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TOWN OF EASTON, MARYLAND
Easton Town Hall
14 S. Harrison Street

September 8, 2009

PRESENT AT CONVENING

8 Mayor Robert C. Willey
9 Council President John F. Ford
10 Councilmember Kelley K. Malone
11 Councilmember Pete Leshner
12 Councilmember Leonard E. Wendowski
13 Councilmember Megan M. Cook

IN ATTENDANCE

Also in attendance were the Town Attorney Ms. VanEmburch, Town Manager Mr. Karge, Town Planner Mr. Hamilton, Director of Economic Development Mrs. Maureen Scott-Taylor, President and CEO Easton Utilities Mr. Hugh E. Grunden, Building Code Official Mr. Don Richardson, Assistant to Town Engineer Mr. Brian Hause and Town Clerk Ms. Ruf.

CONVENING

At 7:00 p.m., President Ford called the meeting to order.

Mr. Leshner opened the meeting with prayer and led the audience in the Pledge of Allegiance.

President Ford congratulated Leshner and his wife Marianna on their newest addition to their family, Nicholas.

President Ford stated that the Council convened into Closed Session prior to the Regular Session this evening at 6:00 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the state (§ 10-508(a)(4)).

APPROVAL OF MINUTES

Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously, minutes of the August 17, 2009 meetings were approved as written.

MR. GRUNDEN, PRESIDENT AND CEO TO UPDATE COUNCIL ON EASTON UTILITIES ACTIVITIES

Mr. Grunden stated that energy prices have continued to decline with savings being passed along to customers in their monthly bills. He discussed Easton Utilities Green Initiative and stated that employees will join in the planting of two dozen 2" caliber trees.

Mrs. Cook asked if there Easton Utilities has seen an increase in customer requests for assistance with bills.

Mr. Grunden stated that initially they did in the March/April timeframe but it has pretty much tailed off.

MS. SCOTT-TAYLOR TO ADDRESS COUNCIL REGARDING TIDEWATER INN'S 60TH ANNIVERSARY

Ms. Scott-Taylor stated that on September 9 The tidewater Inn will be celebrating its 60th anniversary.

PRESENTATION OF PROCLAMATION FOR BAY COUNTRY CHORUS DAY

Mayor Willey presented a Proclamation to Mr. Stu Darrow proclaiming September 12 Bay Chorus Day in the Town of Easton.

ITEMS BY MAYOR WILLEY

Mayor Willey discussed the Town of Easton's financial picture due to the state's recent cut backs.

Mayor Willey stated that the Mayor's Annual Prayer Breakfast will be held at Krystal Q on October 23.

1
2 Mayor Willey discussed MML's three initiatives for the upcoming year. He stated that this year they
3 elected to work mostly to keep the budget intact.
4

5 **ITEMS FROM THE TOWN MANAGER**

6
7 Mr. Karge stated that the Town is in receipt of a Program Open Space Grant in the amount of \$69,000
8 for the construction of playground equipment in Waylands.
9

10 Mr. Karge stated that the Town will be opening paving bids tomorrow.
11

12 Mr. Karge reported that the Town, Easton Utilities and various employees engaged in H1N1
13 information sessions at the Fire Department given by Mrs. Kathy Foster.
14

15 **PUBLIC ASSEMBLY REQUESTS**

- 16
17 • 9/9 – 9/10 Tent Revival
18 • 9/9 – 9/11 Arts Marketplace – Craft Show
19 • 10/18 Benefit Fund Raise-Charity Run/Fun-Walk
20

21 Upon motion by Mr. Leshner seconded by Ms. Malone and carried unanimously, Public Assembly
22 requests as recommended by Easton Police Department were approved.
23

24 **ITEMS BY THE TOWN ATTORNEY**

25
26 Ms. VanEmburch stated that the County Council approved the petition for annexation to the hospital
27 and issued a check to initiate the process. The resolution for annexation will be introduced at the
28 September 21 Town Council meeting with an anticipated public hearing date of November 16.
29

30 Mr. Wendowski asked if the joint meeting with the town and county's planning staff could be
31 televised. The Town Planner stated that it is scheduled for September 24 and he will look into that
32 possibility.
33

34 **MS. MARGARET MCLEMORE TO UPDATE COUNCIL ON DESTINATION EASTON**

35
36 Ms. McLemore discussed the Destination Easton campaign and stated that the initiative is to target
37 travelers from DC to Philadelphia. She updated the council on the marketing efforts and the impact of
38 tourism in Talbot County.
39

40 President Ford stated that the Council is extremely appreciative of the efforts they are putting forth but
41 there is currently not enough funding to go around for all the council would like to do.
42

