

January 28, 2009

4:00 p.m. Special Public Working Session

Present:

Commissioners Joanne Clark, Michael Brady, Robert Snyder and Donna Hunt, Administrative Clerk Sabrenia Yohn, Town Manager Cheril Thomas, Secretary Dorothy Olley, and approximately 6 members of the public.

Call to Order:

President Clark called to order the special 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.

Announcement of Prior Closed Session:

President Clark announced that the Commissioners had held a closed session on January 23, 2009 at 4:00 p.m. pursuant to Maryland Code, State Government Article § 10-508, (a)(1)(ii) - Personnel Matters/Administrative Matter –to discuss the appointment of a successor Commissioner for the seat vacated by George M. Walish, Jr.

Amendments to the Administrative Fee Schedule:

Mrs. Thomas provided an overview of the documents before the Commissioners, i.e., the cover memo, the draft ordinance and the draft fee schedule prepared by the Town attorneys. Mrs. Thomas explained that in the past, the fee schedule had not been codified but that the materials the Commissioners had before them would create a new Chapter 42 in the Town's Code to deal with administrative fees and that the draft fee schedule would ultimately be adopted by resolution. Mrs. Thomas said that if the Commissioners would prefer to have some time to review this material, it could be discussed at their February 11, 2009 meeting at 4:00 p.m., introduced at the continuation of that meeting at 6:30 p.m., and it would then be eligible for adoption at the Commissioners' legislative session on February 25, 2009. The Commissioners agreed to review the material and discuss it at their February 11, 2009 meeting. In the meantime, Town staff was instructed by the Commissioners to make revisions to add stormwater management fees to the schedule and to determine any additional fees as appropriate.

Ordinance No. 400:

Mrs. Yohn read the title of Ordinance 400 into the record as follows: ORDINANCE 400, AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 98 (BOARDS, COMMISSIONS, COMMITTEES AND PANELS) TO INCLUDE §98-8 (THE TREE ADVISORY COMMITTEE); AND BY ADDING CERTAIN PROVISIONS FOR THE TREE ADVISORY COMMITTEE INCLUDING, BUT NOT LIMITED TO, AUTHORITY AND RESPONSIBILITIES OF THE MEMBERS, MEMBER QUALIFICATIONS AND TERMS OF APPOINTMENTS AND MEETINGS OF THE COMMITTEE AND PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY; AND GENERALLY RELATING TO BOARDS AND COMMISSIONS IN THE TOWN OF ST. MICHAELS.

The Commissioners of St. Michaels
January 28, 2009

President Clark asked if there were any questions from the Commissioners. Commissioner Snyder suggested that the words “on town property be added to Section (a)(1) under “Authority/Responsibilities” on page 1. Commissioner Brady said that he agreed with James Valliant's suggestion that the group report to the Commissioners rather than the Planning Commission. President Clark said she thought that, at least initially, the Tree Advisory Committee should report to the Commissioners, even though there would still be some issues that would necessitate review by the Planning Commission. Commissioner Hunt suggested adding the words “and on the Town website” to the end of Section (c)(2) under “Meetings of the Committee”.

The Commissioners were in general agreement with the changes noted and President Clark asked staff to re-draft the ordinance with the proposed changes for their review. Mrs. Thomas indicated that the changes suggested would be made, and that the Ordinance would be eligible for introduction at the February 11, 2009 meeting of the Commissioners. President Clark asked if there were any comments from the public. Lawrence Pratt of Mulberry Street and James Valliant of Green Street indicated their satisfaction with the changes.

Resolution 2008-16:

Mrs. Yohn read the title of Resolution 2008-16 into the record as follows: A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO CREATE A POLICY BASED ON RECOMMENDATIONS BY THE ST. MICHAELS STREETScape TASK FORCE

The Commissioners reviewed the Resolution and Attachment “A” to the Resolution – *Town of St. Michaels Treescape Policy*. President Clark suggested clarifying the definition of Phase III in the Policy by adding the word “written” with respect to the report by the Committee to the Planning Commission and the Commissioners. Mr. Valliant of Green Street noted that wherever the reporting reference of the Committee to the Planning Commission appeared that it should be changed to indicate that the Committee would report to the Commissioners. The Commissioners agreed to the changes noted. There was additional discussion among the Commissioners with respect to the process for removing a tree from the Town right-of-ways. Mrs. Thomas said that staff would make the changes discussed and would propose language to clarify tree removal. The new draft would be available for discussion at the February 11, 2009 meeting of the Commissioners.

