



Talbot County, Maryland



Easton, Maryland

MINUTES

February 23, 2010

Present – President Levin F. Harrison, IV, Vice President Philip Carey Foster, Dirck K. Bartlett, Thomas G. Duncan, Corey W. Pack, Assistant County Manager James Urbanczyk and County Attorney Michael Pullen. County Manager R. Andrew Hollis was absent.

- I. Agenda – Agenda of February 23, 2010 was approved upon motion by Mr. Foster, seconded by Mr. Pack, with the Council voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack - Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

- II. Minutes – Minutes of February 9, 2010 were approved upon motion by Mr. Pack, seconded by Mr. Duncan, with the Council voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack - Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

- III. Disbursements – Disbursements of February 16, 2010, and February 23, 2010 were approved upon motion by Mr. Pack, seconded by Mr. Duncan, with the Council voting 5 - 0 as follows:

Mr. Harrison – Aye
Mr. Pack - Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

- IV. Introduction of Brian Metcalf, Executive Director, Talbot Humane – Brian Metcalf, Executive Director of Talbot Humane, introduced himself and gave a brief outline of his background in animal welfare. Mr. Metcalf stated that his philosophy is to create a culture of team, family and mutual accountability among the board, staff, volunteers, adoptees and donors of Talbot Humane. Council members welcomed Mr. Metcalf to Talbot County and to Talbot Humane.

- V. Quarterly Update by Talbot Humane – Brian Metcalf, Executive Director, Talbot Humane – Mr. Metcalf provided Council with Talbot Humane’s statistical information for the first half of fiscal year FY2009-2010, stating that Talbot Humane has thus far taken in 722 animals, including 208 dogs and 437 cats. He added that 40% of stray dogs had been returned to their owners, but only 6 of 264 cats had been returned. Mr. Metcalf stated that in an effort to increase the rate of returns, Talbot Humane would be reducing its fee for microchipping from \$40 to \$25, effective today. He advised that the euthanasia rate at Talbot Humane is currently 14% for dogs and 13% for cats, and emphasized that no adoptable animals had been euthanized this fiscal year. He continued that, in his opinion, the poor economy is the organization’s enemy as the

number of dogs received at the shelter has increased this fiscal year; the number of cats has decreased, and the number of adopted dogs has decreased 30% from previous years, resulting in longer stays by the animals and subsequent increased costs of care as revenues continue to decline. He stated that 5,000 lbs. of pet food has been donated to Talbot Humane in recent months and the organization continues its cost-cutting efforts by cutting its barn cat program, and by having spay/neuter partnerships with local veterinarians. Talbot Humane continues its goal of increasing foot traffic and encouraging all citizens to participate with the organization through contributions and/or volunteer efforts. Talbot Humane will continue to provide updates to the Council on a regular basis.

VI. Introduction of Administrative Resolutions:

AN ADMINISTRATIVE RESOLUTION REQUESTING THAT THE MARYLAND HERITAGE AREAS AUTHORITY AMEND THE BOUNDARY OF THE STORIES OF THE CHESAPEAKE HERITAGE AREA TO INCLUDE A CERTAIN AREA OF TILGHMAN ISLAND AS A TARGET INVESTMENT ZONE was read into the record by the Clerk. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of the administrative resolution was waived. Prior to introduction of the administrative resolution, Martin Sokolich, Long Range Planner, stated that the purpose of the administrative resolution is to request that a portion of Tilghman Island be designated as a target investment zone within the Maryland Heritage Areas Authority. Mr. Sokolich stated that the designation would provide a mechanism for funding improvements to the area designed to promote tourism, primarily the Tilghman Island Watermen's Museum. The Museum hopes to relocate to the Lee House, a "W-shaped" house believed to be unique to the Tilghman and Sherwood, Maryland areas. The administrative resolution was then brought forward for introduction. Upon motion by Mr. Foster, seconded by Mr. Bartlett, the Administrative Resolution was introduced by the Council. The Council approved the Administrative Resolution by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

