



# Talbot County, Maryland



Easton, Maryland

MINUTES

October 25, 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 October 25, 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 October 11, 2011 were approved upon motion by Mr. Hollis, seconded by Mr. Pack, with the Council voting 5 - 0 as follows:

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

- III. Disbursements – Disbursements of October 18, 2011 and October 25, 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. Introduction of Kenneth D. Kozel, President and CEO, Shore Health System, Inc. - The Council, followed by Patti Willis, Senior Vice President, External Relations and Development, Shore Health System, Inc., formally introduced Kenneth Kozel, the new President and CEO of Shore Health System, Inc. Mr. Kozel stated that he has been involved in the field of healthcare for 25 years. He provided his observations about Shore Health System, in his opinion, the shining star in the community, and stated that, from his observation, the 2,000 plus employees and physicians of Shore Health System are dedicated employees who want to play an active role in the Shore Health System organization and in the Talbot County community. He emphasized Shore Health System’s relationship within the University of Maryland Medical System and outlined some of the priorities for his administration, including: (1) continuing the work of his predecessor to create a Regional Medical Center by identifying the necessary steps to file a Certificate of Need (CON) in calendar year 2012; (2) working to make Shore Health System, Inc. the best in quality care and patient satisfaction, physician engagement and strong financial performance; (3) commitment to the success of Shore Health System by making sure that patients and their families get the

highest level of healthcare which Shore Health System can provide. Council members welcomed Mr. Kozel to Talbot County.

- V. Discussion of PlanMaryland – Sandy Coyman, Planning Officer – Mr. Coyman briefed the Council on PlanMaryland, (the “Plan”) the State of Maryland’s proposed land use plan for development, as was called for in the State’s Land Use Act of 1974. Mr. Coyman stated that responsibility for development of the Plan lies with the Secretary of the Maryland Department of Planning at the direction of the Governor; once finalized, the Plan will be forwarded to the Governor for his signature; no legislation is associated with the Plan. Mr. Coyman outlined the purpose of the Plan, stating that it will express the State’s goals and objectives for (1) assessing current state investments and actions affecting land use and development; (2) delineating future land use categories; (3) developing implementation strategies to achieve the Plan’s goals and objectives, and (4) managing and tracking the Plan’s implementation. He provided a synopsis of comments, questions, and concerns from the Office of Planning and Zoning and the Planning Commission on the current revised draft of the Plan, dated September 2011 and stated that the Planning Commission concurred with the comments of the Planning Office; Planning Commission member Thomas Hughes also provided personal comments on the Plan. Council discussion ensued with Mr. Coyman. The Council will further review the revised draft Plan and will provide comments; comments approved by the Council will be forwarded to the State.

VI. Public hearing:

The Clerk read 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 into the record. Prior to the public hearing on Resolution No. 189, County Attorney Michael Pullen stated that State law requires that the County appoint a Redistricting Commission for the Board of Education election districts after each decennial census. He stated that the Council had appointed the Redistricting Commission and that the Redistricting Commission had met during the summer and had provided a written series of recommendations for the seven election districts to be established. Mr. Pullen stated that census data was superimposed on the census blocks in the County; staff then used Geographic Information System (GIS) to derive various alternatives for the Commission’s consideration and made a formal recommendation to the Council on September 15, 2011. He stated that Resolution No. 189 reflects the Redistricting Commission’s recommendation and fulfills the State mandate which requires the districts to be reasonably compact, contiguous, substantially equal in population, and in accordance with the legal principles which ensure that one or more of the election districts encompasses residents in which a majority of the voting age population consists of racial minorities. Under State law, the Redistricting Plan automatically becomes effective 90 days after it is submitted unless the County Council adopts a different plan; the 90-day time period will expire on December 14, 2011. Mark Cohoon, GIS Manager, more fully described the process by which GIS used Census information to derive various options for the Commission’s consideration. The public was afforded an opportunity to comment on the proposed legislation. Written comments will be accepted by the Office of the Talbot County Manager until 12:00 noon on Friday, October 28, 2011. Resolution No. 189 is eligible for vote on Tuesday, November 8, 2011.

