

**TOWN OF EASTON, MARYLAND
EASTON TOWN HALL
14 S HARRISON STREET**

February 5, 2018

PRESENT AT CONVENING.

Mayor Robert C. Willey
Council President John Ford
Councilmember Alan I. Silverstein
Councilmember Pete Leshner
Councilmember Ron E. Engle
Councilmember Megan M. Cook

Also present was the Town Manager Mr. Don Richardson, Town Attorney Mrs. Sharon VanEmburch, Chief David Spencer, Captain Greg Wright, Town Planner Mr. Lynn Thomas, Building Inspection Manager Mr. Tom Diem and Town Clerk Mrs. Kathy M. Ruf.

President Ford called the regularly scheduled Council meeting to order at 6:45 p.m. and entertained a motion to move into Closed Session.

Upon motion by Mr. Silverstein, seconded by Mr. Leshner and carried unanimously, President Ford convened into Closed Session.

6:45 PM CLOSED SESSION ARTICLE § 3-305(B) (1) TO DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT, PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION, OR PERFORMANCE EVALUATION OF APPOINTEES, EMPLOYEES, OR OFFICIALS OVER WHOM THIS PUBLIC BODY HAS JURISDICTION; OR ANY OTHER PERSONNEL MATTER THAT AFFECTS ONE OF MORE SPECIFIC INDIVIDUALS.

At 7:04 p.m., upon motion by Mr. Silverstein seconded by Mr. Leshner and carried, President Ford adjourned the Closed Session and reconvened into Open Session.

President Ford advised that a Closed Session had been held prior to the regular meeting to discuss personnel issues.

MEETING.

At 7:07 p.m., President Ford called the meeting to order.

OPENING REMARKS BY MR. SILVERSTEIN AND PLEDGE OF ALLEGIANCE.

Mr. Silverstein gave opening remarks and led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES OF JANUARY 16, 2018 MEETING.

Upon motion by Mr. Leshner seconded by Mr. Engle and carried unanimously, minutes of the January 16, 2018 meeting were approved.

POLICE BOARD.

Chief David Spencer was present and discussed personnel, department activities, upcoming events and specialized training. Chief Spencer introduced the new graduates: Patrol Officers Christopher Claggett, Joey Miller and Kyle Willey. Chief Spencer invited the Mayor and Council to the Awards Dinner March 23rd at 6:30 p.m.

MR. ALEXANDER M. BOND, PRESIDENT & CEO AVALON FOUNDATION, INC. TO UPDATE ON AVALON THEATRE AND ITS GROWTH.

Mr. Bond was present and distributed the annual report.

Mr. Bond showed a short video showing the impact on the community that the Avalon Theatre produces.

Mr. Bond updated on the Avalon's activities and what the Avalon Foundation does and where they are headed. He stated that the Avalon Foundation has grown to be one of the largest arts and culture organizations on the Eastern shore. Mr. Bond discussed performances that may occur at Todd Performing Arts at Chesapeake College. He stated that they are looking at ways to bring the community together.

Mr. Bond discussed improvements and additional plans to update the Avalon.

ITEMS BY THE MAYOR.

BOARDS AND COMMISSIONS RE-APPOINTMENTS FOR SUPERVISOR OF ELECTIONS AND HISTORIC DISTRICT COMMISSION.

Upon motion by Mr. Leshar seconded by Mr. Engle and carried unanimously, the following appointments were approved:

- Carlene Phoenix, Supervisor of Elections (4 year term)
- Robert A. Arnouts, Historic District Commission (3 year term)
- Kevin Bateman, Historic District Commission (3 year term)
- William E. Wieland, Historic District Commission (3 year term)
- Kelly G. Pezor, Historic District Commission (3 year term)

Mayor Willey asked for Council approval for an additional building inspector.

President Ford stated that consideration is toward an experienced person but there will be a learning curve.

Upon motion by Mr. Leshar seconded by Mr. Engle and carried unanimously, approval was granted for additional personnel due to increased activity. It was noted that the additional person will help to keep from accumulating a backlog.

ITEMS BY THE TOWN MANAGER.

The Town Manager Mr. Richardson discussed a personnel matter. He stated that Easton Police Department has requested the addition of a third K-9 to supplement their staff. He stated if approved, the expenditure could be funded through the existing operating funds.

Mr. Richardson stated that speed camera funds can also be used as this is considered for public safety. He stated that the town will piggyback on the State Police training for the K-9.

Upon motion by Mr. Silverstein, seconded by Mr. Engle and carried unanimously, approval was granted for the addition of the K-9.

PUBLIC ASSEMBLY EVENT APPROVAL REQUESTS:

ST. PATRICK'S DAY PARADE AND POTATO RACE 3/17/18.

Mr. Richardson stated that staff has recommended approval with the exception that no transient peddler's license are to be issued during the event.

EASTON VOLUNTEER FIRE DEPT. 5K RUN 4/7/18.

Upon motion by Mr. Leshar seconded by Mrs. Cook and carried unanimously, the St. Patrick's Day Parade and Potato Race and the Easton Volunteer Fire Department 5K Run scheduled for April 7, 2018 was approved.

5K COLOR RUN 5/18/18.

The Town Manager asked that approval of the 5K Color Run be tabled until further information is received.

PUBLIC WORKS AND ENGINEERING BID FOR RAILS-TO-TRAILS EXTENSION.

