



TALBOT COUNTY, MARYLAND

County Council

MINUTES

August 27, 2019

Present – President Corey W. Pack, Vice President Chuck F. Callahan, Frank Divilio, Pete Leshner, Laura Price, County Manager R. Andrew Hollis, County Attorney Anthony Kupersmith and Assistant County Attorney Mary O’Donnell.

- I. Agenda – The Agenda of August 27, 2019 was brought forward for Council approval. Mr. Divilio made a motion to amend the Agenda to include “*Property Tax Referendum Committee Discussion*”; there was no objection. Mr. Pack stated that the matter would be added after *Item VI. Update by Talbot Humane*. Ms. Price requested to add an item to the Agenda under Introduction of Legislation. She stated that the proposed legislation is essentially the same as the legislation currently listed on the Agenda for introduction with the exception of an additional paragraph from the Administrative Resolution, also scheduled for introduction. The Clerk then read the title of the legislation proposed to be added to the Agenda into the record and Council discussion ensued. *A BILL TO AMEND SECTION 190-33.20 OF THE TALBOT COUNTY CODE TO ALLOW FOR THE ISSUANCE OF PROVISIONAL LICENSES TO CERTAIN SHORT-TERM RENTAL APPLICANTS WHOSE LICENSES HAVE EXPIRED BUT WHO ARE DILIGENTLY PURSUING RENEWAL UNDER THE REVISED SHORT-TERM RENTAL PROVISIONS ESTABLISHED AS A PART OF THE NEXT STEP 190 ZONING ORDINANCE UPDATE AND TO STAY ENFORCEMENT OF TALBOT COUNTY CODE SECTION 190-33.20 (A) FOR CERTAIN SHORT-TERM RENTAL PROPERTIES*. The legislation was added as *B*. under *Item VIII, Introduction of Legislation*. Upon motion by Mr. Leshner, and unanimous consent of the Council, the Agenda of August 27, 2019, as amended, was approved.
- II. Minutes - Mr. Pack requested and received Council’s unanimous consent for approval of the June 25, 2019 and July 9, 2019 Minutes.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of August 20, 2019, and Tuesday, August 27, 2019.
- IV. Update on Talbot Goes Purple – Lucie Hughes, Tidewater Rotary; Lt. Stephen Elliott, Talbot County Sheriff’s Office – Ms. Hughes extended best wishes from Sheriff Joe Gamble who was unable to be in attendance due to recent surgery and expressed her appreciation to Lt. Elliott and Maj. Scott Mergenthaler for their continued support of Talbot Goes Purple. She stated that 2019 is the third year for the event and in addition to partnering with the Talbot County Sheriff’s Office, they are working with Mid-Shore Community Foundation and Talbot County Public Schools. Ms. Hughes outlined several other counties in Maryland, Delaware and other states which are planning or are considering initiating the project. Ms. Hughes and Lt. Elliott outlined various upcoming events for Talbot Goes Purple, including the kick-off on Wednesday, September 4th at the Avalon Theatre of the documentary by Ferrari Films, American Opioid Crisis: Talbot Goes Purple, and a trailer of same was shown. (<https://vimeo.com/334689019/261f60c6ad>.)
- V. Update by Talbot Humane – Patty Crankshaw-Quimby, Executive Director, Talbot Humane – Ms. Crankshaw-Quimby provided Council with statistical information for Talbot Humane from FY2019

including number and types of animals received at the Shelter, reunited with their owners, adopted into homes or foster care, and Animal Control's response to complaints. She stated that since Council's approval of the most recent animal control ordinance (Bill No. 1408), there has been an increase in investigations by Animal Control over the last few months, with education by the officers as the first step which has brought about several successes. Ms. Crankshaw-Quimby provided information on the number of animals currently housed at Talbot Humane as well as those in foster care and stated that because of the various services provided to the community by Talbot Humane, including its spay/neuter program, indoor crate training, and pet food pantry, fewer animals are ending up at the Shelter. She provided information on a 2020 grant award from the Maryland Department of Agriculture, the funding of which is intended to be used toward the spaying/neutering of 420 animals in Talbot and Dorchester counties. She stated that it is hoped that along with monies derived from fundraising, approximately 800 animals can be spayed/neutered. Updates were also provided on various programs offered at Talbot Humane as well as upcoming community events and recent recognition of several individuals who volunteer at Talbot Humane. Ms. Crankshaw-Quimby will continue to update the Council on a regular or as-needed basis.

