

The Commissioners of St. Michaels

Public Working Session

August 12, 2009

Present:

Commissioners Joanne Clark, Michael Brady, Donna Hunt, Robert Snyder and Philip Dinkel, Town Manager Cheril Thomas, Police Chief Miguel Dennis, Director of Public Works Jeff Richardson, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, and approximately 15 members of the public.

Call To Order:

President Clark called to order the public working session of the Commissioners of St. Michaels at 5:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street. The Pledge of Allegiance was recited.

Announcement of Prior Closed Session:

President Clark announced that the Commissioners had met in closed session on August 7, 2009 at 4:00 p.m., pursuant to Maryland Code § 10-508 (a) (1), (7), (8) and Administrative Matters to discuss: (i) a personnel matter related to a specific employee; (ii) general updates on various matters of litigation or appeal; (iii) legal matters related to Chapter 285 of the Code of the Town of St. Michaels; and (iv) procedural matters related to the Commissioners' election of officers and operational issues/management related to Town bank accounts.

Election of Officers:

President Clark asked Mrs. Thomas to review the process for the election of officers. Mrs. Thomas explained that the Commissioners had agreed to use a written ballot for the election of officers, rather than a verbal nomination process, but that the Commissioners must make a motion to adopt the ballot procedure for this election. Commissioner Snyder made the motion to adopt the ballot procedure. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor. Using paper ballots, the Commissioners voted for:

- Commission President, the results of which were four votes for Commissioner Brady and one vote for Commissioner Snyder. Commissioner Brady accepted the appointment.
- Commission Vice President, the results of which on the first round were three votes for Commissioner Hunt, one vote for Commissioner Clark and one vote for Commissioner Snyder. Commissioner Hunt thanked the Commissioners for their support but said that she declined at this time. The results of the second round of voting for Vice President were three votes for Commissioner Clark and two votes for Commissioner Snyder. Commissioner Clark accepted the appointment; and
- Commission Treasurer, the results of which were five votes for Commissioner Snyder. Commissioner Snyder accepted the appointment.

Following the election and congratulations, Commissioner Clark exchanged places on the dais with Commissioner Brady. All ballots are attached and made a part of these minutes.

Public Hearing:

Resolution 2009-18 - President Brady opened the public hearing on Resolution 2009-18 and asked Ms. Olley if there were any names on the sign-in sheet of those wishing to comment during the public hearing. Ms. Olley responded that no one had signed up. President Brady then asked Mrs. Yohn to read the title of the Resolution into the record as follows: Resolution 2009-18 - A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND PASSED

PURSUANT TO THE AUTHORITY OF ARTICLE XI-E § 4 OF THE CONSTITUTION OF THE STATE OF MARYLAND (2002 REPLACEMENT VOLUME AND 2007 SUPPLEMENT) AND SECTION 13 OF ARTICLE 23A, OF THE ANNOTATED CODE OF MARYLAND (2005 REPLACEMENT VOLUME AND 2007 SUPPLEMENT), TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE FOLLOWING PURPOSES: TO CONFORM ARTICLE IV, § C-22 "REGISTRATION OF VOTERS" WITH SUBTITLE 4 OF TITLE 1 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND; TO PROVIDE THAT APPOINTED COMMISSIONERS EXERCISE THE SAME VOTING PRIVILEGES AS ELECTED COMMISSIONERS AND; TO PROVIDE THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THE CHARTER AMENDMENT ADOPTED BY THIS RESOLUTION

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

1. Notice of Public Hearing, dated August 12, 2009, as published in the Star Democrat on July 27, 2009 and August 3, 2009
2. Draft Resolution 2009-18, dated August 12, 2009
3. Notice of Public Hearing dated August 12, 2009 as posted on the bulletin board at the Town Office

President Brady asked Mrs. Thomas to provide a review of the amendment to date. Mrs. Thomas said the main purpose of this resolution was to update the Charter language to bring it into compliance with State law governing universal voter registration. She said the new language will make it so that if the state laws change we do not have to change the Charter. Section Two of the draft resolution deals with clarifying the Town's policy that Commissioners who are appointed to fill a vacancy have the same voting rights and privileges as elected Commissioners, the only exception to that is found in Section C-10 dealing with who may be President. Section Three clarifies that the total membership of the Commission votes on the budget, and finally, the resolution changes the meeting date of the Commissioners from Tuesday to Wednesday. President Brady asked if the Commissioners had any questions or comments. There were none. President Brady asked if the public had any comments. There were none. President Brady closed the public hearing on Resolution 2009-18, and said that the resolution was eligible to be introduced. Commissioners Snyder, Dinkel and Clark introduced Resolution 2009-18. President Brady said the legislation would be eligible for a vote at the Commissioners August 26, 2009 legislative session.

