

November 10, 2010

Present:

Commissioners Michael Brady, Joanne Clark, T. Coleman duPont, Donna Hunt and Michael Vlahovich, Town Manager Cheril Thomas, Project Manager Jean Weisman, Codes Enforcement Officer Deborah Renshaw, Police Chief Miguel Dennis, Administrative Clerk Sabrenia Yohn, and approximately 21 members of the public.

Call to Order:

President Brady called to order the public working session of the Commissioners of St. Michaels at 5:10 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.

Announcement of Prior Closed Session:

President Brady announced that on November 10, 2010 at 3:00 p.m. pursuant to Maryland Code, §10-508 (a) (3), (7) and (8), the Commissioners met in closed session to discuss legal matters associated with the negotiations for purchase of the property owned by Miles Point Property, LLC and legal matters regarding the Associated Investors Block Grant.

Consent Agenda:

President Brady announced that a vote to approve the consent agenda would include approval of departmental reports for the month of October 2010 and approval of a request from the Midnight Madness Committee to close part of Talbot Street during the Midnight Madness drawing on December 4, 2010, pursuant to a permit issued by the State Highway Administration. President Brady noted that disbursements for October 2010 were in the amount of \$456,141.85, of which \$15,878.00 was expended for capital projects and engineering, \$208.00 was reimbursable legal costs, and \$209,633.66 for the semi-annual street bond payment. President Brady also stated that the administrative report includes the expenses to date for the Miles Point Green project in the total amount of \$45,655.53 and that those costs were currently being funded out of the Planning and Zoning budget. There being no public comment or comments from the Commissioners, President Brady called for a motion to approve the Consent Agenda as presented. 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.

Contracts:

Consideration and vote on the matter of the Town exercising its option to purchase the property known as Miles Point pursuant to the Purchase Option Agreement executed by the Commission on August 11, 2010; and to amend the Contract of Sale for Miles Point to include the lands known as the "Huntman parcels", which parcels are identified as 24781 Yacht Club Road (Liber 1019, Folio 93) and 24679 Yacht Club Road (Liber 1019, Folio 96); and to further amend the Contract of Sale to reflect a combined price of Eight Million, Five Hundred Thousand Dollars (\$8,500,000.00) for both the Miles Point and Huntman parcels.

Town attorney Charles MacLeod provided an overview of the acquisition process to date. Mr. MacLeod said the Commissioners had before them a revised Contract of Sale to reflect the inclusion of the Huntman property and the purchase price. He also indicated that there were a few other changes that would need to be made for due diligence purposes, namely farming and hunting leases on the properties and that Friday, November 12, 2010 was the deadline for the Contract of Sale to be signed by the Commissioners. Following some discussion between the

Commissioners and Mr. MacLeod, President Brady called for a motion with respect to the Contract of Sale. Commissioner Clark made a motion to amend the approved form of Contract of Sale and to authorize the President, the Town Manager and the Town attorney to do all things necessary to exercise the Town's option under the Purchase Option Agreement executed by the Commissioners on August 11, 2010 and to release the previously approved \$250,000 deposit required under the Contract of Sale, which deposit will be held in escrow by Funk and Bolton, PA pending settlement. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

Bid Award for Replacement of Honeymoon Bridge:

Mrs. Yohn stated that on October 19, 2010 the Town of St. Michaels had received three bids for the Honeymoon Bridge replacement located at the East end of Cherry Street in the Town of St. Michaels Maryland as follows:

1. Edwin A. & John O. Crandell, Inc. of West River, MD. Lump Sum Bid = \$168,280.00. Bid amount with alternate Western Red Cedar Railings = \$169,780.00.
2. Heinsohn Contracting, Inc. of Arnold, MD. Lump Sum Bid = \$134,726.00. Bid amount with alternate Western Red Cedar Railings = \$139,226.00.
3. George & Lynch, Inc. of Dover, DE. Lump Sum Bid = \$184,285.00. Bid amount with alternate Western Red Cedar Railings = \$187,810.00.

