

February 24, 2010

4:00 p.m. - Special Public Working Session

Present:

Commissioners Joanne Clark, Donna Hunt and Phillip Dinkel, Town Manager Cheril Thomas, Town Attorney Jefferson Blomquist, Administrative Clerk Sabrenia Yohn, and 23 members of the public.

Call to Order:

Vice President Clark called to order the public working session of the Commissioners of St. Michaels at 4:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. Following the recitation of the Pledge of Allegiance, Vice President Clark explained that Commissioner Brady and Commissioner Snyder were accepting a donation for Muskrat Park and would be joining the meeting shortly.

Commissioners Adjourn to Closed Session pursuant to Maryland Code, State Government Art., § 10-508 (a) (7):

Vice President Clark called for a motion to adjourn to Closed Session to discuss legal matters associated with a request for TND Overlay Zone Designation for Miles Point III-150 238 Lot/247 Unit TND Overlay Zone Application (“Application”) filed by TND Development, Inc. and Miles Point Property, LLC (“Applicant”). The land that is the subject of the Application is identified on Talbot County Tax Map 23 as Parcel 111, and is generally bordered by Perry Cabin Drive, Yacht Club Road, MD Route 33, and the Miles River, and encompasses approximately 72 acres. Vice President Clark called for a motion to go into closed session. Commissioner Dinkel made the motion as stated by Vice President Clark. Commissioner Hunt seconded the motion which passed on a vote of 3-0 in favor.

Commissioners Reopen the Public Working Session:

President Brady reopened the public working session at 5:00 p.m. Commissioner Snyder also joined the meeting.

Deliberation and Direct Findings on the request for TND Overlay Zone Designation for Miles Point III-150 238 Lot/247 Unit TND Overlay Zone Application (“Application”) filed by TND Development, Inc. and Miles Point Property, LLC (“Applicant”). The land that is the subject of the Application is identified on Talbot County Tax Map 23 as Parcel 111, and is generally bordered by Perry Cabin Drive, Yacht Club Road, MD Route 33, and the Miles River, and encompasses approximately 72 acres:

President Brady announced that this public session was a continuation of the deliberations that took place during the Commissioners’ meeting on January 26, 2010, and called on Town Attorney Jefferson Blomquist, who give an overview of today’s proceedings. Mr. Blomquist said he had crafted a decision on the application based on previous deliberations and incorporated directions he had received from the Commissioners. Mr. Blomquist said he would need an indication of majority approval or disapproval of this TND application from the Commissioners before he could finalize the draft decision document. President Brady then called for a straw vote of the Commissioners by a show of hands. President Brady announced that the vote was 3-2 in

favor of the TND application, and therefore the majority of the Commissioners do support the application with Commissioners Brady and Hunt dissenting.

Attorney Blomquist and the Commissioners continued their discussion and deliberations on the application and additional conditions that the Commissioners wished to have included in the Findings of Fact and Decision.

Adjournment:

As there were no additional comments from the Commissioners, President Brady adjourned the working session at 5:25 p.m., and reminded everyone that the Commissioners' regular legislative session would begin at 6:30 p.m.

6:30 p.m. - Legislative Session

Present:

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt, and Philip Dinkel, Town Manager Cheril Thomas, Town Attorney Jeff Blomquist, Administrative Clerk Sabrenia Yohn, and approximately 26 members of the public.

Call to Order

President Brady called the Legislative Session to order at 6:35 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 February 24, 2010 at 4:00 p.m. pursuant to Maryland Code, State Government Art., § 10-508 (a) (7) the Commissioners met in closed session to discuss legal matters associated with a request for a TND Overlay Zone Designation for Miles Point III-150 238 Lot/247 Unit TND Overlay Zone Application ("Application") filed by TND Development, Inc. and Miles Point Property, LLC ("Applicant"). The land that is the subject of the Application is identified on Talbot County Tax Map 23 as Parcel 111, and is generally bordered by Perry Cabin Drive, Yacht Club Road, MD Route 33, and the Miles River, and encompasses approximately 72 acres.

Presentation by the WineFest Committee

President Brady called on the members of the WineFest Committee, Brad Fout and John Marrah. Mr. Marrah and Mr. Fout gave an overview of their plans for the WineFest and "Celebrate St. Michaels" events.

