



# Talbot County, Maryland



Easton, Maryland

MINUTES - AS AMENDED

November 22, 2011

Present – President Dirck K. Bartlett, Vice President Corey W. Pack, Thomas G. Duncan, R. Andrew Hollis, Laura E. Price, County Manager John C. Craig and County Attorney Michael Pullen.

- I. Agenda – The Agenda of November 22, 2011 was approved upon motion by Mr. Pack, seconded by Mr. Hollis, with the Council voting 5– 0 as follows:

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

- II. Minutes – Minutes of November 8, 2011 were approved upon motion by Ms. Price, seconded by Mr. Pack, with the Council voting 4 – 0 - 1 as follows:

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

Mr. Duncan abstained from voting as he had not been present at the November 8, 2011 meeting.

- III. Disbursements – Disbursements of November 15, 2011 and November 22, 2011 were approved upon motion by Mr. Pack, seconded by Ms. Price, with the Council voting 5 – 0 as follows:

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

- IV. Council Presentation to Richard H. Hutchison – Mr. Bartlett read a statement into the record in recognition of Mr. Hutchison’s contribution to the local and statewide agricultural community and to Talbot County, specifically, as a member of the Talbot County Planning Commission for 28 years, from April 19, 1983 to November 2, 2011. Council members expressed their appreciation to Mr. Hutchison for his service on the Planning Commission and for his commitment to the Talbot County community.

- V. Introduction of Legislation:

A BILL TO REPEAL CHAPTER 164, TALBOT COUNTY CODE, **STORMWATER MANAGEMENT**, IN ITS ENTIRETY, AND RE-ENACT A NEW ORDINANCE TO IMPLEMENT NEWLY ADOPTED STORMWATER MANAGEMENT REQUIREMENTS MANDATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) IN ACCORDANCE WITH MDE’S MODEL

STORMWATER MANAGEMENT ORDINANCE, AS MODIFIED, was read into the record by the Clerk. Prior to introduction of the proposed legislation, Mike Mertaugh, Assistant County Engineer for Roads, briefed the Council on the purpose of the legislation. He stated that approval of the Stormwater Management Act of 2007 by the Maryland State Legislature changed the way of dealing with stormwater in Maryland toward an emphasis on water quality. He stated that the State legislation also included a model Ordinance which was required to be adopted by local jurisdictions; the model Ordinance had been brought before the Council in 2010. However, due to concerns of the Council and citizens on the impacts of the State Ordinance to Talbot County property owners, the legislation, introduced as Bill No. 1186, was tabled, and a Blue Ribbon Stormwater Management Commission was appointed by the Council to assist Talbot County staff in drafting a new stormwater management ordinance tailored to the unique geography of Talbot County while still meeting the requirements of the Maryland Department of the Environment. Mr. Mertaugh stated that the Resolution scheduled for introduction is a companion document to the Ordinance, and is designed to provide guidance on the use and selection of stormwater best management practices to achieve an environmental site design to the maximum extent practicable. He stated that the proposed resolution also outlines review and approval processes for development projects in the unincorporated areas of Talbot County. Council discussion with Mr. Mertaugh ensued. The legislation was introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price as Bill No. 1213. A public hearing was scheduled for Tuesday, December 13, 2011 at 6:30 p.m. in the Bradley Meeting Room, 11 North Washington Street, Easton, Maryland 21601.

VI. Introduction of Numbered Resolution:

A RESOLUTION TO ADOPT THE TALBOT COUNTY STORMWATER MANAGEMENT PROCESS & IMPLEMENTATION GUIDE ATTACHED HERETO, WHICH IS INCORPORATED BY REFERENCE HEREIN was read into the record by the Clerk. Mr. Mertaugh stated that the Stormwater Management Process & Implementation Guide was developed by the Blue Ribbon Stormwater Management Commission as a means of guiding development to the types of stormwater management facilities believed to best work in Talbot County, and which are maintainable. Council discussion with Mr. Mertaugh ensued. The legislation was introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price as Resolution 190. A public hearing was scheduled for Tuesday, December 13, 2011 at 6:30 p.m. in the Bradley Meeting Room, 11 North Washington Street, Easton, Maryland 21601.

