



TALBOT COUNTY, MARYLAND

County Council

MINUTES

August 22, 2023

Present – President Chuck Callahan, Vice President Pete Leshner, Keasha N. Haythe, Lynn L. Mielke, Dave Stepp, County Manager Clay Stamp, and County Attorney Patrick Thomas

- I. Agenda – The Agenda of Tuesday, August 22, 2023, was brought forward for approval. Ms. Mielke made a motion to amend the agenda to have Council reconsider its discussion of the July 21, 2023 letter from the Maryland Department of the Environment and direction as to how to proceed as Item XI on the Agenda, just prior to the County Manager’s Report; Mr. Leshner seconded the motion and the Council approved the Agenda of August 22, 2023, as amended, by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, August 8, 2023.

- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, August 15, 2023 and Tuesday, August 22, 2023.

- IV. Proclamation: National Preparedness Month – September 2023 – Prior to presentation of the proclamation, Brian LeCates, Director, Talbot County Department of Emergency Services, and Geneva Schaffle, Division Chief, Emergency Management, briefed the Council on the importance of preparing for both natural and manmade disasters before they occur. Ms. Schaffle expressed her appreciation to the Office of Planning and Zoning for their work all year to maintain the Community Rating System (CRS) for Talbot County, a voluntary program which encourages community floodplain management activities which exceed National Flood Insurance Protection requirements, thereby reducing flood risks and a reduction in flood insurance rates. Council members expressed their appreciation to Ms. Schaffle for making citizens aware of the need to prepare for disasters ahead of time. The Clerk then read a proclamation into the record which spoke of the need for increased public awareness of the importance for individuals, businesses, schools, and houses of worship to have an emergency plan in place for the various types of disasters which may occur. The proclamation also spoke of the importance of the partnership between the Talbot County Department of Emergency Services and the various agencies and organizations involved in the coordination of emergency planning. Upon motion by Mr. Stepp, seconded by Mr. Leshner, the Council approved the proclamation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

Mr. Callahan presented the proclamation to Mr. LeCates and Ms. Schaffle who accepted on behalf of the Department of Emergency Services.

V. Presentation and Request by “Elgin’s Army” – Elgin Hawley and Jennifer Hawley – Elgin Hawley read a statement into the record detailing how the brain aneurysm and hemorrhagic stroke she suffered during field hockey tryouts at Easton High School on August 18, 2021 and the long road to recovery through faith, grit, and hard work, have made her more determined in life. She stated that she did not give up on herself, and nobody gave up on her, and despite the event ending her ability to play the sport she loved, her desire to help her teammates and future Easton High School athletes continues. She then outlined her desire to provide a turf playing field for current and future athletes at Easton High School and stated that she will be using her gift from the Make-A-Wish Foundation to assist with funding the field and requested Council consideration to also assist with funding the turf field. Jennifer Hawley, Elgin’s mother, spoke about the importance of field hockey in Elgin’s life, the traumatic experience of the brain aneurysm and its aftermath on Elgin and her family, and teammates, and how Elgin’s inability to play again has made her more determined than ever. Ms. Hawley outlined fundraising plans to make Elgin’s wish of a turf field at Easton High School become a reality and various coaches, athletes and community members, wearing “Elgin’s Army” tee-shirts, spoke of how a turf field would make Easton High School athletes more competitive with other schools both on the Eastern Shore and the Western Shore, many of whom already practice and play on turf fields. The Council expressed its appreciation to the younger Ms. Hawley for sharing her story. During the Public Comments portion of the meeting, representatives of “Elgin’s Army” utilized a PowerPoint presentation which showed Elgin Hawley playing field hockey prior to her brain aneurysm, while in the hospital, on the road to recovery, and the support of her teammates. Several representatives commented about the need, in their opinion, for a turf field at Easton High School.

VI. Public Hearing on FY24 Community Development Block Grant (CDBG) Project:

- St. Vincent de Paul (SVDP) – 29533 Canvasback Drive, Easton, MD 21601 – The original request for \$465,000 in FY24 CDBG funding to expand the SVDP facility has been approved. After consulting with various engineering firms, SVDP is increasing the addition from 1,920 square feet to 2,400 square feet and enlarging the parking lot. The County will be requesting an additional \$160,000 in CDBG funds for this modification. SVDP provides food, shelter, clothing, financial help and comfort to persons and families in need.