Consent Agenda:

President Brady that the Consent Agenda included departmental reports for the month of January 2010, with disbursements noted in the amount of \$535,635.39 of which \$279,010.35 was expended for capital projects and engineering, and \$11,963.50 was reimbursable legal costs. The Consent Agenda also included draft minutes for public and closed session meetings in the month of January, 2010. As there were no changes to the consent agenda and no additional comments from the Commissioners or the public, President Brady called for a motion to accept the Consent Agenda as presented. Commissioner Hunt made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

President Brady then announced that there will be an election for Commissioners on Monday, May 3, 2010. There are two seats with 4-year terms expiring in 2014, and one seat with a term

expiring in 2012. Information is available at the Town office and also on the Town's website at www.townofstmichaels.com. The election will be held at the Town Office between the hours of 7:00 a.m. and 7:00 p.m. All qualified persons wishing to be a candidate for the office of Commissioner must file a Certificate of Candidacy on or before 4:30 p.m., Friday, April 2, 2010 at the Town office.

President Brady congratulated Marie Martin of Cherry Street for receiving an award for fundraising efforts for the Muskrat Park project. President Brady recognized the Town's Public Works, Police and Fire Departments for their efforts during the snow storms, and specifically acknowledged Public Works Director Jeff Richardson, Chief Miguel Dennis, and members of the Fire Department. President Brady also recognized Barney Kastel of Railroad Avenue for rescuing a hunter from drowning.

Matters Eligible for Vote:

Decision on Miles Point III-150 Application for a Traditional Neighborhood Development (TND) Overlay Zone for a 238 Lot/247 Unit Subdivision

President Brady said the TND Decision was eligible for a vote and Attorney Blomquist acknowledged that all of the changes to the document from the Commissioners' deliberation session earlier in the evening had been made. All of the Commissioners took a few minutes to review the document. Mrs. Yohn to read the title of the Decision into the record as follows:

Commissioners of St. Michaels Decision on Miles Point II-150 Application for a TND Overlay Zone for a 238 Lot/247 Unit Subdivision

As there were no additional comments from Town staff, Town Attorney Blomquist or the Commissioners, President Brady called for a motion to accept the Decision as presented. Commissioner Dinkel made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 3-2 in favor, with Commissioners Brady and Hunt dissenting.

Board Appointments:

President Brady announced that Langley Shook, President of the Chesapeake Bay Maritime Museum, had applied for appointment to fill the vacant non-for-profit seat on the Tourism Board to fill the remainder of the term of Stuart Parnes – term ending June 30, 2011. Commissioners Clark, Snyder and Dinkel said they approved of the appointment. Commissioner Clark then made a motion to accept the appointment of Mr. Shook to the Tourism Board. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

Items for Discussion/Possible Introduction:

- **Resolution 2010-10 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS TO ANNEX CERTAIN LANDS LOCATED TO THE SOUTH OF THE TOWN OF ST. MICHAELS ON THE SOUTHWEST SIDE OF MARYLAND ROUTE 33, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND AND CONSISTING OF 23.07 ACRES, MORE OR LESS, AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF ST. MICHAELS**

There being no comments from staff, President Brady recognized Attorneys David Thompson and Sarah Everhart, representing Stan Marks, owner of the Heatherington Harbor property. Attorney Everhart said her client was asking that the Resolution be approved as presented and

gave an overview of the proposed annexation, reiterating that their request was just for annexation and that no current development plan existed, but that growth allocation may be pursued in the future, but no sooner than five (5) years. There were no additional comments or questions from the Commissioners. President Brady called for introduction of Resolution 2010-01. Commissioners Brady, Clark, Snyder, Hunt and Dinkel introduced Resolution 20120-01. President Brady announced that the public hearing on this application was scheduled for the March 24, 2010 meeting of the Commissioners.

- **Resolution 2010-02 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE PURPOSE OF MAKING TEXTUAL CHANGES TO ARTICLE IV (PERSONNEL), SECTION §C-69 (EMPLOYEE BENEFIT PROGRAM) REMOVING THE REQUIREMENT THAT THE COMMISSIONERS MUST ADOPT AN ORDINANCE TO INCLUDE IN THE ANNUAL BUDGET OF THE TOWN THE PROVISION OF HEALTH CARE OR OTHER BENEFIT PROGRAMS FOR THE OFFICERS AND EMPLOYEES OF THE TOWN; PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO BENEFITS FOR THE OFFICERS AND EMPLOYEES OF THE TOWN OF ST. MICHAELS.**

Mrs. Thomas provided an overview of the Resolution which includes staff's recommendation that Section C-69, which requires adoption of an Ordinance to include provisions of health care and other benefit programs, be removed from the Town Code. After a discussion of some length, the Commissioners agreed that the best remedy was to remove Section C-69 as recommended by Staff. Commissioner Clark agreed that the language in the Charter should be clarified with regard to employees, officials and officers and along with this Resolution, proposed moving the language contained in Section C-69 to Chapter 54 of the Code to clarify that Commissioners, as elected or appointed officials, are not eligible to participate in such employee benefit programs. President Brady agreed with Commissioner Clark's proposal to revise Chapter 54. The Commissioners' direction to Staff was to proceed with Resolution 2010-02 to delete Section C-69 and schedule it for introduction and vote. They also directed Staff to draft a separate Ordinance making textual changes to Chapter 54 as proposed and to bring it back to the Commissioners for discussion.

