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

May 16, 2016

PRESENT AT CONVENING.

Mayor Robert C. Willey	12 Councilmember Pete Leshner
Council President John Ford	13 Councilmember Ron E. Engle
Councilmember Alan I. Silverstein	14 Councilmember Megan M. Cook

IN ATTENDANCE.

Also present was the Town Manager Mr. Robert F. Karge, Town Attorney Mrs. Sharon VanEmburch, Town Planner Mr. Lynn Thomas and Town Clerk Mrs. Kathy M. Ruf.

CONVENING.

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

OPENING REMARKS BY MRS. COOK AND PLEDGE OF ALLEGIANCE.

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

APPROVAL OF MINUTES OF MAY 2, 2016 MEETING.

Upon motion by Mr. Leshner seconded by Mr. Engle and carried unanimously, minutes of the May 2, 2016 meeting were approved.

FIRE BOARD.

Mr. Sonny Jones, Jr., Easton Volunteer Fire Department Trustee expressed sincere thanks and gratitude to assisting Fire Departments but also to the Town Departments for assistance with the recent fire at Bob Evans.

Mr. Jones asked permission to take town owned fire apparatus to the Maryland State Firemen's Convention in Ocean City next month beginning Monday, June 20.

Upon motion by Mr. Leshner, seconded by Mr. Silverstein and carried unanimously, permission was granted for the Easton Volunteer Fire Department to take the Town's fire equipment to the Maryland State Firemen's Convention.

Mr. Jones discussed the self-contained breathing apparatus purchase. He stated that the Department had solicited bids from three manufacturers. After evaluating the three bids received from three different distributors, the committee did not recommend the low bid from MES Fire Equipment in the amount of \$361,945.

After evaluation, the Committee recommended the purchase from MSA in the amount of \$380,502. He stated that it is understood that this will be in the Town's FY2017 budget but they are requesting permission to sign an agreement with them with the understanding that they will not be compensated until after July 1.

Mr. Jones discussed the air packs proposed for purchase and the high priority for safety as well as the warranty. He stated that they will receive 50 units and an additional 5 spares.

Mr. Karge stated that the Mayor supports the purchase of this and he recommend that the

62 Fire Company be authorized to proceed due to the life safety aspects of the purchase.

63
64 Upon motion by Mr. Silverstein, seconded by Mr. Leshner and carried unanimously, the
65 purchase of the self-contained breathing apparatus as recommended by the committee at
66 the Easton Fire Department was approved.

67
68 Mr. Jones welcomed the Mayor, Council and officials to a small open house scheduled for
69 June 16 at 6:00 p.m. to view the breathing apparatus.

70
71 Mr. Jones thanked the council for their assistance.

72
73 **SGT. JAMES MILLER, CRISIS INTERVENTION TEAM OFFICER FOR EASTON POLICE**
74 **DEPARTMENT AND MEMBERS OF THE COMMUNITY TO RECEIVE MENTAL HEALTH**
75 **AWARENESS MONTH PROCLAMATION.**

76
77 Councilmember Engle presented Sgt. Miller with the Mental Health Awareness Month
78 Proclamation and introduced Md. Beth Ann Langrell- Executive Director of For All Seasons,
79 Ms. Kate Farinholt, - Executive Director of the Maryland Chapter of the National Alliance
80 Mental Illness (NAMI), Ms. Debra Jackson- Executive Director of Channel Marker, Ms. Carol
81 Masden- Director of the Eastern Shore Mobile Crisis, Affiliated Sante Group, Ms. Holly
82 Ireland- Executive Director of the Mid-Shore Mental Health Systems Inc., and Ms. Diane
83 Lane-Executive Director of Chesapeake Voyagers, Inc.

84
85 Sgt. Miller discussed the Crisis Intervention Team and their purpose.

86
87 Sgt. Miller thanked everyone for their support.

88
89 **PRESIDENT JAMIE MCNEAL, TALBOT COUNTY VOLUNTEER FIRE & RESCUE ASSOCIATION TO**
90 **ADDRESS COUNCIL REGARDING SEPTEMBER 11 CEREMONY.**

91
92 Mr. Jamie McNeal was present to discuss Talbot County Volunteer Fire & Rescue Association's
93 planned September 11 activities. He stated that he is now their president and they are
94 working closely with the Talbot County Council. He stated that they plan to move the
95 ceremonies to Tilghman in hopes of getting increased participation. Mr. McNeal stated he is
96 the liaison between the county and Talbot County municipalities. He asked for the Town's
97 support and discussed the planned participants. Mr. McNeal stated he will keep the Mayor
98 and Council informed of the planned activities. He stated he will return to a council meeting
99 to report on recruitment efforts.