The CDBG project was brought forward for public hearing. Prior to the public hearing, Mary Kay Verdery, Grants Administrator, briefed the Council on the programs offered by St. Vincent de Paul to those most in need in the community, all of which are provided by volunteers. She stated that in May 2023, a public hearing was held on this project for a 1,920 square foot addition to the St. Vincent de Paul facility and approval for that project from CDBG was received in July. She stated that St. Vincent de Paul is now requesting additional CDBG funding in the sum of \$160,000 to expand from a 1,920 square foot addition to a 2,400 square foot addition to include additional parking areas and stormwater management. Ms. Verdery stated that the project totals \$811,000: the \$465,000 in CDBG funding already approved; \$180,000 to be contributed by St. Vincent de Paul; the new request of \$160,000 and \$6,000 in County administrative costs. Ms. Verdery then outlined next steps for the proposed project and members of the public were afforded an opportunity to comment on the proposed project.

VII. Presentation by Talbot County Public Schools on Schematic Design Submission for Chapel District Elementary School – Kevin Shafer, Director of Operations, Talbot County Public Schools – Lindsey Hill, Project Manager, Whiting-Turner Contracting Company; Peter Winebrenner, Hord Coplan Macht, Inc. – Mr. Shafer provided a PowerPoint presentation which Mr. Winebrenner used

to outline the history of the Chapel District Elementary School which was constructed in 1952 and renovated in 1994, 2000, and 2001. He stated that the school is situated on approximately 19.5 acres and its current enrollment is 347 in grades Pre-K through 5. Mr. Winebrenner stated that the renovation and expansion of the Chapel District Elementary School will be designed for a capacity of 431 students and will include expanded spaces for the early childhood students as required by the Blueprint for Maryland's Future. He stated that the project schedule for renovation and expansion is tied to the State's funding schedule, and as such, the schematic design needs to be submitted to the State by early September so that the next phase can be submitted in November in order that construction documents can be completed by Spring 2024 and construction can begin by the end of the 2023-2024 school year. Mr. Winebrenner and Mr. Shafer presented a schematic design of the existing site plan juxtaposed against the proposed site plan as well as the existing and proposed floor plans and Council discussion ensued with Mr. Shafer and Mr. Winebrenner regarding various aspects of the proposed project. Mr. Winebrenner assured the Council that an opportunity for expansion of the facility at a later date will be included in the plans for renovation and expansion. Mr. Shafer requested Council's consideration for a letter of support to submit the first Schematic Design for the renovation and expansion project at Chapel District Elementary School, as presented, to the State Interagency Commission for Public School Construction for consideration of approval. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved forwarding a letter of support for the Schematic Design submission by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

VIII. Introduction of Legislation:

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) REGARDING OPERATIONS OF CLASS I ALCOHOL DISPENSARY BISTROS was read into the record and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the legislation had been requested by Attorney Zach Smith on behalf of his client, The Wardroom. Mr. Smith stated that the legislation would permit his client to open earlier and to seek an expansion of the seating capacity of the establishment through the Board of Liquor License Commissioners. The legislation was introduced by Mr. Callahan, Ms. Haythe, and Mr. Stepp as Bill No. 1547. A public hearing was scheduled for Tuesday, September 12, 2023 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

