

January 14, 2009

4:00 p.m., Special Public Working Session at the Town Office

Present:

Commissioners Joanne Clark, Michael Brady, Robert Snyder and Donna Hunt; Town Manager, Cheril Thomas; Administrative Clerk Sabrenia Yohn; and six (6) members of the public.

Call to Order:

President Clark called to order a special public working session of the Commissioners of St. Michaels at 4:05 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels.

Special Public Announcement:

President Clark noted that the Commissioners had held a closed session at 3:15 p.m., pursuant to Maryland Code, State Government Art., §10-508 (a) (1) (ii), to discuss personnel matters, specifically, the resignation of Commissioner George M. Walsh, Jr. President Clark read a Special Public Announcement regarding the resignation of Commissioner Walsh effective January 14, 2009, and outlined Charter regulations regarding the appointment of a replacement for Mr. Walsh within ninety (90) days of his resignation. President Clark stated that there would be an announcement of the meeting at which the Commissioners would vote on the appointment. She also read the content of a press release regarding Mr. Walsh's resignation to be sent to the Star Democrat, and Mr. Walsh's letter of resignation, addressed to the Commissioners and Town Manager Cheril Thomas, dated January 14, 2009. Both documents are attached as a part of these minutes.

Discussion of Streetscape Task Force's Report and Draft Policy Document:

The Commissioners conducted a roundtable discussion of the draft Resolution 2008-16 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO CREATE A POLICY BASED ON RECOMMENDATIONS BY THE ST. MICHAELS STREETScape TASK FORCE; Attachment A to the Resolution, "Town of St. Michaels Treescape Policy" and Exhibit 2 to the St. Michaels Treescape Policy, "The Tree Advisory Committee." The Commissioners reviewed the documents section by section and directed staff to prepare a new draft, including the changes discussed, for the next working session. Former Task Force member Lawrence Pratt read a prepared statement expressing disappointment and dissatisfaction with the process by which the policy is being developed, a copy of which is attached and made a part of these minutes. Former Task Force member James Valliant expressed concerns regarding the Tree Advisory Committee potentially reporting to the Planning Commission, noting that he would prefer that the Committee report directly to the Commissioners.

The Commissioners of St. Michaels
January 14, 2009

6:30 p.m., Public Working Session, the St. Michaels Free Library

Present:

Commissioners Joanne Clark, Michael Brady, Robert Snyder and Donna Hunt; Town Manager Cheril Thomas; Zoning Officer Deborah Renshaw; Administrative Clerk Sabrenia Yohn; Police Chief Miguel Dennis; and approximately 35 members of the public.

Call to Order:

President Clark called to order a public working session of the Commissioners of St. Michaels at 6:35 p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street, St. Michaels. The Pledge of Allegiance was recited.

Special Public Announcement:

President Clark noted that the Commissioners had held a closed session at 3:15 p.m., pursuant to Maryland Code, State Government Art., §10-508 (a) (1) (ii), to discuss personnel matters, specifically, the resignation of Commissioner George M. Walsh, Jr. President Clark read a Special Public Announcement regarding the resignation of Commissioner Walsh effective January 14, 2009, and outlined Charter regulations regarding the appointment of a replacement for Mr. Walsh within ninety (90) days of his resignation. President Clark stated that there would be an announcement of the meeting at which the Commissioners would vote on the appointment. She also read the content of a press release regarding Mr. Walsh's resignation to be sent to the Star Democrat, and Mr. Walsh's letter of resignation, addressed to the Commissioners and Town Manager Cheril Thomas, dated January 14, 2009.

Consent Agenda:

There were no questions from the Commissioners on departmental reports for the month of December 2008. President Clark introduced Mrs. Holly Gushke from the St. Michaels Fire Department who supplied copies of the Fire Department's annual report for the Commissioners and the public. President Clark passed along the heartfelt thanks of the Fones family on W. Chestnut Street for the assistance from the Fire Department with their recent house fire. President Clark noted disbursements for the month of December 2008 in the amount of \$607,930.59. Mrs. Thomas added one item to the Administrative Report. She noted that signs would be placed at the skateboard park located at 301 Mill Street indicating the temporary closing of the park during Phase III of the Street Reconstruction Project. Commissioner Brady praised the Police Department for the increase in foot patrols and their effectiveness in deterring crime. Commissioner Brady made a motion to approve the Consent Agenda, which was seconded by Commissioner Snyder, and which passed on a roll call vote of 4-0 in favor.

