

The Commissioners of St. Michaels

Public Work Session and Special Legislative Session Minutes

January 9, 2008

Present - Commissioners Edward Doyle, Philip Dinkel, Joanne Clark, Robert Snyder, and Robert Noble, Police Sergeant Jeffrey Osborne, Town Manager Cheril Thomas, Town Attorney H. Michael Hickson, Assistant Town Clerk Dorothy Olley, and approximately 15 members of the public.

Call To Order - President Doyle called to order the regular work session and special legislative session of the Commissioners of St. Michaels at 6:30 p.m. in the meeting room of the Edgar M. Bosley Jr. Municipal Building (Town Office) 300 Mill Street, St. Michaels. The Pledge of Allegiance was recited. President Doyle announced that the Commissioners had met in Executive Session prior to this evening's meeting, and on January 4, 2008, to discuss legal matters, pursuant to Maryland Code, State Government Article § 10-508 (a)(1)(3)(5)(7) and (8).

Public Discussion - Muskrat Park Redevelopment - Mr. Gerald Friedel and Mr. Ben Taylor of Davis, Bowen & Friedel, Engineers, reviewed plans for Muskrat Park in a slide presentation. After some discussion, President Doyle called for a motion to refer the plan to the Historic District Commission and to the Parks and Recreation Advisory Board for their review. Commissioner Dinkel made the motion, which was seconded by Commissioner Clark. The motion passed on a vote of 5-0. Mrs. Thomas noted that the Historic District's meeting to review the Muskrat Park plans was scheduled for January 15, 2008 at 6:30 p.m. in the meeting room of the St. Michaels Public Library, 106 Fremont Street.

Consent Agenda - President Doyle said the Consent Agenda included minutes from the November 14, 2008 meeting of the Commissioners, the Administrative and Disbursement reports, the Public Works Report and the Police Report for the month of December 2007. President Doyle asked if there were any questions on the minutes or reports. There were no questions or comments. President Doyle noted for the record that disbursements for the month of December 2007 were in the amount of \$1,054,487.35. Commissioner Dinkel made a motion to accept the Consent Agenda as presented, which was seconded by Commissioner Snyder, and which passed on a vote of 5-0. Mrs. Helaine White of Thompson Street inquired about the status of the arsenic removal project for the Town's water supply. Mrs. Thomas said that that project was now complete and that the Town had a 0-read on arsenic in the water. Mrs. White suggested that the Town run an advertisement in the paper to let residents know that the project was complete. Mr. Florkewicz of Marengo Street inquired whether any landscaping was planned around the two well houses at the corner of Marengo and New Lane, and including the above-ground propane tank sitting on the property. Mrs. Thomas said staff would look into the matter.

Schedule for Phase II of the Street Program and Request for Proposals - Mr. Taylor of Davis, Bowen & Friedel reviewed the status of streets currently under re-construction. He noted that Trusty Street and the North Street extension were complete and Railroad Avenue was under construction. Mr. Taylor said that Water, Green, Willow and Church Streets would also be rehabilitated as part of Phase I. Mr. Taylor said Phase II of the project would include Lee, Mitchell, Canton and North Streets, as well as Boundary Lane. Mr. Taylor said Phase III included streets that required extra design effort due to drainage or because of their location in the Critical Area, i.e. Mill Street, West Harbor Road, East Chew Street, Carpenter Street, Mulberry Street and Cherry Street. Helaine White of Thompson Street asked about the uneven curbs on Thompson Street. President Doyle said that the State Highway Administration would be attending to that matter. Given the progress on the street project, President Doyle said he would support proceeding with the current contract for street repair and continuing with Bryan Brothers as contractor for Phase II of the project. Commissioner Snyder made a motion to extend the current contract with Bryan Brothers for Phase II of the street repair project. Commissioner Dinkel seconded the motion, which passed on a vote of 5-0.