VII. Council Discussion of Village Center Subdivision Proposal as Recommended by the Public Works Advisory Board and Planning Commission – Ray Clarke, County Engineer; Sandy Coyman, Planning Officer – Mr. Bartlett stated that the discussion had been postponed from its previously scheduled date pending a joint meeting of, and recommendations from, the Public Works Advisory Board and the Planning Commission. Mr. Coyman stated that both the Public Works Advisory Board and the Planning Commission recommended that the Comprehensive Plan should include policy statements indicating that the County recognizes that development potential exists in some villages due to the fact that there are several large parcels directly connected to the villages which have development capacity exceeding the capacity of the villages for assimilation, and which, if developed would result in increased evacuation difficulties, water quality issues and a change of village character. In addition, the potential growth of some villages would far exceed the Comprehensive Plan's village growth policy for infill as well as the State's policy for limited development in rural village priority funding areas. Mr. Coyman stated that the Public Works Advisory Board and the Planning Commission are recommending a two-step process to limit the amount of development in the village zones: a text amendment to the zoning ordinance to limit the amount of development to one unit per two acres, for a maximum of three (3) total units, with a three-year sunset clause, followed by a remapping of the village zones during the comprehensive planning process in order to provide a more permanent approach. Mr. Coyman stated that both the Public Works Advisory Board and the Planning Commission also recommended several policies related to sewer availability which focus on the connection of existing private septic systems to the wastewater treatment system versus

utilizing sewer capacity for new development. Council discussion ensued. Legislation on the matter is anticipated to be scheduled for introduction in the near future.

- VIII. Reconsideration of Resolution No. 189, A RESOLUTION TO ADOPT A REDISTRICTING PLAN FOR TALBOT COUNTY BOARD OF EDUCATION ELECTION DISTRICTS PURSUANT TO EDUCATION ARTICLE § 3-12A-01, MD. ANN. CODE, as amended to renumber the districts, was brought forward. Ms. Price stated that when each of the Talbot County Board of Education election districts was established by the Maryland State Legislature, they were assigned a district number and the staggered term of the member for each district was set according to the district number. She stated that when the Council had initially approved Resolution No. 189 on November 8, 2011 it had amended the legislation to renumber the districts. She stated that Council had recently been advised that the renumbering of the districts would preclude several members from running for reelection when their terms expire. Ms. Price proposed renumbering the districts as originally presented by the Board of Education Redistricting Commission. Council discussion ensued. Mr. Bartlett stated that District 1, the majority minority district, is not affected as the renumbering was approved as a separate matter following approval of the layout of the districts. Council discussion ensued with Patti Mitchell, Election Director for Talbot County. Upon motion by Ms. Price, seconded by Mr. Pack, the Council voted to reconsider Resolution No. 189, *as amended to renumber the districts*, by voting 4 – 1 as follows:

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

Resolution No. 189, as amended to renumber the districts, was then brought forward for reconsideration. Ms. Price made a motion to rescind the numbers assigned by the Council on November 8, 2011 and to adopt the district numbers as originally presented by the Redistricting Commission; Mr. Pack seconded the motion, and the Council approved Resolution No. 189, *as amended to renumber the districts* (as originally presented by the Redistricting Commission) by voting 4 – 1 as follows:

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

Resolution No. 189, *as amended to renumber the districts* (as originally presented by the Redistricting Commission) is effective immediately.

