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4 **TOWN OF EASTON, MARYLAND**
5 **Easton Town Hall**
6 **14 S. Harrison Street**

7 February 18, 2014

8
9 **PRESENT AT CONVENING**

10
11 Mayor Robert C. Willey
12 Council President John Ford
13 Councilmember Megan M. Cook
14 Councilmember Kelley K. Malone
15 Councilmember Pete Leshner
16 Councilmember Leonard E. Wendowski, Sr.

17
18 Also present was Town Manager Mr. Robert Karge, Town Attorney Mrs. Sharon VanEmburch, Town Planner Mr.
19 Thomas and Town Clerk Mrs. Kathy Ruf.

20
21 **OPENING REMARKS BY MR. LESHER AND PLEDGE OF ALLEGIANCE.**

22
23 Mr. Leshner gave opening remarks and led those present in the Pledge of Allegiance.

24
25 **APPROVAL OF MINUTES OF FEBRUARY 3, 2014 MEETINGS.**

26
27 Upon motion by Mr. Leshner seconded by Ms. Malone and carried unanimously, minutes of the February 3, 2014
28 meetings were approved.

29
30 **FIRE BOARD REPORT.**

31
32 Chief Jones presented a 2013 summary of activities to the Council.

33
34 Mrs. Cook thanked the department for their work on the recent house fire on Goldsborough Street.

35
36 Mr. Wendowski asked if out of town calls have increased. Chief Jones stated that they are about 60/40.

37
38 President Tim Knotts stated that this is his fourth year as President and he is looking forward to a great year.
39 President Knotts introduced the Administrative and Line Officers:

40
41 President James T. Knotts, Vice President J. Edward Lynch, Secretary Rebecca A. Caldwell, Treasurer Kenneth E.
42 Bush, Trustees: Randy Chance, Chris Hash, Barry Slaughter, Jeff Meintzer, Jason Spies, Don Abbatiello and
43 Thomas Murphy.

44
45 The Line Officers for 2014 are as follows: Chief Morris "Sonny" Jones, Assistant Chief C.R. Chance, Captain
46 John Harrison, 1st Lieutenant Kevin Dulin, 2nd Lieutenant J.R. Dobson, 3rd Lieutenant Sol James, 4th Lieutenant
47 Mike Ziegler, Chief Engineer Daryl Caldwell, 1st Assistant Chief Engineer Jason Spies, 2nd Assistant Chief
48 Engineer Gordon Seeber, and Ambulance Captain Bryan Miller.

49
50 Jason Spies discussed delivery of the new truck. He stated that it should be in about March 14.

51
52 **ITEMS BY THE TOWN MANAGER.**

53
54 Mr. Karge reported that the Town of Easton has sufficient salt on hand if there are additional snow events.

55
56 **ITEMS BY THE TOWN ATTORNEY.**

57
58 Mrs. VanEmburch discussed the State's mandated ethics form. She stated that it should be e-mailed by the end of
59 the week after distributed to the State Ethics Board and Mr. Karge. Mrs. VanEmburch discussed a proposed bill
60 that would not require a spouse or other family member to disclose financial information.

61
62 Mrs. VanEmburch discussed the public hearing for the Airport trees. She stated that the Forest Conservation Plan
63 has not been received from the county.

64
65 Mrs. VanEmburch stated that tentatively, the public hearing for the airport trees could be scheduled for March 17.

66
67 **EASTON DOWNTOWN PARTNERSHIP TO UPDATE COUNCIL ON RECENT ACTIVITIES AND**
68 **PROGRESS.**
69

70 No one was present at this time to give a report.

71
72 **CONSENSUS ON THE AMENDMENT OF IMPACT FEES AND HOW THEY ARE ASSESSED,**
73 **COLLECTED AND EXPENDED.**

74
75 Mr. Karge discussed the proposed impact fees. He stated that the proposed fees shrink the number of categories.
76 Discussion occurred regarding the potential lodging and hangar fees. Mr. Karge stated that the staff has suggested
77 passing the impact fees as suggested with administrative steps provided for unusual circumstances.

78
79 Mr. Karge stated that a draft ordinance could be introduced at the next meeting.

