

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

April 6, 2015

**PRESENT AT CONVENING**

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

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

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

**CALL TO ORDER.**

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

**OPENING REMARKS BY MS. COOK AND PLEDGE OF ALLEGIANCE.**

Ms. Cook gave opening remarks and led those present in the Pledge of Allegiance.

**APPROVAL OF MINUTES OF MARCH 6, 2015 MEETINGS.**

Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously, minutes of the March 2, 2015 meetings were approved.

**ITEMS BY MAYOR WILLEY.**

**CONFIRMATION OF TOWN ENGINEER APPOINTMENT.**

Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously, Mr. Rick VanEmburch's appointment as Town Engineer was approved.

Mayor Willey stated that Easton Economic Development Corporation has requested a letter of support to submit for a grant to purchase property.

Mr. Wendowski stated that he needs more information and time to consider the request.

Upon motion by Mr. Leshner seconded by Ms. Malone and carried, the request for the letter of support was approved with Mr. Wendowski opposing.

Mayor Willey stated that Ms. Sherry Collier would like to address the Council regarding a halfway house in the Town of Easton. He stated that she needs comments from council.

President Ford stated that the council will entertain her at her convenience.

**MR. JOHN FLOHR TO ADDRESS COUNCIL REGARDING EASTON ROTARY'S FLAGS FOR HEROES.**

Mr. Flohr thanked the Council for their past support. He stated that Rotary would like to do a Memorial Day presentation. He stated that the largest display of flags will be at Hog Neck. Mr. Flohr stated discussed the support Rotary gives for 20 local organizations from funds from this program.

President Ford thanked Rotary for the Memorial Day presentation.

**MR. GEOFF OXNAM, EASTON UTILITIES VICE PRESIDENT OF OPERATIONS TO ADDRESS COUNCIL REGARDING GRANTS.**

Mr. Oxnam discussed working with low to moderate income customers to provide upgrades to housing. He stated that he is currently working with MD Energy to obtain a grant for \$100,000.

**ITEMS BY THE TOWN MANAGER.**

**PUBLIC ASSEMBLY CHIEF APPROVED.**

Mr. Karge discussed Chief approved Public Assembly Events.

- BAAMfest, April 18, 2015 at Idlewild Park
- National Day of Prayer, May 7, 2015 at Idlewild Park

**RESOLUTION NO. 6044, “A RESOLUTION OF THE TOWN OF EASTON TO REPEAL RESOLUTION 6041 THAT CHANGED THE NAME OF THE PUBLIC STREET CADMUS LANE TO SHORE DRIVE.”**

Mr. Doug James, Real Estate consultant for Shore Health was present on behalf of Shore Health. He stated that the landlord had not given notice to Davita Dialysis regarding the Public Street name change. Mr. James stated that the business would need to get their business license changed as well as business cards and stationery. He asked the Council to change back the street to Cadmus Lane for now and stated that Shore Health may readdress the request in approximately a year.

Upon motion by Mr. Leshar seconded by Mrs. Cook and carried unanimously, Resolution No. 6044 was approved.

**RESOLUTION NO. 6045, “A RESOLUTION OF THE TOWN OF EASTON REPEALING AND REENACTING WITH AMENDMENTS RESOLUTION 6043 APPROVING THE 2015 WASTEWATER SERVICE RATE AND TARIFF REVISIONS PROPOSED BY THE EASTON UTILITIES COMMISSION.”**

Upon motion by Mr. Leshar seconded by Mrs. Cook and carried unanimously, Resolution No. 6045 was approved.

**ORDINANCE NO. 650, “AN ORDINANCE OF THE TOWN OF EASTON TO AMEND SECTION 18-10 OF THE TOWN CODE FOR THE PURPOSE OF MODIFYING THE PENALTY TO CONSUME ALCOHOL AND/OR POSSESS ALCOHOLIC BEVERAGES IN OPEN CONTAINERS IN CERTAIN PUBLIC PLACES.”**

Upon motion by Mr. Leshar seconded by Ms. Malone and carried unanimously, Ordinance No. 650 was approved.

**LETTER FROM MS. BONNIE WILKINSON, ASSISTANT MANAGER WALMART REQUESTING THE USE OF 40 PARKING SPACES FOR AN OUTSIDE CORRAL DURING SUMMER MONTHS.**

President Ford referred WalMart’s letter to the Planning & Zoning Commission for their review and recommendation.

**PUBLIC HEARING ON ORDINANCE NO. 649 WHICH WAS INTRODUCED MARCH 16, 2016. ATTACHED TO ORDINANCE NO. 649 IS A PROPOSED AGREEMENT OF SALE FOR THE TRANSFER OF THE AVALON THEATER FROM THE TOWN OF EASTON TO THE AVALON FOUNDATION, INC. FOR ONE DOLLAR (\$1) AND A ONETIME CASH CONTRIBUTION FOR REPAIRS AND RESTORATION.**

At 7:22 p.m., President Ford opened the Public Hearing on Ordinance No. 649.

