

**January 29, 2009**

**Present:**

Commissioners Joanne Clark, Michael Brady, Robert Snyder and Donna Hunt, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, A. Philip Dinkel and approximately 40 members of the public

**Call to Order:**

President Clark called to order the special public working session at 3:00 p.m., and announced that today's session was a continuation of last evening's meeting which was shortened due to the inclement weather. The Pledge of Allegiance was recited.

**Oath of Office for Successor Commissioner 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 introduced A. Philip Dinkel as the appointed successor Commissioner to serve George M. Walsh's remaining term and noted that Mr. Dinkel had been elected as a Commissioner twice in the past and had served on the Board of Appeals. President Clark then administered the Oath of Office to Mr. Dinkel. A copy of the signed oath is attached as a part of these minutes.

**Consent Agenda:**

President Clark said the Consent Agenda included (a) minutes of public and closed sessions for December 3, December 10, and December 17, 2008, and (b) a letter to the Town regarding participation in the "Municipal Main Street" event at the Maryland Municipal League (MML) Convention. Commissioner Dinkel asked that the vote on the consent agenda be split between approval of the minutes and approval of participation in the "Municipal Main Street" event at the MML Convention. There being no further questions or comments from the Commissioners, Commissioner Snyder made the motion to approve the minutes on the Consent Agenda. The motion was seconded by Commissioner Brady which passed on a roll call vote of 4-0 in favor with Commissioner Dinkel abstaining. Commissioner Brady then made a motion to approve the participation in the "Municipal Main Street" event. Commissioner Dinkel seconded the motion which passed on a vote of 5-0 in favor. President Clark then instructed Town staff to obtain additional information regarding the event and report back to the Commissioners.

**Public Hearing:**

**Ordinance 396** – Mrs. Yohn read the title into the record as follows: Ordinance 396 - AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS TO DECLARE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF ST. MICHAELS KNOWN AS GRIFFIN DRIVE SURPLUS PROPERTY, TO DECLARE THE TOWN'S INTENT TO DISPOSE OF GRIFFIN DRIVE, AND TO AUTHORIZE THE CONVEYANCE OF ALL OF GRIFFIN DRIVE TO THE ST. MICHAELS HOUSING AUTHORITY.

President Clark provided background on the ordinance and opened the public hearing. She then asked if there were any exhibits in the proceeding and Mrs. Yohn read the following exhibits into the record:

The Commissioners of St. Michaels  
January 29, 2009

1. Notices of public hearing as published in the *Star Democrat* on January 13, 2009 and January 20, 2009.
2. Ordinance 396 dated as of draft date of January 14, 2009
3. Notice of Public Hearing on January 28, 2009 for Ordinance 396 which was posted on the bulletin board in the Town Office.
4. Letter from the Commissioners of St. Michaels to the St. Michaels Planning Commission dated January 20, 2009 requesting that they review the request to transfer ownership of Griffin Drive to the St. Michaels Housing Authority
5. Recommendation from the St. Michaels Planning Commission to the Commissioners of St. Michaels dated January 26, 2009 in which the Planning Commission accepts the proposal of declaring Griffin Drive as surplus property and the transfer to the St. Michaels Housing Authority
6. Letter from Jeff Richardson, Director of Public Works to the Commissioners of St. Michaels dated January 27, 2009
7. Deed dated October 12, 1982 between the St. Michaels Housing Authority and The Commissioners of St. Michaels and Plat dated April 15, 1982
8. Agreement of Sale between The Commissioners of St. Michaels and the St. Michaels Housing Authority.

[A copy of the above exhibits are attached as a part of these minutes.]

Mrs. Yohn also stated that the Agreement of Sale is just a draft and is pending revisions upon legal review.

The Commissioners had no comments on the Ordinance. Don Bibb, representing the St. Michaels Housing Authority assured the Commissioners that the Housing Authority would be better able to monitor Griffin Drive if it were part of Housing Authority property and thanked the Commissioners for their efforts in this matter. There being no additional comments from the Commissioners or the public, President Clark closed the public hearing. All five Commissioners (Clark, Brady, Snyder, Hunt and Dinkel) introduced Ordinance 396. Commissioner Snyder made a motion to accept the Findings of Fact as stated in the Ordinance. Commissioner Brady seconded the motion which passed on a vote of 5-0 in favor.

**Legislation Eligible for Discussion:**

**Draft text amendment to the Zoning Chapter of the Town Code based on a request from FARMFRESH Markets for an amendment to §340-20, A. of the Code of the Town (Residential Zone R2, Permitted Uses) to permit limited seasonal retail sales in Muskrat Park during the months of May through October:**

President Clark advised that Town staff had drafted this initial version of the legislation and explained that this was only the second review of this draft legislation and that this meeting was not a public hearing, but that she would take public comments. President Clark further stated that the legislation would be reviewed by the Business Association, the Tourism Board and the Planning Commission before any final decisions were made. She assured those present that the Commissioners were not opposed to the Farmer's Market. Mrs. Thomas then walked the Commissioners through the legislation and took questions and addressed concerns from the Commissioners as each section was discussed in detail, including concerns about competition with local businesses and suggestions for changes in wording of the document regarding the types of products that will be allowed to be sold at the market. President Clark then asked for public comment, beginning with Ann Yonkers, President of FRESHFARM Markets, followed by Carol Parlett, President of the Business Association;

Public comments included:

- Concerns about competition with local businesses.
- Market vendors referring people to local businesses and possibly paying a fee to participate.
- That the mix of merchandise at the market is a draw for people which makes it more popular than the market in Easton.
- Not being on a level playing field – products sold at the market vs. products sold by local businesses. This may not be considered fair competition.
- In some cases, the market is not a threat to local businesses as it is only open one day a week for 3 hours and offers products different than local businesses.
- Serves as a social gathering event for residents and visitors.
- Residents and visitors use all shops in town for different things and for multiple reasons aside from the market.

Ann Yonkers supplied sample language to the Commissioners for the legislation with regard to products offered and geographical locations of the participating vendors. Due to the interest in the matter, the Commissioners agreed to schedule a special meeting on February 18, 2009 at the St. Michaels Free Library, beginning at 4:00 p.m.

**Discussion Items:**

- **Draft Boat Slip Lease Agreement and Fee Schedule for boat slips rentals:**  
Mrs. Thomas explained that the draft lease agreement was currently being reviewed by Town attorneys. Once completed, the new lease agreement would be adopted as a Resolution with the fee schedule as an attachment. The Waterways Advisory Panel and the Planning Commission will review the draft lease agreement, with any changes received from legal, on February 5, 2009. Mrs. Thomas will then provide the Commissioners with any proposed changes from legal, the Waterways Advisory Panel and the Planning Commission.
- **2010 Budget:**  
Mrs. Thomas walked the Commissioners through the budget information, explaining the different elements of the budget and the process. The Commissioners will have a public working session on March 4, 2009 at 3:00 p.m. to discuss the budget further. They will also have for their consideration at that meeting a presentation from Ted Doyle.

**Adjournment:**

President Clark adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Dorothy C. Olley

Attachments

- Oath of Office for Commissioner Dinkel
- Ordinance 396 and Exhibits