



TALBOT COUNTY, MARYLAND

County Council

MINUTES

October 25, 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, October 25, 2016.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, October 11, 2016.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, October 18, 2016 and Tuesday, October 25, 2016.
- IV. Presentation of Proclamation: November as National Hospice and Palliative Care Month - Prior to presentation of the proclamation, Vivian Dodge, Executive Director, Hospice of Talbot County, stated that the mission of Hospice is to provide end-of-life services to the residents of the Talbot County community who want or need end-of-life care. She stated that Hospice works with individuals facing a life-limiting illness, and his or her loved ones, to provide emotional, social and spiritual support to allow the individual affected by the life-limiting illness to determine what is most important to them during their final chapter of life. Dr. Michael Tooke, Medical Director, Talbot Hospice, stated that the purpose of recognizing November as National Hospice and Palliative Care Month is to bring awareness to what hospice and palliative care are and to enhance an individual’s health and quality of life by providing individuals and their families education and support toward managing a terminal illness or chronic disease through symptom management. Representatives of both organizations encouraged all adults to complete an advanced directive to ensure that their end-of-life wishes are known. The Clerk then read a proclamation into the record which spoke of the dedication of the thousands of volunteers and palliative care professionals involved in the continuum of care for those with life-limiting conditions. Upon motion by Ms. Williams, seconded by Mr. Bartlett, the Council approved the proclamation by voting 5 – 0 as follows:

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

Mr. Bartlett presented the Proclamation to representatives of Talbot Hospice and Shore Regional Health Palliative Care Program in attendance and expressed appreciation to the representatives for their time and commitment to the important work they do.

- V. Update by University of Maryland Shore Regional Health – Ken Kozel, MBA, FACHE, President and Chief Executive Officer; Patti Willis, Senior Vice President, Strategy and Communications – Ms. Willis

utilized a PowerPoint presentation to provide information on the demographics of Talbot County which assist University of Maryland Shore Regional Health with development of a comprehensive health delivery plan for its service area. She stated that the healthcare needs of the service area include, among others, cancer, diabetes and hypertension prevention, and addiction and behavioral health treatment. Mr. Kozel stated that the mission of Shore Regional Health, as outlined in the recently adopted five-year Strategic Plan is as follows: *“The Strategic Plan supports our Mission, Creating Healthier Communities Together, and our Vision, to be the region’s leader in patient centered health care. Our goal is to provide quality health care services that are comprehensive, accessible and convenient, and that address the needs of our patients, their families and our wider communities.”* He provided statistical information for FY2016 for the five-county area served by Shore Regional Health and a listing of 2016 achievements and milestones for Shore Regional Health in Talbot County, including the opening of the Cadmus 2 facility on Idlewild Avenue; the Clark Comprehensive Breast Center; the Urgent Care Center in partnership with Choice One; and physician and provider recruitment. He then outlined and detailed the five goals of the Strategic Plan to realize the mission: putting patients first; innovation and clinical integration; access to care; team strength; and financial resources. Mr. Kozel then outlined seven essential elements of the Shore Regional Health service delivery plan, as well as challenges for implementation and the strategies to address each of the challenges. Mr. Kozel advised that Shore Regional Health has officially filed a Certificate of Need (CON) for a replacement hospital for Easton and provided an artist’s rendering of the future hospital as well as the size, estimated cost, and anticipated timeline for completion of the new facility; review of the CON by the Maryland Health Care Commission is anticipated to be completed by October 2017. Council discussion ensued with Mr. Kozel and Ms. Willis as various topics were brought forward. If the project is approved, Talbot County has committed to providing water and sewer services to the property line of the proposed location for the new facility. Mr. Kozel and Ms. Willis will continue to update the Council on a regular or as-needed basis.