43 Mr. Wendowski asked if there is a survey form that the visitors might fill out.
44

45 Ms. McLemore stated that surveys are conducted during specific events.
46

47 Ms. Malone asked if information could be gathered such as why they are coming and if they would
48 come back.
49

50 Ms. Scott-Taylor stated that the Town of Easton does participate in Destination Easton and she
51 believes it is a wonderful ad and the initiative needs to be supported.
52

53 **RESIDENTS OF ELWOOD AND WAYSIDE AVENUES TO ADDRESS COUNCIL**
54 **REGARDING FLOODING IN NEIGHBORHOOD**

55
56 Mr. Gene and Carol Musser, 728 Wayside Avenue; Ms. Margaret Kelanowski, 732 Wayside Avenue;
57 Ms. Providence Hutchins, 730 Wayside Avenue; were present to discuss heavy rains and flooding in
58 their neighborhood.
59

60 Ms. Hutchins stated that she believes the problems to be associated with drainage issues. She discussed
61 the storm drains that fill during heavy rains. She asked the Town to hear their complaint and help
62 rectify their issue.
63

64 President Ford stated that the town staff will need to look at the situation and report to the Council.
65

1 Mr. Musser stated that when he bought his home, his backyard was a marsh and he paid to have a ditch
2 dug up to the culvert to help alleviate the problem but had two 12” culverts feeding one 6” culvert
3 which didn’t work well.

4
5 Mr. Hause, Assistant to the Town Engineer discussed the history of the drainage issues, the amount of
6 the rain of the recent storm that fell which was relative to a 100 year storm and the stormwater
7 management in the area. Mr. Hause stated that he was not aware of any collapsed culvert.

8
9 President Ford asked Mr. Hause to assess the situation and report back to the Council.

10
11 **THE MICHAELS DEVELOPMENT CORPORATION & TALBOT COUNTY HOUSING**
12 **AUTHORITY TO ADDRESS COUNCIL REGARDING PROPOSED DEVELOPMENT ON**
13 **PORT STREET**

14
15 Mr. Don Bibb discussed a proposed Planned Unit development on Port Street. He discussed a
16 partnership effort for affordable/workforce housing for the Town.

17
18 Mr. Joel Silver, a Vice President of Michaels Development discussed longevity and resources of
19 Michaels Development Corporation. He discussed Hope 6 Revitalization Effort.

20
21 Discussion occurred regarding funding sources.

22
23 Mr. Wendowski discussed county fees and asked if they will seek funding from them.

24
25 Mr. Silver stated that they will be asking for a waiver from the County due to the Maryland Partnership
26 Program.

27
28 Mr. Leshar asked how much age restricted housing does Easton have already.

29
30 Mr. Bibb discussed affordable age restricted which would be Asbury Place and Parkview Apartments.

31
32 Discussion occurred regarding the need for workforce housing.

33
34 Ms. Malone stated that there is a need for low income housing for seniors.

35
36 Mr. Wendowski stated that he would like to see more housing in the county and not everything coming
37 to Easton.

38
39 President Ford stated that the public needs to hear about the proposal. He stated that this would require
40 a serious financial commitment from the town as well as taxpayer money.

41
42 President Ford set a Public Hearing for public comment for September 21 at 7:15 p.m. He suggested
43 the Council contact Mr. Bibb with any questions. He stated that this type of proposal is not new to the
44 town. Asbury Place was built with this type of commitment.

45
46 **ORDINANCE NO. 557, “AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE**
47 **TOWN OF EASTON ZONING ORDINANCE.”**

48
49 Mr. Wendowski stated that he is not in support of this ordinance. He stated that standards are in place
50 and he does not want the council to become a negotiating tool.

51
52 Mrs. Cook agrees with Mr. Wendowski. She stated that she cannot vote in favor of the ordinance. She
53 stated that the developer can adhere to the standards and she cannot support the ordinance.

54
55 Mr. Leshar stated, “after carefully reviewing the differences between the general Development
56 Standards and the Supplemental Use Standards for Major Retail (which are essentially design
57 standards), the distinction in the type of flexibilities between the two appears to be well-thought out,
58 and we ought to thank our past councils, the planning commission, staff, and the town’s attorney for
59 carefully differentiating the two. The distinction is not an accident or oversight as characterized by the
60 developer’s attorney.

61
62 The Supplemental Use Standards for Major Retail development are there for a good reason: to protect
63 the community character of Easton from the sort of generic “Anywhere USA” sort of suburban-style
64 construction that has been blighting communities and killing downtowns for two generations. We
65 know how to avoid that now, and we have some of the tools at our disposal in the zoning ordinance to

1 ensure that our development does not go in that direction. We ought not be weakening or
2 circumventing those requirements. It would not be good for the town, it would not be good for the
3 shoppers who use that retail development, it would not be good for the tenants and, except for short-
4 term expediency, and it would not be good for the landowner, either.

