

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

August 19, 2013

PRESENT AT CONVENING

Mayor Robert C. Willey
 President of Council John Ford
 Councilmember Megan M. Cook

13 Councilmember Leonard E. Wendowski, Sr.
 14 Councilmember Kelley K. Malone
 15 Councilmember Pete Leshner

Also present were the Town Manager Mr. Karge, the Town Attorney Mrs. Sharon VanEmburch and Mrs. Lorraine Gould for Town Clerk Kathy Ruf.

OPENING REMARKS BY MR. WENDOWSKI AND PLEDGE OF ALLEGIANCE.

Mr. Wendowski led the audience in opening remarks and the Pledge of Allegiance.

APPROVAL OF MINUTES OF AUGUST 5, 2013 MEETING.

Upon motion by Mr. Leshner seconded by Ms. Malone and carried unanimously, minutes of the August 5, 2013 meeting were approved with President Ford abstaining due to his absence.

FIRE BOARD.

Chief Sonny Jones discussed the Department's activity summary for the first six months.

Work is continuing on the training props the town has allowed for training.

Chief Jones stated that the rescue truck has returned after repairs. He stated that they anticipate the receipt of a grant from the Maryland Natural Resources Forestry Division for upgrades to brush fire apparatus.

President Tim Knotts discussed fundraising and funding efforts.

1st Assistant Chief Engineer Jason Spies updated on the delivery of the new tower.

Mrs. Cook thanked the Department for their participation at National Night Out.

Ms. Malone congratulated the members on their awards at the Maryland State Fire Convention.

ITEMS BY MAYOR WILLEY.

Mayor Willey discussed the roadwork on Marlboro Road and Easton Parkway. He stated that there would be no more road closures this year but infrastructure improvements would occur.

Mayor Willey announced that the Town is the recipient of a grant from Wal-Mart for the Parks and Recreation Department.

Mayor Willey stated that the Floodplain Ordinance has been approved and adopted by FEMA.

Mayor Willey said the town has been notified that of receipt of a CDB Grant for Habitat for Humanity in the amount of \$63,900.

ITEMS BY THE TOWN MANAGER.

Town Manager Mr. Karge discussed a request to paint yellow curbs at the intersection of Park Street and Front Lane. He stated that they will bring back a final recommendation to the council.

Mr. Wendowski asked the status of the impact fee study. Mr. Karge advised that it is being reviewed by staff and will be forthcoming.

ITEMS BY THE TOWN ATTORNEY.

Mrs. VanEmburch briefed on the Property Affidavit Ordinance that should be in the September 3 Council's packet.

Mr. Wendowski asked the status of the Ethics Ordinance.

Mr. Leshner stated that he needs to get a draft to the council.

PRESENTATION OF PROCLAMATION FOR RELAY FOR LIFE.

Mr. Leshner presented a Proclamation for Relay for Life to Ms. Stephanie Guiles, Event Chair for Talbot County. She discussed efforts planned for Paint Talbot Purple. President Ford asked Ms. Guiles to coordinate with Mr. Karge events that would occur throughout Easton.

CONSENSUS ON THE REQUEST OF REMCO PROPERTIES LLC (OWNERS/DEVELOPERS) TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) APPLICATION FOR WATERSIDE VILLAGE WITH ADDITIONAL PHASES OF DEVELOPMENT OF THE SHOPPING CENTER CONSISTING OF FOUR SEPARATE PUD APPLICATIONS (2A, 2B, 2C AND 2D).

President Ford stated that the request is for four PUD applications.

President Ford stated that most of the public comments addressed the access road. He stated that his personal opinion would be not to create that connection would be a bad idea as there could be simple solutions to this problem and may reduce the amount of traffic on St. Michaels Road. He discussed options. President Ford stated that assuming that parcel 2C gets approved, that this access be included with this proviso of number 3 condition proposed by the Town Attorney. President Ford read the required items to be met in the approval process of the PUD. President Ford stated that he believes that the 2D parcel should not be approved as designed; rather hold it in advance in hopes of proposed development. President Ford stated that he is in support of all three 2A, 2B and 2C with the proviso that the conditions that the Planning Commission set forth are followed and also that with 2D, that the land for the trail head be set aside.

Mr. Leshner stated that he agrees with President Ford and shares the skepticism with Phase 2D and its desirability to be retail. He stated that he would rather see the approval for that parcel held off for the time being. He stated that he supports all the recommendations the Planning Commission has set forth with the modification to the access road requirement as President Ford read into the record.

Ms. Malone stated that she agrees almost entirely with the previous comments as she believes the applications meet the criteria laid out in the Comprehensive Plan. She stated that she needs to emphasize Phase 2D, there is a criteria for mixed use. Ms. Malone stated that she is in support of the four applications and supports the third recommendation provided by the Town Attorney for the access road.

