



Talbot County, Maryland



Easton, Maryland

MINUTES

May 13, 2014

Present – President Corey W. Pack, Vice President Laura E. Price, Dirck K. Bartlett, Thomas G. Duncan, R. Andrew Hollis, County Manager Clay B. Stamp, County Attorney Michael Pullen and Staff Attorney Tony Kupersmith.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, May 13, 2014.
- II. Minutes – Mr. Pack requested and received unanimous consent for approval of the Minutes of Tuesday, April 22, 2014.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of May 13, 2014.
- IV. Presentation of Proclamation: Older Americans Month – May 2014 - Prior to presentation of the proclamation, Gary Gunther, Executive Director of Upper Shore Aging, stated that the theme of this year’s Older Americans Month, “Safe Today, Healthy Tomorrow,” encourages senior citizens and their family members to take necessary steps to help ensure that senior citizens are safe in their homes. He emphasized the removal of barriers, increased lighting and regular vision and hearing exams as simple ways to help seniors avoid injury, particularly falls. Jennifer Marchi, Chairperson, Talbot County Commission on the Aging, stated that the purpose of the proclamation is to recognize and celebrate the vitality and accomplishments of the senior citizens of Talbot County and she cited several examples of accomplished senior citizens with whom she has come in contact as the operator of a business serving the elder population of Talbot County. The Clerk then read a proclamation into the record in recognition of May as Older Americans Month. The Proclamation spoke of the contributions of older Americans to their communities and the importance of injury prevention toward helping all individuals live longer, healthier lives. Mr. Bartlett requested that Mr. Gunther follow-up on whether tax credits are available to senior citizens who desire to make safety alterations to their homes. Mr. Hollis, Council liaison to the Talbot County Commission on the Aging, expressed appreciation to Ms. Marchi for assuming the duties of chairperson of the Commission and stated that he and the Council look forward to renewed activism on the part of the Commission under Ms. Marchi’s leadership. Upon motion by Ms. Price, seconded by Mr. Hollis, the Council approved the Proclamation by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

Mr. Hollis presented the Proclamation to Ms. Marchi, who accepted on behalf of those representatives of the Talbot County Commission on the Aging in attendance and the organizations in Talbot County which serve the elder population.

- V. Presentation of Proclamation: National Hurricane Preparedness Week – May 25, 2014 – May 31, 2014 – Prior to presentation of the proclamation, Tim McNeal, Department of Emergency Services Division Chief for 9-1-1 Communications, and Michael Boldosser, Emergency Planner, briefed the Council on the purpose of National Hurricane Preparedness Week. Mr. McNeal stated that the goal is to educate the public through various venues, including the Department of Emergency Services' website and social media (Facebook), before an event occurs, by encouraging citizens to properly prepare to their families, homes, and businesses. He stated that meetings are held with local and State roads officials and law enforcement agencies in order to review evacuation routes in the event they are needed. Mr. Boldosser stated that his office assures that Talbot County coordinates departmental, agency and community group preparedness efforts to raise a general awareness of the approaching hurricane season (June 1, 2014 through November 30, 2014). The Clerk then read the proclamation into the record in recognition of May 25-31, 2014 as Hurricane Preparedness Week. The proclamation spoke of the importance of being adequately prepared for hurricane season in order to save lives and to minimize damage to property from the devastating and sometimes deadly effects of hurricanes and their aftermaths. Council discussion ensued with Mr. McNeal and Mr. Boldosser. Council expressed its appreciation to Mr. McNeal and Mr. Boldosser for their extra work while Mr. Stamp not only serves as Acting County Manager but also retains his duties as Director of Emergency Services for the County. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council approved the Proclamation by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

Mr. Duncan presented the Proclamation to Tim McNeal, who accepted on behalf of the Talbot County Department of Emergency Services.

