



TALBOT COUNTY, MARYLAND

County Council

MINUTES

June 28, 2022

Present – President Chuck Callahan, Vice President Pete Leshner (via telephone), Frank Divilio, Laura Everngam Price, County Manager Clay Stamp, and County Attorney Patrick Thomas. Council member Corey W. Pack was absent.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, June 28, 2022.
- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, June 14, 2022. Ms. Price later requested that the minutes be corrected to reflect that Mr. Pack’s name be recorded as having voted to recommend the award for Bid No. 22-06 instead of hers as she had not be in attendance at the meeting. The correction was noted and will be made.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, June 21, 2022 and Tuesday, June 28, 2022.
- IV. Request from Talbot County Public Schools for FY22 Categorical Budget Transfers – Sarah Jones, CPA, Chief Financial Officer, Talbot County Public Schools – Ms. Jones briefed the Council on Talbot County Public Schools’ (TCPS) request to amend their FY22 Budget through categorical transfers in the following areas: Special Education due to unanticipated expenses; Health Insurance to cover cost increases and Transportation in order to prepay bus leases; no additional funding is requested. Ms. Jones stated that the additional funding for the three categories would come from savings derived from Mid-level Administration and Instructional Salaries due to staff vacancies and savings in utility costs due to a mild winter. Council discussion ensued with Ms. Jones. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the categorical transfers as outlined by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price - Aye

V. Introduction of Legislation:

A BILL TO AUTHORIZE TALBOT COUNTY, MARYLAND (THE “COUNTY”) TO BORROW NOT MORE THAN TWENTY FOUR MILLION NINE HUNDRED THOUSAND DOLLARS (\$24,900,000) IN ORDER TO FINANCE AND REFINANCE (A) THE ACQUISITION, RENOVATION AND/OR CONSTRUCTION OF A TALBOT COUNTY PUBLIC SAFETY BUILDING AND (B) THE ACQUISITION, RENOVATION AND/OR CONSTRUCTION OF A TALBOT COUNTY HEALTH DEPARTMENT FACILITY AND TO EFFECT SUCH BORROWING BY THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES TO BE LEVIED BY THE COUNTY; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-206 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AUTHORIZING THE CONSOLIDATION OF SEPARATE SERIES OF BONDS INTO ONE OR MORE BONDS; AUTHORIZING THE REFUNDING OF SUCH BONDS AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS FOR SUCH PURPOSES was read into the record by the Clerk and brought forward for

introduction. Prior to introduction, former Talbot County Finance Director, Angela Lane, stated that the purpose of the proposed legislation is to authorize the County to borrow up to \$24,900,000 to fund two capital projects: the Public Safety Center and a new Health Department facility. She stated that both projects are included in the FY23 Budget; the Public Safety Center was also included in the FY22 Budget. She stated that Section 612 (d) of the Talbot County Charter requires that any borrowing for capital projects must have its own separate legislation. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner (via telephone), and Ms. Price as Bill No. 1522 and Council discussion ensued with Ms. Lane. A public hearing was scheduled for Tuesday, July 26, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. Council Discussion of Proposed Text Amendments:

- Application by Zach A. Smith, Esq., Armistead, Lee, Rust & Wright, P.A., 114 Bay Street, Easton, Maryland, on behalf of Jerry and Susan Davis to amend the Talbot County Code Section 190-48.3 “Expansion and major modification of nonconforming uses” was read into the record by the Clerk and brought forward for consideration. Mr. Smith requested Council’s consideration to allow the proposed text amendment to move forward to the Planning Commission for a recommendation to the Council. He stated that the purpose of the proposed text amendment is to expand the authority of the Board of Appeals to allow the Board to consider reasonable expansions of legal nonconforming uses. He stated that at the present time, the Board of Appeals reviews any expansion of a legal nonconforming use, but their authority to do so is limited to an expansion of no more than 20 percent of existing floor area; the proposed text amendment would allow the Board of Appeals to consider an expansion of up to the greater of 20 percent of existing floor area, or 3,000 square feet. Council discussion ensued with Mr. Smith and his client, Jerry Davis. Mr. Callahan, Mr. Divilio, Mr. Leshner (via telephone) and Ms. Price requested that staff proceed with processing the proposed text amendment and that it be forwarded to the Planning Commission for their review and recommendation back to the Council.
- Application by Brendan Mullaney, Esq., MDSW Law, 100 N. West Street, Easton Maryland, on behalf of Rolles Range Partners LLC, to amend the Talbot County Code Section 190-78 “INN” to permit the operation of historic inns within historic structures in the RC and CP Districts was read into the record by the Clerk and brought forward for consideration. Mr. Mullaney stated that several months ago, his client had submitted an application for a text amendment to allow bed and breakfasts in the RC (Rural Conservation) and CP (Countryside Preservation) zoning districts to use up to 12 bedrooms, including having guest bedrooms in accessory structures, and that the Council had approved forwarding the matter to the Planning Commission for recommendation back to the Council. Mr. Mullaney stated the text amendment now before the Council for consideration is a result of discussion with, and recommendation of, the Planning Commission in order to preserve historic inns in the RC and CP Districts. He stated that “inn” use is not currently permitted in the RC and CP Districts, but bed and breakfasts are. Council discussion ensued with Mr. Mullaney. Mr. Leshner requested that Mr. Mullaney solicit an opinion from the Historic Preservation Commission on the proposed text amendment; Mr. Mullaney agreed to do so. Mr. Callahan, Mr. Divilio, Mr. Leshner (via telephone) and Ms. Price requested that staff proceed with processing the proposed text amendment and that it be forwarded to the Planning Commission for their review and recommendation back to the Council.