- VI. Discussion of Property Tax Referendum Committee – Prior to Council discussion, Mr. Pack stated that the purpose for formation of the committee is to have the members review the property tax question and to make a recommendation to the Council as to how the question should be stated and placed on the 2020 General Election ballot. He stated that it had been recommended to the Council that the committee be comprised of two members of the County Council; one member from the Easton Town Council; one member from the Commissioners of St. Michaels; two members of the Taxpayers Association; one member of a veterans group; two members from the volunteer department; and two members from the Board of Education. Council discussion ensued as to the proposed composition of the committee and suggestions made, including the addition of an individual from an accounting firm and/or a CPA and the addition of one or more alternates. The Council approved formation of a Property Tax Referendum Committee to be comprised of representatives from the following entities: two (2) members of the Talbot County Council; two (2) members representing county municipalities; one (1) member of the Talbot County Taxpayers Association; one (1) member from a veterans group in the county; two (2) members from the Talbot County Board of Education, one of whom would be the Superintendent; two (2) at-large members from the Talbot County community; one (1) member from the Volunteer Fire Association; one (1) member of Talbot County Emergency Services; one (1) member of the Talbot County Sheriff's Office; and County Finance Director, Angela Lane as a County staff representative and Chair by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio – Aye
Mr. Callahan – Aye
Ms. Price – Aye
Mr. Leshner - Aye

- VII. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION TO STAY ENFORCEMENT OF TALBOT COUNTY CODE SECTION 190-33.20 (A) FOR CERTAIN SHORT-TERM RENTAL PROPERTIES was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Miguel Salinas, Assistant Planning Officer, and Mike Duell, Chief Code Compliance Officer, provided their interpretation of the section of the Talbot County Code referenced in the proposed administrative resolution. Mr. Salinas outlined various reasons for delays in short-term rental application approvals, including implementation of the new short-term rental policies and procedures and continued Code violations by several applicants. Mr. Salinas stated that despite the County granting a six-month grace period (November 10, 2018 to May 10, 2019), several short-term rentals remain in violation of the County Code and was requesting Council direction. Mr. Pack stated that the purpose of the proposed administrative resolution was to provide a

reprieve from fines to those short-term rental owners who held a valid license in 2018, prior to the enactment of the new policies and procedures, and who have been operating in good standing with the Department of Planning and Zoning and Environmental Health, while their renewal application continues to be considered. Council discussion ensued. Mr. Salinas and Mr. Duell provided statistical information on the number of properties which would be affected should the Council approve a Stay of Enforcement and Council discussion again ensued with Mr. Salinas and Mr. Duell. The administrative resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, and Mr. Pack. The Administrative Resolution is eligible for vote at the Council meeting of Tuesday, September 10, 2019.

VIII. Introduction of Legislation:

A BILL TO AMEND SECTION 190-33.20 OF THE TALBOT COUNTY CODE TO ALLOW FOR THE ISSUANCE OF PROVISIONAL LICENSES TO CERTAIN SHORT-TERM RENTAL APPLICANTS WHOSE LICENSES HAVE EXPIRED BUT WHO ARE DILIGENTLY PURSUING RENEWAL UNDER THE REVISED SHORT-TERM RENTAL PROVISIONS ESTABLISHED AS A PART OF THE NEXT STEP 190 ZONING ORDINANCE UPDATE was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney Anthony Kupersmith stated that the purpose of the legislation, which goes hand-in-hand with the administrative resolution, would provide for provisional licenses to those applicants who had a 2018 license in good standing and are pursuing a 2019 license to cover the period of time outlined in the legislation. Mr. Kupersmith stated that it is taking longer than anticipated to fully implement the new process, and the legislation would provide additional relief to the several short-term rentals previously outlined by Mr. Salinas and Mr. Duell. Mr. Pack stated that the Office of Law had advised that absent legislation, the Planning Officer does not have the authority to issue provisional licenses, and as such, if the administrative resolution were to be approved, the County would be sanctioning an illegal operation. The legislation for provisional licenses would allow the short-term rental applicant to obtain a provisional license while working to resolve any issues currently prohibiting the applicant from obtaining a permanent license. Council discussion ensued. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, and Mr. Pack as Bill No. 1434. A public hearing was scheduled for Tuesday, September 24, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND SECTION 190-33.20 OF THE TALBOT COUNTY CODE TO ALLOW FOR THE ISSUANCE OF PROVISIONAL LICENSES TO CERTAIN SHORT-TERM RENTAL APPLICANTS WHOSE LICENSES HAVE EXPIRED BUT WHO ARE DILIGENTLY PURSUING RENEWAL UNDER THE REVISED SHORT-TERM RENTAL PROVISIONS ESTABLISHED AS A PART OF THE NEXT STEP 190 ZONING ORDINANCE UPDATE AND TO STAY ENFORCEMENT OF TALBOT COUNTY CODE SECTION 190-33.20 (A) FOR CERTAIN SHORT-TERM RENTAL PROPERTIES was brought forward for introduction. Ms. Price stated that the proposed legislation incorporates the language outlined in the administrative resolution. Council discussion ensued with County Attorney Anthony Kupersmith who outlined the differences between the administrative resolution (an executive function of the Council) and the legislation (a legislative function of the Council). The legislation was read into the record by the Clerk, brought forward for introduction and Council discussion ensued. The legislation was not introduced.

