

The Commissioners of St. Michaels

Public Working Session

August 11, 2010

Present:

Commissioners Michael Brady, Joanne Clark, T. Coleman duPont, Donna Hunt, Michael Vlahovich, Town Manager Cheril Thomas, Town Engineers Jerry Friedel and Ben Taylor, Project Manager Jean Weisman, Administrative Clerk Sabrenia Yohn, Public Works Clerk Suzanna Warnick, and approximately 16 members of the public.

3:00 p.m. - Special Public Working Session

Call to Order:

President Brady called to order the special public working session of the Commissioners of St. Michaels at 3:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. The Pledge of Allegiance was recited.

President Brady said this meeting was the pre-construction meeting with the residents on Cherry Street and Mulberry Street, and called upon Town Engineer Ben Taylor of Davis, Bowen, & Friedel. Mr. Taylor provided an overview of the scope of work, and a handout for the public. Mr. Taylor said no work would occur below Locust Street on Cherry Street before October, and although the street would be milled prior to October, it would still be useable for traffic. Mr. Taylor said utility and sewer work will begin on Mulberry Street in mid-August 2010 and continue for at least two months. Project Manager Jean Weisman said letters had been mailed to all affected residents identifying alternative parking in the Muskrat Park parking lot and noted that signage had been prepared for affected businesses and to indicate detours when necessary. Following a discussion between the Commissioners and the residents regarding brick sidewalks on Cherry Street, Commissioner Vlahovich made a motion to change the scope of work on Cherry Street with respect to sidewalks, making brick sidewalks mandatory. Commissioner duPont seconded the motion which passed on a roll call vote of 5-0 in favor.

The Commissioners then discussed Mulberry Street reconstruction and the costs of burying utilities on Mulberry and Cherry Streets, and agreed to make a decision regarding the conduit at their August 25, 2010 meeting. Staff was asked to also provide the cost of bricks for that meeting. The Commissioners also discussed with the Town's engineers the need for utility easements from residents on Cherry Street.

Comments from the Public:

Langley Shook of the Chesapeake Bay Maritime Museum said a possible donor had been found for the proposed medallion to be placed on Cherry Street with the CBMM logo. Mrs. Thomas instructed Mr. Shook that the medallion would also need to go before the Historic District Commission for their recommendations.

Adjournment:

President Brady called for a motion for the Commissioners to adjourn into Closed Session, pursuant to Maryland Code, State Government Art. § 10-508 (a)(3)(7) to consider the acquisition of real property for a public purpose and legal matters directly related thereto; specifically, the proposed purchase option contract for the Miles Point Property. Commissioner Clark made the motion, which was seconded by Commissioner Hunt. The motion passed on a roll call vote of 5-0 in favor at 5:20 p.m.

5:00 p.m. - Public Working Session

Present:

Commissioners Michael Brady, Joanne Clark, T. Coleman duPont, Donna Hunt, Michael Vlahovich, Town Manager Cheril Thomas, Town Attorney Charles MacLeod, Administrative Clerk Sabrenia Yohn, and approximately 35 members of the public.

Call To Order:

President Brady called to order the regular public working session of the Commissioners of St. Michaels at 6:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland.

Announcement of Prior Closed Session:

President Brady announced that the Commissioners were coming out of a Closed Session, pursuant to Maryland Code, State Government Art. § 10-508 (a)(3)(7) to consider the acquisition of real property for a public purpose and legal matters directly related thereto; specifically, the proposed purchase option contract for the Miles Point Property.

Special Announcement Concerning the Proposed Option Contract for the Purchase of the Miles Point Property:

President Brady introduced Town Attorney MacLeod, who gave an overview of the purchase option contract for the acquisition of the Miles Point property. Mr. MacLeod said the purchase option is for 90 days. The Town and the owner of the property will both conduct independent appraisals and then a third review appraiser will analyze the two appraisals, in order to determine the range from which the parties will negotiate the final price. The review appraiser will be chosen from a list of appraisers provided by the Eastern Shore Land Conservancy (ESLC).

Mr. MacLeod said a price must be agreed upon within 75 days, the contract of sale needs to be signed, and finally, there must be successful fundraising efforts. As there were no additional questions from the Commissioners, Mr. MacLeod responded to questions from the public on the details of the option, the cost of the contract and the appraisals. A number of citizens said they were willing to help with the fundraising. Commissioner Vlahovich made a motion to accept the Purchase Option Agreement as presented. Commissioner duPont seconded the motion which passed on a roll call vote of 5-0 in favor. Commissioner Vlahovich said the Coastal Heritage Alliance would be the first to make a \$1,000.00 donation towards the purchase of the Miles Point property.