Comments from the Public:

There were no additional comments from the public.

Adjournment:

President Clark called for a motion to adjourn to a closed session at 4:50 p.m. Commissioner Brady made the motion, which was seconded by Commissioner Snyder, and which passed on a vote of 4-0, with none opposed.

6:30 p.m. Legislative Session

Present - Commissioners Joanne Clark, Michael Brady, Robert Snyder and Donna Hunt, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, and approximately 25 members of the public.

Call To Order:

President Clark called to order the regular 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 Clark explained changes in the agenda topics for the January 28, 2009 meeting due to the inclement weather and agenda items were moved to the meeting on January 29, 2009 at 3:00 p.m. This also included an announcement in the change of the Public Hearing date and time for Ordinance 396 from January 28, 2009 at 6:30 p.m. to January 29, 2009 at 3:00 p.m. to accommodate people attending from out of town.

Announcement of Prior Closed Session:

President Clark announced that the Commissioners had held a closed session on January 23, 2009 at 4:00 p.m. and on January 28, 2009 at 5:00 p.m. pursuant to Maryland Code, State Government Article § 10-508, (a)(1)(ii) - Personnel Matters/Administrative Matter –to discuss the appointment of a successor Commissioner for the seat vacated by George M. Walsh, Jr.

Appointment of a Successor to serve the unexpired term of George M. Walsh, Jr. as Town Commissioner until the second Tuesday in the month of June following the 2010 election of Commissioners:

President Clark noted the formal resignation of Mr. Walsh on January 14, 2009 and stated that the Commissioners had held closed sessions on January 14, 2009, January 21, 2009, and January 23, 2009 to discuss the appointment of a successor commissioner. Commissioner Snyder made a motion to appoint A. Philip Dinkel to fill the seat vacated by George M. Walsh, Jr. as successor Commissioner until the second Tuesday in the month of June following the 2010 election of Commissioners. Commissioner Hunt seconded the motion. There being no further discussion by the Commissioners the motion passed on a roll call vote of 4-0 in favor.

RESOLUTION 2009-03:

Mrs. Yohn read the title into the record as follows: Resolution 2009-03 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO APPOINT A SUCCESSOR TO SERVE THE UNEXPIRED TERM OF GEORGE M. WALISH, JR. AS TOWN COMMISSIONER UNTIL THE SECOND TUESDAY IN THE MONTH OF JUNE FOLLOWING THE 2010 ELECTION OF COMMISSIONERS. Commissioner Snyder made a motion to adopt Resolution 2009-03 to ratify the Commissioners' appointment of Mr. Dinkel. The motion was seconded by Commissioner Brady and passed on a roll call vote of 4-0 in favor. Mrs. Thomas was instructed to contact Mr. Dinkel notifying him of his appointment and requesting that he appear at the Town Offices on January 29, 2009 at 3:00 to take the Oath of Office.

Other Matters Eligible for Vote:

- **Ordinance 391** - Mrs. Yohn read the title into the record as follows: ORDINANCE 391, AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 285 (STREETS AND SIDEWALKS), ARTICLE II (CONSTRUCTION STANDARDS) AND ARTICLE III (CURBS AND GUTTERS), BY MAKING TEXTUAL CHANGES REGARDING THE ESTABLISHMENT OF CURB AND GUTTER LINES ON TALBOT STREET; COMPOSITION OF SIDEWALKS GENERALLY; THE REQUIREMENTS FOR AND PAYMENT OF THE COSTS OF CONSTRUCTION, INSTALLATION, REPAIR OR REPLACEMENT OF SIDEWALKS, CURBS AND/OR GUTTERS AND THE ASSESSMENT AND COLLECTIONS OF FINES ASSOCIATED WITH VIOLATIONS OF CERTAIN SECTIONS OF CHAPTER 285; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY; AND GENERALLY RELATING TO CURB AND GUTTER LINES AND SIDEWALKS, CURBS AND GUTTERS IN THE TOWN OF ST. MICHAELS. President Clark stated that Ordinance 391 had been introduced at the December 17, 2008 meeting and if voted on tonight, would become effective on February 18, 2009. Commissioner Brady said overall the ordinance is good and that he supports it even without additional amendments to the percentages noted for the costs to upgrade sidewalks. There were no further comments from the Commissioners. The ordinance was adopted on a roll call vote of 4-0 in favor.
- **Resolution 2009-01** - Mrs. Yohn read the title of Resolution 2009-01 into the record as follows: RESOLUTION 2009-01, A RESOLUTION TO AMEND THE RULES FOR THE CONDUCT FOR MEETINGS OF THE COMMISSIONERS OF ST. MICHAELS and Attachment "A" to Resolution 2009-01 (COMMISSIONERS OF ST. MICHAELS MEETING RULES AND PROCEDURES). President Clark stated that Resolution 2009-01 had been discussed at the January 14, 2009 meeting. The Commissioners discussed the language in section 1.2.4 of the meeting rules regarding residents and taxpayers being given priority in making comments during Legislative Sessions. Commissioners Clark, Brady and Hunt were in favor of leaving the language "as is" with Commissioner Snyder dissenting. Commissioner Brady then made a motion to adopt Resolution 2009-01 and the attached Commissioners of St. Michaels Meeting Rules and Procedures. Commissioner Hunt seconded the motion and the motion passed on a voice vote of 4-0 in favor.
- **Resolution 2009-02** - Mrs. Yohn read the title of Resolution 2009-02 into the record as follows: RESOLUTION 2009-02, A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS EXTENDING UNTIL DECEMBER 31, 2011 THE TIME WITHIN WHICH THE PROJECT KNOWN AS HATTON'S GARDEN SHALL BE COMPLETED PURSUANT TO THE TOWN OF ST. MICHAELS' AWARD OF GROWTH ALLOCATION. President Clark stated that Resolution 2009-02 had been discussed at the January 21, 2009 meeting. There were no additional comments from the Commissioners on the Resolution. Commissioner Snyder then made a motion to adopt Resolution 2009-02. Commissioner Brady seconded the motion and the motion passed on a voice vote of 4-0 in favor.
- **Letter of Recommendation to the Maryland Department of Transportation in support of Seymour request to dedicate Route 33 as "The Frederick Douglass Memorial Highway"** – Mrs. Yohn read the proposed letter from the Commissioners into the record, a copy of which is attached as a part of these minutes. Commissioner Brady commended Town staff on the letter. There being no other comments from the Commissioners, Commissioner

The Commissioners of St. Michaels
January 28, 2009

Brady made a motion to approve the letter as written. Commissioner Snyder seconded the motion which passed on a roll call vote of 4-0 in favor.

Comments from the Public:

- Marie Martin thanked the Commissioners for the letter in support of dedicating Route 33.
- Steve Florkewicz also said that the letter was very good and that point about dedication versus renaming was important. Mr. Florkewicz also commented on the Town's bid for a new truck bid and suggested pursuing a used one instead. He also recommended removal and storage of the parking kiosks that are not currently in use. He also recommended a reduction in the number of ordinances and resolutions prepared by the Town and reducing the heating temperature in the meeting room to conserve energy and save money.
- Wally Jansen of 208 Chestnut Street inquired about the distinction between "residents" and "taxpayers" which was responded to by Commissioners Clark and Snyder.
- Barney Kastel praised the letter to dedicating Route 33 to Mr. Douglass rather than re-naming Route 33. He also praised the Commissioners' choice of Mr. Dinkel as successor Commissioner.

Comments from the Commissioners:

The Commissioners thanked the public for coming out in the inclement weather.

Announcement of Next Meetings - President Clark noted the meeting at 3:00 p.m. on January 29, 2009 which would include discussions of the Farmers Market, the Public Hearing on Ordinance 396 - Griffin Drive and the 2010 Budget. She also noted meetings coming up on February 11, 2009 and February 25, 2009.

Adjournment - The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Resolution 2009-01
- Resolution 2009-02
- Resolution 2008-03
- Letter from the Commissioners Maryland Department of Transportation in support of Seymour request to dedicate Route 33 as "The Frederick Douglass Memorial Highway"