- IX. Council Discussion of Decision of the Election Board to Close Several Polling Locations – Council requested that Patti Mitchell, Election Director, provide a briefing on the Talbot County Election Board’s decision to close several smaller polling locations and to merge them into a larger facility in an effort to save money. Ms. Mitchell stated that the decision was partially based on the popularity of early voting. She stated that as proposed, Tilghman voters will come to Wittman; Royal Oak and Bozman voters will go to the new polling place in St. Michaels located at the Talbot County Free Library. Total savings are anticipated to be approximately \$5,550.00. Council discussion ensued. The Council commended Ms. Mitchell and the Election Board for their efforts to save money, but expressed concern over the closing of the polling locations. The Council requested that Ms. Mitchell relay to the Election Board the Council’s request to reconsider closing the aforementioned polling locations if, during the next budget cycle, the

County restored the \$5,550.00 in funding to the Election Board for the purpose of maintaining the current polling stations.

X. Council Election of Officers for 2011-2012 - Mr. Pack was elected as president of the Talbot County Council for 2011-2012. Mr. Hollis was elected Vice-President of the Talbot County Council for 2011-2012.

XI. County Manager's Report:

A. Talbot County Village Center Board – Requested Council approval for the appointment of Stephen Bailey to a three-year term on the Village Center Board as a representative of the Village of Bar Neck; said term will expire June 30, 2013; requested approval for the appointment of Herbert Hickman to a three-year term as a representative of the Village of McDaniel; said term will expire June 30, 2012. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the appointments by voting 5– 0 as follows:

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

B. Bid No. 11-21, OAK CREEK LANDING – BOATING ACCESS SITE IMPROVEMENTS – Requested Council approval of the Assistant County Engineer's recommendation to award Bid No. 11-21 to the low bidder, Rehak Contracting, LLC in the sum of \$493,340.00 for the Base Bid and Alternate; the funding for the project is as follows: \$115,000.00 from the Maryland Department of Natural Resources Waterway Improvement Program; \$292,275.00 from the U.S. Fish and Wildlife Service Fish Restoration Project; \$68,125.00 in County Capital Improvement Project Funding; and \$17,940.00 in State Marine Pump-out Grant funding. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the award by voting 5 – 0 as follows:

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

C. Bid No. 11-23, LANDING ROAD STONE REVETMENT, RIO VISTA NEAR ST. MICHAELS, TALBOT COUNTY, MARYLAND – Requested Council approval of the Assistant County Engineer's recommendation to award Bid No. 11-23 to the low bidder, Bridges Site and Utilities, Inc. in the sum of \$16,645.00; funding for the project was previously allocated in FY2010 Capital Improvement Project funding. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved the award by voting 5 – 0 as follows:

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

- D. Hog Neck Golf Course Sprayer Replacement – Requested Council approval to purchase a replacement sprayer for Hog Neck Golf Course; said purchase to be made by piggybacking on a Baltimore County School Contract in an amount not to exceed \$31,221.00; funds for the purchase will come from FY2011 savings at Hog Neck Golf Course. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the award by voting 5– 0 as follows:

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

- E. Public Ice Skating at Talbot County Community Center – Rick Towle, Director of Parks and Recreation, stated that the Community Center will offer public ice skating from 1:00 p.m. to 3:00 p.m. on Wednesday, November 23, 2011; and from 12:30 p.m. to 4:30 p.m. on Saturday and Sunday, November 26, 2011 and November 27, 2011.

- F. Talbot County Parks and Recreation Advisory Board – Requested Council approval for the appointment of Steve Capranica to a four-year term on the Parks and Recreation Advisory Board as an at-large member; said term will expire July 1, 2015. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the appointment by voting 5 – 0 as follows:

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

- G. Maryland Department of Housing and Community Development Emergency Shelter Grant - Requested Council approval for the Neighborhood Service Center to apply for an Emergency Shelter Grant from the Maryland Department of Housing and Community Development in the amount of \$40,000; said funding to be used, in large part, for a rental allowance program to provide short-term rental assistance to families who are homeless or otherwise need emergency housing; no County funding is required. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved submittal of the application by voting 5 – 0 as follows:

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

- H. Change Order for Bid No. 10-13, TALBOT COUNTY FREE LIBRARY BUILDING RENOVATION AND EXPANSION - EASTON, MARYLAND – Requested Council approval of a Change Order for Bid No. 10-13 in the sum of \$19,327.00; said Change Order is for the installation of a concrete sidewalk, removal of concrete and replacement concrete from the public sidewalks to the new Library entrance; the concrete sidewalk will replace previously existing pavers which were unable to be reused due to their condition. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the Change Order, minus the provision that the contract be extended by 20 days for the purpose of completing the work by voting 5 – 0 as follows:

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

XII. Council Comments:

Mr. Pack - Mr. Pack thanked his colleagues for their vote of confidence. He wished everyone a happy and safe Thanksgiving.

Mr. Duncan- Mr. Duncan thanked Mr. Bartlett and Mr. Pack for serving as officers for the past year. He stated that, in his opinion, they had done a sterling job under difficult circumstances and he looked forward to the new administration.

Mr. Bartlett - Mr. Bartlett thanked Mr. Pack for doing a great job this year as Council Vice President. He stated that he appreciated all Mr. Pack’s hard work, leadership, advice and counsel over the past year. He stated that, in his opinion, they work with a great group of people who rely on each other and frequently speak with one another. He stated that despite sometimes heated discussions, the Council is working on the same team for the citizens of Talbot County. Mr. Bartlett concluded his comments by wishing Mr. Pack the best of luck as President of the Council and Mr. Hollis as Vice President.

Ms. Price - No comments.

Mr. Hollis- No comments.

XIII. Upon motion by Mr. Pack, seconded by Ms. Price, the Council voted to adjourn to a work session for discussion of the Watershed Implementation Plan to address TMDLs as mandated by the Clean Water Act; to reconvene in Executive Session for discussion of legal, personnel, and real estate matters; to reconvene on Tuesday, November 29, 2011 at 5:00 p.m. for a meeting with the Incorporated Towns, and at 6:00 p.m. for a work session to discuss the Easton Library Renovation Project; and to reconvene on Tuesday, December 6, 2011, a legislative day, at 12:30 p.m. in Executive Session for discussion of legal, personnel, and real estate matters, and for the legislative session at 1:30 p.m. by voting 5 – 0 as follows:

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

The meeting adjourned at 7:48 p.m.

XIV. On Tuesday, November 22, 2011 an Executive Session of the Talbot County Council convened at 5:10 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Pack seconded by Mr. Hollis, the Council met in Executive Session by voting 5-0 as follows:

Mr. Bartlett – Aye

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

In accordance with State Article §10-508(a)(1)(i)(3)(4)(7)(8) the purpose of the Executive Session was for discussion of a personnel matter to discuss appointments to various County boards and committees; for a legal matter for legal advice regarding potential litigation; for a legal/real estate matter to discuss legal advice concerning possible relocation of Memorial Hospital at Easton to County owned property and timetable for same; and for a real estate matter to discuss possible acquisition of property for a public purpose. The meeting recessed at 6:00 p.m. and reconvened at 9:30 p.m. The Executive Session ended at 10:30 p.m.

The transcript of the November 22, 2011 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XV. Work Session on Watershed Implementation Plans (WIPs) and Total Maximum Daily Loads (TMDLs) as Mandated by the Clean Water Act – Sandy Coyman, Planning Officer; Carrie Decker, Maryland Department of Natural Resources – The County Council held a work session on Tuesday, November 22<sup>nd</sup> at 8:00 p.m. in the Bradley Meeting Room. Mr. Coyman briefed the Council on the responsibilities and deadlines associated with the submission of planning documents to the State for Total Maximum Daily Loads (TMDLs) and Watershed Implementation Plans (WIPs). Mr. Coyman noted that the State is seeking input from the County on the plans. The WIP addresses the TMDL through five sections: septic, urban, processed water, forest and agriculture. Mr. Coyman explained that the State has advised the County should focus on the septic and urban sectors and provided additional information and tables on addressing these areas to meet the TMDLs. In closing Mr. Coyman recommended the Council submit proposed scenarios to address the TMDLs to Maryland Department of the Environment for their review. The public was invited to comment on the WIPs and TMDLs. Tom Alspach, President of Talbot Preservation Alliance, provided a presentation to the Council and requested they consider other proposals to address the TMDLs; Alan Girard, Chesapeake Bay Foundation discussed the importance of clean water; Richard Hutchison expressed his concerns over some of the models discussed in Talbot Preservation Alliance’s presentation. The work session ended at 9:15 p.m.