President Brady then called on Project Manager Jean Weisman for comments. Mrs. Weisman said that the Town engineer Andrew Welch of Davis, Bowen & Friedel was available this evening to answer any questions. Mrs. Weisman said staff and the Town's engineer was recommending that the bid be awarded to the lowest bidder, Heinsohn Contracting, Inc. who had recently completed the Mulberry Street bulkhead project for the Town. Following some discussion between the Commissioners, Mr. Welch and Mrs. Weisman regarding the alternate cedar railings, President Brady asked for a motion to include the cedar railings in awarding the bid. Commissioner Hunt made the motion as stated by President Brady. Commissioner Vlahovich seconded the motion which passed on a roll call vote of 4-1 in favor, with Commissioner duPont dissenting. President Brady then asked for a motion to accept the Town Engineer's recommendation to award the bid to the low bidder, Heinsohn Contracting, Inc. of Arnold, Maryland in the amount of \$139,226.00 which includes alternate for Western Red Cedar railings. Commissioner Vlahovich made the motion as stated by President Brady. Commissioner Clark seconded the motion which then passed on a roll call vote of 4-1 in favor, with Commissioner duPont dissenting.

Items for Discussion/Possible Introduction:

- **Ordinance 417** – AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 281 (STORMWATER MANAGEMENT) FOR THE PURPOSE OF REVISING THE STORMWATER MANAGEMENT ORDINANCE AS REQUIRED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (“MDE”) SO THAT THE TOWN’S STORMWATER MANAGEMENT ORDINANCE AS AMENDED ADDRESSES THE REVISED STORMWATER MANAGEMENT STANDARDS MDE SEEKS TO IMPOSE STATEWIDE, INCLUDING THE INTRODUCTION OF ENVIRONMENTAL SITE DESIGN (“ESD”) TO THE MAXIMUM EXTENT PRACTICAL (“MEP”) BY AMENDING ARTICLE I §281-1 (PURPOSE; OBJECTIVES; APPLICATION; ENFORCEMENT AUTHORITY) SUBSECTION B IS AMENDED TO ADD LANGUAGE