VII. County Manager’s Report:

- A. Mid-Shore Mental Health Systems, Inc. Board of Directors – Requested Council approval for the reappointment of Steven Kehoe to a four-year term on the Mid-Shore Mental Health Systems, Inc. Board of Directors as an at-large member; requested Council approval for the appointment of Karla Graham to a four-year term on the Mid-Shore Mental Health Systems, Inc. Board of Directors as an at-large member; said terms will expire in June 2015 and October 2015, respectively. Upon motion by

Mr. Duncan, seconded by Mr. Hollis, the Council approved the reappointment and the appointment by voting 5 – 0 as follows:

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

- B. Upper Shore Workforce Investment Board of Directors – Requested Council approval for the appointment of John Ruffini to a three-year term on the Upper Shore Workforce Investment Board as a representative from the private sector; said term will expire June 30, 2014. Upon motion by Ms. Price, 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

- C. Bid No. 11-20, TIMBER BULKHEAD AND FLOATING DOCK BAR NECK LANDING, TALBOT COUNTY, MARYLAND – Requested Council approval of the Assistant County Engineer’s recommendation to award Bid No. 11-20 to the low bidder, Big Island Ventures, LLC, in the sum of \$44,500 for repairs to the bulkhead and floating dock; total funding for the project is \$55,000 which includes \$50,000 in local FY2007 Capital Funding and \$5,000 in Maryland Department of Natural Resources grants; total expenditures for the project are anticipated to be \$53,300 and include tree mitigation, landscaping and parking improvements. Upon motion by Mr. Hollis, 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. Talbot County Community Center External Signage – Requested Council approval of the Director of Parks & Recreation’s recommendation to replace the external signage on the east side of the Talbot County Community Center building facing U.S. Rt. 50 at a cost of \$2,768.32; said funding would be derived from contingency funds which the County Manager certified are available. Council discussion ensued. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved replacement of the signage, with the understanding that the County Seal would replace the Parks & Recreation logo depicted in the rendering of the signage by voting 5 – 0 as follows:

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

E. Change Orders, Bid No. 10-13, TALBOT COUNTY FREE LIBRARY BUILDING RENOVATION AND EXPANSION EASTON, MARYLAND – Requested Council approval of the following Change Orders for Bid No. 10-13:

1. Change Order No. 57 in the sum of \$1,666.00 to cover the cost of a bronze plaque recognizing the names of individuals involved in the building renovation project. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the change order by voting 5 – 0 as follows:

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

2. Change Order No. 56 in the sum of \$5,200 for rerouting of the roof drain in the children’s area and to modify the drywall framing. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the change order by voting 5 – 0 as follows:

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

3. Change Order No. 55 in the sum of \$9,729.00 for wiring related to additional security hardware for five external doors; and Change Order No. 44 in the sum of \$36,952.00 for additional electronic hardware to the security system for the five external doors; the original specifications called for a keyed system with a hard lock security system. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the change orders by voting 3 – 2 as follows:

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

4. Change Order No. 51 in the sum of \$10,120 for curbing in the Library employee parking area; said curbing is necessary to hold parking pavers in place. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the change order by voting 5 – 0 as follows:

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

5. Change Order No. 50 in the sum of \$14,622 for the installation of automatic sliding doors in the entrance to the Library in lieu of bi-fold doors to alleviate safety and maintenance issues

associated with bi-fold doors. Upon motion by Mr. Pack, second by Mr. Hollis, the Council approved the Change Order by voting 5 – 0 as follows:

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

6. Change Order No. 49 in the sum of \$3,366 for the installation of underground storm lines to connect to the gutter canopy drain in the children's addition. Mr. Bartlett requested that the County Engineer seek reimbursement of \$439.00, the overhead and profit on the change order as the work had been completed prior to approval by the architect as specified in the contract. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the change order, minus overhead and profit in the sum of \$439.00, by voting 3 – 2 as follows:

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

7. Change Order No. 45 in the sum of \$3,720 as a credit for the deletion of an item in the original contract. Mr. Bartlett requested that Council also request the 15% markup for overhead and profit for a total amount of \$4,278.00, provided the contract allows for same on credit change orders. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the change order in the sum of \$4,278.00 by voting 5 – 0 as follows:

