

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

July 18, 2011

PRESENT AT CONVENING

Mayor Robert C. Willey
Council President John Ford
Councilmember Kelley K. Malone

Councilmember Pete Leshner
Councilmember Leonard E. Wendowski, Sr.
Councilmember Megan M. Cook

IN ATTENDANCE

Also in attendance were the Town Manager Mr. Robert F. Karge, Sr., the Town Attorney Ms. VanEmburch and Town Clerk Mrs. Kathy Ruf.

CONVENING

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

Mrs. Cook opened the meeting with remarks and led the audience in the Pledge of Allegiance.

President Ford stated that a Closed Session had occurred prior to the regularly scheduled meeting to discuss business retention and for the advice of counsel.

APPROVAL OF MINUTES OF JULY 5, 2011 MEETING.

Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously, minutes were approved as prepared.

INTRODUCTION OF POLICE STAFF

Captain Mark Waltrup was present to discuss recent promotions at the Easton Police Department and to introduce Patrol Commander Lt. Brandon Bobbick, Squad 2 Supervisor Sgt. John Coleman and Corporal Milton Orellano.

ITEMS BY MAYOR WILLEY.

Mayor Willey discussed work that has commenced on the RTC property.

Mayor Willey stated that Olive Garden's work has started today and Tractor Supply has started construction at Mulberry Hill.

Mayor Willey advised that MML has awarded Easton as a Banner City and the flag is in the Council chambers.

Mayor Willey discussed the fifth lane at Marlboro Road and stated that it is progressing.

The Bay Street and Washington Street intersection project has commenced.

ITEMS BY TOWN MANAGER.

Mr. Karge drew the Council's attention to the Public Assembly Permits submitted and approved by Easton Police Department.

Mr. Karge stated that an e-mail has been received requesting abatement of the parcel owned by the Garden Club on the south end of town. Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously approval was granted for the abatement of the Garden Club real estate bill.

Mr. Karge advised that abatements are not routinely done except those set by the state or bills for Not for Profit organizations.

Mr. Karge discussed the Historic Train Station signs that will be erected by the Public Works Department.

Mr. Karge advised that there is some confusion regarding replacement by Historic signs due to readability. He stated that placement of these signs is a Federal mandate from Department of Transportation but the historic signs will be left up for decorative purposes.

Ms. Malone discussed the possibility of motion detector lights in the vicinity of the neighborhood park at Chapel East.

Mr. Karge reiterated that the parks are closed at dark. Occasionally complaints are received regarding inappropriate activity in those parks after dark. Mr. Karge stated that the appropriate action to take is to call the police if suspicious activity occurs.

President Ford asked the Town Manager to find out if August 8 at 6:00 p.m. is convenient for the parking commission workshop.

ITEMS BY TOWN ATTORNEY.

Ms. VanEmburch stated she will defer comments until the Hyde Park Ordinance is brought to the floor.

MS. LISETTA SILVESTRI TO DISTRIBUTE DISPOSABLE CAMERAS TO COUNCIL MEMBERS FOR THE EASTON POINT PROJECT.

Ms. Lisetta Silvestri, Community Project Manager was present to discuss the Easton Point Project. Ms. Silvestri distributed disposable cameras to take pictures of waterfront properties you love and pictures of things you would like to see changed on and around the property. Ms. Silvestri will also be present at the Easton Farmer's Market to distribute cameras with pictures due August 5. She stated an additional tour will be held Wednesday at 6:00 p.m. She stated that design students will use submitted photos to develop ideas for the property.

MR. GERRY FRIEDEL, P.E., DAVIS BOWEN & FRIEDEL, INC. AND MR. BRIAN HAUSE, ASSISTANT TO TOWN ENGINEER TO GIVE UPDATE ON RTC PROPERTY.

Mr. Friedel updated on progress on the RTC Park and explained the concept that folds in well with the committee's request and the features of the property.

President Ford asked what the next step will be.

Mr. Friedel stated that grading will occur and a section of the trails will be developed. The restroom and tot lot should be designed.

Ms. Malone discussed changes that have occurred subsequent to the envisioned plan by the committee.

Discussion occurred regarding the next steps to be taken.

MS. EVELYN SEDLACK, TALBOT INTERFAITH SHELTER TO PRESENT STATISTICS REGARDING HOMELESS IN EASTON AND TALBOT COUNTY.

Ms. Sedlack introduced Ms. Julie Lowe, President of Board of Directors of Talbot Interfaith Shelter. She discussed the organization and operation of the Talbot Interfaith Shelter. Ms. Sedlack stated that they welcome volunteers and asked the Council to keep in mind that they need a permanent building adaptable to being a shelter. She stated that they are supported by members of the community for the most part.

ORDINANCE NO. 588, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE R-10M ZONING DISTRICT TO TWO PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 5978 LOCATED ON THE EAST SIDE OF U.S. ROUTE 50 AND CONSISTING OF 117.994 ACRES OF LAND, MORE OR LESS."

Ms. VanEmburch discussed Ordinance No. 588. She stated that it applies the zoning R10M to the property that was annexed by Resolution No. 5978. She stated that the property that is zoned TC in the county requires the county's consent due to increasing the density by more than 50%.

She stated that the County is most concerned with how many years there is for the delay of development of undeveloped parcels. She stated that the number of years has been left in limbo with property owners proposing four years and county preferred something closer to a five year delay on the undeveloped parcel being developed. At the meeting, the applicant agreed that they would propose five years subject to the town council's decision. Talbot County council has deferred their decision and continued their public hearing to July 26 at 6:30 p.m. Ms. VanEmburch stated that the annexation agreement has been amended to include some additional

language that includes a five year development delay on the undeveloped parcel; does have language that specifically allows the current parcels to add a shed or allow them to do an addition to their community center. She stated that the language has been included in the Annexation Agreement and also provided that if there are any growth control measures implemented by the Town; they would apply to this property.