Annual Reports from the Tourism Board:

President Brady opened the discussion regarding the annual reports to be presented by the Tourism Board and requested that Mrs. Yohn read a letter from Jon Mason, Chairman of the Tourism Board which included praise for the Tourism Board members, Mrs. Yohn and Debbi Dodson, the Director of Tourism for Talbot County. Also in the letter, Chairman Mason said that he was not able to be present at tonight's meeting and that Ms. Dodson would be presenting the Board's reports in his place. A copy of the letter is attached and made a part of these minutes. President Brady introduced Ms. Dodson who presented each of the Commissioners with a copy of the Board's annual report and a marketing plan for 2010. Ms. Dodson highlighted the Tourism Board's accomplishments over the past year and reviewed the marketing plan, noting that the plan had already been approved, except for advertising decisions for the winter months, which would be made at a later date. Commissioner Clark thanked Ms. Dodson for her work with the Tourism Board and the report. President Brady offered his thanks as well, and his thanks to the Tourism Board for their assistance with the Maryland Municipal League Convention in Ocean City in June.

Consent Agenda:

President Brady announced that the Consent Agenda included departmental reports for the month of July, 2009, and a request by the Town's engineers for a change order for Muskrat Park. President Brady said the disbursements for the month of July were in the amount of \$347,480.52. Mrs. Thomas explained that the park construction had required additional stone in order to stabilize the parking lot area and as a result,

an additional \$10,036.00 was being requested. Mrs. Thomas said that other economies through the end of the project could negate the additional amount.

Commissioner Hunt had a brief question about the Administrative Report, and President Brady questioned an increase in the number of false alarms. Police Chief Miguel Dennis attributed the majority of the alarms to the increase to workmen moving in and out of the school complex buildings during construction, and four or five to a local bank in Town due to changes in their alarm system. In response to another question from President Brady, Chief Dennis said the number of foot patrols was down due to officers' vacation time in the month of July. There were no additional questions from the Commissioners and no comments from the public. Commissioner Hunt made a motion to adopt the Consent Agenda as presented, including the change order for Muskrat Park. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

Items for Discussion:

- **Ordinance 407** - Mrs. Yohn read the title of Ordinance 407 into the record as follows:
ORDINANCE 407, AN ORDINANCE TO AMEND THE TOWN OF ST. MICHAELS CRITICAL AREA MAP TO REFLECT THE CHANGE IN THE DESIGNATION OF 2.99 ACRES OWNED BY WINDWARD INVESTMENT, LLC IN THE TOWN OF ST. MICHAELS CONSISTING OF 2.99 ACRES IDENTIFIED ON TAX MAP 200, GRID 21, AS PARCELS 1783 AND 1785, A PORTION OF WHICH CONSISTS OF THE ROAD BED OF CHESAPEAKE AVENUE THAT IS OWNED BY THE COMMISSIONERS OF ST. MICHAELS FROM LIMITED DEVELOPMENT AREA TO INTENSELY DEVELOPED AREA ; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY; AND GENERALLY RELATING TO THE AWARD OF GROWTH ALLOCATION FOR THE WINDWARD INVESTMENT, LLC PROPERTY.

Mrs. Thomas explained that Ordinance 407 was to allow the Town to make changes to its Critical Area Map to include the acreage owned by Windward Investment, LLC. Mrs. Thomas noted that the Critical Area Commission had approved growth allocation for the development on July 8, 2009. There were no questions from the Commissioners or the public. President Brady said that there would be a public hearing on Ordinance 407 at the Commissioners' September 9, 2009 meeting at which time it would also be eligible for introduction.

- **Banner Program Proposal from the St. Michaels Tourism Board** - Tourism Board Member Stuart Parnes presented the Tourism Board's proposal, including structure and guidelines, for handling requests by businesses for over-the-street event banners. Mr. Parnes explained that the Tourism Board would take responsibility for the banner process. The Commissioners would receive an annual list of repeating banner requests to approve, but that any new request would be forwarded as received by the Tourism Board to the Commissioners for review and approval. Mrs. Thomas said that town staff was in the process of obtaining liability coverage advice from the Local Government Insurance Trust and recommended deferring a decision on the banner plan pending their response. The program would be discussed again at the September 9, 2009 meeting of the Commissioners.

