



Town Council MEETING MINUTES

Tuesday, January 16, 2024 - 5:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

4:30 PM Workshop: Proposed Zoning Code Amendment.

Zoning Amendment Follow Up Memo from Town Planner.

Town of Easton and Town Council - Planning Commission Workshop
Housing/Zoning Issues

Present from the Easton Planning & Zoning Commission were: Mr. William Ryall, Mr. Paul Weber, Mr. Thomas Klein, Ms. Jennifer Dindinger, Mr. Philip Toussaint.

Present from the Town Council were:

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.

President Gunsallus called the workshop to order at 4:30 p.m. and asked Mr. Thomas to give a background on the zoning amendment.

Mr. Thomas thanked the Planning Commission's request for a workshop. He stated that the primary discussion will be on the missing middle housing types. He stated that the Planning Commission has heard issues related to housing issues. Mr. Thomas stated that there have been questions regarding definitions.

Mr. Thomas discussed the definitions of Affordable Housing, Attainable Housing and Workforce Housing as well as Missing Middle Housing (MMH) which refers to housing types that fill a gap between single family ones and larger apartment buildings,

Ms. Jen Dindinger, Chairman of the Planning Commission had the members introduce themselves. Discussion occurred regarding embarking on a Comprehensive Plan review required by the state every 10 years. Ms. Dindinger stated that the definition varies but affordable is not a \$400,000 home.

Mr. Klein stated there has been a lot of talk about the need for the housing and developer incentives, permitting aspect, task force to find the problem, what are the root causes, and how to solve the problem.

Mr. Weber stated that communities have a multi-faceted approach that will enable building on affordable housing. He stated that they want to get a full feeling on what that the town wants as well as a robust educational portion and a goal they are trying to achieve.

Discussion occurred regarding creating a marketing atmosphere where developers want to come and build here.

Mr. Touissant stated that the current comp plan also supports missing middle housing.

Mr. Gunsallus asked for council comments.

Ms. Curry asked if Planning and Zoning sees these two groups working together.

Mr. Abbatiello suggested having guidelines that developers know what they need to do to get through that process.

Mr. Montgomery stated that incentivizing may be necessary. He stated that it is very valuable to see what land and construction will cost. Mr. Montgomery stated he would like a real commuting survey.

Mr. Thomas discussed the timeline of the Comprehensive Plan.

Rev. Davis discussed defining what Affordable Housing is. He stated he likes the multi-faceted approach. Rev. Davis stated that the community should be a part of what Planning & Zoning and the town council are trying to do. He stated that the town needs continuity in zoning regulations and comprehensive plan as well as robust education.

Mr. Toussaint discussed traffic in Easton.

Mr. Gunsallus stated that he believes data driven decisions are paramount, as well as developers having a checklist.

Mr. Miguel Salinas, Planning Director, discussed housing groups for inclusionary zoning. He suggested coming back with a scope of work and timeline as well as a package of recommendations. Then the Town can move forward with education.

Mr. Montgomery suggested amending and take out Sections 10.
Mr. Salinas suggested coming back with a scope of work, and withdraw the middle housing piece. He stated there needs to be more work on the missing middle housing or put that missing middle piece in the affordable housing workplace scope.
Mr. Ryall wants more information from the council.
Mr. Klein suggested pulling the missing middle housing piece out of zoning, affordable housing group study this problem and come up with a recommendation.
The workshop adjourned at 5:24 p.m.

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

At 05:35 PM, President Gunsallus called the meeting to order and read the Closed Session Summary.

Opening remarks and Pledge of Allegiance by Councilmember Montgomery.

Councilmember Montgomery gave opening remarks and led those present in the Pledge of Allegiance.

Approval of Minutes.

Minutes of the January 2, 2024 meetings.

Upon motion by Mr. Abbatiello, seconded by Rev. Davis and carried unanimously, minutes of the January 2, 2024 meetings were approved as written.

Municipal Official Items.

Items by Mayor Cook.

Mayor Cook stated the town submitted the Talbot County Impact Awards for two projects; the windmill stream restoration, as well as many of the bond projects including parks. Mayor Cook updated on recent activities around town.

Items by Town Manager

Public Assembly Event: Chesapeake Fire & Ice 2024, 2/16 - 2/17/24

Upon motion by Mr. Abbatiello, seconded by Ms. Curry and carried unanimously, the Public Assembly Event: Chesapeake Fire & Ice 2024, was approved.

Public Assembly Event: Frederick Douglass Birthday Parade, 2/17/24

Upon motion by Mr. Montgomery, seconded by Rev. Davis and carried unanimously, the Public Assembly Event: Frederick Douglass Birthday was approved.