IX. County Manager's Report:

- A. Request from Department of Public Works – Requested Council approval to accept USDA Rural Development funding in the sum of \$15,000; said funding will be used to assist the County with the preparation of a Preliminary Engineering Report for proposed sewer extension to the villages of Bar Neck and Fairbank. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved accepting the funding by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio - Aye
Mr. Callahan – Aye
Ms. Price – Aye
Mr. Leshner – Aye

- B. Request from Dorchester County for Letter of Support – Requested Council’s consideration for a position on a request from Dorchester County for a letter of support to the Governor regarding the Administration’s decision to convert the Eastern Correctional Institution in Somerset County from woody biomass to natural gas. Mr. Hollis stated that the Council had also received correspondence from Somerset County requesting that counties refrain from weighing in on the issue. The Council did not take a position on the matter.
- C. Talbot County Commission on the Aging – Requested Council approval for the appointment of Ellen Taggart to a three-year term on the Talbot County Commission on the Aging; said term will expire on April 1, 2022. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio - Aye
Mr. Callahan – Aye
Ms. Price – Aye
Mr. Leshner – Aye

- D. Talbot County Local Emergency Planning Committee – Requested Council approval to forward the names of the following individuals to the Governor for consideration of reappointment to three-year terms on the Talbot County Local Emergency Planning Committee: Shannon Dill (Agriculture Extension Educator), Peter Welty (Easton Utilities), Dana Meintzer (fuel oil), Joe Gamble (Sheriff, Talbot County), Cheryl Lewis (Town of Oxford) and Matt Spence (media); requested Council approval to forward the name of Elizabeth Copp (Emergency Preparedness Manager, Shore Regional Health) to the Governor for consideration of appointment to a three-year term on the Talbot County Local Emergency Planning Committee; if approved, said terms will expire on August 1, 2022. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved forwarding the names to the Governor by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio - Aye
Mr. Callahan – Aye
Ms. Price – Aye
Mr. Leshner – Aye

- E. Talbot County Parks and Recreation Advisory Board - Requested Council approval for the reappointment of Walter Chase, Sr. to a four-year term on the Talbot County Parks and Recreation Advisory Board as the representative of the Town of Trappe; said term will expire on July 1, 2023. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio - Aye
Mr. Callahan – Aye
Ms. Price – Aye
Mr. Leshner – Aye

F. County Offices Closed – Mr. Hollis stated that County offices will be closed on Monday, September 2, 2019 in commemoration of the Labor Day holiday.

X. Council Comments:

Mr. Leshner – Mr. Leshner stated that the Council had received an invitation to a public meeting on proposed Bay crossing alternatives: Talbot County, Kent County, the location of the current crossing, and a no-build option. He stated that the meeting will be held on Thursday, October 3, 2019 at 6:00 p.m. at the Talbot County Community Center and encouraged citizens to make their opinions known.

Mr. Pack advised Mr. Leshner and Mr. Divilio that Council had previously forwarded letters to the State in opposition to having the bridge crossing in Talbot County. Council discussion ensued and it was agreed that the Council would again consider the matter once the October 3rd public meeting had been held.