IV. Introduction of Administrative Resolutions:

A RESOLUTION OF THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND (THE "COUNTY"), ACKNOWLEDGING AND ACCEPTING THE DEVELOPMENT AND CONSTRUCTION OF CELL NUMBER 2 OF THE MID-SHORE II REGIONAL LANDFILL IN CAROLINE COUNTY, MARYLAND BY THE MARYLAND ENVIRONMENTAL SERVICE ("SERVICE") AND THE ISSUANCE OF ADDITIONAL REVENUE BONDS IN THE PRINCIPAL AMOUNT OF FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) BY THE SERVICE FOR SUCH PURPOSE AS CONTEMPLATED UNDER THE EXISTING WASTE DISPOSAL SERVICE AGREEMENT BETWEEN THE SERVICE AND THE COUNTY AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY ADDITIONAL DOCUMENTS RELATED THERETO was brought forward for introduction. Prior to introduction, County Attorney Mike Pullen stated that the resolution had been requested by Maryland Environmental Service (MES) to authorize them to move forward with construction of Cell #2 at Mid-Shore Regional Landfill II in Ridgely. Talbot County is legally obligated to support construction of Cell #2 as a signatory to an agreement between Caroline, Talbot, Queen Anne's and Kent counties which rotates the landfill host county for a term of 80 years (20 years each); Talbot County's term ended in 2010. The administrative resolution was then read into the record by the Clerk and introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the administrative resolution was moved forward for vote. The Council approved the Administrative Resolution by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

The Administrative Resolution is effective immediately.

A RESOLUTION OF TALBOT COUNTY AUTHORIZING THE ISSUANCE, UPON THE FULL FAITH AND CREDIT OF TALBOT COUNTY, OF A GENERAL OBLIGATION INSTALLMENT NOTE IN THE PRINCIPAL AMOUNT OF ONE MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$1,760,000) UNDER THE AUTHORITY OF SECTIONS 16-203 AND 16-304(D) OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND (2006 REPLACEMENT VOLUME AND 2013 SUPPLEMENT), SECTION 10-203 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND (2013 REPLACEMENT VOLUME) AND BILL NO. 1258 ENACTED FEBRUARY 11, 2014, THE NOTE TO BE DESIGNATED “TALBOT COUNTY CHESAPEAKE COLLEGE PROJECT NOTE OF 2014;” PRESCRIBING THE FORM AND TENOR OF THE NOTE AND THE TERMS AND CONDITIONS FOR THE ISSUANCE AND DELIVERY THEREOF TO COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY; PROVIDING FOR THE LEVY AND COLLECTION OF ANY TAXES NECESSARY FOR THE PROMPT PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE NOTE, AND PROVIDING THAT THE FULL FAITH AND CREDIT AND TAXING POWER OF TALBOT COUNTY SHALL BE IRREVOCABLY AND UNCONDITIONALLY PLEDGED TO THE PAYMENT OF SUCH PRINCIPAL AND INTEREST, SUBJECT TO THE LIMITATION SET FORTH IN SECTION 614 OF THE CHARTER OF TALBOT COUNTY, AND GENERALLY RELATING TO THE ISSUANCE AND DELIVERY OF THE NOTE was brought forward for introduction. Finance Director Angela Lane provided a brief overview of the purpose of the resolution. She stated that in January 2014, the Council had approved Bill No. 1258 which authorized the borrowing of \$1,760,000 to pay Talbot County’s share of the debt toward the construction and equipping of the Allied Health and Athletics Facility at Chesapeake College; She stated that Queen Anne’s County actually issued the bonds on behalf of all the partner counties; the administrative resolution outlines the terms of the bond and allows Queen Anne’s County to enforce Talbot County’s payment of its share of the bond. Council discussion with Ms. Lane ensued. The administrative resolution was then read into the record by the Clerk and introduced by Mr. Bartlett, Mr. Hollis, and Mr. Pack. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the administrative resolution was moved forward for vote. Prior to the vote, Council discussion again ensued. The Council approved the Administrative Resolution by voting 3 – 2 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Nay
Mr. Duncan – Nay

The Administrative Resolution is effective immediately.

V. Eligible for Vote:

Resolution No. 211, A RESOLUTION TO PLACE A QUESTION ON THE BALLOT AT THE 2014 GENERAL ELECTION TO AMEND THE TALBOT COUNTY CHARTER TO PROVIDE THAT THE COUNCILMEMBER-ELECT RECEIVING THE HIGHEST NUMBER OF VOTES IN THE COUNCILMANIC ELECTION SHALL SERVE AS PRESIDENT OF THE COUNCIL FOR THE FIRST

