



Town Council MEETING MINUTES

Monday, November 6, 2023 - 5:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

5:30 PM: Call to Order by President Gunsallus.

Mayor Megan JM Cook
Council President Frank Gunsallus
Ms. Maureen Curry
Mr. Don Abbatiello
Mr. David Montgomery
Rev. Elmer Davis

Also present was the Town Manager, Mr. Don Richardson, Town Attorney Mrs. Sharon VanEmburch, and Town Clerk Mrs. Kathy M. Ruf.

At 5:30 p.m., President Gunsallus called the meeting to order. President Gunsallus then read a statement addressing the last meeting and stated that last session's debate over procedural issues should not overshadow the primary mission of the council. He stated that as the council president, he takes full responsibility for this and is dedicated to upholding the principals of civil discourse and mutual respect. These principals are vital as the council positively engages in the democratic process and works collaboratively for the betterment of the community. President Gunsallus read a statement regarding the Closed Session that occurred during the October 16 Town Council Meeting where the council considered a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the state.

Opening remarks and Pledge of Allegiance by Councilmember Abbatiello.

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

Approval of Minutes.

Minutes of the October 16, 2023 meetings.

Upon motion by Rev. Davis, seconded by Mr. Montgomery and carried unanimously, minutes of the October 16, 2023 meetings were approved as written.

Fire Board.

Present from the Fire Department were Chief Sonny Jones and President Rick Stacey. President Stacey stated that the Christmas train and lights are in the process of being ready for the holiday.

He stated that the Santa Run will take place and will be posted on social media. President Stacey updated on the Day Room and stated it's almost complete and looks great. President Stacey stated that this is the first year for a food trailer at the Waterfowl Festival next to the Tidewater Inn. Chief Sonny Jones discussed a few notable incidents. He discussed his gratitude to the fire staff for their dedication and hard work in the recent incidents. Chief Jones stated there was a recent school bus accident in which he declared a massive casualty incident which brings to bear a lot of resources. He discussed the training the members have participated in. Chief Jones discussed equipment recently put into service as well as the statistics detailing what members have participated in and the training hours that have taken place.

Presentations.

Operation Green Light Proclamation.

President Gunsallus read a proclamation into the record in support of Operation Green Light which recognizes Veterans and lets veterans know that they are seen, appreciated, and supported.

Municipal Official Items.

Items by Mayor Cook.

Mayor Cook gave an update on the 2020 Bond expenditures. The Engineering Department will be giving an update on the projects at the November 20 meeting. There will be ribbon cuttings for some of the projects.

Mayor Cook discussed employees that are veterans.

Mayor Cook stated that the Sustainable Communities application will be going in soon. She discussed what properties will be included.

Mayor Cook gave rails-to-trails updates and thanked Mike Thume of the Property Maintenance Department for the repairs and renovations.

Mr. Abbatiello thanked the departments for their work to get the projects completed. He offered his gratitude.

Request from EVFD to move the quarterly donation to Capital.

It was the consensus of the council to move the quarterly donation for the Easton Volunteer Fire Department to Capital.

Town Sustainable Communities Renewal Application.

Mayor Cook stated the Sustainable Communities Renewal Application will soon be submitted.

Mr. Abbatiello offered his gratitude to the departments that helped accomplish the 2020 grants.

Items by Town Manager.

Mr. Richardson stated he has nothing this evening but asked that the council and listening audience notice the green lights displayed in support of the veterans. He asked that everyone have a safe visit to the Waterfowl Festival.

Items by Town Attorney.

Ms. VanEmburch stated that the Mallard Apartments representatives have asked to be re-scheduled to December 4 to give them time to address comments from State Highway Administration. President Gunsallus set the public hearing for December 4 at 5:45 p.m.

Ms. VanEmburch asked that the Cohee Growth Allocation public hearing be scheduled for December 18, at 5:35 p.m. Ms. Curry asked that materials that were previously distributed be sent to new councilmembers to get them up to speed.

Public Hearings.