80
81 Mr. Wendowski has questions about town parks and stated that he is concerned about that portion of the impact
82 fee.

83
84 President Ford stated that he is supportive of the impact fee changes and suggesting adopting the fee schedule and
85 administrative proposal.

86
87 **PUBLIC HEARING TO DISCUSS THE REQUEST OF WILLIAM STAGG OF LANE ENGINEERING**
88 **AND JAY DONEGAN, OF THE JAY DONEGAN COMPANY (APPLICANT) ON BEHALF OF**
89 **RICHARD BERNSTEIN FAMILY L.P., FOR A PLANNED UNIT DEVELOPMENT (PUD) TO**
90 **CONSTRUCT A 55,879 SQUARE FOOT HARRIS TEETER GROCERY STORE WITH 11,700 SQUARE**
91 **FEET OF ADDITIONAL RETAIL USE.**

92
93 At 7:24 p.m., President Ford opened the Public Hearing.

94
95 Mrs. VanEmburch stated that this hearing will be like the previously held zoning hearing for Waterside Village.
96 She asked that participants that would like to make comments stand and take an oath. She asked them to identify
97 themselves and state their name and address during the testimony. Mrs. VanEmburch explained that there would
98 be the right of cross examination for each witness.

99
00 The audience that initially wanted to testify took the oath.

01
02 Mr. Thomas, Town Planner outlined the purpose for tonight's meeting. He stated that this is the public hearing on
03 the PUD request. He discussed the location of the stand-alone Planned Unit Development site. He discussed the
04 council's two part role; considering the sketch plan and finding the proposal to be relative to the Comprehensive
05 Plan. Mr. Thomas discussed the conditions the Planning and Zoning Commission asked to be addressed. He stated
06 that the developer had made those changes as requested. He stated that the conditions predominately address the
07 2400 square foot stand-alone building adjacent to Marlboro Avenue; front façade along Marlboro Ave, a slope
08 roof, and a request to have the additional building built prior to or simultaneously with the larger building, and
09 have the developer submit a traffic analysis.

10
11 Mr. Showalter, 101 Bay Street, Suite 2; Easton MD discussed the application for new PUD as well as an
12 amendment. Mr. Showalter introduced Mr. Bill Stagg, Mr. Jay Donegan, Mr. Richard Bernstein, Mr. Mike
13 Clemmer, representatives from Harris Teeter.

14
15 Mr. Bill Stagg Lane Engineering, 117 Bay Street, discussed the concept plan approved for Waterside Village. He
16 discussed the mixed used development that had previously been approved.

17
18 Mr. Leshar asked if there are further changes that would take place in this site plan after tonight.

19
20 Mr. Stagg stated that they are not prepared to commit but will listen to suggestions. Mr. Stagg stated that it is their
21 intention to get this project approved and they could go back to the drawing board although the building cannot be
22 sited much different than it is.

23
24 Mr. Stagg discussed Harris Teeter being a different kind of store.

25
26 Discussion occurred regarding the amount of business lost to western shore stores. He stated that there is a
27 substantial amount of money leaving Easton to buy groceries; approximately 39 million dollar leakage in only
28 grocery dollars.

29
30 Mr. Stagg discussed promoting the downtown and downtown's health. He stated that Harris Teeter will not go
31 downtown but they want to be in Easton. Mr. Stagg explained that their model will not work downtown.

32
33 The Town Attorney asked the audience if there were questions for Mr. Stagg.

34
35 Ms. Malone asked the Town Attorney if Mr. Stagg's testimony regarding the downtown was his opinion.

36
37 Mrs. VanEmburch stated that Mr. Stagg is testifying on parts of his discussion as an expert. He has been hired as
38 an expert in land use planning so therefore his testimony is part of his expert analysis.

39
40 President Ford opened the floor for public comment. He asked that names and mailing addresses be included in
41 their comments.