REFERENCE "THE STORMWATER DESIGN MANUAL AS REFERENCED IN SECTION 281-3 AND THIS CHAPTER" AND TO DELETE B(3)(4) (5) AND §281-1(C); TO RENUMBER §281-1D TO §281C (ENFORCEMENT AUTHORITY) AND TO DELETE THE REVIEW AND APPROVAL RESPONSIBILITIES OF THE COMMISSIONERS OF ST. MICHAELS AND THE ZONING INSPECTOR AND ASSIGN THOSE RESPONSIBILITIES TO THE TOWN'S CONSULTING ENGINEER; TO ADD A NEW PARAGRAPH D STATUTORY AUTHORITY FOR ADOPTION (AFFECT ON OTHER PROVISIONS) HAS BEEN AMENDED TO NOTE THAT THIS CHAPTER SHALL APPLY TO ALL NEW AND REDEVELOPMENT OCCURRING WITHIN THE TOWN (CURRENTLY NOTED AS §281-2); §281-C(3) IN ITS ENTIRETY AND REPLACE WITH §281—2 (STATUTORY AUTHORITY FOR ADOPTION; AFFECT ON OTHER PROVISIONS; WITH THE DELETION OF §281-3 PARAGRAPHS §281-3 THRU §281-9.1 HAVE BEEN RE-IDENTIFIED TO REFLECT THIS DELETION §281-3 (DEFINITIONS) IS AMENDED TO DELETE THE FOLLOWING TERMS: STANDARD PLAN, STREETS, REASONABLY PRACTICAL, STORMWATER MANAGEMENT, TOWN COMMISSIONERS, POLLUTENT; TO ADD THE FOLLOWING DEFINITIONS: APPLICANT, DESIGN MANUAL, DIRECT DISCHARGE, ENVIRONMENTAL SITE DESIGN, FINAL STORMWATER MANAGEMENT PLAN, INFILL DEVELOPMENT, MAINTENANCE PROJECT, MAXIMUM EXTENT PRACTICAL, OFF SITE STORMWATER MANAGEMENT, PERSON, PRIVATE STORMWATER MANAGEMENT PRACTICE, PLANNING TECHNIQUES, PRELIMINARY PLAN, PRIVATE STORMWATER MANAGEMENT SYSTEM, SKETCH PLAN, STORMWATER AND TO AMEND THE EXISTING DEFINITIONS FOR THE FOLLOWING TERMS TO BRING SUCH TERMS INTO COMPLIANCE WITH THE INTENT OF THOSE SET OUT IN THE MD MODEL STORM WATER MANAGEMENT ORDINANCE OF JUNE 2009: CHANNEL PROTECTION STORAGE VOLUME (CPV), ENFORCEMENT AUTHORITY, MAJOR PROJECT, MINOR PROJECT, OWNER, POINT OF STUDY, RECHARGE VOLUME (REV), REDEVELOPMENT, RETROFITTING, SITE, AND WAIVER; ARTICLE II APPLICABILITY §281-5 (EXEMPTIONS) PARAGRAPH A HAS BEEN AMENDED TO DELETE THE WORD ACTIVITIES AND REPLACE IT WITH PRACTICES AND TO DELETE PARAGRAPH C AS IT RELATED TO STREETS, ALLEYS AND SIDEWALKS; §281-6 WAIVERS; WATERSHED MANAGEMENT PLANS; STANDARD PLAN PARAGRAPH A HAS BEEN AMENDED TO INCLUDE THE GRANT OF A QUALITATIVE OR QUANTITATIVE STORMWATER MANAGEMENT UNDER CERTAIN CONDITIONS AND TO REFERENCE THE CORRECT SUBSECTIONS FOR ADDITIONAL INFORMATION; §281-7 (REDEVELOPMENT), PARAGRAPH D HAS BEEN AMENDED TO STATE THAT IN CASES WHERE IMPERVIOUS AREA REDUCTION OR ON-SITE SWM ARE PROHIBITIVE ALTERNATIVES MAY BE CONSIDERED, AND TO RESTRICT THE USE OF COLLECTED FEES TO PROJECTS IMPLEMENTING PUBLIC STORMWATER MANAGEMENT PROJECTS WITHIN THE TOWN; PARAGRAPH E SETS OUT THOSE FACTORS TO BE MEASURED BY THE TOWN'S CONSULTING ENGINEER WHEN CONSIDERING ALTERNATIVE STORMWATER MANAGEMENT MEASURES; §281-8 (VARIANCES) PARAGRAPH B(6) SETS OUT STANDARDS FOR THE GRANT OF A VARIANCE; ARTICLE III STORMWATER MANAGEMENT CRITERIA §281-9. (CRITERIA ENUMERATED; COMPLIANCE REQUIRED) HAS BEEN MODIFIED TO NOTE THAT THE STORMWATER MANAGEMENT CRITERIA SHALL BE THOSE SPECIFIED IN THE STORMWATER DESIGN MANUAL AND THIS CHAPTER TO IMPLEMENT ESD TO THE MEP UNLESS OTHERWISE STATED OR EXEMPTED IN