Mr. Richardson stated that the Engineering Department has received three bids between \$329,000 and \$225,000. He stated that the project is not projected to be funded at those levels. He stated that the stormwater management was fairly extensive in those bids. Mr. Richardson stated that the Town Engineer recommends rejecting those bids and re-bidding with different objectives and doing some work in house.

Upon motion by Mr. Silverstein, seconded by Mr. Leshar and carried unanimously, the bids were rejected.

7:15 PM PUBLIC HEARING TO DISCUSS THE REQUEST OF MARLBORO PLAZA BUSINESS TRUST FOR A PLANNED UNIT DEVELOPMENT (PUD) TO PERMIT THE CONSTRUCTION OF 18 APARTMENT UNITS TO BE LOCATED TO THE REAR OF THE BUILDINGS FRONTING ON 106 MARLBORO AVENUE.

At 7:36 p.m., President Ford opened the 7:15 p.m. scheduled public hearing.

Mr. Thomas, Town Planner introduced the project. He stated that the Planning Commission reviewed and recommended approval at their December meeting and approved the PUD project subject to two conditions. One concerned changes to the specific site plan which has since been changed and the second condition is that the applicant pay \$2,700 in lieu of the required open space.

The Town Attorney offered the oath to those that intended to offer testimony.

Zach Smith, Armistead Lee Rust & Wright introduced Mr. Steve Whelan, Mr. Bill Stagg and Mr. Brett Ewing. Mr. Smith stated that the request is for a PUD amendment to the existing center. He stated that the Planning Commission found this project to be consistent with the Comprehensive Plan. Mr. Smith stated that this PUD Amendment is a request for a housing project which is much needed in Easton. He discussed the need for rental housing near downtown and within walking distance of the town's amenities. He discussed the challenge of the site which is constrained by commercial development. Mr. Smith discussed infill projects that provide a needed housing project.

Mr. Bill Stagg stated that this is a two lot development known as Marlboro Plaza. He stated that the lot is less than a five acre site but this is an established PUD and they are asking for an amendment. Mr. Stagg stated that this is an under-utilized site with the opportunity for residential infill development. He stated that the parking in the back is rarely used and that it is not a good site for most uses but it is a good site for residential. Mr. Stagg stated the lot has constraints; especially stormwater but they are proposing 12 one bedroom apartments. He discussed the layout of the units and stated that all units will have a stair. He stated that there will be six two bedroom units and 18 parking spaces. Mr. Stagg stated that Mr. Whelan controls both sites and they will have a shared access with the Hearthstone project. He discussed open space for the development. Mr. Stagg stated that the marketing target will be for young professionals. He stated that they have made some concessions in the plan for the intended residents including sidewalk connections. Mr. Stagg stated that they have had discussions with Easton Utilities and they have offered some revisions.

Mrs. Cook asked if some of the current parking could be used for open space. She stated that it could be used to enhance residential parking as there is not much open space as it is.

Mr. Stagg discussed trash pickup for the units. He stated that the trash receptacles have not been defined but that can be worked out.

Mr. Stagg discussed the findings the council has to consider. He stated that he thinks it is an opportunity for an underutilized site.

Mrs. Cook asked what the rental price point would be. Mr. Stagg stated the rental would be around \$1,000 for one bedroom, \$1,200 for 2 bedroom. Mr. Stagg displayed architectural renderings.

Mr. Smith stated that this is connected to the town's infrastructure and will allow residents to walk or bike to existing parks.

Mrs. Cook pointed out that a lot of developments have their own private dedicated park. She suggested a place where someone could look at trees or read a book.

Mr. Richard Tettlebaum, Chairman of the Planning Commission, (present on behalf of himself and not the Planning Commission) 7477 Casey Avenue discussed the development having less than 30% common open space requirement which he does not feel can be waived. He discussed common open space and stated that is very little opportunity. Mr. Tettlebaum stated that infill is to be encouraged but he cannot ignore the need for common open space. He discussed the \$2,700 fee in lieu the developer offered.

Mr. Whelan stated that if residents do not like the development, they can look elsewhere; and that is why there are choices.

President Ford discussed the regulation for open space and why the designated percentage is legislated.

Mr. Smith stated that if a project does not include the requirements, the council still has the ability to approve upon their discretion. He stated that it is not virgin ground and has been waived in previous developments.

President Ford stated that the one bedroom unit may provide a much needed market.

Mr. Engle asked if current parking behind the shopping plats can be made into open space.

Mr. Brett Ewing, Lane Engineering discussed the proximity and convenience of each unit.

At 8:33 p.m., President Ford closed the scheduled public hearing. He stated that written comments will be accepted until close of business Friday and disseminated from the Town office.

ORDINANCE NO. 718, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 31 OF THE EASTON TOWN CODE TO REVISE THE TOWN'S FOREST CONSERVATION ORDINANCE."

President Ford introduced Ordinance No. 718 and set the Public Hearing to revise the Town's Forest Conservation Ordinance for March 5, 2018 at 7:15 p.m.

Mr. Newcomb stated it will be an improvement to the Town Code.

ITEMS BY MEMBERS OF THE COUNCIL.

Mr. Engle thanked everyone for their support for the partially bearded fund raising campaign.

ADJOURNMENT.

Upon motion by Mr. Silverstein seconded by Mr. Leshner and carried unanimously, President Ford adjourned the regularly scheduled meeting at 8:40 p.m.