Mr. Wendowski stated that this development should have been approved years ago. He stated that he sits on the county's Economic Development Commission and stated that they decided not to have light industrial. Mr. Wendowski stated that he is in favor of all Phases moving forward and supports the recommendation as outlined by the Town Attorney.

Mrs. Cook stated that the only recommendation she would like to include is the landscaping proposed by the Tree Board. She stated that she feels that it is lacking in the first phase but can be enhanced in future phases. She stated that she agrees with Mr. Wendowski and Ms. Malone and stated that this is more a commercial area meant for shopping and is in favor of 2D as submitted. She stated that she agrees with the Town Attorney's recommendation for the access road for Greyblock.

Ms. VanEmburch asked for clarification regarding the conditions set forth from the Tree Board. It was the consensus of the council for the landscape design to be approved by the Planning Commission.

Mrs. Cook stated that the Tree Board recommended that the landscape plan be inspected annually to ensure that it is what was approved.

It was the consensus of the council to support that.

President Ford stated that the consensus of the Council is that 2A, 2B, 2C and 2D are all approved. He discussed the next steps.

Upon motion by Mr. Wendowski seconded by Mrs. Cook and carried unanimously, Resolution No. 6021 was approved.

7:15 PM PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON:

ORDINANCE NO. 627, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING SECTION 2-26.2.2 AND SECTION 11-6 OF THE TOWN CODE TO AUTHORIZE CERTAIN ADMINISTRATIVE WAIVERS OF THE MINIMUM PROPERTY MAINTENANCE STANDARDS."

ORDINANCE NO. 628, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING SECTION 11-5 OF THE TOWN CODE REGARDING STAIRWAYS AND EMERGENCY ESCAPE AND RESCUE OPENINGS."

At 7:22 p.m., President Ford opened the public hearing to receive comments on Ordinance No. 627 and Ordinance No. 628.

Mrs. VanEmburch discussed what has happened to reach this process. She stated that this is about trying to balance the safety of the tenants with the cost of and potential hardship to the landlord. Mrs. VanEmburch discussed the research they have done to come up with this approach.

Mrs. VanEmburch stated that Ordinance No. 627 sets up the process for waivers which would allow waivers of the minimum livability code provisions in the Town of Easton. She discussed the state law requirements to issue waivers.

Mrs. VanEmburch discussed Ordinance No. 628 and stated that these are Ordinances that would be allowed by right. She stated that properties built to code at the time of construction would be allowed to continue.

Mrs. VanEmburch stated that this ordinance has been sent to the Fire Marshal and he stated that this could only apply to one and two family dwelling. It has been sent to the Department of Community Housing and no comments have been received from them.

Mr. Leshner asked for clarification regarding by rights for ceiling heights.

President Ford opened the floor for public comments.

Mr. Coard Benson, President of Mid Shore Board of Realtors expressed concern over the Town's proposed minimum Livability Code and what is believed to be the strict interpretation of that which the Code Enforcement had initially proposed. He stated that they hope the council continues their discussion on the topic and continue to include all interested parties for real estate and property use manners. Mr. Benson thanked the council and staff for their concerns. He asked the council to be very cautious in affecting changes to code enforcement that may limit available workforce housing.

Mr. Wendowski asked if the MSBR have expressed their concerns to the State. He stated that other municipalities are also working to address some of these concerns.

Mr. Steve Wheeler gave an overview of their concerns and discussed who has been affected in this recent change. He stated that he hopes that there will be more than three things to be able to go before the Board of Appeals. Mr. Wheeler discussed the state's opportunity: the local political subdivision, which can offer reliefs and make decisions on a local level which is what they are asking to be done. He stated that these ordinances are not enough but they are a step in the right direction. Mr. Wheeler stated that he appreciates the efforts.

Mrs. Cook stated that she thought the biggest concerns were the stairwells, the ceiling heights and the windows. She asked what other concerns they have.

Mr. Wheeler stated that he did not want to paint themselves into a corner in case other matters need to be addressed.

Mr. Steve Hershey stated that investment property owners represent between 35 and 50 million dollars of assessed property value in this town. He said they should have a voice and not be dictated to. He said they register, inspect and re-inspect their properties and pay the fees at their own expenses. Mr. Hershey asked why the town doesn't go after the several thousand unregistered rental units. Mr. Hershey discussed the drawbacks of being in business as landlords in the Town of Easton. He asked the council not to ramrod the ordinances through.

President Ford stated that this is not the end in the game but another step in the process.

