

**February 11, 2009**

**Present:**

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

**Call to Order:**

President Clark called to order the regular working session of the Commissioners of St. Michaels at 6:30 p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street. The Pledge of Allegiance was recited.

**Announcement of Prior Closed Session:**

President Clark announced that the Commissioners had met in closed session at 2:00 p.m. pursuant to Maryland Code, State Government Article § 10-508, (a) (3), (5) and (7):

- To consider the investment of public funds and to consult with counsel to obtain legal advice on a legal matter – Discussion of legal matters related to Westside Village
- To consider the acquisition of real property for a public purpose and matters directly related thereto – Request from the Chesapeake Bay Maritime Museum regarding a potential swap of property – the Pinkett House for all or a portion of 301 Mill Street.
- To consult with counsel regarding an application from TND Development Inc. and Miles Point Property LLC (collectively, the “Applicant”) to amend the approved growth allocation decision for the concept plan known as the Miles Point III-150’ Plan.
- To consult with counsel regarding Hatton’s Garden LLC (Elm Street Development).
- To discuss and obtain advice from counsel regarding pending litigation and draft legislation Ordinance No. 401 (Administrative Fee Schedule).

**Consent Agenda:**

Holly Gushke of the St. Michaels Fire Department presented the Fire Department's annual report and statistics for the month of January 2009. Marie Martin of Cherry Street praised the Police Department's investigation of the antique rifle stolen from the St. Michaels Museum. President Clark read disbursements for the month of January in the amount of \$673,082.81 into the record, noting that \$350,000 was reimbursement to Talbot County Schools from the State of Maryland for the ShoreUp! Critchton Adkins Center at St. Michaels Elementary School. No Town funds were involved in this project; the Town is only the grant sponsor. There were no other questions or comments on the reports. Commissioner Hunt made the motion to approve the Consent Agenda as presented. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

**Muskrat Park Bid Award:**

Jerry Friedel of Davis, Bowen and Friedel, Town Engineers, reviewed the bids received for the Muskrat Park project. Mr. Friedel also provided an analysis of the bids and his firm's recommendations. The Commissioners agreed they need more time to review the bid information, particularly in regard to electrical and other subcontractors, and consented to postpone the bid award to their meeting on February 18, 2008.

**Continued Deliberations - Application from TND Development Inc. and Miles Point Property LLC (collectively, the “Applicant”) to amend the approved growth allocation decision for the concept plan known as the Miles Point III-150’ Plan pursuant to the St. Michaels Code, Section 340-28 G. (the “Application”):**

Commissioner Dinkel recused himself from the deliberations. Mrs. Yohn read the description of the request from the Applicant into the record. Attorney Blomquist presented a history of the application since the start of deliberations on October 15, 2009 and an overview of draft amendments he had prepared for the Commissioners at their request. President Clark asked if the Commissioners had any comments. Commissioner Brady indicated that he had submitted a proposal for the Commissioners' consideration that would keep conditions 23 through 32 in effect until the applicants had submitted a storm water management plan. Commissioner Brady made a motion to continue deliberations until the Commissioners' March 11, 2009 meeting to allow time for the Commissioners and Town Attorneys to review Commissioner Brady's proposal. Commissioner Snyder seconded the motion which passed on a vote of 4-0 in favor. President Clark stated that the Commissioners would not take public comment as the record was already closed.

**Legislation Eligible for Discussion and Introduction:**

- **Ordinance 401** - President Clark announced that discussion of this Ordinance has been postponed until March 11, 2009 during the Commissioners' regular working session which will begin at 5:00 p.m. President Clark also announced that the Commissioners' meeting time for working sessions for the second Wednesday of the month would change from 6:30 p.m. to 5:00 p.m. beginning with the March 11, 2009 meeting. The legislative meeting time for the fourth Wednesday of each month will remain 6:30 p.m.
- **Ordinance 400** - Mrs. Yohn read the title of the Ordinance into the record as follows: **ST. MICHAELS 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.** Mrs. Thomas explained the addition of clarifications of responsibilities in the draft ordinance. Commissioner Dinkel indicated that he had an alternative proposal under which the responsibility for trees and the Town's tree canopy would be placed under the jurisdiction of the Town Director of Public Works. The Commissioners agreed to postpone the discussion of Ordinance 400 and Resolution 2009-05 to give them time to review Commissioner Dinkel's proposal. The Commissioners directed staff to obtain recommendations from the Town Director of Public Works, Jeffrey Richardson, by the end of the week. Discussion of this agenda item was calendared for a special public meeting on February 18, 2009 at 2:00 p.m.

**Discussion Items:**

- **Direct findings on the request to the Commissioners by Hatton's Garden LLC c/o Elm Street Development for approval of specified methods for the handling of stormwater associated with the 16 lot subdivision known as Hatton's Garden and a State Highway stormwater management pond contained within the subject property. These requests are made in accordance with §281 of the Code of the Town of St. Michaels.**  
Commissioner Dinkel recused himself from the deliberations. Attorney Ruff reviewed the Commissioners' responsibilities under Chapter 281 of the Town's Code with regard to the request by Hatton's Garden for storm water management. Following discussions of the information obtained during the public hearing process, Commissioner Brady made a motion to direct Findings of Fact and to approve the Applicant's quantitative stormwater management waiver request. Commissioner Snyder seconded the motion which passed on a vote of 4-0 in favor, with none opposed. Commissioner Brady then made a motion to accept the Findings of Fact with conditions and approve the storm water management plan. Commissioner Snyder seconded the motion which passed on a vote of 4-0 in favor, with none opposed.
- **Draft text amendment to the Zoning Chapter of the Town Code based on a request from the Hambleton Inn, Aida's Victoriana Inn and Two Swann Inn for an amendment to § 340-20, A. (5) of the Code of the Town (Residential Zone R2, Permitted Uses, Bed and Breakfast inn) to allow them to expand their scope of service in hospitality to include hosting weddings, family re-unions, corporate and other events at their inns either individually or together.** Mrs. Thomas reviewed the changes that would need to be made to the Zoning Code, which included eight amendments that would enable the Bed & Breakfast Inns and Hotels to sell "Event Packages". After some discussion and questions by the Commissioners, Commissioner Snyder made a motion to refer the draft text amendments to the Planning Commission, the Tourism Board and the Business Association for comment and to the Town's attorneys for a legal review. Commissioner Brady seconded the motion which passed on a vote of 5-0 in favor, with none opposed.
- **Commissioners Calendar** - Mrs. Yohn reviewed changes in the Commissioners' schedule based on this evening's meeting and additional topics were added to future meeting agendas.
- **Comments from the Public** - President Clark asked if there were any comments from the Public.
  - Laurence Pratt of Mulberry Street requested an e:mail copy of Commissioner Dinkel's proposal with regard to Ordinance 400.
  - Phil Jones of St. Michaels Road read a letter which he had prepared for publication in the Star Democrat. Mr. Jones' letter refuted comments made by former Commissioner Walsh.

**Comments from the Commissioners:**

Commissioner Brady thanked the Commissioners for their consideration of his suggestions in the matter of the Application from TND Development Inc. and Miles Point Property LLC.

The Commissioners of St. Michaels  
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**Adjournment** – There being no further comments from the Commissioners or the public,  
President Clark adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Dorothy C. Olley  
Assistant Town Clerk