BIENNIAL TERM OF THAT OFFICE, AND TO CHANGE THE TERM OF THE PRESIDENT AND VICE-PRESIDENT OF THE COUNCIL FROM ONE (1) TO TWO (2) YEARS, was read into the record by the Clerk; Resolution No. 211, and an amendment, introduced on May 6, 2014, were brought forward for vote. Prior to the vote, County Attorney Mike Pullen stated that the amendment would eliminate that portion of the proposed legislation which would have given the voters the opportunity to select the president of the Council for the first biennial term; the prerogative to elect the Council president would remain with the Council. Ms. Price made a motion to table Resolution No. 211; Mr. Hollis seconded the motion. Council discussion ensued whether the Council Resolution No. 211 should be tabled or brought forward for vote. Mr. Duncan then made a motion to bring the matter forward for vote rather than tabling. Council discussion again ensued and Ms. Price withdrew her motion to table; Mr. Hollis then withdrew his second to table. The Council did not approve Resolution No. 211 by voting 0 - 5 as follows:

Mr. Pack – Nay
Mr. Hollis – Nay
Mr. Bartlett – Nay
Ms. Price – Nay
Mr. Duncan - Nay

Neither the provisions of Resolution No. 211 nor the amendment will take effect; therefore, the matter will not be submitted to the voters of the County at the next general election.

Resolution No. 212, A RESOLUTION TO PLACE A QUESTION ON THE BALLOT AT THE 2014 GENERAL ELECTION TO AMEND THE TALBOT COUNTY CHARTER TO INCREASE THE COMPENSATION OF THE COUNTY COUNCIL FROM \$14,400 PER ANNUM TO \$16,500 PER ANNUM, WITH THE COUNCIL PRESIDENT TO RECEIVE AN ADDITIONAL \$1,000 PER ANNUM, was read into the record by the Clerk and brought forward for vote. Prior to the vote, Council members made the following comments:

Mr. Bartlett – Mr. Bartlett stated that he did not introduce the legislation and that he does not support same. He stated that, in his opinion, Talbot County is blessed with individuals willing to serve their community, citing as an example, those people who have signed up to run for County Council. For that reason, he does not necessarily think the salaries of the Council members need to be increased. He stated that the Council receives other benefits, including health insurance, which adds to the compensation for the job.

Mr. Duncan – Mr. Duncan stated that he too, did not introduce the legislation for the reasons cited by Mr. Bartlett, but he had since given the matter more thought and had decided that the legislation, even if approved by the Council, will not be implemented unless the voters of the County approve it. He stated that what the legislation does do is provide the voters of the County with an opportunity to say “yes” or “no” to giving the members of the Council a raise.

Ms. Price - Ms. Price stated that she agreed with Mr. Bartlett’s statement about individuals willing to serve in Talbot County. She stated that, in her opinion, none of the present Council members who are serving, nor the new candidates who are willing to serve, are doing so for the money, but are doing so because they love the county. She stated that periodically, it makes sense to her have the matter go before the voters so they can decide.

Mr. Hollis - Mr. Hollis stated that his comments essentially echoed Mr. Duncan's statements. He stated that, in his opinion, County citizens may share Mr. Bartlett's view but he thinks they deserve the right to make the choice when they go to vote and as such, he is in favor of the legislation.

The Council approved Resolution No. 212 by voting 4 – 1 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Nay
Ms. Price – Aye
Mr. Duncan – Aye

Resolution No. 212 will be submitted to the voters of the County at the next general election.

Bill 1260, A BILL TO AMEND THE 2013-2014 ANNUAL BUDGET AND APPROPRIATION ORDINANCE TO RECOGNIZE ADDITIONAL REVENUES AND TO APPROPRIATE THOSE ADDITIONAL REVENUES TO THE FUTURE CAPITAL PROJECT FUND FOR FUTURE CAPITAL PROJECTS, TO TRANSFER FUNDS APPROVED AND AUTHORIZED IN PRIOR YEARS' BUDGETS TO THE OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST, AND TO AMEND THE CURRENT EXPENSE BUDGET THROUGH FOURTH QUARTER TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS, was brought forward for vote. Prior to the vote, Finance Director Angela Lane stated that Bill No. 1260 proposes to amend the FY 2013-2014 Budget for the fiscal year ending June 30, 2014. She stated that the purpose of the proposed legislation is to: (1) recognize \$1,882,337 of revenue returned to the County from a County agency, specifically the Talbot County Health Department, from unexpended appropriations received by that agency over a period of eight to ten years, and to transfer those funds to the Capital Projects Fund where they can be allocated to future capital projects as needed; (2) transfer \$1,961,000 from the Fund Balance to the Other Post Employment Benefits (OPEB) Trust Fund to which the funds were previously allocated, and to recognize the transfer of the funds as an expense during the current fiscal year; and to (3) transfer funds between various County departments in the current fiscal year Expense Budget to more accurately reflect the expenditures of various County departments during the current fiscal year to ensure that the departments stay within their designated budgets; Council discussion ensued with Ms. Lane. Section 615 of the Talbot County Charter provides that the transfers can only be made by the County Council in the fourth quarter of the fiscal year with the recommendation of the County Manager; Acting County Manager Clay Stamp had certified that the funds are available as required under the County Charter when the legislation was introduced on April 8, 2014. A motion was made by Mr. Bartlett and seconded by Mr. Duncan to bring Bill No. 1260 to vote; the motion was put on hold until the legislation was read into the record by the Clerk. The Council approved Bill No. 1260 by voting 5 – 0 as follows:

Mr. Pack - Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

Bill No. 1260 is effective immediately.

- VI. Presentation by Economic Development Commission on Real Property Tax Credit Reserve Fund Proposal – Paige Bethke, Director, Office of Economic Development; Ted Bautz, Chairman, Talbot County Economic Development Commission; Haim Loran, Chairman, Marketing Committee, Talbot County

Economic Development Commission – Ms. Bethke stated that at the request of the Council, the Economic Development Commission (EDC) had been asked to explore in depth, three of the fifteen recommendations made by the Sage Policy Group with regard to a long term economic development Strategic Plan for Talbot County. She stated that the three recommendations the EDC had been asked to further explore included a review of the business environment in Talbot County; support of a marketing project to enhance opportunities for attracting business to Talbot County; and a review of Bill No. 737, the Real Property Tax Credit legislation enacted by the Council in 1999. She stated that Bill No. 737 currently requires a \$2,000,000 investment and the hiring of 50 new full-time employees in order to qualify for the tax credit. Ms. Bethke stated that the EDC had worked with County Attorney Mike Pullen and Finance Director Angela Lane on proposed amendments to Bill No. 737. Citing current smaller models than in 1999 when Bill No. 737 was enacted, the EDC is proposing a \$1,000,000 investment and the hiring of 15 full-time employees as a baseline in order for a company to be eligible for a tax credit. Ms. Bethke stated that no company has ever met the threshold of 50 new full-time employees in order to qualify for the tax credit. Council discussion ensued with Ms. Bethke and Mr. Bautz. Mr. Pullen clarified for Council that there would be no actual funding allocated in the budget for tax credits. He stated that a set amount would be included in the County’s annual budget for budgetary purposes only, reflecting the amount available for tax credits during that particular year should a company or companies making the investments as specified in the legislation, be determined by the County as eligible for a tax credit. He stated that the purpose of the property tax credit is to limit the County’s exposure to lost revenue to a set amount in any one year. Council discussion ensued with Mr. Pullen, Ms. Bethke and the EDC representatives. At Council’s request, legislation incorporating the recommendations of the Economic Development Commission will be drafted by the Office of Law and provided to Council for their consideration.

VI. County Manager’s Report:

A. Bid No. 14-07, REQUEST FOR PROPOSALS, TALBOT COUNTY SOFT DRINK/BEVERAGE CONTRACT - Requested Council approval of the recommendation of the Director of Department of Parks and Recreation to award the contract for provision of soft drinks/beverages for Talbot County to Pepsi Bottling Ventures, the lowest bidder for product purchase and the highest bidder for contributions to the County (annual contribution, marketing and contribution of product for various community events in which the Talbot County Community Center participates). Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the award by voting 5 – 0 as follows:

- Mr. Pack – Aye
- Mr. Hollis – Aye
- Mr. Bartlett – Aye
- Ms. Price – Aye
- Mr. Duncan - Aye

B. Easton Airport Annual Insurance Renewal - Requested Council approval of the Airport Manager’s recommendation to award the contract for Easton Airport liability insurance to Aviation Insurance Resources, LLC (AIG Aerospace Insurance) in the sum of \$4,153.00 for the period July 1, 2014 through June 30, 2015; cost of said insurance will be borne by the Airport Enterprise Fund; no County funds are required. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the award by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- C. Request from Talbot County Sheriff's Office – Requested Council approval to purchase a demonstrator replacement vehicle for the Talbot County Sheriff's Office in a sum not to exceed \$40,000; said purchase will be made with funding from the FY 2014 Contingency Fund which Finance Director Angela Lane has certified is available for the purchase. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved the request by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

VII. Council Comments:

Mr. Hollis – Mr. Hollis apologized for not being able to attend the Saturday, May 10, 2014 Village Center informational meeting due to work obligations; he stated that he had attended the previous two meetings and that he looks forward to receiving information on what transpired at the May 10th meeting.