THIS CHAPTER; §281-10 (MINIMUM CONTROL REQUIREMENTS) PARAGRAPH A HAS BEEN AMENDED TO ESTABLISH THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN THIS CHAPTER AND THE STORMWATER DESIGN MANUAL; §281-11 (STORMWATER MANAGEMENT PRACTICES) HAS BEEN AMENDED TO REQUIRE THAT THE ESD HAS BEEN IMPLEMENTED TO THE MEP BEFORE THE USE OF A STRUCTURAL SMP IS CONSIDERED IN DEVELOPING THE STORMWATER MANAGEMENT PLAN AND ESTABLISHING THE REVIEW PROCESS; §281-14 (CONTENTS OF PLAN) HAS BEEN AMENDED TO DELETE THE TERMS CONCEPT PLAN, APPROVING AUTHORITY, APPROVING AGENCY, SITE DEVELOPMENT AND REPLACED WITH SKETCH PLAN, ENFORCEMENT AUTHORITY AND PRELIMINARY PLAN; §281-15 (PREPARATION OF PLAN) HAS BEEN AMENDED TO NOTE THAT THE INDIVIDUAL PREPARING THE PLAN SHALL BE ACCEPTABLE TO THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS/TOWN'S CONSULTING ENGINEER; §281-22 (INSPECTIONS) HAS BEEN AMENDED TO CLARIFY INSPECTION REQUIREMENTS; §281-30 (SEVERABILITY) HAS BEEN ADDED WHICH NOTES THAT SHOULD ANY PORTION OF THIS CHAPTER IS HELD INVALID OR UNCONSTITUTIONAL THE REMAINING PORTIONS OF THIS CHAPTER WILL REMAIN VALID. FOR CLARITY PURPOSES THE ENFORCEMENT AUTHORITY HAS BEEN IDENTIFIED THROUGHOUT THIS CHAPTER AS THE TOWN OF ST. MICHAELS; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY OF ORDINANCE NO. 417; AND MATTERS GENERALLY RELATING TO STORMWATER MANAGEMENT IN THE TOWN OF ST. MICHAELS. (Full title not read into the minutes)

The Commissioners agreed to postpone the reading of the title of Ordinance 417 into the record until the public hearing. Mrs. Thomas provided a brief history of Ordinance 417. Because this draft of the Ordinance had been approved by the Maryland Department of the Environment and there being no substantive changes to be made, Commissioners Clark, Hunt and Brady introduced Ordinance 417. President Brady announced that a public hearing on Ordinance 417 would be held during the Commissioners' regular meeting on December 8, 2010 and that a tentative vote on Ordinance 417 was scheduled for the Commissioners' meeting on December 15, 2010.

- **Ordinance 420, Ordinance 422 and Ordinance 423 – Adult Oriented Business Legislation**

President Brady noted for the public that Ordinances 420, 422 and 423 were all related and the titles of the Ordinances were read into the record as follows:

Ordinance 420 - AN ORDINANCE OF THE TOWN OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340, (ZONING) §340-32 (PERMITTED USES) TO INCLUDE ADULT ORIENTED BUSINESSES IN THE TABLE OF GENERAL LAND USES (TABLE 4.1) AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONE; AND TO AMEND TOWN CODE, §340-32.1 (NOTES TO THE TABLE OF PERMITTED LAND USES) TO INCLUDE REGULATIONS ASSOCIATED WITH SUCH USE IN ORDER TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING THAT THIS TITLE SHALL BE DEEMED A FAIR SUMMARY OF THIS ORDINANCE FOR ALL PURPOSES; AND ALL MATTERS GENERALLY RELATING TO ADULT ORIENTED BUSINESSES IN THE TOWN OF ST. MICHAELS

Ordinance 422 - AN ORDINANCE OF THE TOWN OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340, (ZONING), TO AMEND SECTION 340-108 "DEFINITIONS" TO PROVIDE FOR CERTAIN DEFINITIONS, NAMELY ADULT ORIENTED BUSINESS, MASSAGE ESTABLISHMENTS, MASSAGE, MASSAGE ESTABLISHMENT, MASSAGE TECHNICIAN, MASSAGE PRACTITIONER, AND MASSAGE THERAPIST; TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), APPENDIX A "PROHIBITED USES IN ANY ZONE " TO PROVIDE THAT MASSAGE ESTABLISHMENTS ARE PROHIBITED IN THE TOWN OF ST. MICHAELS; TO PROVIDE THAT THIS TITLE BE DEEMED A FAIR SUMMARY OF THIS ORDINANCE FOR ALL PURPOSES; AND ALL MATTERS GENERALLY RELATING TO MASSAGE ESTABLISHMENTS IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY, MARYLAND.