Ms. Price – Ms. Price stated that the Council had recently attended the Maryland Association of Counties (MACo) Summer Conference and, in her opinion, the sessions were very good and the opportunities for networking get better and better. She stated that during the summer she had attended the Kirwan Commission meetings in Annapolis and stated that some of the 13 attendees are members of the Kirwan Commission and some attendees are new members just brought in for the funding portion; the counties only get one representative on the committee. She stated that, in her opinion, it is frustrating that the Department of Legislative Service spoon-feeds the committee information and makes assumptions during the seven-hour long meetings with very little discussion except about miniscule things when the committee is supposed to be discussing the funding formulas. She stated that after 20 hours of meetings no change was recommended; there was no real pushback and it would have been nice to at least have had something completely different on the table for discussion. She stated that, in her opinion, it is expected that there will pretty much be no change and the counties will be footing the bill for \$2 billion. Ms. Price stated that there had been a lot of conversation about examples given by Governor Hogan as to how revenue might be raised to meet the funding requirements, the point of which would be that it would require massive increases in taxes. Ms. Price stated that, in her opinion, the Legislature could decide to implement the plan over a period of ten years so that anticipated growth and new possible sources of revenues will provide some of the needed funding. Ms. Price stated that the counties do not have some of the options that the State has available to raise revenue; the counties only have property and income taxes from which to gain revenue. She stated that, in her opinion, the funding formula is not going to change, in Talbot County's case, it would mean an additional \$12 million in educational funding. She emphasized that with only one county representative on the committee, the counties really have no voice in the matter. She encouraged

citizens to start paying attention and to get involved. Ms. Price concluded her comments by stating although she is not on the committee, she is there representing not only Talbot County but all the rural counties so she can take information back to the Rural County Coalition; she knows pretty much where the large counties stand on the issue, and although it may not make any difference to the Legislature, we need to let them know what we think.

- Mr. Divilio - Mr. Divilio expressed his appreciation to his colleagues for attending the meetings in Cordova regarding the Cordova Village Master Plan. He stated that, in his opinion, it was an excellent meeting and was a great opportunity for Cordova to tell the County what they want and what they don't want – and that's how government should work. He stated that he had participated in the Jim Bob Ryan fundraising golf tournament at Hog Neck on Saturday and it was very successful and a lot of fun; Mr. Ryan is a young man who has muscular dystrophy. He encouraged those in the community who are looking for a way to raise money to utilize the Hog Neck Golf Course facility.
- Mr. Callahan - Mr. Callahan expressed his appreciation to Planning and Zoning staff for, in his opinion, the excellent job they did at the Cordova Village Master Plan Open House. He stated that the event was attended by approximately 250 people and although the town is passionate about doing nothing, staff did a great job, in his opinion, of trying to help the community understand that we are there to help them move in a good direction and to not change too much. He stated that he and Clay Stamp had attended a ribbon-cutting in Tilghman earlier in the day to celebrate a cooperative venture between the federal government and AT&T and FirstNet whereby should a tower go down during a disaster, a vehicle built by FirstNet is deployed with 14 hours to Talbot County so the County can be up-and-running with its 911 system and Emergency Services. He stated that the nationwide program was initiated by the federal government following the disruption in 911 communication services following the September 11, 2001 attacks and that Governor Hogan and Lt. Gov. Rutherford were instrumental in getting the program to come to Maryland. He stated that the vehicle, which is free to Talbot County, permits Emergency Services to have their own radio frequency in order to have better radio communications and cited the example of the vehicle being deployed in Ellicott City following a flooding disaster several years ago. Mr. Callahan expressed his appreciation to the Governor.
- Mr. Pack - Mr. Pack stated that Talbot County Public Schools will hold its opening day event tomorrow at 9:00 a.m. at the Easton High School Auditorium. He stated that the County will again be holding a commemorative ceremony on September 11th at 8:30 a.m. on the plaza area across from the Courthouse (site of the former Town of Easton gas plant); the meeting is open to the public. Mr. Pack expressed his condolences to the family of Dale Skinner who recently passed away. He stated that Mr. Skinner was a member of the Neighborhood Service Center Board of Directors and was in line to be the next president of the Board. Mr. Pack advised Mr. Divilio, Council liaison to the Neighborhood Service Center, that he had spoken with Marilyn Neal, Executive Director, Neighborhood Service Center, to express his personal condolences.