Public Hearing:

Ordinance 397 – Mrs. Yohn read the title of the ordinance into the record as follows: Ordinance 397 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 333 (WATERWAYS MANAGEMENT), §333-5 (DEFINITIONS AND WORD USAGE) SUBSECTION B; §333-9 (ZONING INSPECTOR) SUBSECTIONS A AND B; §333-10 (INFORMATION TO ACCOMPANY APPLICATIONS FOR BUILDING PERMIT/ZONING CERTIFICATE) SUBSECTION C; §333-13 (PERMITS REQUIRED) SUBSECTION E; AND ADDING NEW §333-22 (AMENDMENTS) TO THE CODE OF THE TOWN OF ST. MICHAELS BY DEFINING CERTAIN TERMS INCLUDING MAJOR AND MINOR WATERWAY IMPROVEMENTS; ESTABLISHING CERTAIN STANDARDS FOR REVIEW OF AN APPLICATION FOR A MINOR WATERWAY IMPROVEMENT;

REQUIRING STATE AND FEDERAL APPROVALS TO ACCOMPANY APPLICATIONS FOR BUILDING PERMIT/ZONING CERTIFICATES AND CERTAIN SHORELINE IMPROVEMENTS; REQUIRING CERTAIN ADDITIONAL DOCUMENTS TO BE SUBMITTED BY A REGISTERED PROFESSIONAL ENGINEER WITH AN APPLICATION FOR A SHORELINE IMPROVEMENT; ELIMINATING SECONDARY REVIEW OF A SHORELINE IMPROVEMENT THAT IS CONSIDERED TO BE A MINOR WATERWAY IMPROVEMENT; ESTABLISHING CERTAIN PROCEDURES INCLUDING A PUBLIC HEARING PRIOR TO AMENDING CHAPTER 333; AND GENERALLY RELATING TO REGULATION OF THE HARBOR AND WATERWAYS OF THE TOWN OF ST. MICHAELS.

Mrs. Yohn also read exhibits into the record as follows:

1. Notices of public hearing as published in the *Star Democrat* on December 29, 2008 and January 5, 2009.
2. Ordinance 397 dated as of draft date of December 23, 2008.
3. Notice of Public Hearing on January 14, 2009 for Ordinance 397 which was posted on the bulletin board in the Town Office.
4. E:mail comments from Philip Dinkel dated January 5, 2009 as follows:
 - Recommends changing the language on page 6, Section 4, E, (2), (e) to indicate that photos should be required for any repair, improvement, or replacement, major or minor.
 - Suggests that “Minor” leaves too many loop-holes and recommends that it should be “Waterway Improvement” period – no “Major” or “Minor” improvement in Section 1, Subsection 333-5, B.

President Clark explained that the intent of the changes would streamline application processes and procedures. There were no comments from the Commissioners. Public comments were taken from Beth Jones, Steve Florkewicz, Barney Kastel, Roy Meyers, James Valliant and Tad DuPont; which included issues with the “whereas” clauses in the Ordinance relative to the State of Maryland; the need for more regulation, not less, to protect the harbor; and the suggestion of reinstating a Board of Port Wardens. The Commissioners deferred introduction of Ordinance 397, pending inclusion of Mr. Dinkel's suggestion for photo requirements and local site inspection requirements and referral and review of the Ordinance by the Planning Commission and the Waterways Advisory Panel. Commissioner Brady made a motion to refer Ordinance 397 to the Planning Commission and the Waterways Advisory Panel. Commissioner Hunt seconded the motion, which passed on a 4-0 vote in favor, none opposed.