100
101 **MR. BOB PORTER, SHARPER GRAPHICS TO PRESENT ART PROJECT PLANNED FOR PERDUE'S**
102 **SILOS.**

103
104 Mr. Porter discussed the street proposed beautification project for a property he owns at
105 125 Kemp Lane, originally the hatchery. He stated that the Street Beautification Project is
106 estimated to cost \$75,000. They are asking for input from the community, county and state
107 for potential funding sources as well as a "Go Fund Me" page. Mr. Porter stated that his
108 establishment is now named Le Hatchery Galleria. He stated that the intention is to have a
109 start date of mid-September to mid-October. Mr. Porter displayed conceptual renderings of
110 the project for the silos that Perdue owns next to his establishment. He stated that he wants
111 this to be a community event.

112
113 **ITEMS BY THE TOWN MANAGER.**

114
115 Mr. Karge discussed a memo forwarded from the Town Engineer regarding a management feature
116 that is going to be placed at the Easton Utilities Yard. He stated that the work includes the
117 construction of a bioretention stormwater management facility and is funded entirely through DNR
118 Chesapeake Bay Trust Grant funding which is managed by Talbot County. The project will be
119 completed under the Town Engineer's purview. Four bids were received with the low bidder Bryan &

120 Sons Contracting at \$74,841.66. Mr. Karge stated that the bids were competitive and should be
121 awarded to the low bidder Bryan & Sons.

122
123 Upon motion by Mr. Silverstein, seconded by Mr. Leshner and carried unanimously, the stormwater
124 management feature bid was approved.

125
126 **APPROVAL OF PUBLIC ASSEMBLY EVENTS.**

- 127
128 ○ **EVENT:** 5K Color Run/Walk
129 **APPLICANT:** David Vitanovec/Easton Elementary School
130 **LOCATION:** Idlewild Park/Rails to Trails
131 **DATE/TIME:** September 24, 2016 – 0700 to 1200 hrs.
132
- 133 ○ **EVENT:** Annual Elks Parade
134 **APPLICANT:** Leonard Deedon Jr.
135 **LOCATION:** Westbound Jowite St, to eastbound Port St, to northbound
136 Washington St, to westbound Glenwood Ave, to the rear of District Court.
137 **DATE/TIME:** June 26, 2016 1500 to 1700 hrs.
138
- 139 ○ **EVENT:** Juneteenth Celebration
140 **APPLICANT:** Harriette Lowery/Frederick Douglass Honor Society and the Academy of the arts
141 **LOCATION:** South St. between Harrison and Talbot St.
142 **DATE/TIME:** June 18, 2016 – 0900 to 1600 hrs.
143

144 Upon motion by Mr. Silverstein seconded by Mr. Leshner and carried unanimously, the Public
145 Assembly Events as outlined were approved.

146
147 Mr. Karge reviewed the Chief approved Public Assembly Events.

148
149 Mr. Karge reminded everyone that there is a reopening of the Public Hearing related to the
150 Community Development Block Grant application.

151
152 **LETTER FROM MR. ARNOLD R. BOUGHNER, JR., EASTON UTILITIES ELECTRIC DEPARTMENT**
153 **MANAGER ASKING COUNCIL APPROVAL TO UPGRADE SUBSTATION NO. 1.**

154
155 Mr. Boughner, Electric Department Manager for Easton Utilities discussed the proposed upgrade
156 project of the existing energized 69,000 volt substation at 219 N. Washington Street. Mr. Boughner
157 introduced his colleague Ms. Kelly Simonsen, Marketing and Communications Manager.

158
159 Mr. Boughner discussed the Charter requirement for Council approval. He stated that the project will
160 be paid for with accumulated funds and is part of their long term capital projects plan. He stated that
161 construction is planned in the fall of 2016.

162
163 Upon motion by Mr. Silverstein seconded by Mr. Leshner and carried unanimously, approval was
164 granted for a \$3.2 million upgrade at Easton Utilities Substation No. 1.

165
166 **MEMO FROM MR. LYNN THOMAS, TOWN PLANNER REQUESTING PUBLIC HEARING DATE FOR**
167 **UPDATED FLOODPLAIN ORDINANCE.**

168
169 Mr. Thomas discussed the updated state floodplain maps and stated that due to this update, the
170 local jurisdictions are required to update their local flood plain ordinances.

171
172 President Ford brought the memo to the floor and set the public hearing for June 6, 2016 at 7:35
173 p.m.