**CASH STATEMENT 11/15/2011**

<b>BALANCE 11/08/2011</b>	\$17,778,058.25
UTMC QUARTERLY BOND PAYMENT	(2,833.00)
STATE REPORT 10/2011	(330,691.01)
UHC CLAIMS THRU 11/8/11	(44,372.11)
BANK CHARGES 10/2011	(1,965.45)
INTEREST ON ACCOUNT 10/2011	5,751.98
RETURNED CHECK	(145.00)
MLGIP INVESTMENT	(6,000,000.00)
MLGIP INTEREST ON ACCT 10/2011	508.15
PAYROLL-FD/SS/MS WH 11/10/2011	(99,798.18)
SECU DED	(9,298.14)
DEFERRED COMP DED	(10,152.72)
MD WH	(27,837.44)

PENSION DED	(28,542.62)
ACH TRANSFER	(10,913.00)
FLEX SPENDING ACCT	(2,507.90)

DEPOSITS	332,960.34
CHECKS	(545,853.48)
VOID CHECK NO.S 271600, 272094, 272132	407.96

**BALANCE 11/15/2011** **\$11,002,776.62**

**AIRPORT ACCOUNTS**

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	16,346.21
AIP-35	39,510.11
AIP36	10,920.37
AIP37	6,977.74
AIP38	--

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$73,754.43**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/18/2011	12/20/11	0.56%	3,000,000.00
07/19/2011	01/17/12	0.31%	3,000,000.00
07/19/2011	04/17/12	0.41%	4,000,000.00
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

PNC-MLGIP INVESTMENTS TOTAL 0.09% 13,000,000.00

**TOTAL INVESTED** **\$39,000,000.00**

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

**GRAND TOTAL ALL FUNDS** **\$50,083,331.05**

**CASH STATEMENT 11/22/2011**

**BALANCE 11/15/2011** \$11,002,776.62

LOCAL SHARE TO AIP35, AIP36, AIP37	(2,787.37)
UHC CLAIMS THRU 11/15/2011	(58,077.58)
RETURNED CHECK	(145.00)

DEPOSITS	230,569.84
CHECKS	(627,055.78)



**BALANCE 11/22/2011** **10,545,280.73**

**AIRPORT ACCOUNTS**

**NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS**

AIP34					-
					16,346.21
AIP35	BALANCE 11/15/2011	39,510.11			
	DEPOSITS	9,951.00			
	TRANS FR GEN FUND	2,507.66			
	CHECKS	(4,665.38)			47,303.39
AIP36	BALANCE 11/15/2011	10,920.37			
	DEPOSITS	3,548.00			
	TRANS FR GEN FUND	59.38			
	CHECKS	(2,459.88)			12,067.87
AIP37	BALANCE 11/15/2011	6,977.74			
	DEPOSITS	5,402.00			
	TRANS FR GEN FUND	220.33			
	CHECKS	(11,887.57)			712.50
AIP38					--

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$76,429.97**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/18/2011	12/20/11	0.56%	3,000,000.00
07/19/2011	01/17/12	0.31%	3,000,000.00
07/19/2011	04/17/12	0.41%	4,000,000.00
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

PNC-MLGIP INVESTMENTS TOTAL 0.09% 13,000,000.00

**TOTAL INVESTED** **\$39,000,000.00**

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

**GRAND TOTAL ALL FUNDS** **\$49,628,510.70**