Legislation Eligible for Discussion and Introduction:

Ordinance 396 - Ms. Yohn read the title of the Ordinance into the record as follows:
ORDINANCE NO. 396, AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS TO DECLARE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF ST. MICHAELS KNOWN AS GRIFFIN DRIVE SURPLUS PROPERTY, TO DECLARE THE TOWN'S INTENT TO DISPOSE OF GRIFFIN DRIVE, AND TO AUTHORIZE THE CONVEYANCE OF ALL OF GRIFFIN DRIVE TO THE ST. MICHAELS HOUSING AUTHORITY

There were no comments from the Commissioners. Commissioners Clark, Brady, Snyder and Hunt introduced Ordinance 396. Commissioner Brady made a motion to refer Ordinance 396 to the Planning Commission for review. Commissioner Snyder seconded the motion, which passed on a vote of 4-0 in favor, none opposed.

Discussion Items:

- **New Meeting Rules:**

President Clark explained the document, pointed out specific changes in the rules, and asked for any comments from the Commissioners. They agreed to add the use of a "roundtable format" for working sessions which would provide a less formal workspace to work on issues and legislation. The Commissioners also agreed to add language that "if sufficient interest in an issue is determined, discussion can be continued to another agenda date," and agreed to put a 10:00 p.m. limit on meeting length. President Clark also indicated that beginning in March, 2009, the start time for the meetings on the 2nd Wednesday of each month would be 5:00 p.m. instead of 6:30 p.m.
- **Boat Slips:**

The Commissioners had recommendations from the Planning Commission and the Waterways Advisory Panel before them. After discussion among the Commissioners and comments from the public, the Commissioners agreed to reinstate the language regarding overnight restrictions on boats; to add language that boat slip leases cannot be transferred or sublet (including transfers to heirs or as part of real estate transactions); to keep waterman fees at \$250.00; and to limit fee increases in 2009 and 2010, reserving the right to revisit fee amounts for subsequent years. Staff was directed to re-draft the resolution and to refer it to legal for review. Another discussion was scheduled for January 28, 2009, with a possible vote at the February 25, 2008 meeting of the Commissioners.
- **Request from the Hambleton Inn, Aida's Victoriana Inn and Two Swann Inn for an amendment to § 340-20, A. (5) of the Code of the Town (Residential Zone R2, Permitted Uses, Bed and Breakfast inn) which would allow them to expand their scope of service in hospitality to include hosting weddings, family re-unions, corporate and other events at their inns either individually or together:**

President Clark explained that this discussion was the first step in the process. Commissioner Hunt initially sponsored the proposal, and all the Commissioners agreed that there would be no fee required from the applicants for the text amendment. Staff was directed to draft legislation to be discussed at the January 28, 2009 Commissioners' meeting, with subsequent referral to the Planning Commission.
- **Request from FARMFRESH Markets for an amendment to §340-20, A. of the Code of the Town (Residential Zone R2, Permitted Uses). The requested amendment would permit limited seasonal retail sales in Muskrat Park during the months of May through October:**

President Clark introduced Mrs. Ann Yonkers, Co-Director of FRESHFARM Markets, who gave a presentation and history of the market and its success. The Commissioners agreed they did not want the market to move from Muskrat Park and agreed to work on legislation to allow it to remain in that location. The Commissioners requested a list of the market's proposed participants for the coming season, which was provided by Mrs. Yonkers and is attached hereto and made a part of these minutes. The Commissioners directed Staff to begin drafting legislation, which would then be reviewed by the Planning Commission, the St. Michaels Business Association and the St. Michaels Tourism Board. The matter will be tentatively placed on the calendar for a Public Hearing and Introduction at the Commissioners' February 25, 2009 meeting, with a possible vote at the March 25, 2009 meeting of the Commissioners.

The Commissioners of St. Michaels
January 14, 2009

- **Commissioners Calendar:**

The Commissioners had a number of additions and changes to their calendar. In addition to those noted above, a budget meeting was added on January 29, 2009 at 3:00 p.m.; a closed session at 2:00 p.m. on January 21, 2009; and a Special Working Session on January 28, 2009 at 5:00 p.m. to discuss the Treescape Policy, which would be followed by the Commissioners' regular legislative session at 6:30 p.m.

Announcement of Future Meetings:

President Clark recited meetings scheduled through March 2009, as noted on the agenda.

Adjournment:

There being no additional comments from the Commissioners or the public, President Clark adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Statement by Lawrence Pratt
- Farmer's Market Participants List for 2009
- Mr. Walsh's resignation letter dated January 14, 2009
- Press Release to the Star Democrat regarding Mr. Walsh's resignation