AN ADMINISTRATIVE RESOLUTION REQUESTING THAT THE MARYLAND HERITAGE AREAS AUTHORITY AMEND THE BOUNDARY OF THE STORIES OF THE CHESAPEAKE HERITAGE AREA TO INCLUDE JOHN WESLEY CHURCH, A CERTAIN SINGLE PROPERTY ON ROUTE 333, AS A TARGET INVESTMENT ZONE was read into the record by the Clerk. Prior to introduction of the administrative resolution, Martin Sokolich, Long Range Planner, briefed the Council on the proposed administrative resolution requesting that the church be designated as a target investment zone within the Maryland Heritage Areas Authority. The designation would provide funding to help continue the rehabilitation of the building which began in 2003. Mr. James Hollis, representative of the John Wesley Church near Oxford, briefed the Council on the history of the church, its connection to the Oxford community, and proposed uses of the facility upon completion of the renovation. The administrative resolution was then brought forward for introduction. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of the administrative resolution was waived. Upon motion by Mr. Foster, seconded by Mr. Pack, the Administrative Resolution was introduced by the Council. The Council approved the Administrative Resolution by voting 5 – 0 as follows:

Mr. Harrison- Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

VII. Continuation of Public Hearing:

Prior to the continuation of the public hearing on Bill No. 1178, Sandy Coyman, Planning Officer, and Martin Sokolich, Long Range Planner, stated that the purpose of the legislation is to help ensure that areas which are designated in counties certified under the Maryland Agricultural Land Preservation Foundation (MALPF) program which are capable of supporting profitable agricultural enterprises (Priority Preservations Areas) are governed by local zoning policies which protect them from development. The legislation identifies those areas currently set aside in the county as Priority Preservation Areas, and identifies zoning which favors keeping large contiguous areas available for agriculture. Mr. Sokolich stated that the focus area for MALPF in the future is anticipated to remain where it has been traditionally, on the east side of U.S. Rt. 50 which has the greatest concentration of land with the best soils and larger areas uninterrupted by development, and outside the greenbelt areas of Easton and Trappe. The public hearing on Bill No. 1178, A BILL TO REPEAL AND REENACT CHAPTER 6 OF THE TALBOT COUNTY COMPREHENSIVE PLAN TO ADOPT A PRIORITY PRESERVATION AREA PLAN, ENTITLED “TALBOT COUNTY PRIORITY PRESERVATION AREA PLAN”, AS REQUIRED BY ARTICLE 66B § 3.05 (a) (6) (ii) (8), AND AGRICULTURE ARTICLE § 2-518, MD. ANN. CODE, was continued from Tuesday, February 9, 2010. The public was afforded an opportunity to comment on the legislation.

VIII. Eligible for Vote:

Bill No. 1178, A BILL TO REPEAL AND REENACT CHAPTER 6 OF THE TALBOT COUNTY COMPREHENSIVE PLAN TO ADOPT A PRIORITY PRESERVATION AREA PLAN, ENTITLED “TALBOT COUNTY PRIORITY PRESERVATION AREA PLAN”, AS REQUIRED BY ARTICLE 66B § 3.05 (a) (6) (ii) (8), AND AGRICULTURE ARTICLE § 2-518, MD. ANN. CODE was brought forward for vote. Upon motion by Mr. Foster, and unanimous consent of the Council, Bill No. 1178 was brought to third reader. The Council approved Bill No. 1178 by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

IX. Public Hearing:

Prior to the public hearing on Bill No. 1179, Mary Kay Verdery, Assistant Planning Officer, briefed the Council on the purpose of the legislation, to incorporate changes to Bill No. 1162 as recommended by the Critical Area Commission. The public hearing was then held on Bill No. 1179, A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, ZONING, SUBDIVISION AND LAND DEVELOPMENT, TO ADDRESS CERTAIN CHANGES TO BILL NO. 1162 AS REQUIRED BY THE STATE OF MARYLAND CRITICAL AREA COMMISSION FOR LOCAL CRITICAL AREA PROGRAM COMPLIANCE. The public was afforded an opportunity to comment on the legislation and Council discussion ensued. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council brought Bill No. 1179 to third reader by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Council approved Bill No. 1179 by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

X. Presentation by St. Michaels Volunteer Fire Department on Request to Talbot County Board of Education for Use of St. Michaels Middle High School Grounds for Annual Carnival – Doug Haddaway, President, St. Michaels Volunteer Fire Department; Jimmy Baynard, Carnival Co-Chair - The presentation was temporarily postponed as presenter Haddaway had not yet arrived.