174
175 **LETTER FROM ZACH A. SMITH, ARMISTEAD, LEE, RUST & WRIGHT, P.A. REGARDING PROPOSED**
176 **ANNEXATION ON THE LANDS OF STANDARD FUSEE CORPORATION AND ROUTE 33, LLC.**
177

178 President Ford brought Zach A. Smith's letter regarding the proposed annexation on the lands of
179 Standard Fusee Corporation and Route 33, LLC to the floor.

180
181 Mr. Smith, on behalf of the applicant discussed his recent letter. He discussed the recent straw vote
182 the council took relative to their request. Mr. Smith stated that it was clear that the majority of the
183 council supported their request if they could get an easement to allow connectivity between the site
184 proposed for annexation and the adjacent Waterside Village shopping center. He stated that Remco
185 was not receptive and they would have to be compensated. Mr. Smith stated that his client wants to
186 move this forward and wants annexation. In light of that development, Mr. Smith's client would like
187 to offer a slight revision which essentially asks for the council to vote in favor of the annexation but
188 take no action on the zoning request at this time. He said this would provide sewer service and bring
189 the property on to the town's tax roll. Mr. Smith asked that the council leave in place the county's
190 zoning which could be revised at a later date.

191
192 President Ford asked if the public hearing needs to be re-opened.

193
194 Mrs. VanEmburch stated that if all that is being talked about is not enacting the zoning aspect of the
195 applicant's request, the public hearing does not need to be re-opened. The documents may need to
196 be amended which would require action at the next meeting. President Ford stated that his
197 inclination is to reopen the public hearing.

198
199 Mr. Leshar stated that he would like to see the documents in place regarding the five year hold on
200 redevelopment.

201
202 Mr. Silverstein stated that the concern is traffic on Route 33 and the council wants to see the road.
203 He suggested conversations with the other property owner for better solutions.

204
205 Mr. Showalter was present and offered public comment. President Ford declined Mr. Showalter's
206 offer to speak.

207
208 President Ford stated that their concerns at this time is the ability to get an access road.

209
210 Mrs. Cook stated that if Remco does not want to participate, she feels the council is putting an
211 unreasonable burden on the current property owner.

212
213 President Ford asked the council if they feel based on what was heard from Mr. Smith tonight about
214 the change in conditions, are they comfortable with stating their position now or would they prefer
215 the public hearing be re-opened to get more information from Remco and the public at large.

216
217 Mr. Engle stated that he felt strongly about the conditions set forth at the last meeting and he is
218 disappointed that the negotiations broke down.

219
220 Mr. Thomas discussed zoning options. He discussed concerns with the town enforcing the county's
221 zoning classification.

222
223 The Town Attorney stated that the permissible uses in the county's zoning could be brought forth to
224 the council.

225
226 The Town Attorney stated that the safe option would be to re-open the public hearing. She discussed
227 drafting amendments to the legislation. Mrs. VanEmburch stated that she would be happy to
228 participate in any meetings with the applicant and Remco to come to some kind of resolution.

229
230 President Ford stated that it his inclination to re-open the public hearing. He set the public hearing
231 for June 20, 2016 at 7:15 p.m.

232
233 **7:15 PM PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE NO. 681:**

234
235 At 8:13 p.m., President Ford opened the 7:15 p.m. scheduled public hearing to receive

236 comments on Ordinance No. 681.

237
238 The Town Attorney discussed the proposed legislation and changes to the previously enacted
239 amendments to the Code. Ms. VanEmburch stated that the amended legislation will allow
240 donation bins to fall within the prescribed size parameters.

241
242 The Town Attorney stated that if the donation bin is for a for profit entity, it must be disclosed
243 on the bin and it is not a tax deductible contribution. She stated she added in some additional
244 maintenance language as well. The number of bins per organization is still limited.

245
246 There being no additional comments, at 8:14 p.m., President Ford closed the public hearing.

247
248 **ORDINANCE NO. 681, "AN ORDINANCE OF THE TOWN OF EASTON TO AMEND THE TOWN OF**
249 **EASTON ZONING ORDINANCE TO MODIFY THE PERMIT REQUIREMENTS FOR DONATION BINS."**

250
251 Upon motion by Mr. Silverstein, seconded by Mr. Leshar and carried unanimously, Ordinance
252 No. 681 was approved.