- XI. Upon motion by Mr. Lesher, seconded by Mr. Callahan, the Council voted to adjourn and to reconvene on Tuesday, September 10, 2019 at 4:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting; and for the regularly scheduled meeting at 6:00 p.m. by voting 5 – 0 as follows:

Mr. Pack – Aye
 Mr. Divilio - Aye
 Mr. Callahan – Aye
 Ms. Price – Aye
 Mr. Lesher – Aye

The meeting recessed at 8:22 p.m.

The transcript of the August 27, 2019 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 August 27, 2019:

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

Time of closed session: 4:35 p.m. to 6:00 p.m.
 Place of closed session: County Council Conference Room
 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: Pack, Callahan, Price, Divilio, Lesher
 Members opposed: None
 Abstaining: None

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	Persons present	Action taken
Discuss a personnel matter involving the State’s Attorney’s Office	GP § 3-305(b)(1)	All 5 Council Members, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O’Donnell, Angela Lane, Scott Patterson	None
Receive legal advice and discuss pending or potential litigation involving bid protest related to dredging bid	GP §§ 3-305(b)(7)-(8)	All 5 Council Members, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O’Donnell, Ray Clarke	Direction to respond to bid protest

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Discuss personnel matters involving appointments to various County boards and commissions	GP § 3-305(b)(1)	All 5 Council Members, Andy Hollis, Jessica Morris, Anthony Kupersmith, Mary O'Donnell	None
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CASH STATEMENT 8/20/2019

BALANCE 8/13/2019	26,927,720.19
TOTAL ADP PAYROLL PPE 7/26/2019 (SPECIAL RUN)	(291.40)
CIGNA CLAIMS THRU 8/05/2019	(56,065.23)
CIGNA CLAIMS THRU 8/12/2019	(99,055.86)
WF/GF EQUIPMENT LEASE 8/2019	(4,092.00)
RETURNED CHECK #7758	(157.50)
RETURNED ELECTRONIC CHECK	(414.31)
DEPOSITS	1,030,953.82
CHECKS	(378,090.31)
VOIDED CHECK(S) # 334377,334437	1,200.00
BALANCE 8/20/2019	<u>27,421,707.40</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

	<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL			2.18%	20,500,000.00
1880 BANK				10,086,480.78
TOTAL INVESTED				<u>30,586,480.78</u>
PETTY CASH BALANCE				<u>15,570.00</u>

GRAND TOTAL ALL FUNDS

58,023,758.18

CASH STATEMENT 8/27/2019

BALANCE 8/20/2019	27,421,707.40
TOTAL ADP PAYROLL PPE 08/09/2019	(641,422.08)
DEFERRED COMP DED PPE 8/09/2019	(18,576.87)
PENSION DED PPE 8/09/2019	(37,997.13)
SECU DED PPE 8/09/2019	(3,518.66)
DEFERRED COMP PPE 8/09/2019 PLAN 401(A)	(6,915.03)
CIGNA CLAIMS THRU 8/19/2019	(100,129.25)
AUGUST 2019 ENTERPRISE LEASE PAYMENT	(14,611.47)
SALES & USE COMMUNITY CENTER DUE 8/20/2019	(33.50)
SALES & USE HOG NECK GOLF COURSE DUE 8/20/2019	(1,062.31)
USDA/RD BIOSOLIDS QTRLY BOND PAYMENT	(13,086.00)
USDA/RD BIOSOLIDS QTRLY BOND PAYMENT	(6,626.00)
BANK CHARGES 7/2019	(4,260.81)
INTEREST ON ACCOUNTS 7/2019	36,651.85
RETURNED CHECK #1151	(300.00)
DEPOSITS	1,212,933.76
CHECKS	(1,389,819.32)
VOIDED CHECK(S) # 333462, 333463	14,000.00
BALANCE 8/27/2019	<u>26,446,934.58</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.16%	20,500,000.00
1880 BANK			10,090,764.96

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TOTAL INVESTED	<u>30,590,764.96</u>
PETTY CASH BALANCE	<u>15,570.00</u>
<u>GRAND TOTAL ALL FUNDS</u>	<u>57,053,269.54</u>