Ordinance 423 - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, TO ADD CHAPTER 75 (ADULT-ORIENTED BUSINESS REGULATIONS) TO PROVIDE FOR THE REGULATION OF ADULT ORIENTED BUSINESSES, INCLUDING DEFINING ADULT ORIENTED BUSINESS, ADULT ENTERTAINMENT OR MATERIAL AND OTHER SPECIFIC TERMS; PROVIDING THAT CERTAIN ACTIVITIES BE RESTRICTED OR PROHIBITED; PROVIDING FOR CERTAIN OPERATIONAL REQUIREMENTS FOR ADULT ORIENTED BUSINESSES; PROVIDING FOR CERTAIN CIVIL PENALTIES; PROVIDING THAT THIS TITLE BE DEEMED A FAIR SUMMARY OF THIS ORDINANCE FOR ALL PURPOSES; AND ALL MATTERS RELATING GENERALLY TO ADULT ORIENTED BUSINESSES, ENTERTAINMENT, AND MATERIAL IN THE TOWN OF ST. MICHAELS, TALBOT COUNTY, MARYLAND

Mrs. Renshaw said the Planning Commission and the Town's attorneys have reviewed the issue in its entirety prior to the drafting of the three separate ordinances, and proceeded to provide a history of the legislation. Mrs. Renshaw said that Ordinance 420 amends the land use table and establishes guidelines for uses, Ordinance 422 deals with the more controversial message establishments, and Ordinance 423 provides rules of operation and licensing criteria for Adult Oriented Businesses. Mrs. Renshaw said that the Planning Commission has issued a favorable recommendation for all three Ordinances. Following some discussion between the Commissioners, Mrs. Renshaw and Attorney MacLeod, President Brady called for the Commissioners to introduce the Ordinances separately. Commissioners Hunt and Vlahovich introduced Ordinance 420. Commissioners duPont and Clark introduced Ordinance 422. Commissioners Clark, Brady and Hunt introduced Ordinance 423. President Brady announced that a public hearing on all three Ordinances would be held during the Commissioners' regular meeting on December 8, 2010 and that a tentative vote on the three Ordinances was scheduled for the Commissioners' meeting on December 15, 2010.

President Brady then recognized Commissioner Hunt, who said she would like the Commissioners to direct staff to prepare a grant application to the Maryland Department of Natural Resources (DNR) for fire equipment upgrades and possible construction of a boat lift for the Fire Department's fire boat. After some discussion by the Commissioners and Town staff, President Brady called for a motion to add the grant issue to the agenda as an emergency item for vote. Commissioner Hunt made a motion as stated by President Brady. Commissioner Clark

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seconded the motion which passed on a roll call vote of 5-0 in favor. Commissioner Hunt then made a motion to direct staff to prepare the necessary application to pursue grant funding for equipment for the fire department as appropriate. Commissioner Clark seconded the motion which passed on a roll call vote of 5-0 in favor.

Calendar Discussion:

The Commissioners discussed items for their agendas for November, 2010, December, 2010, and January 2011.

Comments from the Public/Commissioners:

There were no public comments or comments from the Commissioners

Announcement of Future Meetings/Events:


President Brady announced the upcoming events as follows:

- November 11, 2010 – Town offices are closed for Veteran's Day
- November 17, 2010 – 5:00 p.m. – Town Offices – Legislative Session

Adjournment

President Brady adjourned the meeting a 6:25 p.m.

Respectfully submitted,


Sabrenia L. Yohn, Administrative Clerk

Attachments:

- Departmental Reports for October, 2010
- Ordinance 417
- Ordinance 420
- Ordinance 422
- Ordinance 423