XI. County Manager's Report:

A. Talbot County Local Emergency Planning Committee – Requested Council approval to forward the name of Paula Lowry of the Talbot County Health Department to the Governor for consideration of appointment to the Talbot County Local Emergency Planning Committee; if approved by the Governor, the appointment will complete the unexpired term of Judy Strong who retired, and will expire August 1, 2011. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved forwarding the name by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack - Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

B. Talbot County Board of Electrical Examiners – Requested Council approval for the reappointment of Timothy Fluharty to a four-year term on the Talbot County Board of Electrical Examiners; said term will expire on April 1, 2014. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack - Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

The Council recessed for Executive Session at 2:35 p.m. for discussion of legal and real estate matters.

The Council meeting reconvened at 3:10 p.m.

XII. Presentation by St. Michaels Volunteer Fire Department on Request to Talbot County Board of Education for Use of St. Michaels Middle High School Grounds for Annual Carnival – Doug Haddaway, President, St. Michaels Volunteer Fire Department; Jimmy Baynard, Carnival Co-Chair – Mr. Haddaway and Mr. Baynard briefed the Council on their request for use of the St. Michaels Middle High School grounds by the St. Michaels Volunteer Fire Department for their annual carnival. Mr. Haddaway stated that in late summer 2009, the Carnival Committee had requested use of the grounds and had later been advised that the Board of Education had unanimously denied their request without an explanation, adding that they would appreciate the opportunity to dialogue with the Board of Education on the matter. Mr. Haddaway and Mr. Baynard provided Council with information countering the Board of Education’s claim that only one other school in the state allows carnivals on their property. Council discussion ensued and the public was afforded an opportunity to comment. Members of the Board of Education who were present stated that the Board of Education will take public comment on the matter at the St. Michaels Middle/High School Cafeteria on Wednesday, March 17, 2010 at 7:00 p.m. On behalf of the County Council Mr. Foster read a letter into the record urging that the Board of Education grant the Fire Department’s request, and made a motion to forward the letter to the Board; the motion was seconded by Mr. Pack, with the Council voting 5 – 0 as follows to forward the letter to the Board of Education:

Mr. Harrison – Aye

Mr. Pack – Aye

Mr. Duncan – Aye

Mr. Foster – Aye

Mr. Bartlett – Aye

XIII. Council Comments:

Mr. Bartlett - Mr. Bartlett stated that he appreciated representatives of the Town of St. Michaels speaking on behalf of the Fire Department, adding that, in his opinion, it may have been a little more beneficial if both sides had weighed in on the matter before circulating the letter. He stated that he agreed with Mr. Harrison’s previous comments that people helping people is what makes Talbot County unique and that basic spirit is what we should strive for. He stated that he appreciated everyone’s comments.

Mr. Pack- Mr. Pack stated that the State of Maryland had just experienced the worst storm in its history, publicly acknowledging, in his opinion, the great job done by all agencies. He added that he was in awe of the cooperation between the agencies which combined their talents and resources to keep the community up and running. He continued that he had sat in on several emergency meetings at the Operations Center on Port Street, adding that it was quite an operation to see firsthand. Mr. Pack commented on the recent passing of Mr. Lemuel Chester, first African American to have served on the Dorchester County Council, adding that he had been friends with Mr. Chester for several years and that Mr. Chester had served as his mentor.

Mr. Foster - Mr. Foster echoed the statements of Mr. Bartlett and Mr. Pack, continuing that he shares the views of Mr. Bartlett with regard to the carnival issue. He stated that he hopes when all the facts are put before the Board of Education, they will admit they were wrong, as hard as it is to do, and will reconsider their decision. He offered kudos to those involved in the snow emergency, adding that individuals were working very hard on very little sleep, and often with equipment that was not sized for removal of a snow this size. He continued that he can’t say enough about zeal and dedication, particularly of Roads Department staff, who are perhaps the most threatened in terms of the economic budget problems. Mr. Foster continued that during the snow emergency, the National Guard had utilized Emergency Planner Michael Boldosser’s office as a dormitory and that staff prepared hot meals for the

drivers. Mr. Foster advised that the County Manager had also spent a great many hours assisting with phone calls at the Operations Center. Mr. Foster concluded his comments by stating that he had recently attended the St. Michaels High School play, Jekyll & Hyde.