5 Mr. Showalter's request to create a means of waiving a long list of these design standards would move
6 the town in the wrong direction. In a parallel application, we don't simply waive historic district
7 design standards, even when they are inconvenient for a developer—because there is already adequate
8 flexibility built into those guidelines and standards. Instead of opening the door to exceed the 50% cap
9 on parking in front, we should be looking to tighten this requirement. If we are to encourage
10 pedestrian-friendly, bicycle-friendly, and transit-friendly development, we could prod developers to
11 stay well below this 50% limit. When we revise the zoning ordinance this year, we should consider
12 changing the standard to NO off-street parking in front, and if the peculiarities of the site design, for
13 example an in-town redevelopment of an area adjacent to the railroad grade, if other elements are
14 introduced to ameliorate the parking, allowing up to 40 or 50% of off-street parking to be located in
15 front. [Compare Safeway with parking in front – not very pedestrian friendly – to Easton Utilities
16 office – much more pedestrian friendly. We clearly learned some lessons between the time of site
17 review of these two buildings.] The broadened flexibility advocated by Mr. Showalter should certainly
18 not be extended to greenfield developments, which already have enormous inherent flexibility with site
19 layout possibilities, but, if at all, for more constrained infill development and redevelopment.
20 A change toward tightening, rather than loosening the Supplemental Design Standards would help
21 steer the character of major retail development in a direction more in character with Easton, and away
22 from an "Anywhere USA" cookie-cutter look. I cannot support the text change as proposed."
23

24 Ms. Malone stated that it is important to maintain the standard in the town and to continue to enhance
25 our quality of life with the developments that come here. She stated that if we did modify the
26 standards, it would be unfair to those that have had to uphold the standards set forth. She stated that
27 she wholeheartedly say no to any modifications to this zoning ordinance.
28

29 Mr. Ford stated that this ordinance stated that the ordinance that the council was asked to consider was
30 focused on two issues in the supplemental standards; 1) the requirement that less than 50% of the
31 parking be not between the street frontage and the building and the other had to do with setbacks. He
32 stated that there should be a balance if major retail development is approved, it should succeed and if
33 there are issues in that site plan that prevent successful development, they should be reviewed.
34 President Ford stated that less than 50% parking in front of the building is an aesthetic standard and the
35 site plan should be embellished more to counteract. He stated that he could not support the ordinance
36 as written.
37

38 Ordinance No. 557 was moved and carried unanimously to disapprove by Ms. Malone and seconded
39 by Mr. Leshar following a roll call vote.
40

41 **ORDINANCE NO. 558, "AN ORDINANCE OF THE TOWN OF EASTON AUTHORIZING**
42 **THE EXECUTION OF A LAW ENFORCEMENT MUTUAL AID AGREEMENT IN**
43 **ACCORDANCE WITH MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURE**
44 **ARTICLE, SECTION 2-105"**
45

46 Upon motion by Mr. Wendowski seconded by Mr. Leshar and carried unanimously, Ordinance No.
47 558 was approved following a roll call vote.
48

49 **ORDINANCE NO. 559, "AN ORDINANCE OF THE TOWN OF EASTON REPEALING AND**
50 **REENACTING WITH AMENDMENTS CHAPTER 2, ARTICLE VII CODE**
51 **ENFORCEMENT AND CODIFYING AND REENACTING WITH AMENDMENTS**
52 **PORTIONS OF, EXHIBITS A AND EXHIBITS B OF ORDINANCE 448, UNDER CHAPTER**
53 **2, ARTICLE VII CODE ENFORCEMENT."**
54

55 President Ford introduced Ordinance No. 559 for a first reading.
56

57 Mr. Leshar had questions in which Mr. Richardson clarified. Mr. Richardson stated that the ordinance
58 was drafted in the same language as the previous ordinance. He stated he would look at and possibly
59 simplify the language.
60

61 **ITEMS BY MEMBERS OF THE COUNCIL**
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63 Ms. Malone discussed an upcoming meeting with Corporal Bordley scheduled for September 14 to
64 designate a Neighborhood Crime Watch Area. She discussed a recent tour at Easton Utilities and stated
65 that the community is lucky to have them.

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ADJOURNMENT

Upon motion by Mr. Leshar seconded by Ms. Malone and carried unanimously; President Ford adjourned the regularly scheduled meeting at 9:11 p.m.

Kathy M. Ruf, Town Clerk