(cont'd.) PUBLIC HEARING to discuss Ordinance No. 799, "AN ORDINANCE OF THE TOWN OF EASTON ADOPTING A TEMPORARY MORATORIUM ON THE APPLICATION FOR APPROVAL OF, CONSTRUCTION OF, EXPANSION OF, PROCESSING OF, OR ISSUANCE OF BUILDING PERMITS FOR THE OPERATION OF A BUSINESS ENGAGED IN THE GROWING, PROCESSING, AND/OR SELLING OF CANNABIS WITHIN THE TOWN OF EASTON FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF REVISED ZONING ORDINANCE PROVISIONS AS THE TOWN COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE."

At 6:03 p.m., President Gunsallus opened the continued public hearing to discuss Ordinance No. 799.

President Gunsallus asked for any public comments. There were none.

Ms. VanEmburch discussed the Planning and Zoning recommendation. She discussed changing the moratorium to six months. She stated that Planning & Zoning may have time to get legislation passed.

Ms. Curry confirmed that the Town can walk away from this moratorium at any time.

There being no further discussion, President Gunsallus closed the public hearing at 6:07 p.m.

President Gunsallus made a motion to change Ordinance No. 799 from 9 to 6 months, seconded by Mr. Abbatiello and carried unanimously following a roll call vote.

Upon motion by Mr. Montgomery, seconded by Rev. Davis and carried unanimously, Ordinance No. 799 was passed as amended.

5:35 PM PUBLIC HEARING to solicit public comment on various proposed amendments to Chapter 28 of the Town Code (Zoning).

At 6:09 p.m., President Gunsallus opened the Public Hearing.

Mr. Thomas gave the history of the amendments to the Zoning Code. He asked for council questions.

Ms. Lynn Mielke, resident of Easton Club, stated she was here as an individual homeowner. She discussed objections to the ordinance.

Ms. Pamela Reynolds, Easton Club, discussed the six housing types that will be added to R-

10 which may have a tremendous impact on density.

Mr. Joe Minarick, President of Easton Neighborhood Association, is concerned about the well-being of their neighborhood. Mr. Minarick read a statement regarding their small area plan. Mr. Minarick requested August Street be zoned R7A.

Ms. Joyce DeLaurentis, East End discussed their major goal to increase home ownership, which has been effective. She stated there needs to be a healthy balance. She discussed adding the use in R7A

Mr. Greg Zimmerman, 319 August St, stated he thinks it is premature to think about a grand vision.

Ms. Kelly Pezor, Historic District Commission Commissioner, discussed wanting to preserve the character of the historic district. She stated that she thinks it's good to be adopting a new East End plan. Ms. Pezor discussed working together.

Mr. Thomas stated that at the council's request, the Planning Commission addressed the middle-housing types and the time frame for the PUD extension.

Mr. Abbatiello asked Mr. Thomas if the Popular Hill development could amend their submission to townhouses due to a change in the by-right zoning. Mr. Thomas stated that a townhouse could not be a by-right product but they could ask for one of the other middle-housing types which could increase the density.

Mr. Abbatiello stated that the town is looking at this to see if developers could be attracted to offer more attainable housing types.

Mr. Montgomery discussed the timing of the Zoning Ordinance and the Comprehensive Plan which will have to be implemented with another zoning review.

Mr. Thomas stated this is a follow up to the Comprehensive updated Zoning Code previously adopted about two years ago. He stated a series of amendments were proposed in three steps.

Ms. VanEmburch stated that every year there is typically amendments that are proposed and adopted.

Rev. Davis questioned if now is the time to pass the zoning amendments. He asked that prioritizing be considered.

Mr. Thomas addressed the why now and stated that this process started 16 months ago.

Ms. Curry stated this is critical and she would like to sit down with the Planning Commission. She stated we have to get this right.

President Gunsallus stated that this public hearing will be continued.

Mr. Montgomery read a statement from Mr. Tom Ledvina, 7585 Pollys Hill Lane. Mr.

Montgomery stated that Mr. Ledvina pointed out that middle-housing types have not been the subject of public discussion.