253
254 **7:30 PM PUBLIC HEARING FOR ORDINANCE NO. 683 AND 684:**

255
256 **ORDINANCE NO. 683, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE CRITICAL**
257 **AREA GROWTH ALLOCATION REQUIREMENTS REGARDING LOCATING NEW INTENSELY**
258 **DEVELOPED AREAS."**

259
260 **ORDINANCE NO. 684, "AN ORDINANCE OF THE TOWN OF EASTON ADOPTING A CRITICAL AREA**
261 **OVERLAY DISTRICT MAP AMENDMENT TO CONVERT A PORTION OF LOTS 16 AND 17 OF**
262 **TALBOT COUNTY TAX MAP 25 PARCEL 46 IN TALBOT COMMERCE PARK FROM RESOURCE**
263 **CONSERVATION AREA (RCA) TO INTENSELY DEVELOPED AREA (IDA).**

264
265 At 8:17 p.m., President Ford opened the Public Hearing on Ordinance No. 683 and 684.

266
267 Mr. Thomas discussed the ordinances before the council this evening. He discussed how the
268 ordinances affect the map. He stated that the state of Maryland is in the process of remapping
269 the boundaries of the Critical Area based on new science and changes that may have occurred
270 due to erosion, sea level rise, etc.

271
272 Mr. Thomas stated that the first ordinance is to take care of an existing situation, and the second
273 ordinance is to set the mechanisms in motion to enable a possible future request.

274
275 President Ford asked for public comment.

276
277 Mr. Ryan Showalter, 100 N West Street, urged the council for approval. He stated that he is
278 happy to answer any questions.

279
280 There being no additional comments, at 8:24 p.m., President Ford closed the public hearing.

281
282 **ORDINANCE NO. 683, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE CRITICAL**
283 **AREA GROWTH ALLOCATION REQUIREMENTS REGARDING LOCATING NEW INTENSELY**
284 **DEVELOPED AREAS."**

285
286 Upon motion by Mr. Leshar seconded by Mr. Engle and carried unanimously, Ordinance No. 683
287 was approved.

288
289 **ORDINANCE NO. 684, "AN ORDINANCE OF THE TOWN OF EASTON ADOPTING A CRITICAL AREA**
290 **OVERLAY DISTRICT MAP AMENDMENT TO CONVERT A PORTION OF LOTS 16 AND 17 OF**
291 **TALBOT COUNTY TAX MAP 25 PARCEL 46 IN TALBOT COMMERCE PARK FROM RESOURCE**
292 **CONSERVATION AREA (RCA) TO INTENSELY DEVELOPED AREA (IDA).**
293

294 Upon motion by Mr. Leshar seconded by Mr. Engle and carried unanimously, Ordinance No. 684
295 was approved.

296
297 **7:35 PM PUBLIC HEARING TO OBTAIN VIEWS OF CITIZENS ON COMMUNITY ECONOMIC**
298 **DEVELOPMENT, AND HOUSING NEEDS TO BE CONSIDERED FOR SUBMISSION OF AN**
299 **APPLICATION TO THE MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**
300 **(CDBG).**

301
302 At 8:22 p.m., President Ford opened the 7:35 p.m. scheduled CDBG Public Hearing.

303
304 Mr. Karge stated that this public hearing is the continuation of the public hearing held at the last
305 council meeting to solicit public input related to the application of a Community Development
306 Block Grant. He stated that there is a resolution pending before the council tonight with the
307 broadest possible terms to allow the Town the most leeway in order to file the information
308 when the resolution was drafted.

309
310 Mr. Karge discussed the current proposal and stated that at the suggestion of Department of
311 Housing and Community Development staff, it may be advantageous to remove the Channel
312 Marker's application from the competitive round of CDBG and submit them during the special
313 program round in July. Mr. Karge stated we have been led to believe strongly that this would
314 enhance their ability to receive their grant and also enhances the ability of the Town to receive
315 the grant being applied for which they have suggested to roll the Housing Authority's Buffalo
316 Soldier home renovations into the Town's Housing on the Hill project for a number of reasons.
317 Mr. Karge suggested passing the resolution as written tonight. He stated that the staff and the
318 entities representatives are in support of the suggestion. Mr. Karge stated that the Town
319 proposes to put in the competitive round application, two projects; \$300,000 + for the Buffalo
320 Soldier Home and \$500,000 for the Town of Easton Housing on the Hill project. He stated that
321 both are intended to be for affordable housing and to renovate that neighborhood. If the grants
322 are received, the Town will roughly break even.

323
324 President Ford asked if Channel Marker is in support of the changes.

325
326 Mr. Karge stated that they are in support.

327
328 Mr. John Sener, 23251 Maple Hall Road, Claiborne discussed Historic Easton's interest in the
329 Buffalo Soldier's project. He discussed what he feels is the enhanced Historic Easton's position to
330 work with an historic architect; Mr. Ward Bucher. Mr. Sener stated that he is speaking for
331 himself but wants to clarify Historic Easton's involvement.

