



Talbot County, Maryland



Easton, Maryland

MINUTES

November 26, 2013

Present – President Dirck K. Bartlett, Vice President Corey W. Pack, R. Andrew Hollis, Laura E. Price, County Manager John C. Craig, County Attorney Michael Pullen, Staff Attorney Tony Kupersmith. Council member Thomas G. Duncan was absent.

- I. Agenda – The Agenda of Tuesday, November 26, 2013 was brought forward for approval. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council voted to remove *Item VIII, Council Election of Officers for 2013-2014*, from the Agenda and to reschedule the matter for the Tuesday, December 10, 2013 meeting in order to afford Mr. Duncan an opportunity to participate in the elections. The Council approved the Agenda of Tuesday, November 26, 2013, as amended by voting 4 – 0 as follows:

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

- II. Minutes – Mr. Bartlett requested and received Council’s unanimous consent for approval of the Minutes of November 12, 2013.
- III. Disbursements – Mr. Bartlett requested and received Council’s unanimous consent for approval of the Disbursements of November 19, 2013 and November 26, 2013.
- IV. Presentation of Certificates of Recognition to Members and Coaches of the Talbot Braves Junior Midget Pop Warner Cheer Squad – 2013 Eastern Region Pop Warner Junior Midget Cheer and Dance Champions– Prior to presentation of the Certificates of Recognition, Keasha Haythe, Talbot Braves Parent Volunteer, briefed the Council on the 501(c)3 organization and the accomplishments of the Talbot Braves Cheer Squad thus far, including the team’s recent first place win in the Eastern Region Cheer and Dance Championship. The group will be traveling to Orlando Florida the week of December 9, 2013 to compete in the national competition; anyone wishing to contribute a tax deductible donation toward the cost of the trip may do so by forwarding checks made payable to Talbot County Pop Warner, P.O. Box 126, Easton, Maryland. Ms. Price then read the Certificate of Recognition and names of recipients into the record and presented a certificate to each of those members and coaches in attendance. Council congratulated the team; at Council’s request, the team performed one of their cheer routines.

- V. Introduction of Numbered Resolution:

A RESOLUTION TO APPROVE AMENDMENTS TO THE PLANNING COMMISSION'S BYLAWS TO INCLUDE PROCEDURES FOR PREPARING AND SUBMITTING THE RECORD FOR APPEALS TO THE TALBOT COUNTY BOARD OF APPEALS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Assistant Planning Officer Mary Kay Verdery stated that bylaws for the Talbot County Planning Commission were established in 1990 and an amendment made in 1998; no further amendments or updates have been made since that time. She stated that the purpose of the proposed amendments is to provide procedures for the Planning Commission with regard to appeals of decisions made by the Planning Commission to the Talbot County Board of Appeals. She stated that the procedures include information to be provided to the Board of Appeals, the timeline for creation of a record

to forward to the Board of Appeals, and the timeline for issuance of a written opinion following receipt of a notice to appeal. She stated that the proposed legislation also includes amendments to the number of terms an individual member may as an officer on the Commission. Council discussion with Ms. Verdery ensued. The resolution was then introduced by Mr. Bartlett, Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 207. A public hearing was scheduled for Tuesday, December 17, 2013 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington Street, Easton, Maryland 21601.

VI. Public Hearing:

A BILL TO REQUIRE NOTICE TO THE COUNTY OF ALL CLAIMS ASSERTED IN ANY PROCEEDING BY ANY PERSON THAT ANY ACT OR FAILURE TO ACT, OR THE APPLICATION OF ANY ORDINANCE, RULE, REGULATION, OR DECISION OF THE COUNTY, VIOLATES, OR WOULD VIOLATE, THE FEDERAL OR STATE CONSTITUTION, OR ANY STATUTE, RULE, OR REGULATION; TO REQUIRE THAT THE COUNTY, IN ITS EXECUTIVE CAPACITY, BE JOINED AS A NECESSARY PARTY IN ANY SUCH PROCEEDING ASSERTING ANY SUCH CLAIM, TO REQUIRE EXHAUSTION OF ADMINISTRATIVE REMEDIES, TO PROVIDE FOR RULES OF CONSTRUCTION, AND GENERALLY RELATING TO NOTICES OF SUCH CLAIMS IN SUCH PROCEEDINGS was brought forward for public hearing. Prior to the public hearing, County Attorney Mike Pullen stated that the legislation as originally drafted is intended to apply in a very narrow set of circumstances where an applicant, before the County, or a County representative (including all County boards or commissions), in addition to making a claim for any relief, such as a variance or an approval or a special exception, asserts a separate claim based on a constitutional violation. He stated that although the boards and commissions are expected to understand and apply the County Code and the rules for decision that govern the issuance of permits and approvals, they are not expected to be familiar with the constitutional criteria that apply to some scenarios. He stated that requiring the applicant to provide the County Manager and the County Attorney with advance notice of such a claim affords the County an opportunity to be represented before the administrative agency or board in order to provide guidance to them regarding any applicable constitutional criteria and to state the County's position on the matter. Mr. Pullen then advised that he had prepared amendments for Council's consideration which further narrows the scope for application of the proposed legislation, and also clarifies and simplifies the language of the legislation so that it can be more easily understood and applied. The amendments to Bill No. 1255 were then introduced by Mr. Bartlett, Mr. Hollis, Mr. Pack, and Ms. Price and the public was afforded an opportunity to comment on the legislation. Upon motion by Mr. Pack, seconded by Ms. Price, Bill No. 1255 was brought to third reader. The Council approved bringing Bill No. 1255 to third reader by voting 4 – 0 as follows:

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

Upon motion by Mr. Pack, and unanimous consent of the Council, a full reading of the legislation was waived. Mr. Pullen then called for a Point of Order, stating that a motion and a second needed to be made with regard to the amendments to Bill No. 1255. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the amendments to Bill No. 1255 by voting 4 – 0 as follows:

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

Upon motion by Mr. Pack, seconded by Ms. Price the Council approved Bill No. 1255, as amended, by voting 4 – 0 as follows:

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

Bill No. 1255, as amended, will take effect as provided for in the legislation.

