

April 22, 2009

**Present:**

Commissioners Joanne Clark, Michael Brady, Robert Snyder, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, and approximately 50 members of the public.

**Call To Order:**

President Clark called to order the regular legislative session at 6:30 p.m. in the meeting room of the St. Michaels Free Library, 105 S. Fremont Street, St. Michaels. The Pledge of Allegiance was recited.

**Public Hearings:**

- **Resolution 2009-06** – President Clark opened the public hearing on Resolution 2009-06. Mrs. Yohn read the title of Resolution into the record as follows: Resolution 2009-06 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2009.

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

1. Notices of public hearing as published in the *Star Democrat* on April 3, 2009 for the Town's Budget Amendments for Fiscal Year 2009 (July 1, 2008 to June 30, 2009)
2. Resolution 2009-06
3. Notice of Public Hearing on April 22, 2009 for the Town's Budget Amendments for Fiscal Year 2009 (July 1, 2008 to June 30, 2009) which was posted on the bulletin board in the Town Office.

Mrs. Thomas provided a summary of the proposed amendments to the Town's Fiscal Year 2009 Budget, which included reductions in the departmental budgets and the capital budget to offset lower than anticipated investment income and format changes to conform to the Town's audit format. There were no additional comments from the Commissioners. President Clark asked for any comments from the public. Ted Doyle of Perry Cabin Drive spoke in favor of the amendments. There being no further comments from the Commissioners or the public, President Clark closed the public hearing on Resolution 2009-06, and noted that the Resolution would be eligible for a vote at the May 27, 2009 meeting of the Commissioners.

- **Resolution 2009-07** - President Clark opened the public hearing on Resolution 2009-07. Mrs. Yohn read the title of the Resolution in the record as follows: **Resolution 2009-07** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT THE BUDGET FOR FY 2010 AND TO SET THE TAX RATE FOR PERSONAL PROPERTY AND CORPORATIONS AT SIXTY-FIVE CENTS (\$ .65) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE AND TO SET THE TAX RATE FOR PERSONAL PROPERTY OF PUBLIC UTILITIES AT ONE DOLLAR AND SIXTY CENTS (\$1.60) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE.

Mrs. Yohn read exhibits into the record as follows:

1. Notices of public hearing as published in the *Star Democrat* on April 6, 2009 for the Town's Budget for Fiscal Year 2010 (July 1, 2009 to June 30, 2010)

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2. Resolution 2009-07
3. Notice of Public Hearing on April 22, 2009 for the Town's Budget for Fiscal Year 2010 (July 1, 2009 to June 30, 2010) which was posted on the bulletin board in the Town Office
4. E:mail dated April 22, 2009 from Trish Payne, Executive Director of the Community Center, to the Commissioners of St. Michaels which at the request of Mrs. Payne was read into the exhibit record as follows:

*Dear Commissioners:*

*First, I'd like to send my regrets that I am unable to attend the Public Hearing this evening. I would also like to thank the Town Commissioners for giving me the opportunity to speak on March 25. The St. Michaels Community Center intends to be a very strong and active participant in the Bay Hundred Community by growing and expanding to provide whatever our resources will allow to meet the unmet needs of our neighbors. On behalf of the Board of Advisors of SMCC, we are sincerely grateful to the Town of St. Michaels for considering SMCC to be included on the Town Budget.*

*Trish Payne, Executive Director*

*St. Michaels Community Center*

*1110 S. Talbot St., P. O. Box 354*

*St. Michaels, MD 21663*

*410-745-6073*

*[stmichaelscc@verizon.net](mailto:stmichaelscc@verizon.net)*

*[www.stmichaelscc.org](http://www.stmichaelscc.org)*

Mrs. Thomas provided a summary of the draft Fiscal Year 2010 Budget, noting a decrease in benefits provided to Town employees, frozen salary increases, and other cutbacks to offset expected reductions in revenues. Commissioner Hunt said she was satisfied with the draft Budget, noting that the Commissioners had to make difficult decisions which included freezing salaries in order to avoid layoffs. There were no additional comments from the Commissioners. President Clark asked for comments from the public. Aida Khalil of Cherry Street said she did not support reductions in the employees' health benefits and volunteered to do a fundraiser if that would be helpful. Ted Doyle of Perry Cabin Drive said the next three years would be a struggle for the town economically, but would not be disastrous. Mr. Doyle said he supported the proposed FY 2010 budget. Chief Dennis thanked the Commissioners for their continued support of the Police Department and its officers.