42
43 Mr. Jim Slattery, 6313 Canterbury Drive, moved here from Savannah about 12 years ago. Mr. Slattery stated his
44 wife is a native from Charlottesville, VA where there is a Harris Teeter. Mr. Slattery stated that Harris Teeter
45 draws from surrounding counties, knows quality of products and the customers get value for their money. Harris
46 Teeter will solve their necessity to go elsewhere to shop for specialty grocery items. Mr. Slattery stated that their
47 quality is outstanding. He stated that the customers also use other services in the town so there is a double draw.
48

49 Mrs. Cook asked for verification regarding if Harris Teeter is owned by Kroeger. She was advised that it is.

50
51 Mr. M. Wayne Flye, 8390 Aveley Manor Lane, stated he has shopped at all grocery stores here. Questions why
52 there is a leakage from this community. Mr. Fly stated that he has shopped at Harris Teeter in NC where he lived
53 before. He feels this is predicated from the leakage of the sales out of Talbot County.

54
55 The Town Attorney asked if there are any questions for the witness.

56
57 President Ford clarified that members of the Harris Teeter group also have the opportunity to question witnesses.

58
59 Ms. Brenda Latka, 7575 Cuckoo Point Road, Bozman discussed the employment opportunities. She stated that she
60 is not familiar with the store. In her opinion, the store would keep money in Easton. She stated that the store could
61 be a source of employment for retired people and a positive thing for Easton.

62
63 Ms. Ann Dudley, 29678 Sullivan Drive, Easton; has lived here for nine years and stated that she feels this would
64 be a great asset to the town and would fill a void in the grocery scene. In her opinion, she does not think Harris
65 Teeter will have an adverse effect on the existing grocery stores.

66
67 Mr. Joe Minarick, President EENA, 128 S Harrison Street, stated that EENA thinks that the presence of an
68 economically viable full service grocery store within walking distance is necessary in the Town of Easton. He
69 stated that an additional grocery store in Easton could potentially compromise the downtown grocery shopping is
70 not in the interest of the east end residents. He stated that EENA would like to acknowledge the quality of the
71 Harris Teeter stores but asked the council to deny the building of this store in Easton due to the impact of the
72 downtown.

73
74 Ms. Vicky Caruthers, 205 Idlewild, questioned how many people would be employed, part time, full time, what
75 types of jobs.

76
77 The Town Attorney swore in Mr. Herman Espenhorst, 406 Arbor Place, has been a resident for five years; lived in
78 NJ. He stated that Harris Teeter would be a good addition to the community. He stated that there will be sizeable
79 real estate taxes paid.

80
81 Glen and Kimberly Baker, 8845 Kemp Road, are 17 year residents of Easton. He stated this store could be a
82 replacement for the grocery store which used to be at Marlboro and Glebe Rd. He stated that the assessment of the
83 market could be very reasonable for him. Mr. Baker stated that taxes added to community would be significant as
84 well as the creation of jobs.

85
86 Mr. John Bayliss, 26334 Arcadia Shores Lane, stated that he has been in the food industry business all his life; 20
87 years in the supermarket business. Mr. Bayliss stated that he will speak highly of Harris Teeter. He asked that
88 figures be substantiated. Mr. Bayliss stated Kroeger recently bought Harris Teeter. Mr. Bayliss stated that most of
89 these stores also have pharmacy. He stated that Harris Teeter will impact the other grocery stores in the
90 community. He asked the council and community to look at this application as a whole. Mr. Bayliss asked if the
91 council has the right information.

92
93 Mr. Bayliss discussed the population growth in the area and the prospect of new sales. He stated that the
94 supermarket industry is not healthy.

95
96 Mr. Herman Espenhorst, 406 Arbor Place stated that it should be the consumers' decision where they want to shop
97 not a legislative body.

98
99 Discussion occurred regarding Safeway not keeping up with the times. Mr. Bayliss stated that Safeway is caught in
00 the middle of trying to do a service to the community or closing the store. He stated that the community has been
01 true to Safeway.

02
03 Mr. Wendowski discussed Safeway's proposal for a store on Ocean Gateway where they walked away due to them
04 not being able to be with the other developers in a full shopping center. Mr. Wendowski discussed other grocers
05 updating their stores. He stated that competition is what makes this country great. Mr. Wendowski stated that by
06 protecting what is in town will make the town wind up with nothing. He stated that the town has been fighting this
07 shopping center since he has been on this council; it's going on the 11th year.