The Town Attorney discussed the process of declaring the Avalon Theater surplus property.

Ms. VanEmburch stated that Mr. Karge had polled department heads and there was no need regarding current or future use of the property by the Town.

President Ford opened the floor for public comments.

Ms. Sandra Johnson, Easton Club, stated that she is a concerned citizen and has been reviewing articles in the Star Democrat regarding the Avalon. She stated that she believes the Avalon is the most valuable piece of property in Easton. Ms. Johnson discussed the deal and asked for a comprehensive study. She stated that she wants the Avalon to grow and prosper.

Mr. Will Howard, 8862 Quailsar Road, stated that he knows the Avalon Theater very well. He discussed the history of the Avalon Theater. He stated Avalon Foundation done remarkable job for Easton to everybody in this town. Mr. Howard asked the council to move forward in giving the \$250,000 contribution to the Avalon Foundation for necessary repairs.

Ms. Moonyene Jackson-Amis, 120 Port Street stated that she was on the council for eight years. She stated that she does not believe the Town should declare the Avalon a surplus and dispose of the property. Ms. Jackson-Amis stated that a lot of public entities want to use the facility in a way that the community could utilize. Ms. Jackson-Amis stated that she recalls the Avalon to be in good condition and should be sold "as is." She suggested the Avalon Foundation raise sufficient funds for repairs. Ms. Jackson-Amis suggested a workshop to listen to taxpayers.

Mr. Bob Merriken, attorney with Cowdrey Thompson, 130 N Washington, Canvasback Lane stated that he has been an Attorney for 25 years with Cowdrey Thompson and suggested alternatives to the deal for consideration. Mr. Merriken read into record a letter with for an alternative consideration on behalf of his client, Lloyds, LLC . He stated that Mr. Tom Haschen, and Mr. Steven Mangasarian operate Bannings' Tavern. He stated they purchased the condominium portion in 2011. He discussed the Theatre being in need of renovation and repairs. Mr. Merriken stated that his client is concerned about protecting their investment. He stated that it is their objective offer to acquire interest in unit B. He asked for an appraisal of the Theatre. Mr. Merriken stated that it is their intent to keep the Avalon operational and requested council consider their offer as an alternative.

Ms. Sue Breedcamp, President of the Avalon Foundation Board of Trustees stated she is here to express appreciation of Avalon Board. She expressed enthusiastic support of Ordinance 649. Ms. Breedcamp stated that she has a deep appreciation for the many ways of support.

Ms. Ellen Vatne, one of the founders of the Avalon Foundation and previous Executive Director, and presently on the Board of Directors and supporter of the Avalon, asked council for the next step. Ms. Vatne thanked the council and stated that they intend to take to next step.

Mr. Stephen Hunter, 8082 Northfork Boulevard, Easton, thanked Ms. Vatne for her support. He discussed the history of the building. Applauded Avalon foundation for their contribution to the community.

Mr. Andrew Duer, 3 Thorogood lane, stated that he has a lot of family in the area. He stated that he has been here for limited time. He discussed what he feels as an amazing thing the Avalon Foundation has done for the Town. Mr. Duer suggests that the Town of Easton highly investigate other offers. Mr. Duer encouraged the council to not make decision tonight.

David Grafton, 644 Elizabeth Street, stated that he doesn't disregard what the Avalon Foundation has accomplished. He stated that he has been a supporter of the Avalon. He questioned the lease arrangement with the Town and the Avalon for the past 23 years. He asked if the building has ever been put up for sale. Mr. Grafton asked where the estimate for repairs came from.

Mr. Stephen Mangasarian, 520 N Aurora Street clarified the offer. He stated that he wants the Avalon Foundation to remain running the Theatre. He discussed the \$406,000 offer and the sale of the Theatre for \$1.

Ms. Pamela Haines, 23901 Mt. Misery Road, stated that she does not think that renting to the Avalon Foundation is a good idea as renters do not improve property. She stated that the Avalon Theatre needs major repairs. She discussed Bannings being a landlord and trying to make a profit.

Ms. Leslie Israel, 6431 Cedar Cove Road, Royal Oak, stated that it was her perception that it has always been the intent to turn the Theatre over to the Avalon. She stated that the Avalon Foundation have been stewards but the Theatre is sorely in need of help. Ms. Israel stated that the Avalon continues to attract people and is an integral part of the town. She applauds the council's consideration of Ordinance No. 649.

Mr. Richard Marx, 205 Goldsborough Street, stated he is a former board member and past president of the Avalon. He stated that he has chaired the Facilities Committee. He stated that the cost of maintaining the building is dramatic. He believes the cost of repairs is a very conservative number proposed. He stated that he thinks it is in the best interest for the Avalon Foundation to purchase and maintain the Theatre.