332
333 The Town Attorney discussed how the Town of Easton was advised by the State to get involved
334 with the application relating to the Buffalo Soldier house.

335
336 At 8:37 p.m., President Ford closed the Public Hearing.

337
338 **RESOLUTION NO. 6066 SUPPORTING THE APPLICATION FOR A COMMUNITY DEVELOPMENT**
339 **BLOCK GRANT (CDBG) FROM THE STATE OF MARYLAND DEPARTMENT OF HOUSING AND**
340 **COMMUNITY DEVELOPMENT (DHCD).**

341
342 Upon motion by Mr. Silverstein seconded by Mr. Leshar and carried unanimously, Resolution
343 No. 6066 was approved.

344
345 **CONT'D. PUBLIC HEARING ON ORDINANCE NO. 680, "AN ORDINANCE OF THE TOWN OF**
346 **EASTON MODIFYING THE RENTAL HOUSING LICENSE PROVISIONS TO EXTEND THE PROVISIONS**
347 **TO SHORT TERM RENTALS, TO PROVIDE CLEAR EXCEPTIONS TO THE REQUIREMENT FOR A**
348 **LICENSE, TO PROVIDE SPECIAL PROVISIONS FOR OCCUPANCIES BY IMMEDIATE FAMILY**
349 **MEMBERS AND TO PROVIDE FOR THE REGISTRATION OF ALL NON-OWNER OCCUPIED**
350 **PROPERTY IN THE TOWN OF EASTON."**
351

352 At 8:38 p.m., President Ford opened the Public Hearing on Ordinance No. 680.

353
354 President Ford stated that the council is in receipt of information from the Mid Shore Board of
355 Realtors. He stated that the staff needs time to review the information. He stated that the
356 information seems to say that an outright ban on short term rentals is not permitted in State of
357 Maryland based on a special Court of Appeals decision in 2006.

358
359 Kevin and Christine Full, 510 Diamond Street, discussed Ordinance No. 680 and clarified
360 misconceptions. Ms. Full discussed their converted corncrib which accommodates two guests.
361 She stated that it is licensed as a rental. Their guests come to enjoy eastern shore and the town.
362 Ms. Full stated that the properties should be inspected and pay accommodation fees to the
363 county. She stated that she does have a neighbor that has voiced disappointment that their
364 business which they oversee diligently is operating out of residential neighborhood. They do
365 agree that the inspection process is important. Ms. Full discussed the vetting and review process
366 with AIRBNB. She stated that she will forward their statement by email with additional
367 information. Mr. Full stated that they do not mind being inspected as they take their business
368 quite seriously.

369
370 Mr. Engle stated that they have done what he expects rental properties should do.

371
372 Mr. Leshner discussed the special exception process.

373
374 Mr. David Stevens, 609 South Street, discussed AIRBNB having 1.5 million listings around the
375 world. He stated that it provides unique services for the guest and host. Mr. Stevens stated that
376 these rentals are far less costly than motels or bed and breakfasts. Only one neighbor has said
377 anything about having guests on a regular basis; most neighbors are not even aware of his
378 establishment. Mr. Stevens stated that his guests can walk into town and comment how quiet
379 his establishment is. He discussed other uses permitted by special exceptions in residential
380 neighborhoods. He stated that his rental brings in guests that would not normally visit the town.
381 He asked the Town to look positively on what AIRBNB offers to people looking for something
382 different. Mr. Stevens stated that he has a rental license and has been inspected.

383
384 Ms. Deborah Carney, 411 S. Hanson Street, stated that she rents her home on weekends; usually
385 from May to October. She stated that she has been in business for four years. Ms. Carney stated
386 that her neighbors are aware and have no problem. She discussed experiences with AIRBNB. Ms.
387 Carney stated that she has no rental license. Her home is a four bedroom, three bath house. Ms.
388 Carney stated most of her rentals are for the entire house to families that want to stay together.
389 Ms. Carney stated she has no rental license and does not pay the accommodation tax.

390
391 At 9:02 p.m., President Ford adjourned the Public Hearing but did not close it.

392
393 **REVIEW OF INVOICES TOTALING \$994,836.50**

394
395 Upon motion by Mr. Leshner seconded by Mr. Engle and carried unanimously, invoices totaling
396 \$994,836.50 were approved.

397
398 **ADJOURN.**

399
400 At 9:03 p.m., upon motion by Mr. Silverstein seconded by Mr. Leshner and carried unanimously,
401 President Ford adjourned the regularly scheduled meeting.

402
403
404
405 _____
Kathy M. Ruf, Town Clerk