Mr. Duncan- Mr. Duncan concurred with the comments of his colleagues regarding everyone's response during the snow emergency. He requested that a thank-you letter be sent to Talbot County's partners in the snow emergency, the State and neighboring municipalities, as they too had expended many hours and much money toward snow removal efforts and commented on the coordination of efforts between all the agencies involved. Prior to Mr. Bartlett's comments, Mr. Duncan had thanked the Commissioners of St. Michaels for their show of solidarity with the St. Michaels Volunteer Fire Department.

Mr. Harrison - Mr. Harrison commented on the efforts put forth by County employees in emergency services, roads, and other departments, alluding to his previous comments about community helping community, people helping people, for no remuneration. He stated that farmers from the northern end of the county had volunteered their time and equipment to help snowplows and dump trucks stuck in the snow, volunteer firemen had slept in the firehouses and had food brought to them by the community. He continued that those types of things, in his opinion, are what make Talbot County the place that it is, and the place where people want to come. Mr. Harrison personally addressed the two Board of Education representatives in the audience asking the Board of Education to seriously consider if there is any way they can see their way to allowing the Fire Department to hold their carnival on school grounds, especially since the Fire Department now has information which they did not have before. He reiterated Mr. Foster's statement that it is never easy to admit you made a wrong decision, adding that the Board of Education never hesitates to tell the Council that the Council has made an incorrect decision with regard to budget matters. Mr. Harrison concluded his comments by again asking the Board of Education to reconsider their decision.

XIV. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council voted to adjourn into Work Sessions and to reconvene for Administrative Function followed by Executive Session for discussion of personnel and real estate matters, and to reconvene in Executive Session on Tuesday, March 9, 2010 at 12:30 p.m. for discussion of legal, personnel, and real estate matters by voting 5 – 0 as follows:

Mr. Harrison - Aye
Mr. Pack - Aye
Mr. Duncan - Aye
Mr. Foster - Aye
Mr. Bartlett- Aye

The meeting adjourned at 4:06 p.m.

The transcript of the February 23, 2010 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XV. Prior to the meeting on February 23, 2010 an Executive Session of the Talbot County Council convened at 12:45 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Pack, the Council met in Executive Session by voting 5 - 0 as follows:

- Mr. Harrison – Aye
- Mr. Pack – Aye
- Mr. Duncan – Aye
- Mr. Foster – Aye
- Mr. Bartlett – Aye

In accordance with State Article §10-508(a)(1)(i)(4)(7) the purpose of the Executive Session was for a legal/real estate matter to obtain legal advice concerning the possible relocation of Memorial Hospital at Easton to County-owned property and timetable for same; for a legal matter to obtain legal advice regarding the permitting of Trappe Wastewater Treatment Plant by the Maryland Department of the Environment; for real estate matters to discuss a preliminary real estate matter regarding a company’s ability to relocate to Talbot County and to discuss a proposal to acquire real property for a public recreational use; and for personnel matters to discuss appointments to various County boards and committees and to discuss a matter involving the resignation of an employee. The meeting recessed at 1:30 p.m., reconvened at 2:35 p.m., recessed at 3:10 p.m., reconvened at 6:40 p.m. and ended at 7:20 p.m.

- XVI. Work Session with Talbot County Board of Education to discuss Talbot County’s Fiscal Year 2008-2009 Audit and the FY2011 Board of Education Budget Process and Related Issues – Gloria Farrare, President, Talbot County Board of Education; Members, Talbot County Board of Education; Chris Hall, CPA, TGM Group LLC; Angela Lane, Talbot County Finance Director - Mr. Hall highlighted for the Board of Education information contained in the Talbot County Comprehensive Annual Financial Report for fiscal year ending June 30, 2009, including recent decreases in total revenue to the County. At Council’s request, he provided an explanation of the importance of having the County maintain a good bond rating. Members of the Board of Education then presented several questions to Mr. Hall and Ms. Lane relating to specific items included in the Financial Report and discussion ensued. Ms. Farrare thanked the Council for continuing the open dialogue with the Board of Education; the Council had previously met with the Board of Education in a work session on January 12, 2010, prior to the finalization of the County’s Annual Financial Report.