Mr. Bartlett - No comments.

Ms. Price – Ms. Price stated that she had attended two of the three meetings which, in her opinion, had been very good. She stated that, in her opinion, communication is important and she hopes to continue the conversation. Ms. Price concluded her comments by expressing her appreciation to all those who had attended the recent meetings.

Mr. Duncan – No comments

Mr. Pack - Mr. Pack read the following statement into the record: *The County Council, at its meeting on Tuesday, May 27th, will be acknowledging those individuals who have served, or are currently serving in the Armed Forces of the United States of America, including those who gave the ultimate sacrifice of their lives in the pursuit of peace and freedom. In 2004, Congress passed a resolution designating May as National Military Appreciation Month for the purpose of encouraging all U.S. citizens to honor, recognize, and show appreciation to, the members of America's military and their families who support them, through various events and ceremonies. The Council will be presenting proclamations to representatives of those groups in attendance at the Council meeting on Tuesday, May 27th as a tribute to the nation's service members and veterans. The meeting will begin at 6:00 p.m. on Tuesday, May 27th.*

VIII. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters, to reconvene on Tuesday, May 27, 2014 at 5:00 p.m. in Executive Session for discussion of legal, personnel, and real estate matters, and at 6:00 p.m. for the regularly scheduled meeting by voting 5 – 0 as follows:

- Mr. Pack – Aye
- Mr. Hollis– Aye
- Mr. Bartlett - Aye
- Ms. Price – Aye
- Mr. Duncan - Aye

The meeting adjourned at 7:24 p.m.

The transcript of the May 13, 2014 County Council meeting is available for review in the Office of the County Manager during regular office hours.

IX. On Tuesday, May 13, 2014, an Executive Session of the Talbot County Council convened at 5:25 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Ms. Price, seconded by Mr. Duncan, the Council met in Executive Session by voting 5 – 0 as follows:

- Mr. Bartlett – Aye
- Mr. Duncan – Aye
- Mr. Hollis – Aye
- Mr. Pack – Aye
- Ms. Price – Aye

In accordance with State Article § 10-508 (a)(1)(i)(3)(7)(8) the purpose of the Executive Session was for discussion of personnel matters to discuss appointments to various County boards and committees and to discuss a personnel matter in the Department of Public Works; for a legal matter for legal advice regarding potential litigation; for a real estate matter for legal advice regarding proposed disposal of County-owned property; and for a legal/real estate matter for legal advice concerning relocation of Memorial Hospital at Easton to County-owned property. The Executive Session recessed at 6:00 p.m. and reconvened at 7:35 p.m. The Executive Session ended at 9:10 p.m.

CASH STATEMENT 5/13/2014

BALANCE 5/6/2014	\$22,454,582.30
TRANS MAA SHARE #2 TO AIP39	(2,154.72)
POSTAGE WIRE	(3,000.00)
USDA RURAL DEV-AIRPORT MTHLY BOND PYMNT	(1,304.00)
USDA RURAL DEV-UTMC QTRLY BOND PYMNT	(2,833.00)
RETURNED CHECK	(1,700.00)
UHC CLAIMS THRU 5/6/2014	(245,920.80)
PAYROLL – FD/SS/MS WH 5/9/2014	(121,783.44)
SECUR DED	(6,058.49)
DEFERRED COMP DED	(10,743.49)
MD WH	(30,297.89)
PENSION DED	(29,833.08)
ACH TRANSFER	(10,391.75)
FLEX SPENDING ACCT	(2,777.03)

DEPOSITS		777,252.22
CHECKS		(977,102.42)
VOID CHECK NO.S 289457,290969		633.37
BALANCE 5/13/2014		<u>21,766,567.78</u>
<u>AIRPORT ACCOUNTS</u>		
AIP-RUNWAY 4-22 EXTENSION ANALYSIS		--
AIP37		303.68
AIP39		76,044.29
AIRPORT ACCOUNTS TOTAL BALANCE		<u>76,347.97</u>
INVESTMENTS – CERTIFICATES OF DEPOSIT		
<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>
		<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL	0.06%	18,000,000.00
TOTAL INVESTED		<u>\$18,000,000.00</u>
PETTY CASH BALANCE		<u>\$8,570.00</u>
GRAND TOTAL ALL FUNDS		<u>\$39,851,485.75</u>