VII. Public Hearings:

Prior to the public hearings, former Talbot County Finance Director, Angela Lane, stated that all 21 bills scheduled for public hearing are included in the FY23 Capital Budget and that the Talbot County Charter requires that each capital project have its own enabling legislation.

Bill No. 1501, A BILL TO AMEND BILL NO. 1474 TO AMEND THE APPROPRIATION FOR IMPROVEMENTS TO AIRPORT ROAD; and

Bill No. 1502, A BILL TO AMEND BILL NO. 1418, TO AMEND THE APPROPRIATION FOR A CAPITAL PROJECT FOR THE CONNECTION OF BAR NECK AND FAIRBANK COMMUNITIES TO THE REGION V (TILGHMAN) WASTEWATER TREATMENT PLANT; and

Bill No. 1503, A BILL TO AUTHORIZE IMPROVEMENTS TO COUNTY BRIDGES; and

Bill No. 1504, A BILL TO AMEND BILL NO. 1478 TO AMEND THE APPROPRIATION FOR THE EXPANSION OF BROADBAND TO UNSERVED AND UNDERSERVED AREAS OF TALBOT COUNTY; and

Bill No. 1505, A BILL TO AUTHORIZE A STUDY FOR THE REPLACEMENT OF THE 911 DIVISION COMPUTER AIDED DISPATCH (CAD) SYSTEM; and

Bill No. 1506, A BILL TO AUTHORIZE IMPROVEMENTS TO COUNTY ROADS; and

Bill No. 1507, A BILL TO AMEND BILL NOS. 1361, 1332, 1307 AND 1267 TO AMEND THE APPROPRIATION FOR THE MAPPING AND EVALUATION AND REHABILITATION OR REPLACEMENT OF COUNTY CULVERTS; and

Bill No. 1508, A BILL TO AUTHORIZE THE DESIGN, RENOVATION/CONSTRUCTION OF OFFICES AND OTHER WORK AREAS FOR THE BOARD OF ELECTIONS FOR TALBOT COUNTY, MARYLAND; and

Bill No. 1509, A BILL TO AMEND BILL NO. 1484, TO AMEND THE APPROPRIATION FOR A CAPITAL PROJECT FOR THE CONSTRUCTION OF EMERGENCY MEDICAL SERVICES STATIONS; and

Bill No. 1510, A BILL TO AMEND BILL NOS. 1457, 1422, 1335, AND 1317 TO AMEND THE APPROPRIATION FOR STORMWATER MANAGEMENT AND UPGRADES FOR GOLDSBOROUGH NECK ROAD AND AIRPORT ROAD; and

Bill No. 1511, A BILL TO AUTHORIZE THE ACQUISITION/CONSTRUCTION OF A TALBOT COUNTY HEALTH DEPARTMENT FACILITY; and

Bill No. 1512, A BILL TO AUTHORIZE A CAPITAL PROJECT FOR THE PURCHASE AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE MARTINGHAM SANITARY DISTRICT; and

Bill No. 1513, A BILL TO AUTHORIZE IMPROVEMENTS TO COUNTY PARK AND RECREATION FACILITIES; and

Bill No. 1514, A BILL TO AMEND BILL NO. 1489 TO AMEND THE APPROPRIATION FOR THE CONSTRUCTION OF A TALBOT COUNTY PUBLIC SAFETY CENTER; and

Bill No. 1515, A BILL TO AUTHORIZE THE RESURFACING/REPAVING OF THE ST. MICHAELS SCHOOL PARKING LOT; and

Bill No. 1516, A BILL TO AUTHORIZE THE ARCHITECTURAL AND ENGINEERING FEES ASSOCIATED WITH THE RENOVATION OF THE ST. MICHAELS BRANCH OF THE TALBOT COUNTY FREE LIBRARY; and