Mr. Greg Zimmerman, 319 August St, discussed the Primrose proposal. He stated that the final proposal was due to public comments which resulted in a positive outcome. He stated the public needs to be involved in the process.

Mr. Thomas discussed removing the middle-housing types. He stated that there is strong support for those housing types and encouraged a variety of affordable housing types.

Rev. Davis stated he wants a definition of affordable housing.

Ms. Curry stated that this is a lot to digest and is very complicated as well as very important. She stated she would like to sit down with the Planning Commission.

President Gunsallus stated the public hearing would be continued for public comments until Tuesday, January 2.

Ms. Curry asked that the Star Democrat inform the public that the council is looking for their input.

5:40 PM PUBLIC HEARING to solicit public comment on a proposed comprehensive update to Chapter 25 of the Town Code (Subdivision).

At 7:06 p.m., President Gunsallus opened the 5:40 p.m. scheduled public hearing. President Gunsallus asked Mr. Thomas to give the history of the amendment of the subdivision regulations. Mr. Thomas discussed changes. He stated the most significant change is a clarification to the park standard; an addition that states that at least 50% of park space would be required in one specific space.

Mr. Montgomery stated he appreciated Mr. Thomas' explanation. He stated he like the provision which seems to address the adequate public facilities ordinance.

Mr. Abbatiello stated he appreciates the widening of the streets for emergency equipment.

Mr. VanEmburch reinforced the need for safe streets for all. He stated the Engineering Department will continue working on ways to make improvements for all proposals and plans.

Mr. Gunsallus asked for public comments. There were none.

At 7:13 p.m., President Gunsallus stated the public hearing would be continued to the next meeting. He stated he is leaving the public hearing open for public comment until that time.

5:45 PM PUBLIC HEARING to discuss the request of Zach Smith (The Applicant) on behalf of Rise Up Dover Road LLC, (The Owner) for a proposed Amendment to a previously approved Planned Unit Development PUD located at 625 Dover Road.

At 7:14 p.m., President Gunsallus opened the 5:45 p.m. scheduled public hearing on Rise Up Coffee Roasters. The Town Attorney swore in witnesses and explained the right of cross

examination.

Witnesses that intended to give testimony, took the oath.

Mr. Joseph Mayer, Plan Reviewer, discussed the original approved PUD, and the amendment to the original PUD. He stated that some of the requested items are already in place due to temporary use approvals. Mr. Mayer stated that they need to be permanent items to the PUD. He stated that the process has evolved.

Ms. Curry asked for clarification regarding the location of the storage unit in relation to residential houses.

Mr. Zach Smith, on behalf of the applicant, Rise Up Coffee, 625 Dover Road, stated they are 100% committed to Easton and the site. He stated that their intent is to move all the kitchen and cooking facilities to 625 Dover and give the opportunity for more roasting at 618 Dover Road. Mr. Smith stated that there are things on site already that are approved as temporary. He discussed the outdoor cafe.

Ms. Curry asked if there are any plans for an additional buffer or indoor seating.

Mr. Abbatiello asked if the original property across the street would be only for roasting purposes. Mr. Smith stated that the parking is intended for the roasting facility and the parking on the other side of the street would be to utilize the outdoor cafe.

Mr. Smith stated that the Planning Commission gave a favorable recommendation.

President Gunsallus stated the public hearing would be continued until the December 4 meeting.

President Gunsallus stated that he would like to see appropriate mechanical screening.

President Gunsallus asked for staff or public comment.

Ms. Curry stated that she would like to look at the site but offered a condition for appropriate screening and mechanical screening as outlined by the Planning Commission.

The Town Attorney asked if the Planning Commission conditions be implemented as well.

At 7:36 p.m., upon motion by President Gunsallus, seconded by Mr. Montgomery, President Gunsallus closed the public hearing.

Legislation.

Res. No. 6176, authorizing the Finance Officer to abate Talbot County taxes for Acct. 01-05510 as the property is part of the runway protection zone.

Upon motion by Ms. Curry seconded by Mr. Abbatiello and carried unanimously, Res. No. 6176, authorizing the Finance Officer to abate taxes was approved following a roll call vote.