Hatton's Garden, LLC Request for Growth Allocation - President Doyle said the Commissioners had received a

new application from Hatton's Garden LLC for growth allocation. Hatton's Garden LLC representative Michael Brobaugh explained that due to a Critical Area Commission issue, which required growth allocation for additional acreage, the application needed to be re-submitted. President Doyle asked if there were any questions or comments from the Commissioners. There being none, President Doyle made a motion to refer the application to the Planning Commission for review, noting that this application would be subject to the provisions of Ordinance 371 (Quasi-judicial proceedings), if adopted. Commissioner Dinkel seconded the motion, which then passed on a vote of 5-0.

Ordinance 375 - President Doyle announced that Ordinance 375, AN ORDINANCE TO AMEND ORDINANCE 110 (ST. MICHAELS SUBDIVISION REGULATIONS), AS AMENDED, ARTICLE VI (REQUIRED IMPROVEMENTS), SECTION 602 (REQUIRED IMPROVEMENTS; STANDARDS AND SPECIFICATIONS) TO SPECIFY REQUIREMENTS FOR STREETS IN THE RESIDENTIAL GATEWAY (RG) ZONE; AND TO ADD A NEW PARAGRAPH E TO SPECIFY STREET REQUIREMENTS FOR THE RESIDENTIAL GATEWAY (RG) ZONE, was eligible for introduction. Commissioners Dinkel, Snyder, Clark, and Noble introduced Ordinance 375. President Doyle said Ordinance 375 was scheduled for a public hearing and vote at the Commissioners' legislative session on January 23, 2008.

Updates to Chapter 340, § 340-40 (Signs) - President Doyle said he did not want a permit requirement for open signs, and proposed that because such legislation would require considerably more work, that the Commissioners deal only with the flag issue for now. The Commissioners agreed. President Doyle explained that this legislation would allow permanent "open" flags and asked if section 10 exempts such flags from permit requirements. Mrs. Thomas said that staff would check on it. President Doyle called for introductions. Commissioners Snyder, Clark, Noble, and Dinkel introduced updates to Chapter 340, § 340-40.

Request to Limit Parking on W. Marengo Street - Mrs. Zlodki of W. Marengo Street submitted a request that a "no parking" sign be placed across the street from her driveway to alleviate a traffic hazard. President Doyle directed that Police Chief Dennis look into the matter.

Request For Directional Sign - Ms. Mary Dobrowski of the Blue Crab Coffee Shop requested that the Commissioners allow a directional sign on the sign post at the corner of the Acme Parking Lot and Talbot Street to direct visitors back to the businesses on Fremont Street. President Doyle said he would rather see a directional map for all shops at the entrance of the Medicine Shop Parking lot. President Doyle directed staff to look into the matter and suggested that the Town might assist the Business Association with costs.

Commissioners Calendar - President Doyle called upon Commissioner Dinkel to explain an unnumbered Ordinance he wished to sponsor. Commissioner Dinkel said that the legislation he was proposing would designate specific spots for landing aircraft, such as helicopters. After a brief discussion, Commissioners Snyder, Clark, Noble and Dinkel introduced the legislation. President Doyle suggested that boat-slips and boat-slip fees be referred to the Waterways Panel and directed staff to draft a note the Planning Commission. President Doyle also directed staff to draft a formal staff report on parking for the meeting on February 26, 2008. The Commissioners discussed other issues to be placed on the agenda for the February 13, 2008 meeting, and announced that the meeting on Tuesday, February 26, 2008 at the St. Michaels Library would include a citizens' discussion on how the Commissioners work.

Draft Legislation to create a PRA overlay zone for S. Fremont Street, Canton Alley, and Conner Street - President Doyle called for a motion to refer this draft legislation to the Planning Commission for review. Commissioner Snyder made the motion, which was seconded by Commissioner Noble, and which passed on a vote of 5-0.

Special Legislative Session - President Doyle called for a motion to move into Special Legislative Session.

Commissioner Dinkel made the motion, which was seconded by Commissioner Snyder, and which passed on a vote of 5-0.