Public Assembly Event: Delmarva Pride Festival, 6/15/24

Mr. Abbatiello questioned the food trucks. Mr. Richardson stated they would be required to obtain a Peddler's License through the Town as well as Health Department approval.
Mr. Montgomery discussed his concerns regarding the Delmarva Pride Festival application. He discussed his concerns briefly. He stated that he is not sure this is the right time or place for this event. He stated he had concerns about what was observed at previous events. He discussed emails and video and children that were exposed to these overly sexual behaviors. Mr. Montgomery made a motion that it be tabled until further information was gathered.
Rev. Davis stated it is open dialogue, and he hopes to work together. He discussed the event being culturally diverse. Rev. Davis stated he disagrees holistically. Rev. Davis mentioned that the President of the Council sent the video from 2022 to him. He quoted Dr. King and stated that the time is right to do what is right.
Mr. Abbatiello stated that if a member has concerns, we should support waiting, seconded by Ms. Curry.
Tina Grace Jones, Co-Founder, Delmarva Pride Center, Ocean Gateway. Started support group for trans-gender people.
Pres. Gunsallus addressed the video and the concerns of the community.
Mr. Montgomery asked that scantily clad dancers on the street exhibiting to children not be included in the festival. He discussed having additional discussion.
Ms. Curry questioned the video and stated she had not seen it. Mr. Gunsallus stated he had

tried to contact her, but he was not able.

Mayor Cook stated this event has been a successful event for two years with no issues or complaints.

President Gunsallus asked for a second on Mr. Montgomery's motion. President Gunsallus seconded the motion.

Mr. Abbatiello stated that he wholeheartedly disagreed with waiting to vote and he intends to vote in favor of the Public Assembly Event to go through, but he thinks if a member of the council wants to wait, we should wait for a vote, but vote on the earliest possible date for the convenience of the applicant. Ms. Curry stated she would second that and honor Mr.

Montgomery's request. Rev. Davis stated that he agrees. He stated this is an opportunity to work with everybody. Rev. Davis stated he will vote for the Pride Festival Public Assembly Event. He mentioned e-mails from non-residents.

Mr. Montgomery suggested talking to the organizers.

Tina Grace Jones, co-founder of Delmarva Pride Center was present and spoke regarding a support group and the Pride Festival and her past experiences.

Mr. Montgomery withdrew his motion to table.

Ms. Curry made a motion to approve, seconded by Mr. Abbatiello, and carried with Mr. Gunsallus and Mr. Montgomery voting not to approve the Pride Festival.

Items by Town Attorney.

The Town Attorney, Mrs. VanEmburch stated she had nothing at this time.

Police Board.

Chief Lowrey introduced Patrolman Hardy, PFC Finch and PFC Blairbarstarr. The Council thanked them for their service.

Chief Lowrey discussed EPD's quarterly activities. He stated that EPD has had a lot of giving back in the fourth quarter. He discussed toys that were supplied to 180 children. He stated the department had completed 7000 patrol checks, 546 foot patrols, been involved in community engagement as well as 27,000 calls.

Mr. Abbatiello asked about the purchase of a utility task vehicle that may cost in the range of 30,000 to 33,000.

Chief Lowrey discussed the cost of vehicles using MD state contract. He stated the cost could be \$48,000 then \$30,000 more to upfit with electronics.

Ms. Curry thanked Easton Police Department for an amazing fourth quarter.

Chief Lowrey stated that the community will see more bikes on the rails to trails.

Mr. Montgomery asked what the closure rate is on stats.

Chief Lowrey stated he would like to do more research to report on that.

Legislation.

Res. No. 6173, "A RESOLUTION TO ANNEX A PARCEL OF LAND OWNED BY BASI BROTHERS, LLC LOCATED ON THE EAST SIDE OF OCEAN GATEWAY/US ROUTE 50, CONSISTING OF 3.231 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION."

Upon motion by Mr. Abbatiello, seconded by Mr. Montgomery and carried unanimously, Res. No. 6173, "A RESOLUTION TO ANNEX A PARCEL OF LAND OWNED BY BASI BROTHERS, LLC LOCATED ON THE EAST SIDE OF OCEAN GATEWAY/US ROUTE 50, CONSISTING OF 3.231 ACRES OF LAND, MORE OR LESS, INTO THE TOWN OF EASTON AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION" was approved following a roll call vote.

Ord. 801, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE COMMERCIAL GENERAL (CG) ZONING DISTRICT TO CERTAIN LOTS OR PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6173 LOCATED TO THE EAST OF OCEAN GATEWAY/U.S. ROUTE 50 CONSISTING, OF 3.231 ACRES OF LAND, MORE OR LESS."