08
09 Ms. Phyllis Marsh took the oath. Ms. Phyllis Marsh 29427 Woodbridge Drive stated she hasn't heard from real
10 shoppers. She stated that she stops at all grocery stores in the area and that competition is good. Ms. Marsh stated
11 that it would be a treat to have a Harris Teeter.

12
13 Mr. Michael Clemmer, 29085 Airpark Drive, wanted to bring things to Easton that is not currently here and a nice
14 grocer was part of the plan. Harris Teeter is No. 5 and a very different store than what Easton has. Mr. Clemmer
15 stated that they have been talking to Harris Teeter for eight years.

16
17 Mr. Scott Whipple, Harris Teeter, 701 Crestdale, Matthews NC, 28105 addressed questions. Thanked the council
18 for the opportunity tonight. He stated he wants to address a few questions. Harris Teeter will employ 100+
19 employees; 50 full time, 50 part time employees, and three managers with an average salary of \$65,000. There will
20 be five department heads with salary between \$40,000 - \$45,000. Mr. Whipple stated that they are a community
21 based store. Mr. Whipple stated that they contribute to schools and education. They raise a lot of money for food
22 banks and sponsor events. He stated that they encourage employees to volunteer and like to give back. Mr.
23 Whipple stated that they will invest 10 million dollars in this store. He stated that the research they have done has
24 been done in the last two years and has been done three times in the last ten years. Mr. Whipple stated that
25 competition is a good thing. Kroger is treating Harris Teeter great and keeping all their management. Mr. Whipple
26 stated that the Harris Teeter name will continue. In the estimate of their sales, they do not assume to close any
27 stores. Mr. Whipple stated that Kroger has 23 banners; Harris Teeter will be No. 24.

28
29 A member of the audience asked who will build the store. He asked if it would be local contractors.

30
31 Mr. Whipple stated that the project will be bid; local as well as other contractors that have previously worked with
32 them.

33
34 Ms. Malone stated that she appreciates the community support and with it community involvement. She asked if
35 Harris Teeter would work with local growers. Mr. Whipple said that is a big issue and a big priority going forward
36 in agricultural and seafood.

37
38 Mr. Whipple stated that they do not see anything changing and they are reaching out more and more for local
39 alternatives. Mr. Whipple stated that their annual sales are healthy.

40
41 Ms. Vicky Caruthers asked what kind of employer Harris Teeter is.

42
43 Mr. Whipple stated that the employees participate in profit sharing and there are bonuses paid out twice a year
44 which is way beyond their wages being very competitive.

45
46 Ms. Caroline Kerrely asked if they have home delivery service.

47
48 Mr. Whipple stated that customers can call in and have their order picked by their employees and pick up their
49 merchandise with curbside service.

50
51 An audience member asked what Mr. Whipples' position is on President Obama's minimum wage increase. Mr.
52 Whipple stated that he had no comment.

53
54 Ryan Showalter added that using a \$10 million assessment, the local annual property tax revenue excluding state
55 taxes would be approximately \$52,000; \$38,000 to the county.

56
57 Mr. Stagg stated that bases on these estimates, the impact fee for this store would be approximately \$140-160,000.

58
59 Mr. Stagg discussed the Plan and the findings necessary for the council to make regarding the proposal such as
60 adequate public services to the site and if it complies with the Comprehensive Plan. He stated that it would add to
61 the value of the other retail stores that surround it.

62
63 Mr. Showalter asked for additional questions. There were none.

64
65 President Ford discussed the process and stated that the council would reach a consensus at the following meeting
66 and an ordinance would be drafted for consideration.

67
68 The Town Attorney suggested that the public hearing be continued until the next meeting for factual testimony.

69
70 At 9:05 p.m., there being no further comments, President Ford stated that the record would be left open for written
71 comments until March 3. He stated that written comments could be forwarded to the town office for dissemination.

72
73 **REVIEW OF INVOICES TOTALING \$418,000.77.**

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75 Due to the invoices being e-mailed after the packet, Mr. Leshner asked that the invoice review approval be
76 postponed until the next meeting.

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ADJOURN.

Upon motion by Ms. Malone seconded Mr. Leshner by and carried unanimously, President Ford adjourned the regularly scheduled meeting at 9:10 p.m.

Kathy M. Ruf, Town Clerk