Consent Agenda:

President Brady said the Consent Agenda consisted of departmental reports for the month of July 2010, Approval of a Waterways Improvement Fund Application and Project Agreement for the Chesapeake Bay Maritime Museum for bulkhead replacement and transient boat dockage at Navy Point Approval of a temporary use permit application from St. Luke's United Methodist Church to use Muskrat Park for their "Faith Fest" event on Saturday, October 2, 2010 from 10:00 a.m. to 4:00 p.m. President Brady read disbursements for the month of July were in the amount of \$269,892.00, of which \$13,689.42 was expended for capital projects and engineering, and \$8,647.84 was reimbursable legal costs. The Commissioners agreed to remove the application from St. Luke's Church and the museum's fund application from the consent agenda for discussion. President Brady said these requests would be placed under Items for Discussion, and asked if there any other comments from the Commissioners or the public. President Brady called for a motion to approve the departmental reports for the month of July 2010 only. Commissioner Hunt

made the motion as stated by President Brady. Commissioner duPont seconded the motion which passed on a roll call vote of 5-0 in favor.

Discussion Items:

- **Permit Application from St. Luke's United Methodist Church for the use of Muskrat Park on October 2, 2010**
President Brady announced that St. Luke's Church was asking for a temporary use permit to use Muskrat Park for their "faith fest" on October 2, 2010 from 10:00 a.m. to 4:00 p.m. Linda Maule, representing St. Luke's Church explained the activities planned for the event. Commissioner Clark suggested that the event begin after 12:30 p.m. to allow time for the Farmer's Market to vacate the park. After some additional discussion, Commissioner duPont made a motion to grant approval to St. Luke's United Methodist Church for their October "faith fest" and to use Muskrat Park at an appropriate time to work around the Farmer's Market. Commissioner Clark seconded the motion which passed on a roll call vote of 5-0 in favor.
- **Chesapeake Bay Maritime Museum Waterway Improvement Fund Grant Application**
There being no objection from the Commissioners, Commissioner Vlahovich recused himself from the discussion on this topic and left the meeting room. Commissioner duPont said he objected to the museum being in direct competition with local business while maintaining tax-exempt status. Langley Shook, director of the Chesapeake Bay Maritime Museum (CBMM), said there is no prohibition on non-profits engaging in money-making enterprises in order to support themselves. John Ford from CBMM described the scope of work under the improvement grant and noted that the application cannot be submitted without the Town's signature. After some additional discussion, President Brady called for a motion to approve the Waterways Improvement Fund Application and Project Agreement for the Chesapeake Bay Maritime Museum for bulkhead replacement and transient boat dockage at Navy Point. Commissioner Clark made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 3-1 in favor, with Commissioner duPont dissenting.
- **Request for Sidewalk Work in the Town Right-of-Way at 410 Water Street**
President Brady called upon Mrs. Thomas, who provided an overview of the request which included removing the sidewalk at 410 Water Street, and replacing it with grass, resurfacing parking spaces and adding a brick sidewalk up to the house. The owners of the property have also asked that the Town share in the cost of the project. Mrs. Thomas said the sidewalk was constructed by the previous owners within the Town right-of-way and that there is no record that the Town gave its permission to construct the sidewalk. President Brady opened the discussion, noting that the Commissioners need to decide two things: (1) whether or not to approve the request of the property owner to build in the Town's right-of-way pursuant to the Town's sidewalk specifications; and (2) whether or not the Town is willing to pay for any portion of the costs of the work to be done pursuant to the request submitted by the property owner. After some discussion, the Commissioners generally agreed to allow the work to be done, but that the homeowner should bear the total cost. Commissioner Vlahovich made a motion to approve the homeowner's request to build in the Town's right-of-way pursuant the Town's sidewalk specifications, with the costs being borne by the homeowner. Commissioner duPont seconded the motion which passed on a roll call vote of 5-0 in favor. President Brady directed staff to draft a letter to notify the homeowner accordingly. James Cooper, the builder representing the homeowner, said that he would also be submitting an application to the Historic District Commission.

- **YMCA Text Amendment**

President Brady called upon Mrs. Thomas, who provided an overview of the draft text amendment. Mrs. Thomas said that staff had looked at the zoning for each of the three possible locations that the YMCA was considering, and that there are areas in each zone that would accommodate the YMCA structure. Commissioner Brady said he had a problem with the 40-foot height and would prefer that the height be changed to 35 feet before it was forwarded to the Planning Commission. Commissioner Clark agreed. Langley Shook of CBMM proposed a change to the language in Section A. 3 to add the words "or contiguous parcels of land". President Brady called for a motion to amend the text amendment language to change the building height from 40 feet to 35 feet and to add the language in Section A. 3 as proposed by Mr. Shook. Commissioner Clark made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor. Mr. Shook also proposed a revision to the language with respect to maritime museum accessory use and parking. Commissioner Clark directed staff to work with Mr. Shook on the necessary revisions and to return the draft to the Commissioners for their meeting on August 25, 2010.