Ord. No. 799, "AN ORDINANCE OF THE TOWN OF EASTON ADOPTING A TEMPORARY MORATORIUM ON THE APPLICATION FOR, APPROVAL OF, CONSTRUCTION OF, EXPANSION OF, PROCESSING OF, OR ISSUANCE OF BUILDING PERMITS FOR THE OPERATION OF A BUSINESS ENGAGED IN THE GROWING, PROCESSING, AND/OR SELLING OF CANNABIS WITHIN THE TOWN OF EASTON FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF REVISED ZONING ORDINANCE PROVISIONS AS THE TOWN COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE."

President Gunsallus stated Ord. 799 was voted on previously during the meeting.

Ord. 802, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 5 OF THE EASTON TOWN CODE REGARDING BICYCLES AND SIMILAR DEVICES."

President Gunsallus read Ord. 802 into the record.

He stated that tonight is the first reading and is not eligible for a vote.

Mr. Montgomery asked that it be put back in that bicycles not be allowed to ride on sidewalks. He stated that he would be happy to see alternative language.

Ord. No. 803, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 28 OF THE TOWN CODE (ZONING)."

President Gunsallus stated this public hearing would be continued until January 2, 2024.

Ord. No. 804, "AN ORDINANCE OF THE TOWN OF EASTON REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 25 OF THE EASTON TOWN CODE (SUBDIVISIONS)."

President Gunsallus introduced Ordinance No. 804 and stated that it would be continued until the November 20 meeting.

Discussion of ARPA Funds for Doverbrook.

Town Manager Mr. Richardson discussed applicants' requests and what the ARPA balance is. He stated Doverbrook has made a request for additional funding.

Mayor Cook stated that she can make a recommendation after the award from DHCD. She stated she would be happy to consider the opportunity to split the requested \$700,000 with Talbot County; reduced by any grant they may get.

Mr. Abbatiello stated that any movement would have the ability to get money back that they receive. He stated he would like to see us work with the county.

President Gunsallus stated he would like to see the Town have a partnership with the county. He stated there have been discussions regarding mutual support with the county.

Mr. Richardson can convey the proposal to Talbot County.

Ms. Curry wants the match between town and county to be the same. She asked that the town's contribution be contingent on the county's contribution.

Mr. Richardson stated that any allocation would require legislation.

The Town Attorney discussed agreements that would be forthcoming.

Upon motion by President Gunsallus, seconded by Mr. Abbatiello, the ARPA contribution was contingent on the county's contribution up to \$350,000 and what comes from the state.

Review of Invoices.

Invoices from 10/4/23 - 10/31/23 totaling \$3,929,721.47.

Upon motion by Ms. Curry seconded by Mr. Abbatiello and carried unanimously, invoices totaling \$3,929,721.47 were approved.

Public Participation/Comments.

Mr. Minarick suggested a preliminary agenda be released to the public then a final agenda later as things are finalized.

Mr. Kevin Walsh, 415 S. Washington Street, stated people need to see more of a balance.

Items by Members of the Council:

President Gunsallus stated the Easton Town Council will not condone any form of anti-semitism in these chambers or anywhere publicly.

Ms. Curry stated she looks forward to seeing everyone at Waterfowl Festival.

Mr. Abbatiello thanked EPD for their support for a safe Halloween and hope that everyone have a good time at Waterfowl Festival.

Mr. Montgomery thanked Mr. Gunsallus for his comments.

Rev. Davis, nothing.

Closed Session General Provisions 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 or more specific individuals.

At 8:08 p.m., upon motion by Ms. Curry and seconded by Mr. Abbatiello, President Gunsallus moved into Closed Session for General Provisions 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 and recused Town Manager Mr. Richardson and Town Clerk Ms. Ruf.

At 8:30 p.m., upon motion by Ms. Curry, seconded by Mr. Abbatiello and carried unanimously, President Gunsallus came out of Closed Session.

Adjournment.

At 8:30 p.m., President Gunsallus adjourned the regularly scheduled meeting.

Respectfully submitted,

Kathy M. Ruf, Town Clerk