Ordinance 371 - Mrs. Thomas read the title of Ordinance 371 into the record as follows:

Ordinance No. 371, AN ORDINANCE, TO AMEND THE ST. MICHAELS CODE, CHAPTER 340 (ZONING), ARTICLE I (ZONING MAPS AND BOUNDARIES; APPLICABILITY), BY ADDING SECTION 340-5.1 TO ESTABLISH PRE-HEARING PROCEDURES AND RULES FOR CONDUCTING QUASI-JUDICIAL PUBLIC HEARINGS BY THE TOWN COMMISSIONERS UNDER CHAPTER 340 OF THE TOWN CODE.

President Doyle said Ordinance 371 was eligible for a vote and explained the purpose of the ordinance was to clarify the process for conducting quasi-judicial proceedings. After a review of changes to the ordinance, President Doyle called for a motion to amend Ordinance 371 as just discussed. Commissioner Dinkel made the motion, which was seconded by Commissioner Snyder, and which passed on a vote of 5-0. President Doyle then called for a motion to declare the changes to Ordinance 371 not substantive. Commissioner Dinkel made the motion, which was seconded by Commissioner Snyder and which passed on a vote of 5-0. President Doyle then called for a motion to declare Ordinance 371 an emergency ordinance. Commissioner Snyder made the motion, which was seconded by Commissioner Dinkel and which passed on a vote of 5-0. The Commissioners then voted 5-0 to adopt Ordinance 371.

Resolution 2007-29 - President Doyle announced that Resolution 2007-29, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT THE ST. MICHAELS WASTEWATER TREATMENT CAPACITY MANAGEMENT PLAN, was eligible for a vote and asked if there were any comments or discussion. There being none, President Doyle called for a motion to adopt. Commissioner Dinkel made the motion, which was seconded by Commissioner Noble, and which passed on a vote of 5-0.

Resolution 2008-01 - President Doyle announced that Resolution 2008-01, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO CREATE AN AD HOC TASK FORCE TO DEVELOP RECOMMENDATIONS FOR CERTAIN ASPECTS OF THE TOWN OF ST. MICHAELS' STREETSCAPE, was eligible for a vote. Commissioner Snyder asked if the task force would make progress reports. Commissioner Clark said yes, and that a clause would be added to provide for experts or incidental costs. President Doyle called for a motion to adopt Resolution 2008-01. Commissioner Clark made the motion, which was seconded by Commissioner Noble, and which passed on a vote of 5-0. President Doyle then called for a motion to amend Resolution 2008-01 with the changes as discussed. Commissioner Dinkel made the motion, which was seconded by Commissioner Clark, and which passed on a vote of 5-0. Amend 2008-01. President Doyle said appointments would be made at the January 23rd meeting of the Commissioners and applications would be accepted until Friday, January 18, 2008.

Resolution 2008-02 - President Doyle announced that Resolution 2008-02, A RESOLUTION TO RATIFY A SETTLEMENT AGREEMENT AND RELEASE BY THE COMMISSIONERS OF ST. MICHAELS, THE ST. MICHAELS UTILITIES COMMISSION AND DELMARVA POWER AND LIGHT COMPANY, was eligible for a vote, and made a motion to adopt Resolution 2008-02. Commissioner Noble seconded it, and the motion passed on a voted of 5-0. President Doyle noted that the Utilities Commission would be ratifying the final settlement.

President Doyle then called for a motion to close the Special Legislative Session. Commissioner Noble made the motion, which was seconded by Commissioner Dinkel, and which passed on a vote of 5-0.

Comments from the Public - As there were no additional comments by the Commissioners, President Doyle called upon Mrs. Beth Jones of St. Michaels road who commented that the issue of standing in Ordinance 371 was unconstitutional under Maryland law. Town Attorney H. Michael Hickson noted that the issue of stand-

ing was not defined in the State's Constitution, but rather was defined in case law. Mr. James Valliant of Green Street praised Commissioner Doyle for his diligent and successful work on the sale of St. Michaels Utilities to Choptank Electrical Cooperative, Inc.

Announcement of Next Meeting - President Doyle announced that the next meeting of the Commissioners would be their regular legislative session on January 23, 2008 at 6:30 p.m.

Adjournment - The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Dorothy C. Olley

Assistant Town Clerk

Attachments:

Ordinance 371

Resolution 2007-29

Resolution 2008-01

Resolution 2008-02