- **Banking Request for Proposal (RFP):**
Mrs. Thomas provided an overview of the proposed request for banking services. Mrs. Thomas said that the Commissioners had discussed this issue previously and the proposal had received legal review. Mrs. Thomas said that the staff recommendation was to issue an RFP for banking services in general. Following a discussion of some length by the Commissioners and Town staff, it was concluded that the RFP still needed additional work. President Brady directed staff to prepare another draft for review by the Commissioners.
- **Preservation of 124 S. Fremont Street in St. Michaels, Maryland:**
President Brady recognized Attorney Douglas Collison, representing St. Luke's United Methodist Church, owner of the property located at 124 S. Fremont Street which has been sighted by the Town as a blighted property. Mr. Collison was joined by Jeff Fones, a member of the St. Michaels Historic District Commission. Mr. Fones provided a handout to the Commissioners which gave an overview favoring preservation vs. demolition of the building. Following a lengthy discussion among the Commissioners, Mr. Fones, Attorney Collison and Town staff, Mr. Fones and Mr. Collison were reminded that this matter is not within the purview of the Commissioners, but rather a matter to be addressed with the Town's Codes Enforcement Officer, Deborah Renshaw. Mr. Fones and Mr. Collison

indicated that they would work with Mrs. Renshaw and the Historic District Commission regarding the church's pending demolition permit.

- **Commissioners' Calendar:**

The Commissioners discussed a number of changes to their calendar and meeting agendas. President Brady also announced that four of the Commissioners had attended a Talbot County Council meeting regarding the St. Michaels Fire Department request to hold their annual carnival at the St. Michaels Middle/High School complex. President Brady said that the council members supported the Fire Department and had written a letter to the Board of Education strongly urging them to reconsider allowing the carnival to be held on the school grounds. President Brady said the next meeting on this subject would be March 17, 2010 at 7:00 p.m. at the St. Michaels Middle School.

Comments from the Public:

- Steve Florkewicz of E. Marengo Street asked for an update on the current problems with the arsenic removal plants. Mrs. Thomas provided an overview of the issues.
- Ted Doyle of Perry Cabin Drive had comments on Resolution 2010-02 and favored passing an ordinance to change benefits, which would then provide an opportunity for a referendum.
- Ann Hymes of Grace Street gave an overview of a recycling meeting she attended in Chestertown. President Brady noted that the Commissioners would begin discussions on recycling at the March 10, 2010 meeting.
- Ann Borders of Cherry Street asked for a working session with the Commissioners to discuss budget issues. President Brady said that the Commissioners would be scheduling working sessions on the budget and that the public was always welcome to participate in those meetings. Ms. Borders also asked about adjustments to the budget related to the costs of snow removal.
- Barney Kastel of Mr. Pleasant Landing questioned water service to Miles Point in light of current problems with the arsenic removal plants.
- Helen Van Fleet of Chew Avenue praised the efforts of the Public Works Department on snow removal.

Comments from the Commissioners:

There were no additional comments from the Commissioners. President Brady thanked Commissioner Snyder for his assistance in obtaining the Christmas in St. Michaels donation for Muskrat Park.

Announcement of Next Meetings:

President Brady announced the following future meetings of the Commissioners:

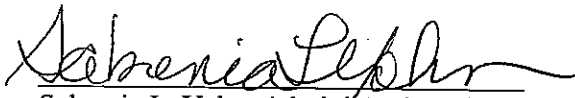
- March 3, 2010 – 5:30 p.m. – Town Office – Commissioner and Planning Commission workshop on implementation of the Comprehensive Plan and Community Legacy Plan
- March 10, 2010 – 5:00 p.m. – Town Office – Regular Public Session
- March 24, 2010 – 6:30 p.m. – Town Office – Regular Legislative Session

The Commissioners of St. Michaels
February 24, 2010

Adjournment:

President Brady adjourned the meeting at 8:55 p.m.

Respectfully submitted,


Sabrenia L. Yohn, Administrative Clerk

Attachments:

- Departmental Reports for January, 2010
- Resolution 2010-01
- Resolution 2010-02