- VI. Presentation on Solar Energy System (SES) Facilities – Mary Kay Verdery, Planning Officer; Members, Talbot County Solar Array Committee – Ms. Verdery stated that the Council, at the Planning Commission’s recommendation, had introduced and subsequently approved Resolution No. 227, *A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE PERMITTING OF SOLAR ARRAY ENERGY SYSTEMS OCCUPYING AN AREA TWO (2) ACRES OR GREATER FOR A PERIOD OF SIX (6) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE*, in order to provide additional time for more careful study of solar array energy systems following increased interest in placement of such facilities in Talbot County and neighboring counties. Ms. Verdery stated that the Council had appointed a Solar Array Committee comprised of County staff, a member of the Planning Commission and Public Works Advisory Board, industry representatives, landowners, businessmen, private citizens and representatives of the agricultural community. She stated that the Committee met twice weekly from early July through early October to help formulate legislation for consideration by the Planning Commission. She stated that the Planning Commission unanimously approved forwarding legislation to the Council for consideration of introduction. Scott Kane and Frank Cavanaugh, members of the Solar Array Committee, briefed the Council on the process by which the Committee drafted the legislation following consultation with various stakeholders, representatives from surrounding counties and industry professionals. Council discussion ensued with Ms. Verdery, Mr. Kane, and Mr. Cavanaugh regarding various facets of the proposed legislation. Ms. Verdery stated that the Planning Commission will be reviewing the proposed legislation again at their meeting on Wednesday, November 2, 2016 for consideration of some minor revisions. The legislation is anticipated to be introduced at the Tuesday, November 15, 2016 Council meeting.

VII. Public Hearings:

Resolution No. 235, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN PARCELS OF LAND DESIGNATED AS “TIER III-C” IN THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN COMPRISING THE SUBDIVISIONS OF AVELEY, DONCASTER, NORTH BEND, THE REST, AND ARCADIA SHORES, AS WELL AS CERTAIN SUBDIVIDED “TIER III-C” AREAS ALONG ROYAL OAK ROAD, BLUEBERRY ACRES ROAD, DEEP WATER POINT ROAD, LONG HAUL ROAD, YACHT CLUB ROAD, AND ROLLES RANGE ROAD, FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Engineer, Ray Clarke, stated that Resolution Nos. 235 and 236 will need to be reviewed by the Planning Commission at its meeting on Tuesday, November 2, 2016 to ensure consistency with the County Comprehensive Plan, and as such, requested that Council postpone the vote on both resolutions until the next legislative day. Mr. Clarke stated that a delay in the vote will not have an impact on the property owners requesting sewer service as County staff still needs to proceed with the process for funding the projects which is anticipated to become available on July 1, 2017. The public was then afforded an opportunity to comment on the legislation. Resolution No. 235 was initially determined to be eligible for vote on Tuesday, December 13, 2016. Following all the public hearings, the Council voted to declare Tuesday, November 15, 2016 a Special Legislative Day, making Resolution No. 235 eligible for vote on Tuesday, November 15, 2016.

Resolution No. 236, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP A PARCEL OF LAND LOCATED AT 25145 ST. MICHAELS ROAD, ST. MICHAELS, MARYLAND 21663, IDENTIFIED AS TAX MAP 32, PARCEL 36, CONSISTING OF 3.73 ACRES OF LAND, MORE OR LESS, OWNED BY SHANNAHAN ARTESIAN WELL CO., INC., FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Engineer, Ray Clarke, stated that the septic system of the property outlined in Resolution No. 236 has a failing septic system which requires that the owner pump and haul septage on a continual basis. He stated that the subject property is immediately adjacent to a property currently receiving sewer service so extension of sewer service to the property is a natural progression for sewer service. Mr. Clarke reiterated that Resolution No. 236 will need to be reviewed by the Planning Commission at their meeting on Wednesday, November 2, 2016 to ensure it is consistent with the County Comprehensive Plan. The public was then afforded an opportunity to comment on the legislation. Resolution No. 236 was initially determined to be eligible for vote on Tuesday, December 13, 2016. Following all the public hearings, the Council voted to declare Tuesday, November 15, 2016 a Special Legislative Day, making Resolution No. 236 eligible for vote on Tuesday, November 15, 2016.