Mr. Steve Wheeler, North Bend Road, stated that he is a significant tax payer in the Town of Easton. He stated that no one can question the significance of the Theatre. He stated that the Theatre brings the community together. He stated that the real question is private enterprise versus nonprofit. He stated that the Avalon has struggled; it has seen good times and bad. Mr. Wheeler stated that he would much prefer to have private enterprise own the Theatre than someone dependent on community involvement.

Mr. Mike Sullivan 2621 Jamaica Point Road, stated that most to all arts and entertainment all funded. He stated that private real estate will want a return on their investment. Mr. Sullivan stated that the Avalon Foundation will lose contributors if it sold to private enterprise. He stated that the Avalon is a positive impact to the town of Easton and needs to be kept nonprofit with someone that has experience to fund events.

Mr. Joe Peters stated that he does not live in town; he lives on Leeds Creek but owns property in town. He stated he is in favor of institutions that bring visitors to town. Mr. Peters urged the council to vote in favor of the proposed Ordinance and allow the Foundation to do good work.

Mr. Chuck Mangold, local real estate broker; stated that the cultural draw is very high on the list for prospective buyers. He stated that the Town will reap a huge return on the investment the Town has made with the Avalon Theatre. He discussed what is needed to maintain the building. He stated that the best path for the Town is to provide the Theatre to a nonprofit.

Mr. John Wilson, stated that he is in favor of the Avalon Foundation and the town's proposed ordinance. In support of the ordinance. He stated that the Theatre is an important part of a vibrant cultural community. Mr. Wilson stated that he loves the support given by the community.

Mr. Adam Theeke, General Restoration contractor stated that the plaster is cracking in the Theatre. He stated that it is a porous building and the masonry is showing drastic failure. He stated that he is on the Historic District Commission and the building is in dire need of help

M. Steve Mangasarian, discussed why the offer was not brought forward before tonight.

Mr. Dan Ganzanario, 27970 Oakland Circle, Easton stated he is in support of the ordinance brought before the council. He discussed Bannings being in arrears for condominium dues. Mr. Ganzanario stated that the ordinance will allow the Foundation to attract donors. He respectfully requests the council to pass the proposed ordinance.

Mr. Ryan Showalter, Miles & Stockbridge, 101 Bay Street, representing the Avalon Foundation stated that there is overwhelming support of the proposed legislation. He stated that the legislation is entirely consistent with state law. Mr. Showalter urged the council to take action.

Mary Lou Armstrong Peters, Vice Chair of the Avalon Foundation stated that the Avalon Foundation is not just a theatre. She stated that they run several other programs. She stated that they can move their operation. She stated that it may take a while to raise a capital campaign.

Mr. Mike Sullivan, Trappe, stated that if the Theatre is owned by private real estate, investors will want rate of return. He stated that private companies can cut their losses and get out. He stated that the Theatre will go dark.

Mr. Stephen Mangasarian, stated that he believes the Foundation's offer will result in forcing Bannings out of the condo unit. He suggested anyone that if they want his business they can make an offer and he will consider selling.

Mr. Al Bond, Executive Director Avalon Foundation, discussed immediate needs and contributions to the Town. He discussed water intrusion into the Theatre. He stated as owners of the Theatre, they, the Avalon Foundation, can get private contributors to help fund repairs. Mr. Bond stated that the community deserves a world class space. Mr. Bond thanked the council for all their good works.

Ms. Moonyene Jackson-Amis, 120 Port Street asked the council to consider all the information before them tonight. She stated that there is a public use for the Theatre and there has not been enough opportunity to weigh all the issues.

Mr. Andrew Duer, 3 Thorogood Lane, stated that the deal and proposal need to be transparent.

Mr. Tom Haschen, 303 S Harrison Street, owner in Bannings, stated that they support the Avalon Foundation. He stated that their position is very clear. He stated that he has requested a Condo Association meeting seven times but there has been no communication for well over a year. Mr. Haschen stated that he is appalled they weren't included in negotiations. He stated that they are not in arrears but they are withholding condo association dues until a condo association meeting takes place. Mr. Haschen stated that he wants the Avalon Foundation to stay.

President Ford clarified the process. He stated that the council will not be voting tonight. He discussed the process and stated that they need the opportunity to digest what has been said at the public hearing. President Ford stated that this is a complex issue and the offers make it more complicated.

President Ford stated that he intends to keep the Public Hearing open until next meeting April 20.

At 9:07 p.m., President Ford stated ended the Public Hearing for tonight. President Ford stated that the Public Hearing would be continued April 20.

**ITEMS BY MEMBERS OF THE COUNCIL**

Mrs. Cook thanked everyone for their participation in the East End Neighborhood Association cleanup.

**ADJOURN.**

At 9:09 p.m., upon motion by Ms. Malone seconded by Mrs. Cook and carried unanimously, President Ford adjourned the regularly scheduled meeting.

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Kathy M. Ruf, Town Clerk