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3 **TOWN OF EASTON, MARYLAND**  
4 **EASTON TOWN HALL**  
5 **14 S HARRISON STREET**  
6

7 **March 4, 2019**  
8

9 **PRESENT AT CONVENING.**

10 Mayor Robert C. Willey  
11 President of the Council John Ford  
12 Councilmember Alan I. Silverstein  
13 Councilmember Ron E. Engle  
14 Councilmember Megan M. Cook  
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16 Also present was the Town Manager Mr. Don Richardson, Town Attorney Mrs. Sharon  
17 VanEmburch, Town Planner Mr. Lynn Thomas and Town Clerk Mrs. Kathy M. Ruf.

18 Members of the Planning & Zoning Commission present were: Mr. Richard Tettlebaum, Chair; Mr.  
19 Talbot Bone, Mr. Paul Weber and Mr. Donald Cochran.

20 **CALL TO ORDER.**

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

22 **OPENING REMARKS BY MR. SILVERSTEIN AND PLEDGE OF ALLEGIANCE.**

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

24 **APPROVAL OF MINUTES OF FEBRUARY 18, 2019 MEETING.**

25 Upon motion by Mr. Silverstein seconded by Mr. Engle and carried unanimously, minutes of the  
26 February 18, 2019 meetings were approved.

27 **ITEMS BY THE MAYOR.**

28 **REQUEST ACCEPTANCE OF FY2017/18 AUDIT AS PREPARED BY**  
29 **CLIFTONLARSONALLEN LLP.**

30 Upon motion by Mr. Silverstein seconded by Mr. Engle and carried unanimously, the Town of Easton  
31 FY2017/18 audit as submitted by CliftonLarsonAllenLLP was accepted as prepared.

32 Mayor Willey stated that the budget meetings with department heads are in progress.

33 Mayor Willey asked for a council volunteer to present a Proclamation to Eagle Scout Wilson Keeter  
34 March 16. Mr. Silverstein stated that he will be happy to present on behalf of the Town.

35 Mayor Willey discussed the Arbor Day activities scheduled for March 30 at Idlewild Park. He stated  
36 that select saplings will be given away to the first 100 participants.

37 **ITEMS BY THE TOWN MANAGER.**

38 **APPROVAL FOR PUBLIC ASSEMBLY EVENT FOR ST. PATRICK'S DAY PARADE AND**  
39 **POTATO RACE 3/17/19.**

40 Upon motion by Mr. Engle seconded by Mrs. Cook and carried unanimously, the Public Assembly  
41 Event for the St. Patrick's Day Parade and Potato Race as recommended by staff was approved.

42 **DISCUSSION ON ORDINANCE NUMBER 730 WHICH PROPOSES AMENDMENTS TO**  
43 **SECTION 28-414 OF THE TOWN CODE, WHICH ARE THE REGULATIONS OF THE**  
44 **MIXED-USE WATERFRONT (MXW) ZONING DISTRICT.**

45 President Ford stated that the public hearing was closed at the last meeting but comments were left  
46 open and several have been received.

47 Discussion occurred from the council regarding the bonus fee.

48 President Ford stated that Ms. Ward's letter forwarded from Mr. Chris Jacubiak legitimized the  
49 \$9.50/square foot cost fee for the bonus zoning.

50 President Ford stated that the Mayor and Council are trying to find a balance for paying for the  
51 amenities while not desensitizing development.

52 President Ford stated that he is supportive of the Planning & Zoning recommendation as well as the  
53 qualifier from Mr. Bautz's regarding basing the fee on net leasable area. President Ford stated that he

54 does not want to advocate and would consider additional time.

55 Mrs. Cook asked for more time to review recent e-mails. She stated that she thinks the fee is close but  
56 she would like to run the numbers a little closer.

57 Mr. Silverstein asked for what amount of the development would be considered as a bonus.

58 Town Planner, Mr. Thomas discussed the calculation of the fee.

59 Town Manager Mr. Richardson stated that 80% of that land area is not using the bonus factor and  
60 would not incur the \$9.50 fee.

61 President Ford stated that the Town is looking for balance that helps fund the cost of the amenities;  
62 which are more than 10 million dollars. The bonus fee would be approximately \$5 million which  
63 would fund promenade, parking and boat slips.

64 Mr. Silverstein discussed looking for developers that have found grants to help fund amenities and  
65 mitigate costs.

66 President Ford stated that everyone needs to have a comfort level before voting.

67 Mr. Engle discussed a memo he circulated regarding a fee structure for development such as  
68 waterview development.