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

8. Change Order No. 21R in the sum of \$10,372.00 to provide additional lighting fixtures in several locations in the Library facility. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the change order by voting 5 – 0 as follows:

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

9. Change Order No. 20R in the sum of \$3,409.00 for the installation of new mortar where same is deteriorated on the exterior of the facility. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the Change Order by voting 5 – 0 as follows:

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

Mr. Craig stated that the Library anticipates relocating back to the renovated facility in late January or early February 2012. He provided a history of funding for the Library project, stating that should no further expenditures be incurred, the remaining funds for the project would total \$1,129,737.41. Council discussion ensued with representatives of the Library regarding anticipated remaining expenditures. At Council's request, a work session with Library representatives will be scheduled at a later date to discuss the remaining funding for the project.

VIII. Council Comments:

Mr. Duncan - No comments.

Ms. Price - No comments.

Mr. Bartlett - No comments.

Mr. Pack - No comments.

Mr. Hollis - No comments.

IX. Upon motion by Mr. Pack, seconded by Mr. Price, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters, to reconvene at 5:00 p.m. on Tuesday, November 1, 2011 for a work session with staff to discuss the Watershed Improvement Plan (WIP) and Total Maximum Daily Loads (TMDL's), and at 6:00 p.m. for a work session with staff to discuss the Village Center moratorium on subdivisions; and to reconvene on Tuesday, November 8, 2011 at 12:30 p.m. in Executive Session for discussion of legal, personnel and real estate matters and at 1:30 p.m. for the regularly scheduled meeting 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 8:35 p.m.

X. On Tuesday, October 25, 2011 an Executive Session of the Talbot County Council convened at 5:30 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Hollis, seconded by Mr. Pack, 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)(4)(7) the purpose of the Executive Session was for discussion of a legal/real estate matter to obtain legal advice concerning the possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same; and for a personnel matter to discuss appointments to various County boards and committees. The meeting recessed at 6:00 p.m. and reconvened at 8:45 p.m. The Executive Session ended at 9:55 p.m.

The transcript of the October 25, 2011 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XI. Work Session with Talbot County Board of Education – The County Council held a work session with members of the Talbot County Board of Education on Tuesday, October 25, 2011 at 4:00 p.m. in Conference Room 1 of the Talbot County Government Building at 215 Bay Street. Topics of discussion included the following: (1) Budget preparation for FY2012-2013 – the Council requested that the Board of Education provide its budget request in a format similar to that used in FY2005 which included a descriptive summary of each department and each object within that department, and the allocation of funding to each school; (2) the impact of State budget cuts to the County, including the possibility of the State transferring the responsibility for funding a portion of teachers' pensions to local jurisdictions; (3) Council's request for the Board of Education's consideration for a member liaison to the County Council; (4) discussion of the new State Ethics Ordinance; (5) the proposal for a YMCA facility at the St. Michaels School Campus; (6) negotiated agreement requirements of the Talbot County Education Association; and (7) the legal responsibility of the Board of Education and the Superintendent to fund public education. Council discussion ensued with representatives of the Board of Education.
- XII. Work Session on Proposed Rewrite of Chapter 11 Talbot County Code – Alcoholic Beverage Ordinance (Liquor Code) - The County Council held a work session with the members of the Work Group on the Rewrite of the Talbot County Alcoholic Beverages Ordinance (Liquor Code) on Tuesday, October 18, 2011 at 5:00 p.m. in the Bradley Meeting Room. Sandy Coyman, Planning Officer, provided a PowerPoint presentation of the Work Group's recommendations for changes to the Talbot County Alcoholic Beverages Ordinance. He stated that on April 12, 2011, the Council had approved Resolution No. 179, A RESOLUTION TO ADOPT A MORATORIUM ON ISSUING OF CLASS A, OFF- SALE BEER AND LIGHT WINE LICENSES, AND CLASS E, OFF-SALE BEER, WINE AND LIQUOR LICENSES, BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A PERIOD OF SIX MONTHS PENDING CONSIDERATION AND ADOPTION OF LEGISLATION THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE. Mr. Coyman stated that following enactment of Resolution No. 179, a Work Group representing various sectors of the community had been appointed by the Council to study the current Talbot County Alcoholic Beverages Ordinance and to make recommendations for possible changes to the Ordinance. He stated that the group had met several times, had developed recommendations and had presented the recommendations to the public for comment on August 16, 2011; the recommendations were revised following the August 16<sup>th</sup> public meeting and are now before the Council for consideration. Council members discussed each of the recommendations as they were brought forward.
- XIII. Work Session on New Critical Area Regulations – The Council held a work session with the public on the new Critical Area regulations on Tuesday, October 18, 2011 at 6:30 p.m. in the Bradley Meeting Room. Sandy Coyman, Planning Officer, stated that in June 2011, Bruce Armistead had provided an overview of his concerns regarding the new Critical Area regulations from his perspective as an attorney working with property owners or potential property owners within the Critical Area. Staff then met with the Council in July to continue discussion of the new regulations and to review the classes of issues as outlined by staff to be presented to the Critical Area Commission for approval as alternatives for Talbot County to the State regulations; the new State Critical Area regulations became effective in March 2010. Tom Alspach requested that Council consider appointing a Commission comprised of individuals representing various