IX. Eligible for Vote:

Bill No. 1545, A BILL TO AMEND CHAPTER 20 OF THE TALBOT COUNTY CODE (BOARD OF APPEALS) FOR CLARITY AND CONSISTENCY AND REGARDING THE BOARD OF APPEALS' PROCEEDINGS, FORMS, HEARINGS, AND PROCEDURES, was read into the record by the Clerk and brought forward for vote. Prior to the vote, County Attorney, Patrick Thomas, outlined the two (2) amendments which Ms. Mielke is proposing for Council's consideration. He stated that Amendment No. 1 relates to Administrative appeals from decisions of the Short-Term Rental Review Board. He stated that current language in the legislation provides that decisions of the Short-Term Rental Review Board would remain in effect until the Board's decision on appeal is rendered; the proposed amendment would stay the license (not be active)

pending the appeal. Ms. Mielke stated that there are two (2) parts to Amendment No. 1; the first part applies to a stay of a new Short-Term Rental license; the second part applies to an existing license; if there is a complaint filed against an existing Short-Term Rental license, the license would remain in effect pending a decision by the Board. Council discussion ensued with Frank Cavanaugh, Chairman, and Louis Dorsey, Jr., Vice Chairman, Talbot County Board of Appeals. Amendment No. 1 was introduced by Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, and Mr. Stepp. The Council approved Amendment No. 1 by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

Mr. Thomas then outlined Amendment No. 2, which, if approved, would amend § 20.4 of the Talbot County Code regarding proceedings and legal counsel for the Board of Appeals. He stated that the legislation currently states that the Board of Appeals can appoint its own attorney within the budgetary constraints established by the Council; Ms. Mielke’s proposed amendment would add language stating that *notwithstanding the foregoing, but within budgetary limitations established by the Council, the Board shall engage an attorney not affiliated with the Office of Law in the event of an administrative appeal concerning a decision of the Planning Commission or the Short-Term Rental Review Board in which an attorney affiliated with the Office of Law represented the Planning Commission or the Short-Term Rental Review Board.* Council discussion ensued with Frank Cavanaugh, Chairman, and Louis Dorsey, Jr., Vice Chairman, Talbot County Board of Appeals. Amendment No. 2 was introduced by Ms. Mielke. The Council did not approve Amendment No. 2 by voting 1 – 4 as follows:

Mr. Callahan – Nay
Mr. Stepp – Nay
Mr. Leshner – Nay
Ms. Mielke – Aye
Ms. Haythe – Nay

Bill No. 1545, as amended, was brought forward for vote. The Council approved Bill No. 1545, as amended, by voting 4 – 1 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Nay
Ms. Haythe – Aye

Bill No. 1545, as amended, will be effective as provided for in the legislation.

- X. A Motion to Reconsider Discussion of July 21, 2023 Letter from the Maryland Department of the Environment and Request for Direction was made by Ms. Mielke and brought forward. Prior to Council discussion, County Attorney, Patrick Thomas, stated that during the Council meeting on Tuesday, August 8, 2023, the Council was presented with two options outlined in a letter from the Maryland Department of the Environment dated July 21, 2023: Option 1 was to address issues with the maps for the Town of Trappe in the 2023 Report of the Review or as a stand-alone resolution; Option 2 was to address the equivalent dwelling units (EDUs) and phases for the Lakeside

Development in Trappe in the 2023 Report of the Review or as a stand-alone resolution. Mr. Thomas stated that the Council voted to include the maps, EDUs and phases as part of the 2023 Report of the Review instead of as stand-alone resolutions and that Ms. Mielke's motion for reconsideration is for Council to reconsider that decision, which, if approved, will bring the matter back for Council discussion and a new motion will need to be made to give direction on which of the options Council wishes to follow. Mr. Thomas then outlined the process if included in the 2023 Report of the Review and if as drafted as stand-alone resolutions, emphasizing that should Council vote to incorporate the maps, EDUs and phasing information in the 2023 Report of the Review, they will ultimately have to be adopted through the regular legislative process with review by the Public Works Advisory Board, Planning Commission, public hearing and vote as a resolution or resolutions to amend the County's Comprehensive Water and Sewer Plan. Council discussion ensued as to whether the resolutions need to be adopted prior to being incorporated into the 2023 Report of the Review. The Council approved the motion to reconsider its decision of Tuesday, August 8, 2023 by voting 3 – 2 as follows:

Mr. Callahan – Nay
Mr. Stepp – Nay
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

Council discussion again ensued regarding each option. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council voted to direct the Office of Law to draft resolutions to amend the Comprehensive Water and Sewer Plan to incorporate the updated maps and to finalize the EDUs by voting 3 – 2 as follows:

Mr. Callahan – Nay
Mr. Stepp – Nay
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

XI. County Manager's Report:

- A. Talbot County Economic Development Commission – Requested Council approval for the appointment of David Montgomery to a three-year term on the Talbot County Economic Development Commission as the Town of Easton's representative; said term will expire on June 30, 2026. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved the appointment by voting 4 – 1 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Nay

- B. Talbot County Parks and Recreation Advisory Board – Requested Council approval for the reappointment of Thomas Klein to a four-year term on the Talbot County Parks and Recreation Advisory Board as the Town of Easton's representative; said term will expire on July 1, 2027. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- C. Talbot County Tourism Board – Requested Council approval for the appointment of Maureen Curry to the Talbot County Tourism Board as the Town of Easton’s representative; said term will complete the unexpired term of Ron Engle and will expire on July 1, 2025. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- D. Request from Department of Parks and Recreation – Requested Council approval to have the Talbot County Department of Parks and Recreation partner with the Town of St. Michaels on a Community Parks and Playground grant for Perry Cabin Park by serving as the construction manager for purchase and installation of ball field fencing at the County owned facility. Mr. Stamp stated that the Town of St. Michaels will reimburse the County up to \$100,000 for the project. Council discussion ensued with Preston Peper, Director, Department of Parks and Recreation. Upon motion by Ms. Haythe, seconded by Mr. Stepp, the Council approved the request by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- E. Request from Department of Emergency Services – Requested Council approval to have the Department of Emergency Services purchase eighteen (18) 700MHz public safety mobile radios at a cost of \$78,320.16; said purchase will be a sole source procurement from Motorola Solutions by piggybacking on the Maryland State contract utilizing funding from the 2020 State Homeland Security Program grant funds; no County funding is required. Council discussion ensued with Brian LeCates, Director, Talbot County Department of Emergency Services. Upon motion by Mr. Stepp, seconded by Mr. Leshner, the Council approved the purchase by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

XII. Public Comments: Members of the public were afforded an opportunity to comment on matters of importance to them.

XIII. Council Comments:

Mr. Stepp - Mr. Stepp stated that many of the young ladies in the audience had played field hockey with his daughter and that although they could probably find better things to do on a Tuesday night, they all had chosen to attend the meeting to show their support for Elgin and her cause, and thanked them for doing so. He expressed his appreciation to the young ladies for their time.

Mr. Leshner - Mr. Leshner stated that he counsels Boy Scouts for their Citizenship in the Community Merit Badge, one of the requirements for which asks the scout to talk about how one person can make a difference, and that, in his opinion, we have seen that tonight.

Ms. Mielke - Ms. Mielke stated when there is so much on the news about how our society is coming apart and that we are descending into turmoil and violent groups, that it is heartwarming to see how “Elgin’s Army” has come together as a community and are mentors for the community and for others who will follow behind. She reiterated that it really warms her heart to hear and see what they have done.

Ms. Haythe - Ms. Haythe concurred with Ms. Mielke’s comments and again commended Elgin for her courage, determination, and selflessness to want something for others that she will not be able to take advantage of, and to care about the community so much that she wants her Make-A-Wish gift to be something that helps someone else. Ms. Haythe expressed her appreciation to Ms. Hawley for attending the meeting and to those who attended with her. She stated that the Council stands with her in helping make the turf field a reality. Ms. Haythe concluded her comments by again thanking Ms. Hawley for her grit, determination and courage.

Mr. Callahan - Mr. Callahan stated that, in his opinion, this is the best army he has seen in a long time. He stated that although he had known some of Elgin’s story, he did not know her full story before tonight and, in his opinion, she is a special young lady and she should go away from the Council meeting feeling that the Council is behind her. Mr. Callahan wished Ms. Hawley the best and stated that hopefully we can make her wish come true.