69 Mr. Silverstein stated he would be ready to vote at the next meeting. He stated that he thinks the  
70 Planning Commission has done an excellent job.

71 President Ford asked for comments from the Planning Commission and clarification from the Town  
72 Attorney regarding comments and the necessity to re-open the Public Hearing.

73 The Town Attorney stated that staff comments are allowed and the Planning Commission is a part of  
74 the staff appointed by the Mayor and should be allowed to make comments.

75 Mr. Richard Tettlebaum asked to submit closing comments before the next meeting regarding data  
76 not seen before.

77 Mr. Thomas stated that if substantive major changes are made, the public hearing would have to be  
78 re-opened..

79 Mr. Talbot Bone, 204 Brookletts Avenue, stated he appreciates that the council is struggling with this.  
80 He asked the council to keep in mind that the amenities discussed are going to have to enhance  
81 Easton Point. The funds have to be obtained from someone and the developers are the ones that will  
82 benefit.

83 President Ford asked for comments from the Planning & Zoning Commission. He stated that a vote  
84 would be taken at the next meeting unless substantive changes were to occur.

85 **ORDINANCE NO. 730, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING**  
86 **SECTION 28-414 OF THE EASTON TOWN CODE (ZONING) TO REVISE PORTIONS OF**  
87 **THE MIXED-USE WATERFRONT ZONING (MXW) DISTRICT."**

88 Not acted on.

89 **RESOLUTION NO. 6102, "A RESOLUTION OF THE TOWN OF EASTON IN SUPPORT**  
90 **OF THE APPLICATION FOR AN ARTS AND ENTERTAINMENT DISTRICT**  
91 **DESIGNATION IN THE TOWN OF EASTON AND APPROVING TAX EXEMPTIONS AND**  
92 **BENEFITS FOR QUALIFYING ACTIVITIES IN THE DISTRICT."**

93 President Ford introduced Resolution No. 6102 and set the Public Hearing for March 18, 2019 at 7:05  
94 p.m.

95 **ORDINANCE NO. 731, "AN ORDINANCE OF THE TOWN OF EASTON REQUIRING A**  
96 **PERMIT FOR PLACEMENT OF FACILITIES OR UTILITIES IN THE TOWN RIGHT OF**  
97 **WAY AND ADOPTING SPECIFIC REGULATIONS APPLICABLE TO**  
98 **COMMUNICATIONS FACILITIES INCLUDING SMALL CELL FACILITIES AND**  
99 **WIRELESS SUPPORT STRUCTURES IN THE RIGHT OF WAY."**

100 The Town Attorney Mrs. VanEmburch discussed small cell facilities which are virtually antennas  
101 attached to light poles. She discussed the proposed legislation.

102 Mrs. VanEmburch stated that Ordinance No. 731 would make a permit required for anyone working  
103 in the town's right of way.

104 President Ford introduced Ordinance No. 731 for a first reading.

105 **ORDINANCE NO. 732, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE**  
106 **TOWN OF EASTON ZONING ORDINANCE WHICH IS CHAPTER 28 OF THE CODE OF**  
107 **THE TOWN OF EASTON TO ADD A DEFINITION FOR SMALL CELL FACILITY AND**  
108 **TO MODIFY THE DEFINITION FOR TOWER, TO AMEND THE TABLE OF USES FOR**

109 **THE USE SMALL CELL FACILITY AND TO CREATE SUPPLEMENTAL STANDARDS**  
110 **FOR THE USE SMALL CELL FACILITY AND TO MODIFY THE SUPPLEMENTAL FOR**  
111 **THE USE TOWER.”**

112 Mrs. VanEmburch stated that placement on private property is addressed in the Zoning Ordinance.  
113 She stated that legislation must be in place by April 15 and the proposed legislation took a lot of  
114 effort. She suggested the public hearing occur March 18 and be acted on that night in order to be  
115 effective.

116 Mrs. VanEmburch stated that a Resolution with permit fees will be forthcoming at the next meeting.

117 Mayor Willey stated that these bills model bills MML is supporting.

118 President Ford introduced Ordinance No. 732 for a first reading and stated that the

119 **ADJOURNMENT.**

120 At 7:43 p.m., upon motion by Mr. Silverstein seconded by Mrs. Cook and carried unanimously,  
121 President Ford adjourned the regularly scheduled meeting.

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124 Kathy M. Ruf, Town Clerk