President Brady then called for a motion to accept the most recent request for a banner from the St. Michaels Art League for the Labor Day event at St. Luke's Church on September 5 and 6, 2009. Commissioner Clark made the motion. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

- **Webb Lane/Dodson Avenue Connector** - Mr. Don Bibb, Director of the St. Michaels Housing Authority, presented a proposal for the construction of a new connecting road to connect Webb Lane

and Dodson Avenue to allow more direct access to the new housing on Webb Lane. The Commissioners and Mr. Bibb discussed the estimate obtained by the Town's engineers in the amount of \$68,127.13 and the fact that there was no funding in the current budget for the connector road. The Commissioners asked about the time frame for the completion of the housing project. Commissioner Hunt asked Town staff to research possible grant funding for the connector road. Commissioner Snyder also suggested that the estimated cost might be negotiated or be less from other bidders, given the current economic climate. President Brady thanked Mr. Bibb for his presentation and reiterated Commissioner Hunt's suggestion that Town staff explore possible grant funding. Mrs. Thomas also suggested exploring the possibility of making the entrance a driveway rather than a public street.

- **Request for Proposal for sidewalks on W. Chestnut Street and St. Mary's Square** - President Brady opened the discussion and reviewed the issues discussed at the March 18, 2009 meeting. With the agreement of the other Commissioners, President Brady then read an e:mail received from Jane Hopkinson of W. Chestnut Street and asked the Commissioners for comments regarding the e:mail (a copy of which is attached to as part of these minutes). Commissioner Clark outlined the Commissioners' proposal for repair and replacement of sidewalks on the two streets, based on discussions with residents in March. She noted that the current budget for repairs on W. Chestnut Street sidewalks was an amount up to \$49,500.00 and that the Commissioners would be going out to bid for the repairs. One bid alternate will be for all brick sidewalks with the exception of several properties on W. Chestnut Street that have existing concrete or brick sidewalks that do not need to be replaced or repaired and therefore no work is being proposed in these areas. They are located on the south side of the street beside Hollyhocks from the corner of W. Chestnut Street and Talbot Street down to 100 W. Chestnut Street; in front of 106 W. Chestnut Street; and in front of 122 W. Chestnut Street and on the north side of the street in front of 119, 123 and partially in front of 125 W. Chestnut Street. Once the estimates are received, Commissioner Clark said the residents would be informed of the bid amounts and what portion would be paid by the Town and what portion would be paid by the residents for the shared costs. Commissioner Clark said a second bid alternate would be for those same sections in concrete for comparison purposes. The last bid alternate would be for repairing the sections in need of repair only. The preference would be to go with option number one - brick sidewalks at a shared cost assuming the availability of funds. There were no additional comments from the Commissioners. President Brady then opened the issue up for public comment. Jeff Fones of 112 W. Chestnut Street gave a history of events and said he and other residents on the street did not want any sidewalks replaced in concrete or any of the gravel around the trees covered with concrete again. Mr. Fones said that the condition of the trees had improved with pruning and the root treatment with structural soil. Laurie Pratt of Mulberry Street confirmed Mr. Fones' comments, and said concrete would repeat the problem with the trees. He said that the trees were now getting more water, which was the best way to combat the scorched leaf disease. Mr. Pratt also said that he agreed that expanding the tree lawns and eliminating curbing was not practical, and that the Town should move forward to the extent it can, even if not everything could be done right away. Commissioner Snyder noted that the Town of Easton had taken curbs out and put asphalt in to help with erosion and to allow water to be absorbed. Commissioner Dinkel asked if perhaps using brick where the trees are as they did on Goldsborough Street in Easton would be a way to go. Mr. Pratt said that would not be the way to go because you have to have space to replace trees with new ones to maintain the tree canopy and the replacements would not necessarily go in the same place as the trees that were removed. Commissioner Dinkel asked it taking all the sidewalks out and having a tree lawn would be a solution. Mr. Fones also commented that eliminating sidewalks altogether was not an option because residents with children did not want them walking in the street. President Brady asked for confirmation that the Request for Proposal for W. Chestnut Street would include the portion of sidewalk for St. Mary's Square to be replaced, i.e., the section on the southwest side of St. Mary's Square. This point was confirmed. Commissioner Clark then asked if the Commissioners were in agreement that the sidewalks beside Hollyhocks and in front of the properties located at 106, 119,