~~Ms. Dee~~ Rein stated that she is the workforce. She stated that she is a retired teacher that owns a duplex in which she has lived and now rents. Ms. Rein reiterated Mr. Wendowski's comments that maybe it's time to lighten up the regulatory environment. She asked the council to keep in mind that onerous rules and procedures restrict business and discourage the improvement of properties.

Ms. Mary Yancey was present to speak on protecting the rights of renters and property owners that live adjacent to substandard rental units. Ms. Yancey discussed borderline viable property that is not a desirable place to live. She stated that the property has had tremendous turnover of owners as well as tenants. She expressed her concern with the safety of tenants. Ms. Yancey stated that she does not think that the financial interest of property owners supersedes the safety of tenants.

Mr. Walt Johnson, Administrator for the Good Samaritan Fund asked the council to please consider what the property owners are asking in terms of listening to them and working out a resolution. He stated that tenants have a hard time finding properties they can afford.

Mr. Steve Smethurst, Attorney from Salisbury stated that he represents a number of property owners including the owner that had a tenant for nine years that was forced to vacate. He stated that he has been following the progress of these two ordinances from their inception. He stated that the livability ordinance applies to any property used for residential properties not just rentals. Mr. Smith stated that some of the language could be misinterpreted. He suggested that language be modified. Mr. Smith stated that the ordinances need a little more work.

Ms. Linda Haschen, property manager in Easton brought language to the attention of the council in Ordinance No. 627 and Ordinance No 628. She stated that it states that the Town of Easton is authorized to enact ordinances for the health, comfort and convenience to the citizens of the Town of Easton. Ms. Haschen respectfully disagrees and asked that comfort and convenience be omitted and replaced with safety.

Ms. Jennifer Williams stated that there are a couple of concerns she has regarding things that have been proposed. She said that in the Charter Section 11-5.24 states that the provisions of this Code shall not be mandatory for existing buildings so there are provisions for grandfathering as long as safety and health are not compromised. She discussed waivers and appeals. She suggested the opportunity to appeal to a third party for waivers.

Ms. Lena Gill, Historic District Commission stated she has been a member for seven years. She stated that she feels that demolition by neglect is being encouraged by this ordinance and discouraged the passing of the ordinance.

Mrs. Cook asked for clarification regarding houses that are being neglected and are in disrepair.

Ms. Gill stated that the Historic District Commission should not be a party to these ordinances.

Mr. Tom Kleppinger, landlord of several properties in Easton. Mr. Kleppinger discussed ceiling heights and repairs that have been mandated and the costs associated with the violations. He discussed inspections and the continuous violations which he surmises are necessary for town staff to keep their jobs.

Ms. Malone stated that she has concerns regarding the landlords not knowing what to expect when the inspector comes to perform inspections.

Mr. Ryan Showalter, on behalf of a couple of property owners highlighted that there are some questions regarding what other issues exist and need to be addressed. He discussed a property built in the 1940's and proposed different language with the ordinance which would give a mechanism to solve a lot of the problems. He suggested moving forward to take some action to solve some problems without stopping the dialogue. Mr. Showalter suggested giving broad authority to the public and to the Board of Appeals and maybe considering limitations if the Board can't keep up.

Ms. Beth Hanson stated she owns one rental property. She asked if she can get the house inspected so she can sell the property to someone who can reside in the property.

Ms. Malone stated that it is her understanding that the town will work with property owners if a plan is presented and they state that they cannot follow through with required work.

Mr. Karge stated that there is no requirement to have an inspection to sell your own property. He stated that it is true that the town will often times grant an extension for hardship cases that are not life safety issues.

Unidentified citizen stated that someone living in a house with 6'8" ceiling height that has to move out into their car would not mind living in a house with lower ceilings than required.

At 9:20 p.m., President Ford stated that he is ending the testimony for tonight but the public hearing will remain open indefinitely. He stated that anyone having comments or questions can approach any members of the council of MSBR or Easton Property Owners group with suggestions.

Mr. Wendowski stated that he cannot read the invoice file as sent in the council packet.

Upon motion by Ms. Malone seconded by Mr. Leshner and carried, invoices were approved with Mr. Wendowski opposing.

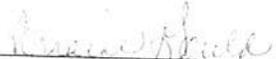
ITEMS FROM MEMBERS OF THE COUNCIL.

Mr. Wendowski asked for the council's response on an e-mail from a resident that is having problems with basketball playing late in the evening.

Mrs. Cook reminded everyone that school is starting next week and asked that all be mindful of children, buses and traffic.

ADJOURN

Upon motion by Mr. Wendowski seconded by Mr. Leshner and carried unanimously, President Ford adjourned the regularly scheduled meeting at 9:24 p.m.



Lorraine Gould for Kathy M. Ruf, Town Clerk