Bill No. 1517, A BILL TO AUTHORIZE THE CONSTRUCTION OF A STORAGE FACILITY FOR THE TALBOT COUNTY PUBLIC SCHOOLS; and

Bill No. 1518, A BILL TO AMEND BILL NOS. 1082 AND 1285 TO AMEND THE APPROPRIATION FOR IMPROVEMENTS TO THE TUNIS MILLS BRIDGE; and

Bill No. 1519, A BILL TO AUTHORIZE COUNTYWIDE WATER QUALITY IMPROVEMENT PROJECTS; and

Bill No. 1520, A BILL TO AUTHORIZE THE CONSTRUCTION AND INSTALLATION OF A SUN SHADE STRUCTURE FOR AN OUTDOOR CLASSROOM AND PLAYGROUND FOR THE WHITE MARSH ELEMENTARY SCHOOL; and

Bill No. 1521, A BILL TO AUTHORIZE THE CONSTRUCTION AND INSTALLATION OF A SECURITY FENCE FOR THE WHITE MARSH ELEMENTARY SCHOOL were read into the record by the Clerk, brought forward for public hearing and members of the public were afforded an opportunity to comment on the legislation. Upon motion by Mr. Divilio, seconded by Ms. Price, Bill No. 1511 and Bill No. 1514 were brought to third reader by a vote of 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

Upon motion by Mr. Divilio and no objection by the Council, a full reading of Bill No. 1511 was waived.

Mr. Thomas stated that Mr. Pack had left votes for Bill Nos. 1511 and 1514 and a motion was needed to accept the absentee ballots. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved accepting the absentee ballots by voting 5– 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved Bill No. 1511 by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner (via telephone)
Ms. Price – Aye

Mr. Pack (via absentee ballot)

Bill No. 15111 will become effective as provided for in the legislation.

Bill No. 1514 was read into the record by the Clerk and brought forward for vote. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved Bill No. 1514 by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner (via telephone)
Ms. Price – Aye
Mr. Pack (via absentee ballot)

Bill No. 1514 will become effective as provided for in the legislation.

Bill Nos. 1501 – 1510, 1512, 1513, and 1515 – 1521 are eligible for vote on Tuesday, July 12, 2022.

Council members expressed their appreciation to Ken Davis, Acting Finance Director, for his service to the County over the past several months. Mr. Davis expressed his appreciation to the County Council and County Manager for their support.

VIII. County Manager's Report:

A. Talbot County Animal Control Board - Requested Council approval for the reappointment of Mary Newcomb to a three-year term on the Talbot County Animal Control Board as an individual with knowledge pertinent to the Board's function; said term will expire on July 1, 2025. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

B. Talbot County Economic Development Commission – Requested Council approval for the reappointment of Reza Jafari and Debbie Walsworth to three-year terms on the Talbot County Economic Development Commission; said terms will expire on June 30, 2025. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the reappointments by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

C. Talbot County Parks and Recreation Advisory Board – Requested Council approval for the reappointment of David Fisher to a four-year term on the Talbot County Parks and Recreation Advisory Board as an at-large member; said term will expire on July 1, 2026. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

D. Talbot County Weed Control Committee – Requested Council approval for the reappointment of John Swaine, III to a three-year term on the Talbot County Weed Control Committee; said term will expire on July 1, 2025. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the reappointment by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye

E. County Offices Closed – Mr. Stamp stated that County offices will be closed on Monday, July 4, 2022 in recognition of the Independence Day holiday.

IX. Public Comments: There were no public comments.

X. Council Comments:

Mr. Leshner No comments.

Ms. Price – Ms. Price stated that she, in her capacity as President, Maryland Association of Counties (MACo) Board of Directors, and Michael Sanderson, Executive Director, MACo, continue to travel to counties throughout the state, thus far travelling to 14 or 15 counties. She stated that they were in Montgomery County earlier today and held a virtual meeting with Baltimore County. She stated that she and Mr. Sanderson had been invited as MACo leadership to attend the Maryland Municipal League (MML) Conference in Ocean City which is similar to the conference MACo will be holding there in August. She stated that, in her opinion, the MML conference is a great opportunity to interact with a large number of municipalities; they had some wonderful sessions and great speakers, including a motivational speaker who spoke about learning not to complain and that facts are neutral. She stated that it affected her, and in her opinion, a lot of the officials. She stated that it was good to be able to interact with other people in person. She stated that MML held a small candidate forum with four gubernatorial candidates and that MACo will be holding a similar forum for major party candidates for attorney general, comptroller, and governor at the MACo Summer Conference in August. Ms. Price concluded her comments by stating that while on the lower Shore, she and Mr. Sanderson met with four counties and that tomorrow morning the MACo Board of Directors will begin review of approximately 50 new initiatives which will be reduced to four by September.