Upon motion by Ms. Curry, seconded by Mr. Abbatiello and carried unanimously, Ord. 801, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE COMMERCIAL GENERAL (CG) ZONING DISTRICT TO CERTAIN LOTS OR PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6173 LOCATED TO THE EAST OF OCEAN GATEWAY/US ROUTE 50 CONSISTING OF 3.231 ACRES OF LAND, MORE OR LESS" was approved.

Approval of Basi Brothers, LLC ANNEXATION AND PUBLIC FACILITIES AGREEMENT.

Upon motion by Mr. Montgomery, seconded by Mr. Abbatiello and carried unanimously, approval of Basi Brothers, LLC Annexation and Public Facilities Agreement was approved.

Ord. 808, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF MALLARD CONSTRUCTION GROUP, INC. AND JV LAND HOLDINGS, LLC FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT AMENDMENT UNDER THE PROVISIONS OF THE EASTON ZONING ORDINANCE."

Upon motion by Mr. Abbatiello, seconded by Ms. Curry and carried unanimously, Ord. 808, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF MALLARD CONSTRUCTION GROUP, INC. AND JV LAND HOLDINGS, LLC FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT AMENDMENT UNDER THE PROVISIONS OF THE EASTON ZONING ORDINANCE" was approved.

Public Hearing.

CONT'D. PUBLIC HEARING to solicit public comment on various proposed amendments to Chapter 28 of the Town Code (Zoning)

Ord. 803, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 28 OF THE TOWN CODE (ZONING)."

At 6:50 p.m., President Gunsallus opened the continued public hearing On Ord. 803.

President Gunsallus stated that a workshop had been held prior to the regular meeting this evening and the Town Attorney had been instructed to remove language from Ord. 803 regarding Middle Housing prior to the next meeting when it would be considered for approval.

Review of Invoices.

Review of invoices from 12/6/23 - 12/26/23 totaling \$1,341,300.35.

Upon motion by Ms. Curry, seconded by Mr. Abbatiello and carried unanimously, invoices totaling \$1,341,300.35 were approved.

Public Participation/Comments.

Ms. Jennifer Rochelle, 201 Spring Drive, Easton asked the council to remember to uphold the law and not pass judgment. She stated she was glad to see the outcome on the Pride Festival Public Assembly Permit. She stated that some are shortsighted, not considering the economic impact, and the inclusion. She asked the council; to focus on upholding the law. Ms. Rochelle thanked the council for passing Pride Festival this evening.

Mr. Montgomery stated that every elected official cares for the common good of the community.

Tina Jones stated that 7% of the total population in this community are LGBT.

Tina asks that the festival be allowed to be fair and equitable.

Mr. Montgomery stated he has no tolerance for threats.

Mr. James Kelly, 28477 Pinehurst Circle, asked if we can protect the community from pornography or things that are harmful and make it a safe, wholesome place for all people.

Mr. Kelly thanked Mr. Montgomery and President Gunsallus for focusing on the parade and keeping children safe and stated that all should be raised in an appropriate manner.

Items by Members of the Council:

Ms. Curry stated she is proud to be a member of this council. She stated she doesn't always agree with the other members, but she did what she thought was right tonight, and she always will.

Mr. Abbatiello stated that democracy is not always neat and orderly and sometimes it's messy. He stated he appreciates input.

Mr. Montgomery thanked his colleagues for the courteous and friendly way they worked through this meeting. One thought would be to post comments that come in. Mr. Montgomery stated he is looking forward to continuing the conversation.

Rev. Davis stated he was thankful to his colleagues. He stated the council has a responsibility to the community. He stated he believes Easton is the greatest town on the eastern shore to live in. Rev. Davis stated he wished everyone didn't make it personal. He hopes for a vote on matters and then move on. That's why we have a democracy.

Mr. Gunsallus stated the desired outcome of the applicant was received. He stated the topic was so controversial. We did our best to stay on topic as best as possible. He wished success and best of luck on the event.

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 7:18 p.m., upon motion by Mr. Abbatiello, seconded by Ms. Curry and carried unanimously, President Gunsallus moved into Closed Session.

At 7:55 p.m., upon motion by Ms. Curry, seconded by Mr. Montgomery, President Gunsallus convened into the regularly scheduled meeting.

Adjournment.

At 7:56 p.m., upon motion by Rev. Davis, seconded by Mr. Abbatiello and carried unanimously, President Gunsallus adjourned the regularly scheduled meeting.

Respectfully submitted,

Kathy M. Ruf, Town Clerk