VII. County Manager's Report:

- A. Talbot County Commission on the Aging – Requested Council approval for the appointment of Claudia Messick to a three-year term on the Talbot County Commission on the Aging; said term will expire April 1, 2015. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the appointment by voting 4 – 0 as follows:

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

- B. Renewal of Lease with Talbot Soil Conservation District – Requested Council approval for renewal of the Lease for Talbot County Extension Service located in Suite 1 at 28577 Marys Court, Easton, Maryland, in the building which is owned by Talbot Soil Conservation District; said Lease is in the sum of \$3,247.23 per month for a term of five years from December 1, 2013 to November 30, 2018. Mr. Craig stated that the amount of the Lease is the same as is currently being paid by the County to lease the office space on behalf of the County Extension Service. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved renewal of the Lease by voting 4 – 0 as follows:

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

- C. Bid No. 13-23, SOLICITATION OF OFFERS TO PURCHASE VALUABLE FEE SIMPLE REAL ESTATE - TWO (2) CONTIGUOUS PARCELS, EASTON TOWN CENTER ZONED CR-CENTRAL BUSINESS-COMMERCIAL DISTRICT, 142 N. HARRISON ST., EASTON, MARYLAND, IMPROVED WITH OFFICE BUILDING AND PAVED ON-SITE PARKING, TOTAL AREA CONSISTS OF 15,690 SF, MORE OR LESS; 130 N. HARRISON ST., EASTON, MARYLAND, CONTIGUOUS UNIMPROVED LOT CONSISTING OF APPROXIMATELY 9,990 SF, MORE OR LESS; THE TOTAL OF BOTH PARCELS INCLUDES APPROXIMATELY 25,680 SF, MORE OR LESS – Requested Council approval to award Bid No. 13-23 to the highest bidder, CCS Austin, LLC in the sum of \$1,375,000; Mr. Craig stated that a total of two bids had been received, however, one bid did not meet the minimum bid of \$1,264,100. He stated that Talbot County had purchased the property in 2002 from the Town of Easton. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the bid award by voting 4 – 0 as follows:

Mr. Bartlett – Aye

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

- D. County Offices Closed – Mr. Craig stated that County offices will be closed on Thursday, November 28, 2013 and Friday, November 29, 2013 in commemoration of Thanksgiving. Mr. Craig wished everyone a Happy Thanksgiving.

VIII. Council Comments:

Mr. Hollis - No comments.

Mr. Pack - Mr. Pack wished everyone a Happy Thanksgiving and asked for prayers for those who were traveling that they reach their destinations safely.

Ms. Price - Ms. Price echoed Mr. Pack's remarks and wished everyone a Happy Thanksgiving and safety for those traveling.

Mr. Bartlett – No comments.

- IX. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters, to reconvene in Executive Session on Monday, December 2, 2013 at 4:00 p.m. for discussion of legal, personnel, and real estate matters, and to reconvene in Executive Session on Tuesday, December 10, 2013 at 12:30 p.m. for discussion of legal, personnel, and real estate matters, and at 1:30 p.m. for the regularly scheduled legislative session by voting 4 – 0 as follows:

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

The meeting adjourned at 6:48 p.m.

The transcript of the November 26, 2013 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- X. On Tuesday, November 26, 2013, an Executive Session of the Talbot County Council convened at 5:00 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Ms. Price, seconded by Mr. Pack, the Council met in Executive Session by voting 4 – 0 as follows:

Mr. Bartlett – Aye
Mr. Duncan – Absent
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 personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter at Parks and Recreation; and to discuss a personnel matter involving the Health Officer; and for a

legal/real estate matter to discuss a proposal to dispose of County property. The Executive Session ended at 6:00 p.m.

CASH STATEMENT 11/19/2013

BALANCE 11/12/2013		\$26,415,861.28
RETURNED CHECKS		(3,499.58)
UHC CLAIMS THRU 11/12/2013		(50,643.98)
DEPOSITS		233,489.47
CHECKS		(243,009.54)
BALANCE 11/19/2013		<u>26,352,197.65</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS		--
AIP36		29,399.41
AIP37		303.68
AIP39		--
AIRPORT ACCOUNTS TOTAL BALANCE		<u>29,703.09</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 **\$18,000,000.00**

PETTY CASH BALANCE **\$8,570.00**

GRAND TOTAL ALL FUNDS **\$44,390,470.74**

CASH STATEMENT 11/26/2013

BALANCE 11/19/2013		\$26,352,197.65
UHC CLAIMS THRU 11/19/2013		(18,471.82)
PAYROLL – FD/SS/MS WH 11/22/2013		(124,907.01)
SECU DED		(6,809.34)
DEFERRED COMP DED		(10,048.49)
MD WH		(30,726.28)
PENSION DED		(30,114.55)
ACH TRANSFER		(10,291.75)
FLEX SPENDING ACCT		(2,739.54)
DEPOSITS		777,684.69
CHECKS		(689,468.76)
BALANCE 11/26/2013		<u>26,206,304.80</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP36	29,399.41
AIP37	303.68
AIP39	--

AIRPORT ACCOUNTS TOTAL BALANCE **29,703.09**

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 **\$18,000,000.00**

PETTY CASH BALANCE **\$8,570.00**

GRAND TOTAL ALL FUNDS **\$44,244,577.89**