Mr. Divilio - Mr. Divilio read a statement into the record on behalf of Mary Kay Verdery, Talbot County Grants as follows:

Through the Emergency Rental Assistance Program, ERAP, the Maryland Department of Housing and Community Development is working collaboratively with the county governments and nonprofit agencies to help Maryland renters avoid eviction, maintain safe and stable housing, and move into new housing if they are currently homeless. Talbot County received \$2,439,498 in the first round of ERAP funding, ERAP 1. Funding distributions started on July 1, 2021 and will end September 30, 2022. Talbot County received a second round of ERAP funds, ERAP 2, in the amount of \$1,678,514. These funds must be fully disbursed by December 31, 2022. ERAP funding is used to provide prospective and arrear rental utility assistance, other housing related costs, housing stability services, and administrative costs. For more information, contact the Neighborhood Service Center at www.nsctalbotmd.org, or call (410) 822-5015, or visit 126 Port Street in Easton.

Mr. Callahan- Mr. Callahan wished everyone a happy, safe holiday weekend.

- XI. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, July 12, 2022 at 4:30 p.m. in Open Session and to immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting, and at 6:00 p.m. for the regularly scheduled meeting by voting 4 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Mr. Pack – Aye

The meeting adjourned at 6:55 p.m.

The transcript of the June 28, 2022 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XII. Summary of Closed Session Held on June 28, 2022:

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

Time of closed session: 5:15 p.m. to 5:50 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, Divilio, Leshner, Price
Members opposed: None
Abstaining: None
Absent: Pack

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 personnel matter in the Finance Office	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Frank Divilio, Pete Leshner, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
To discuss appointment to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Frank Divilio, Pete Leshner, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
To discuss legal matter regarding hangar lease at Easton Airport	GP § 3-305(b)(7)(8)	Attorney-client discussion regarding potential dispute resolution	Chuck Callahan, Frank Divilio, Pete Leshner, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action

CASH STATEMENT 6/21/2022

BALANCE 6/14/2022	50,201,364.25
CIGNA CLAIMS PAID THRU 6/10/2022	(50,000.00)
CIGNA CLAIMS PAID THRU 6/10/2022	(50,000.00)
ELECTION BOARD PPE 5/17/2022 & 5/24/2022	(14,917.05)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT	(4,092.00)
USDA/RD QTRLY BOND PYMT #92-11	(60,886.00)
USDA RD QTRLY BOND PYMT #92-09	(26,240.00)
INTEREST ON ACCOUNTS 5/2022	30,063.94
DEPOSITS	4,176,300.71
CHECKS	(1,018,953.18)
ACH DISBURSEMENT(S)	(52,112.44)
VOIDED CHECK(S) #359407, 359465, 359548, 359573	1,952.75

BALANCE 6/21/2022			53,132,480.98
INVESTMENTS - CERTIFICATES OF DEPOSIT			
	<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>
			<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL			20,500,000.00
BAYVANGUARD BANK			10,234,205.76
TOTAL INVESTED			<u>30,734,205.76</u>
PETTY CASH BALANCE			<u>12,605.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>83,879,291.74</u>

CASH STATEMENT 6/28/2022

BALANCE 6/21/2022	53,132,480.98
TOTAL ADP PAYROLL PPE 6/10/2022	(718,457.38)
PENSION DED PPE 6/10/2022	(43,010.10)
DEFERRED COMP DED PPE 6/10/2022	(21,046.72)
DEFERRED COMP PPE 6/10/2022 PLAN 401(A)	(7,930.75)
CIGNA CLAIMS PAID THRU 6/21/2022	(119,538.96)
ELECTION BOARD PPE 6/7/2022	(3,389.10)
ENTERPRISE LEASE PYMT	(60,734.19)
RETURNED CHECK #3201	(280.00)
TALBOT COUNTY VISA CARD PYMTS 5/2022	(57,742.67)
TALBOT COUNTY VISA CARD PYMTS 6/2022	(35,456.47)
BANK CHARGES 4/2022	(4,492.09)
BANK CHARGES 5/2022	(5,907.41)
DEPOSITS	613,301.34
CHECKS	(688,163.52)
ACH DISBURSEMENT(S)	0.00
VOIDED CHECK(S) #356532, 359105	520.30

BALANCE 6/28/2022 **51,980,153.26**

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		1.15%	20,500,000.00
BAYVANGUARD BANK			10,234,205.76
TOTAL INVESTED			<u>30,734,205.76</u>
PETTY CASH BALANCE			<u>12,605.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>82,726,964.02</u>