VIII. Eligible for Vote:

Resolution No. 234, A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, TOGETHER WITH PORTIONS OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS PORT STREET AND PORTIONS OF THE TRED AVON RIVER, BY THE TOWN OF EASTON, MARYLAND (THE “TOWN”) CONSISTING OF APPROXIMATELY 6.533 ACRES OF LAND, MORE OR LESS, (THE “PROPERTY”), FINDING THAT THE PROPOSED REZONING FROM THE COUNTY’S EXISTING LIMITED INDUSTRIAL (“LI”) ZONE TO THE TOWN’S PROPOSED GENERAL COMMERCIAL (“CG”) ZONE WILL RESULT IN SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER EXISTING COUNTY ZONING, AND WAIVING THE 5-

YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Planning Officer, Mary Kay Verdery, stated that the Planning Commission, at its meeting on Tuesday, September 7, 2016, by a vote of 4 – 1 recommended that Council support the proposed Easton Point annexation and waive the five-year zoning restriction. Ms. Price requested Council's consideration to postpone the vote on Resolution No. 234 until after the County Planning Commission meeting with the Council on Tuesday, November 1, 2016 and the joint County/Town of Easton Planning Commission meeting on Tuesday, November 15, 2016 to resolve any outstanding issues, including, in her opinion, a noise ordinance standard. She cited her concerns that noise generated at any restaurants or bars which might be established at Easton Point would travel across the water and adversely affect several subdivisions. She stated that the Town of Easton does not have its own noise ordinance, but instead follows the State noise ordinance, which differs from the Talbot County noise ordinance; two of the communities which could be impacted are located in the county, not within the corporate limits of the Town of Easton. Council discussion ensued regarding Ms. Price's noise concerns and members expressed their opinion as to whether the matter should be brought forward for vote at the present time. Mr. Pack stated that the Council does have an unwritten gentleman's agreement that if a Council member requests that a vote be deferred to a later date that such a request would be honored; Council agreed to honor Ms. Price's request. County Attorney, Mike Pullen, asked for Council's consideration of an amendment to Resolution No. 234. At Mr. Pack's request, the Clerk read the amendment into the record. The amendment was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams. A continuation of the public hearing on Resolution No. 234, proposed amendment only, was scheduled for Tuesday, November 15, 2016. Resolution No. 234, and the proposed amendment, are eligible for vote on Tuesday, November 15, 2016.

IX. County Manager's Report:

- A. Bid No. 16-19. FURNISHING AND DELIVERY OF AASHTO M43, SIZE NO. 8 TRIPLE WASHED AGGREGATE - Requested Council approval to award Bid No. 16-19 to the low bidder, Vulcan Construction Materials, LLC in the sum of \$120,015, or \$26.67 per ton, delivered, for 4,500 tons of AASHTO M43, Size No. 8 triple washed aggregate; funding for the material is included in the FY17 Roads Department budget. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council approved the bid award by voting 5 – 0 as follows:

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

X. Council Comments:

Ms. Williams – No comments
Mr. Bartlett - No comments.
Ms. Price - No comments.
Mr. Callahan - No comments.
Mr. Pack - No comments.

- XI. Upon motion by Ms. Williams, seconded by Mr. Callahan, the Council voted to adjourn into Closed Session for discussion of legal, personnel, and real estate matters as listed on the Statement for Closing the Meeting which is available for public review. It is declared that Tuesday, November 15, 2016 will be a Special Legislative Day. The Council will be meeting in Open Session at 4:00 p.m. on Tuesday, November 1, 2016 in the Easton Library Meeting Room for a meeting with the Talbot County Planning Commission to discuss Easton Point. At 5:00 p.m. the Council will adjourn into Closed Session for discussion of legal, personnel, and real estate matters as listed on the Statement for Closing that Meeting which is available for public review; and at 6:00 p.m. for the Council Meeting 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 8:15 p.m.

The transcript of the October 25, 2016 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XII. On Tuesday, October 25, 2016 a Closed Session of the Talbot County Council convened at 5:05 p.m. in the County Council Conference Room. Upon motion by Mr. Callahan, seconded by Ms. Williams, the Council met in Closed 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 General Provisions Article § 3-305(b)(1)(i)(3)(7)(8) the purpose of the Closed Session was for personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter in Economic Development; and to discuss a personnel matter at Hog Neck Golf Course; for real estate matters to discuss the possible disposition of County owned property and to discuss the acquisition of property for a public purpose; and for legal matters for an update on a legal matter involving the County. The Closed Session ended at 6:00p.m. and reconvened at 8:25 p.m. The Closed Session ended at 8:50 p.m.