- **Ordinance 402-** President Clark opened the public hearing on Ordinance 402. Mrs. Yohn read the title into the record as follows: **ORDINANCE 402 - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING) §340-108 (DEFINITIONS) TO AMEND THE DEFINITION OF A PUBLIC PARK TO INCLUDE THE HOLDING OF COMMUNITY ENHANCEMENT EVENTS AS DEFINED; TO AMEND §340 (ZONING), TO ADD A NEW SUBSECTION 340-51.2 (COMMUNITY ENHANCEMENT EVENTS); TO DEFINE COMMUNITY ENHANCEMENT EVENTS AS OPEN AIR CONCERTS! PERFORMANCES, CULTURAL AND GOVERNMENT SPONSORED OR SUPPORTED EVENTS AND FARMERS MARKETS; TO DEFINE THE PURPOSE AND GENERAL REQUIREMENTS OF ALL COMMUNITY ENHANCEMENT EVENTS; PROVIDED THAT THIS TITLE. SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO PUBLIC PARKS AND COMMUNITY ENHANCEMENT EVENTS IN THE TOWN.**

Mrs. Yohn read exhibits into the record as follows:

1. Notices of Public Hearing as published in the *Star Democrat* on April 6, 2009 and April 13 2009.
2. Ordinance 402
3. Notice of Public Hearing on April 22, 2009 for Ordinance 402 which was posted on the bulleting board in the Town Office
4. E:mail dated April 17, 2009 from Walda DuPriest-Brandt to the Commissioners of St. Michaels.

Mrs. Thomas also noted that the Commissioners had received an anonymous submission of a petition containing 125 signatures. The petition appeared to be in support of allowing local businesses to participate in the Farmer's Market. The Commissioners agreed that the petition could not be entered into the record unless the petitioner identified him or herself.

President Clark then provided a history of the draft ordinance and opened the public discussion. Walda DuPriest-Brandt of 111 Mulberry Street read into the record the suggested language changes as set forth in her e:mail dated April 17, 2009 to the Commissioners (a copy of which is attached to these minutes) regarding permit fees for Community Enhancement Events. Mrs. DuPriest-Brandt also suggested that applicants be certified 501(c) (3) non-profit organizations and that farmers/producers should reside within a 50-mile radius and sell only what they produce or raise. Commissioner Hunt said she had concerns about limiting applicants to a 501(c) (3) status, as, for example, the Fire Department would be excluded from holding events because it is a 501(c) (4) organization. Ted Doyle of Perry Cabin Drive expressed concerns regarding the limitations on the definitions in the Ordinance regarding activities that would be allowed in the parks. Mrs. Thomas noted that the ordinance as written provided the Commissioners with the discretion to choose events and applicants based on whether their event met the criteria of the regulations and that specific rules would be detailed in a Resolution. Discussion of Ordinance 402 continued with additional comments from the public, after which the Commissioners agreed that the draft ordinance needed more work. President Clark closed the public hearing on Ordinance 402 but kept the record open until the May 27, 2009 Commissioners' meeting. A general discussion ensued as to whether the draft Ordinance needed further work. Commissioner Dinkel then made a motion to withdraw the draft ordinance for consideration. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

**Consent Agenda:**

President Clark said the Consent Agenda included minutes for closed and public sessions in the month of March 2009 as follows:

- o March 3, 2009 – closed session and public session
- o March 4, 2009 –public session
- o March 11, 2009 – public session
- o March 18, 2009 – closed session and public session
- o March 25, 2009 - closed session and public session
- o March 31, 2009 – public session

There were no comments or changes from the Commissioners or the public. Commissioner Dinkel made the motion to adopt public and closed session minutes for the month of March, 2009. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

**Legislation/Other Matters Eligible for Vote:**

- **Resolution 2009-12** - Mrs. Yohn read the title of Resolution 2009-12 into the record as follows: Resolution 2009-12 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO SET THE REAL PROPERTY TAX RATE FOR FISCAL YEAR 2010 AT SIXTY-FOUR CENTS (\$.64) PER ONE HUNDRED (\$100) OF ASSESSED VALUE, PROVIDING THAT THE TITLE OF THIS RESOLUTION SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO TAXES IN THE TOWN OF ST. MICHAELS, MARYLAND

President Clark announced that the public hearing on the tax rate was held on April 8, 2009 and that the proposed real property tax rate remains unchanged since 2003. There being no additional comments from the Commissioners or the public, Commissioner Dinkel made a motion to adopt Resolution 2009-12 which will set the real property tax rate at \$.64 per \$100 dollars of assessed value for Fiscal Year 2010. Commissioner Hunt seconded the motion which passed on a roll-call vote of 5-0 in favor.