122, 123 and 125 W. Chestnut would not be disturbed as there is existing concrete or brick sidewalks that does not need to be replaced or repaired. The Commissioners agreed. Mr. and Mrs. Hopkinson of 113 W. Chestnut Street said that they had obtained bids for all brick sidewalks the full length, and both sides of the street. Mrs. Hopkinson said a piecemeal approach would likely be more expensive because there were possible economies of scale for the project as a whole. Mrs. Hopkinson suggested that there could be a cost savings if the town were to offer to remove the concrete sidewalk pieces. Helen Van Fleet of Chew Avenue commented that, with limited funds, the Commissioners may have to decide which project was a priority - fixing the sidewalks on W. Chestnut Street and St. Mary's Square, or completing the connector road on Webb Lane to encourage sales of the new housing. Ms. Van Fleet also noted that Chew Avenue has never had sidewalks and the children do walk in the street. President Brady thanked everyone for their comments. As there were no additional comments from the Commissioners or the public, President Brady called for a motion. Commissioner Snyder made a motion to issue the Request for Proposal for the sidewalk work on W. Chestnut Street and St. Mary's Square. Commissioner Hunt seconded the motion which passed on a vote of 5-0 in favor.

- **Request from the Midnight Madness Committee** - Brad Fout and Bruce Packard of the Midnight Madness Committee said they were asking permission to hold the Midnight Madness drawing in Frederick Douglass Park; the use of four adjoining parking spaces in the Town parking lot at Talbot and Mill Streets, and to be allowed to have live music for the event from 2:30 p.m. to 11:30 p.m. President Brady said that Carol Parlett of the St. Michaels Business Association was contacted and she responded that the Business Association had no objections to the request. It was also noted that the Tourism Board had no objections to the request. Chief Dennis expressed concerns about pedestrian traffic in the street, but that closing that first row of spaces by Key Lime Café would be sufficient to prevent a safety hazard. Mr. Fout and Mr. Packard agreed they thought the first row would be sufficient. Commissioner Hunt said her concern was noise from the band which might disturb the Bed and Breakfast Inns and the residents on Cherry Street. Mr. Packard said that the speakers could be angled away from Cherry Street to minimize noise in that direction. There were no other comments. Commissioner Snyder made a motion to accept the request to hold the Midnight Madness event in Fredrick Douglass Park, the use of the four parking spaces in the Town parking lot, and to allow live music. Commissioner Dinkel seconded the motion which passed on a vote of 5-0 in favor.

Commissioners' Calendar:

President Brady reviewed scheduling and agenda items for upcoming Commissioners meetings in September and October. He asked the Commissioners whether they had any interest in discussing the request from St. Luke's Church to rezone the property at the corner of Canton and Fremont Street to multi-family housing; the Commissioners declined to add the request to a future agenda. President Brady also asked the Commissioners if there was interest in taking up the St. Michaels Art League's request to use the banner display framing on the Verizon poles on Talbot Street to display local art when other events were not being advertised. The Commissioners agreed that this issue should be addressed at a meeting in October.

Comments from the Public:

Mr. Wolfe of Perry Cabin Drive praised the work of Commissioner Clark as President of the Commissioners over the past year.

Comments from the Commissioners:

President Brady said that he had recently attended a meeting of the Talbot County Economic Development Commission and that he would make a copy available of the materials obtained at the meeting in the Town office lobby. President Brady thanked the Commissioners for their support and thanked Commissioner Clark for her able leadership as Commission president.

The Commissioners of St. Michaels
August 12, 2009

Announcement of Future Meetings:

President Brady announced that the next meetings of the Commissioners would be on August 26, 2009 at 6:30 p.m. at the St. Michaels Free Library. The Commissioners would also meet on September 9, 2009 at 5:00 p.m. at the Town Office; on September 16, 2009 at 6:00 for a special working session with the Planning Commission on implementation of the Comprehensive Plan and the Community Legacy Plan at the Town Office; and on September 23, 2009 at 6:00 p.m. at the Town Office.

Adjournment:

President Brady adjourned the meeting at approximately 7:10 p.m.

Respectfully submitted,



Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Ballots - Election of Officers
- Departmental Reports
- Letter from Jon Mason, dated 8-10-09
- Tourism Board Annual Report and Marketing Plan
- Draft Ordinance 407
- Resolution 2009-18 and exhibits
- E:mail from Frank