolich, Long Range Planner; Jeremy Rothwell, Planner - The County Council convened for a work session with staff on Monday, March 16, 2015 at 4:00 p.m. to continue review of the Draft Comprehensive Plan as recommended by the Talbot County Planning Commission; the Council previously reviewed several chapters of the Draft Comprehensive Plan at a work session on Monday, March 9, 2015. Ms. Verdery reiterated the interconnectivity of the chapters within the Comprehensive Plan as well as the various agencies within Talbot County and its citizens. Mr. Sokolich stated that the current Draft

Comprehensive Plan, just as Comprehensive Plans previously adopted by the County, strives to preserve the rural character of the county while “allowing agriculture the resources and space it needs to continue to be a big part of our economy.” He stated that the current Draft Plan reflects changes as required by State law since adoption of the 2005 Comprehensive Plan, that a Priority Preservation Area (PFA) element be created; Mr. Sokolich had stated at the March 9, 2015 work session that the current Plan is different from the 2005 Plan, specifically with regard to the water resources in the Plan, and addresses the 12 Planning Visions for the State of Maryland as outlined in the 2009 *Smart, Green & Growing* legislation enacted by the Maryland General Assembly. Chapter V - Agricultural and Rural Conservation; Chapter VII - Economic Development and Tourism; Chapter IV - Community Services and Facilities; and Chapter VI - Natural Resource Conservation, were presented by staff and Council discussion ensued. Work sessions for discussion of Chapter II - Land Use, will be scheduled at a later date.

- XIII. Work Session on Proposal for Planned Unit Development (PUD) Legislation – Mary Kay Verdery, Planning Officer; Bruce Armistead, Esquire, Armistead, Griswold, Lee, & Rust, P.A.; Zachary Smith, Esquire, Armistead, Griswold, Lee, & Rust, P.A. - A work session on a proposal for Planned Unit Development (PUD) legislation was held on Tuesday, March 17, 2015 at 4:00 p.m. in the Bradley Meeting Room. Mr. Armistead and Mr. Smith, attorneys for Capital Properties, new owners of the Harbortowne Golf Resort in St. Michaels, outlined the new owners’ plans to upgrade and expand the current facilities into a “destination resort.” Mr. Armistead stated, however, that the inn and hotel, built approximately 50 years ago, are currently a non-conforming use within the RR (Rural Residential) Zone and also in the Critical Area, and as such, in-kind replacement in the Zoning Ordinance limits new structures to the same footprint and height as current structures, while PUD legislation would provide for more flexibility. Ms. Verdery stated that, in her opinion, a better designation might be a Planned Area Development (PAD), for which there would be an overlay zone specific to the property. Council discussion ensued with Mr. Armistead as to the specifics of the proposed project. At Council’s request, Planning staff will meet with the County Attorney and then draft a PUD or PAD ordinance for Council’s consideration.

CASH STATEMENT 3/17//2015

BALANCE 3/10/2015	\$29,265,917.34
BANK CHGS 2/2015	(1,507.78)
INTEREST ON ACCT 2/2015	4,989.90
UHC CLAIMS THRU 3/10/2015	(57,430.04)
STATE REPORT 2/2015	(99,023.48)
TALBOT CO MD BONDS/AIRPORT FACILITIES 2002	(38,165.00)
PAYROLL-FD/SS/MS WH 3/13/2015	(131,980.80)
SECU DED	(5,961.58)
DEFERRED COMP DED	(10,044.87)
MD WH	(32,603.98)
PENSION DED	(31,515.95)
ACH TRANSFER	(11,946.75)
FLEX SPENDING ACCT	(3,016.55)
DEPOSITS	764,935.92
CHECKS	(501,691.85)
BALANCE 3/17/2015	<u>29,110,954.53</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP37	16,762.37
AIP39	73,794.25
AIP40	--
AIP41	48,989.25

AIRPORT ACCOUNTS TOTAL BALANCE **139,545.87**

INVESTMENTS – CERTIFICATES OF DEPOSIT
CERTIFICATE DATE MATURITY DATE RATE AMOUNT

PNC-MLGIP INVESTMENTS TOTAL 0.06% 18,000,000.00

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

PETTY CASH BALANCE **\$8,570.00**

GRAND TOTAL ALL FUNDS **\$47,259,070.40**

CASH STATEMENT 3/24/2015

BALANCE 3/17/2015 \$29,110,954.53

UHC CLAIMS THRU 3/17/2015 (34,427.58)

ST ADMIN BOARD OF ELECTIONS PPE 3/3/2015 (8,341.92)

DEPOSITS 715,212.82

CHECKS (419,829.48)

VOID CHECK NO.S 296752, 297566, 297901 3,923.94

BALANCE 3/24/2015 **29,367,492.31**

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS --

AIP37 16,762.37

AIP39 73,794.25

AIP40 BALANCE 3/17/2015 --

DEPOSIT \$27,036.22 27,036.22

AIP41 48,989.25

AIRPORT ACCOUNTS TOTAL BALANCE **166,582.09**

INVESTMENTS – CERTIFICATES OF DEPOSIT
CERTIFICATE DATE MATURITY DATE RATE AMOUNT

PNC-MLGIP INVESTMENTS TOTAL 0.06% 18,000,000.00

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

PETTY CASH BALANCE

\$8,570.00

GRAND TOTAL ALL FUNDS

\$47,542,644.40