- XVII. Work Session: Critical Area Commission New Buffer Regulations and Remapping Project – Sandy Coyman, Planning Officer; Mary Kay Verdery, Assistant Planning Officer – Mr. Coyman and Ms. Verdery briefed the Council on new Critical Area buffer regulations which become effective on March 8, 2010. The regulations, which result from the adoption of 2008 Maryland House Bill 1253, are designed to address inconsistencies in Critical Area regulations between the counties. Mr. Coyman and Ms. Verdery outlined several of the more significant changes and the impact the new regulations will have on both implementation by landowners and enforcement by County staff. Mr. Coyman and Ms. Verdery advised Council on the status of the Critical Area Remapping Project, a digitally generated and geo-referenced establishment of a 1,000 foot Critical Area boundary; the current Critical Area boundary was established in 1989 and was based on 1972 Maryland Department of Natural Resources wetland maps. Ms. Verdery continued that once the maps have been completed, Talbot County will hold a joint meeting with the Critical Area Commission to provide the public an opportunity to view the maps. The maps will subsequently be formally introduced before the Planning Commission and the County Council.

CASH STATEMENT 2/16/2010
BALANCE 2/9/2010

	\$4,554,165.87
UHC CLAIMS THRU 2/9/2010	(16,361.37)
STATE REPORT 1/2010	(155,737.69)
DEPOSITS	277,186.85

CHECKS	(193,396.73)
VOID CHECK NO.S 259228	26,282.24

BALANCE 2/16/2010 **4,492,139.17**

AIRPORT ACCOUNTS

AIP29	BALANCE 2/9/2010	\$ 27,092.10	
	DEPOSIT	309.42	
	CHECK	(13,354.00)	14,047.52
AIP30	BALANCE 2/9/2010	38,702.71	
	TRANS FR GEN ACCT	2,961.00	
	CHECK	(39,470.00)	2,193.71
AIP-32			2,916.01
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			-
AIP-34	BALANCE 2/9/2010	9,495.00	
	DEPOSIT	249.87	9,744.87
AIP-35	BALANCE 2/9/2010	71,396.00	
	DEPOSITS	17,997.32	
	CHECK	(11,207.15)	78,186.17

AIRPORT ACCOUNTS TOTAL BALANCE **\$109,593.28**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/24/2009	02/23/10	2.76%	6,000,000.00
01/27/2010	06/16/10	0.56%	3,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
01/27/2010	04-13/10	0.56%	3,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00

PNC - MLGIP INVESTMENTS TOTAL 0.16% 3,000,000.00

TOTAL INVESTED **\$57,000,000.00**

PETTY CASH BALANCE **\$6,500.00**

GRAND TOTAL ALL FUNDS **\$61,608,232.45**

CASH STATEMENT 2/23/2010

BALANCE 2/16/2010			\$4,492,139.17
UHC CLAIMS THRU 2/16/2010			(32,992.36)
MLGIP INTEREST ON ACCT 1/2010			367.05
RETURNED CHECK			(230.00)
PAYROLL – FD/SS/MS WH 2/19/2010			(137,585.62)
SECU DED			(10,998.25)
DEFERRED COMP DED			(8,988.45)
MD WH			(34,556.65)
PENSION DED			(22,317.99)
ACH TRANSFER			(11,517.95)
FLEX SPENDING ACCT			(2,255.29)
DEPOSITS			602,356.36
CHECKS			(427,864.70)
BALANCE 2/23/2010			<u>4,405,555.32</u>

AIRPORT ACCOUNTS

AIP29			14,047.52
AIP30			2,193.71
AIP-32			2,916.01
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			-
AIP34			9,744.87
AIP-35	BALANCE 2/16/2010	78,186.17	
	CHECKS	(52,756.65)	25,429.52
AIRPORT ACCOUNTS TOTAL BALANCE			<u>\$56,836.63</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/24/2009	02/23/10	2.76%	6,000,000.00
01/27/2010	06/16/10	0.56%	3,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
01/27/2010	04-13/10	0.56%	3,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00
PNC - MLGIP INVESTMENTS TOTAL		0.15%	3,000,000.00

TOTAL INVESTED	<u>\$57,000,000.00</u>
PETTY CASH BALANCE	<u>\$6,500.00</u>
GRAND TOTAL ALL FUNDS	<u>\$61,468,891.95</u>