- XIII. Joint Meeting with Talbot County Board of Education - The Talbot County Council held a joint dinner meeting with the Board of Education at 6:00 p.m. on Monday, October 24, 2016 at Easton High School. Attendees at the meeting included members of the Board of Education (Greg Criniti, Michael Garman, Susie Hayward, Juanita Hopkins, Sandy Kleppinger, Otis Sampson, and David Short); Kelly Griffith, Ed.D., Superintendent, Talbot County Public Schools; Charles Connolly, Director of Finance, Talbot County Public Schools; Lynne Duncan, Assistant Superintendent for Administrative and Support Services, Talbot County Public Schools; Helga Einhorn, Ph.D., Assistant Superintendent for Instruction, Talbot County Public Schools; members of the Talbot County Council (Dirck Bartlett, Chuck Callahan, Corey Pack, Laura Price, Jennifer Williams); Andrew Hollis, Talbot County Manager; and Angela Lane, Talbot County Finance Director. Topics of discussion included an update on all Talbot County Public Schools Capital Projects, student enrollment, American Education Week activities, and holiday calendar events; request for audit exemption from the State Office of Legislative Audits; an update on the proposed

partnership between YMCA of the Chesapeake and the Talbot County Senior Center for shared space at the new St. Michaels YMCA; and an update on the State of Maryland Public School Construction meeting held on October 20, 2016 regarding Easton Elementary Schools – Moton/Dobson buildings.

- XIV. Work Session with County Engineer on Strategy to Extend Sewer to Bay Hundred Area – The Council met with County Engineer, Ray Clarke, and members of the Public Works Advisory Board at 4:00 p.m. on Tuesday, October 25, 2016 to discuss various options for extension of sewer to the Bay Hundred Area. Included in the discussion were the re-evaluation of plans for the expansion of the Region V Wastewater Treatment Plant in Tilghman in light of an anticipated sea level rise in Tilghman over the next 75 years, and the expansion of the Region II Plant in St. Michaels as a more viable alternative. Discussion ensued with Mr. Clarke as to the specifics involved in expansion of the Region II Plant to accommodate extension of sewer service to the Bay Hundred Area. By a straw vote of 5 - 0, Council approved Mr. Clarke moving forward with pursuing the feasibility of running two underwater sewer lines, one from Tilghman to St. Michaels and one from Neavitt to St. Michaels, versus a single line from St. Michaels to Neavitt and Tilghman.

CASH STATEMENT 10/18/2016

BALANCE 10/11/2016	\$33,292,683.33
STATE REPORT SEPTEMBER 2016	(644,085.47)
INTEGRA CLAIMS THRU 10/10/2016	(19,422.60)
DEPOSITS	406,967.14
CHECKS	(770,656.12)
VOID CHECK #'S 310684 & 310732	31.26
BALANCE 10/18/2016	<u>32,265,608.54</u>

AIRPORT ACCOUNTS

AIP-42	14,212.32
AIRPORT ACCOUNTS TOTAL BALANCE	<u>14,212.32</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.41%	18,000,000.00
TOTAL INVESTED			<u>\$18,000,000.00</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$50,295,390.86</u>

CASH STATEMENT 10/25/2016

BALANCE 10/18/2016	\$32,265,608.54
INTEGRA CLAIMS THROUGH 10/17/2016	(164,133.34)

PAYROLL-FD/SS/MS WH PPE 9/24/2016 & 10/7/2016	(141,441.04)
DEFERRED COMP DED	(11,186.98)
MD WH	(35,287.58)
PENSION DED	(33,232.00)
SECU DED	(4,291.98)
ACH TRANSFER	(15,496.75)

DEPOSITS	2,089,539.66
CHECKS	(1,153,812.06)
VOID CHECK NO'S 308703 & 311498	1,600.00

BALANCE 10/25/2016 **32,797,866.47**

AIRPORT ACCOUNTS

AIP42	14,212.32
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AIRPORT ACCOUNTS TOTAL BALANCE **14,212.32**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.41%	18,000,000.00

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

PETTY CASH BALANCE **\$15,570.00**

GRAND TOTAL ALL FUNDS **\$50,827,648.79**