segments of Talbot County, including the environmental sector, property owners, the real estate sector, and others, to study possible alternatives to present to the State for review and consideration for approval; Mr. Alspach stated his willingness to propose a list of names for Council’s consideration. Mr. Alspach also requested that the Commission, if appointed, be given a timeframe of 120 to 180 days to study the matter. Members of the public were afforded an opportunity to comment on the Critical Area regulations and provided specific examples as to how the regulations are negatively affecting their various businesses. Council discussion ensued.

**CASH STATEMENT 10/18/2011**

<b>BALANCE 10/11/2011</b>	\$30,399,725.45
UHC CLAIMS THRU 10/11/2011	(30,017.04)
PAYROLL-FD/SS/MS WH 10/14/2011	(98,983.34)
SECUR DED	(9,022.28)
DEFERRED COMP DED	(10,215.22)
MD WH	(27,612.41)
PENSION DED	(28,713.58)
ACH TRANSFER	(10,853.00)
FLEX SPENDING ACCT	(2,452.89)
DEPOSITS	711,224.16
CHECKS	(1,025,124.36)
<b>BALANCE 10/18/2011</b>	<b><u>29,867,955.49</u></b>

**AIRPORT ACCOUNTS**

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	-
AIP34	16,346.21
AIP35	39,407.11
AIP36	10,859.37
AIP37	6,822.74
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>	<b><u>\$73,435.43</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/19/2011	10/18/11	0.21%	3,000,000.00
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
<b>PNC-MLGIP INVESTMENTS TOTAL</b>		0.09%	7,000,000.00

**TOTAL INVESTED** **\$24,000,000.00**

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



**GRAND TOTAL ALL FUNDS** **\$53,948,190.92**

**CASH STATEMENT 10/25/2011**

<b>BALANCE 10/18/2011</b>			\$29,867,955.49
SALE&INT ON CD@TALBOT BANK			3,001,571.09
PURCHASE CD@TALBOT BANK			(3,000,000.00)
9 MONTHS@026%, 7/18/2012			
PURCHASE CD@TALBOT BANK			(4,000,000.00)
12 MONTHS @.41%, 10/18/2012			
PURCHASE CD@TALBOT BANK			(5,000,000.00)
9 MONTHS@.26%, 7/18/2012			
UHC CLAIM THRU 10/18/2011			(19,791.13)
POSTAGE WIRE			(3,000.00)
DEPOSITS			542,251.85
CHECKS			(580,214.98)
<b>BALANCE 10/25/2011</b>			<b><u>\$20,808,772.32</u></b>

**AIRPORT ACCOUNTS**

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP-34			16,346.21
AIP-35	BALANCE 10/18/2011	\$ 39,407.11	
	DEPOSIT	103.00	39,510.11
AIP36	BALANCE 10/18/2011	10,859.37	
	DEPOSIT	61.00	10,920.37
AIP37	BALANCE 10/18/2011	6,822.74	
	DEPOSIT	155.00	6,977.74

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$73,435.43**

**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		0.08%	7,000,000.00

<b>TOTAL INVESTED</b>	<b><u>\$33,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>	<b><u>\$6,800.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>	<b><u>\$53,889,326.75</u></b>