President Ford asked for questions from Council regarding the Annexation Agreement or Ordinance No. 588.

Ms. Malone asked for clarification regarding County Council consent for the zoning. She discussed her concerns regarding the annexation and growth rate. Ms. Malone supports a five year delay for development on the undeveloped parcel.

Ms. VanEmburch discussed Section IV of the Zoning Ordinance.

Ms. Malone shared her thoughts regarding the recent annexation of Hyde Park. She discussed the urgency regarding their waste water treatment.

Mr. Showalter discussed the property as outlined in the Comprehensive Plan.

Mr. Karge stated that the manufactured home on the subject property is not real estate as defined for the purposes of taxation.

Ms. VanEmburch discussed the process of annexation and submitting necessary documents to the Planning Department.

Ms. Malone stated that on page 4 Section 3.1; she supports the five year limitation on the building permits but asked that stronger language be used and that the word "may" be changed to "shall" regarding growth rate.

Mr. Showalter stated that if the Town adopts a building permit cap or building permit moratorium that is not constitutionally valid, Jensen's does not want to be subject to the rest of the world and give up the right to challenge those but if the Town adopts something legally effective, and it applies to recordation of subdivision plats or issuance of utility connections and building permits, they understand they will be subject to that.

President Ford supports changing the language.

Mrs. Cook asked that the years before development be increased as she stated she would like to see longer than five years and also the ability to go through and put the infrastructure in to be at least five years.

Mr. Showalter asked for clarification regarding the objectives. He stated he understands the growth rate limitations.

President Ford stated that he has no concerns with the five year delay.

Mr. Wendowski has concerns regarding what happens on the undeveloped parcel. He asked for clarification regarding the excise tax.

President Ford and Mr. Leshner support the annexation agreement as written with the language change as suggested by Ms. Malone. Mr. Leshner would support this with the five year language understanding that it essentially buys this council time to act on creating some mechanism for achieving the 1% growth goal. He would support the legislation with a different number than five years if that helps achieve the majority and consensus.

Mrs. Cook stated that the five years would be acceptable in the document with the caveat that there is no infrastructure until the five years limitation has expired; no approvals and no permits.

Ms. Malone stated that she supports seven years rather than five.

Mr. Wendowski stated that he does not want to see any homes or roads before seven years.

President Ford stated that the language as proposed is not supported.

Mr. Showalter suggested setting a pace to regulate growth; approving a specified number of houses per year.

President Ford suggested changing the five years to seven years.

Mr. Showalter stated that he does not have the ability to accept that although the Council could pass the Annexation Agreement contingent on Jensen's agreeing to the term.

Ms. VanEmburch recommended passing the Ordinance for the zoning conditioned upon the approval of the Annexation Agreement.

Mr. Leshar made a motion to approve Ordinance No. 588 contingent on the property owner's concurrence acceptance of the Annexation Agreement. No second was offered.

Mr. Showalter exited the meeting to confer with his client telephonically.

REVIEW OF INVOICES TOTALING \$746,190.30.

Upon motion by Ms. Malone seconded by Mr. Leshar and carried unanimously, invoices totaling \$746,190.30 were approved for payment.

ITEMS BY MEMBERS OF THE COUNCIL

Mrs. Cook stated that there will be an open house at Easton Point to view 11 acres at the end of Glenwood Wednesday at 6:00 p.m. She discussed the camera distribution project and stated that the deadline for cameras is August 5.

President Ford reminded those present about the 5th Annual National Night Out August 2 at Moton Park at 5 p.m. Mrs. Cook stated that the pool will be open from 5:00 p.m. to 7:00 p.m. with the parade commencing at 7:00 p.m.

TEN MINUTE RECESS

At 9:03 p.m., upon motion by Mr. Wendowski seconded by Mrs. Cook and carried unanimously; President Ford declared a ten minute recess.

RECONVENE MEETING

At 9:11 p.m., Mr. Showalter rejoined the meeting.

At 9:11 p.m. President Ford called the meeting back in session.

Mr. Showalter stated that his client feels that seven years is acceptable. He stated that a Development Rights and Responsibilities Agreement is not allowed in an annexation agreement. Mr. Showalter stated that Jensen's will agree to the seven year time frame if this Section 3.1 can include an additional sentence that says in concept if the town subsequently rezones the property to eliminate the uses or the densities that are in the R-10M District, the 7 year time frame will go away.

Ms. VanEmburch suggested to the Council that if the language is acceptable, the council authorize Mayor Willey and she to work with Jensen's on the exact language and give Mayor Willey the authority to sign the agreement with the language that accepts the concept the Council is approving.

Mr. Wendowski made a motion to authorize the Mayor to sign the documents once they meet both parties requirements, seconded by Ms. Malone and carried unanimously changing the language from "may" to "shall" and changing 5 years to 7 years keeping the right to obtain necessary approvals and construct before the expiration of the 7 years.

Mr. Showalter clarified that if the zoning for the property is subsequently changed to eliminate the uses or the densities in a material way, the 7 year hold or restriction is no longer applicable.

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Upon motion by Mr. Leshar seconded by Ms. Malone and carried unanimously, Ordinance No. 588 was approved contingent on the property owner's concurrence acceptance of the Annexation Agreement.

ADJOURN

At 9:16 p.m., upon motion by Mr. Leshar seconded by Mrs. Cook and carried unanimously; President Ford adjourned the regularly scheduled meeting.