- **Equivalent Parking Spaces Policy**

Mrs. Thomas gave an overview of parking space requirements and a history of the Town's approach to equivalent parking. Commissioner duPont stated that \$3,000.00 for extra parking spaces was exorbitant and said he would like to eliminate the charge, or set a moratorium based on the current economic environment. Commissioner duPont also noted that it impedes business expansion. After some additional discussion, and comments from the public, the Commissioner generally agreed to set a moratorium until June 30, 2011, including a moratorium on payments due from individuals currently paying on an installment plan. Mrs. Thomas said staff would prepare a draft based on the Commissioners' comments.

President Brady announced a ten minute recess at 8:30 p.m.

- **Town Trash and Recycling**

Mrs. Thomas gave an overview of information that had been gathered by Town resident, Jane Hopkinson of W. Chestnut Street. Mrs. Thomas said the Town has \$86,400.00 in the budget for sanitation and waste not including salaries. Mrs. Thomas further explained that Town has two trash trucks - one is 20 years old and the other 10 years old, and that a new trash truck would cost between \$180,000 and \$200,000. Mrs. Thomas noted that in order to go to one day per week residential trash pickup, the Town would have to institute mandatory recycling. Mrs. Thomas said if the Town outsourced trash pickup and recycling, a smaller trash truck may be sufficient for trash pickup. Mrs. Thomas said the Commissioners need to decide on next steps. Commissioner Brady said he did not want to wait for the County to make their decision and would like to explore outsourcing trash and recycling. Commissioner Vlahovich said he preferred a phased-in approach. Commissioner duPont said if trash and recycling were outsourced, the Town could sell both trash trucks and purchase a smaller one. As there was general consensus by the Commissioners, President Brady directed staff to prepare a Request for Proposal for trash and recycling for residential and commercial trash for the Commissioners' August 25, 2010 meeting.

- **Community Parks and Playground Grants**

Mrs. Thomas said these grants are given every year and the deadline for submission this year is August 18, 2010. Mrs. Thomas said the projects suggested to the Town this year are an enhancement to the Nature Trail for exercise stations along the path and Muskrat Park restrooms. Commissioners Brady and Clark said they preferred that the grant money be used for restrooms. Commissioner duPont said he preferred to bury the wires in the park, and that he thought that a single bathroom could be placed in the existing building. Commissioner Hunt said she favored installing a bathroom and more picnic benches. After some additional discussion, Commissioner Vlahovich made a motion to use the grant money for bathroom facilities, picnic tables and benches in Muskrat Park. Commissioner Clark seconded the motion which passed on a roll call vote of 5-0 in favor. President Brady then directed staff to proceed with applying for the necessary grant funding.

- **Contract for Arsenic Review - Davis, Bowen & Friedel (DB&F)**

Mrs. Thomas provided an overview of the proposed contract with DB&F based on their contract for services with the Town. Mrs. Thomas said that the Commissioners had appropriated funds for this project at their July 28, 2010 meeting equal to the price quoted by the Town's engineers. Mrs. Thomas said she now needed the Commissioners' consent to sign the contract with DB&F in order for them to proceed. President Brady commented that time was of the essence for this project and that a properly working system was essential to public safety. All the Commissioners agreed that it was important to get the engineers working on the project as soon as possible. President Brady called for a motion to award Davis, Bowen and Friedel the contract for \$19,000.00 for the arsenic system review. Commissioner Clark made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

Commissioners' Calendar

The Commissioners discussed the scheduling of agenda items for their August 25, 2010 meeting and for meetings in September 2010. Mrs. Thomas provided an explanation of the process for the Maritime Museum's text amendment. The Commissioners scheduled a special working session to discuss the text amendment on August 25, 2010 at 5:00 p.m.

Comments from the Public/Comments from the Commissioners

There were no comments from the Commissioners or the Public.

Announcement of Future Meetings/Events

President Brady announced future meetings as follows:

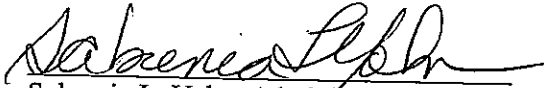
- August 25, 2010 - 5:00 - Library - Regular Legislative Session
- September 8, 2010 - 5:00 p.m. - Town Office - Regular Public Session
- September 22, 2010 - 6:30 p.m. - Town Office - Regular Legislative Session

Adjournment:

President Brady adjourned the meeting at 9:55 p.m.

The Commissioners of St. Michaels
August 11, 2010

Respectfully submitted,


Sabrenia L. Yohn, Administrative Clerk

Attachments:

- Q & A – Cherry Street Sidewalk Project
- Departmental Reports for the Month of July, 2010
- YMCA Draft Text Amendment
- Trash and Recycle Study for St. Michaels