- **Resolution 2009-13** - Mrs. Yohn read the title of Resolution 2009-13 into the record as follows: Resolution 2009-13 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO PARTICIPATE IN THE GEOCACHE PROGRAM SPONSORED BY THE MARYLAND MUNICIPAL LEAGUE.

Mrs. Thomas explained how the town would participate in the Geocache Program sponsored by the Maryland Municipal League (MML) for a minimal cost of \$30.00 per year with the goal of encouraging visitors to the Town and enhancing the visitor experience. There were no additional questions from the Commissioners. Commissioner Dinkel made a motion to adopt Resolution 2009-13. Commissioner Snyder seconded the motion which passed on a roll-call vote of 5-0 in favor.

- **Resolution 2009-14** - Mrs. Yohn read the title of Resolution 2009-14 into the record as follows: Resolution 2009-14 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO APPROVE THE FIRST AMENDMENT TO AGREEMENT OF SALE BETWEEN THE COMMISSIONERS OF ST. MICHAELS AND ST. MICHAELS WESTSIDE VILLAGE, LLC

Mrs. Thomas reported that the developer had asked that the Commissioners postpone their discussion of the Resolution. The developer and his attorney will be submitting changes to their proposed amendments. The Commissioners agreed that their discussion would be postponed until their May 13, 2009 meeting.

**Discussion Items:**

Referral to the Planning Commission: St. Michaels Comprehensive Plan and St. Michaels Community Legacy Plan Implementation Actions – President Clark announced that the Planning Commission had requested permission to begin the process to implement the review and processing of changes recommended in the 2008 Comprehensive Plan and the 2008 Community Legacy Plan. Upon the Commissioners' referral to the Planning Commission, the following will occur:

1. The Planning Commission will begin a comprehensive examination of the actual land uses with the Town and the zoning classifications as set forth on the St. Michaels Zoning Map.

2. The Commissioners and the Planning Commission will meet to discuss procedures to be followed, projected time frames and other actions necessary to implement the documents.

The Commissioners had no objections to the referral. Commissioner Brady made a motion to refer review of the Comprehensive Plan and Community Legacy Plan to the Planning Commission. Commissioner Hunt seconded the motion which passed on a roll-call vote of 5-0 in favor.

**Comments from the Public:**

- Barney Kastel of Mt. Pleasant Landing asked about the rules for the farmers' market. Mrs. Thomas said that some of the rules are in the current rules governing the use of Town parks and additional rules will be in the resolution that will be tied to Ordinance 402.
- Ted Doyle of Perry Cabin Drive urged the establishment of a task force to work on the financial aspects of implementing the Comprehensive Plan.
- Steve Florkewicz of Marengo Street asked if the pump station on Marengo Street would receive any landscaping. President Clark said that she believes the project was included in the 2010 budget.

**Comments from the Commissioners:**

Commissioner Brady thanked Ted Doyle for his contributions to the budget process. There were no additional comments from the Commissioners.

**Announcement of Next Meetings:**

President Clark said the Commissioners had tentatively set a meeting on May 13, 2009 at 3:00 p.m. for a special public discussion of Ordinance 401 and the Administrative Fee Schedule. The Commissioners' regular public session would be held at 5:00 p.m. on May 13, 2009. President Clark said the Commissioners had tentatively set another special working session with the Planning Commission for May 20, 2009 to review the St. Michaels Comprehensive Plan and the St. Michaels Community Legacy Plan. President Clark said the Commissioners' regular Legislative Session would be held at the Town Office on May 27, 2009 at 6:30 p.m.

**Adjournment:**

President Clark adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Dorothy C. Olley  
Assistant Town Clerk

**Attachments:**

- Ordinance 402 and Exhibits
- Resolution 2009-07 and Exhibits
- Resolution 2009-06 and Exhibits
- Resolution 2009-12
- Resolution 2009-13