Upon motion by Ms. Haythe, seconded by Ms. Mielke, the Council voted to adjourn and to reconvene on Monday, September 11, 2023 at 8:30 a.m. when the County Council and all the municipalities will be holding a ceremony to commemorate the events of September 11, 2001, and on Tuesday, September 12, 2023 in Open Session at 3:30 p.m. and immediately adjourn into Closed Session for discussion of matters as listed on the statement for closing that meeting; and for the regularly scheduled meeting at 5:00 p.m. by voting 5 - 0 as follows:

Mr. Callahan - Aye
 Mr. Stepp - Aye
 Mr. Leshner - Aye
 Ms. Mielke – Aye
 Ms. Haythe - Aye

The meeting adjourned at 7:16 p.m.

The transcript of the August 22, 2023 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIV. Summary of Closed Session Held on August 22, 2023:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 3:45 p.m. to 4:35 p.m.
 Place of closed session: County Council Office
 Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Leshner, Mielke, Stepp
 Members opposed: None
 Abstaining: None
 Absent: Haythe

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointments to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss personnel matter affecting a specific individual over whom the Council has jurisdiction	GP § 3-305(b)(1)(i)	Public discussion would be prejudicial to the individual being discussed	Chuck Callahan, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
To discuss a real estate matter regarding County	GP § 3-305(b)(3)	To protect the County's bargaining position regarding	Chuck Callahan, Pete Leshner, Lynn Mielke, Dave Stepp, Clay	No action

owned property in Easton		the potential sale of a specific parcel of real property for a public purpose	Stamp, Patrick Thomas, Jessica Morris, Preston Peper	
For update on potential litigation involving Talbot County Free Library	GP § 3-305(b)(7)(8)	Attorney-client privilege regarding legal advice and potential litigation	Chuck Callahan, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
For update on legal matter regarding Talbot Integrity Project v Talbot County	GP § 3-305(b)(7)(8)	Attorney-client privilege regarding status of litigation	Chuck Callahan, Pete Leshner, Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action

CASH STATEMENT 08/15/2023

BALANCE 8/01/2023	117,009,227.44
RETURNED CHECK #1018	(1,615.32)
RETURNED CHECK #1122	(10,873.74)
RETURNED CHECK #1039	(1,409.13)
RETURNED CHECK #3965	(1,038.21)
RETURNED CHECK #407661	(476.00)
DEPOSITS	4,228,856.32
CHECKS	(402,355.33)
ACH DISBURSEMENT(S)	(874,725.58)
WIRE TRANSFERS	(2,053,654.27)
INTRA ACCOUNT TRANSFERS	0.00
VOIDED CHECK(S) #366231, #367930	235.00
VOIDED WIRE #	0.00
BALANCE 08/15/2023	<u>117,892,171.18</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		5.31%	21,083,585.91
BAYVANGUARD BANK			10,306,956.18
TOTAL INVESTED			<u>31,390,542.09</u>
PETTY CASH BALANCE			<u>18,105.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>149,300,818.27</u>

CASH STATEMENT 08/22/2023

BALANCE 8/15/2023	117,892,171.18
TOTAL ADP PAYROLL PPE 8/4/2023	(839,293.34)
DEFERRED COMP PPE 8/4/2023 PLAN 401(A)	(8,798.05)
DEFERRED COMP DED PPE 8/4/2023	(21,269.41)
PENSION DED PPE 8/4/2023	(49,737.31)
USDA/RD BELT FILTER PRESS 2ND QTR 7/2023	(6,438.00)
RETURNED CHECK(S) #594, 1264	(1,721.42)
RETURNED PAYMENTUS PYMT	(654.09)
BANK CHARGES 6/2023	(8,725.63)
BANK CHARGES 7/2023	(8,406.74)
DEPOSITS	3,558,989.13
CHECKS	(229,609.50)
ACH DISBURSEMENT(S)	(290,963.95)
WIRE TRANSFERS	(6,029,434.51)
INTRA ACCOUNT TRANSFERS	(135,704.77)
VOIDED CHECK(S)	0.00
VOIDED WIRE #	0.00
BALANCE 08/22/2023	<u>113,820,403.59</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		5.33%	21,083,585.91
BAYVANGUARD BANK			10,306,956.18
TOTAL INVESTED			<u>31,390,542.09</u>
PETTY CASH BALANCE			<u>18,105.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>145,229,050.68</u>