

The Commissioners of St. Michaels

**Public Working Session
and Special Working Session**

February 18, 2009

2:00 - Public Working Session, Town Office

Present:

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

Call to Order:

President Clark called to order the February 18, 2009 meeting of the Commissioners of St. Michaels at 2:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street. The Pledge of Allegiance was recited.

Announcement of Closed Session:

President Clark announced that the Commissioners had met in closed session at 1:00 p.m. pursuant to Maryland Code, State Government Article § 10-508, (a) (8) to discuss legal matters regarding the potential investment of public funds and staff assignments for long range projects.

Muskrat Park Bid Award:

President Clark stated that the Commissioners had reviewed all bids received and the recommendation of Davis, Bowen and Friedel, Town Engineers. The Commissioners agreed to accept the recommendation of Davis, Bowen and Friedel to award the bid to the lowest bidder, the Joint Venture of Site Maintenance Inc. and National Excavation Corp. in the amount of \$251,627.00. Commissioner Dinkel made the motion to accept the bid of Site Maintenance Inc., and National Excavation Corp with the condition that the Commissioners reserve the right to approve subcontractors and to review and approve any additional subcontractors, and in selecting Bryan and Sons for utility and pipe work; R. L. Ewing for paving; and In Town Restoration Inc. for pavers in the initial phase of the project. Commissioner Hunt seconded the motion adding the provision that there also be on-site supervision. The motion passed on a roll call vote of 5-0 in favor.

Legislation Eligible for Discussion and Introduction:

Ordinance 400 and Resolution 2009-05 - Mrs. Yohn read the title of Ordinance 400 into the record as follows: St. Michaels Ordinance No. 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 and Resolution 2009-05 as follows: RESOLUTION NO. 2009-05 (f/k/a Draft Resolution 2008-16) - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO CREATE A POLICY BASED ON RECOMMENDATIONS BY THE ST. MICHAELS STREETScape TASK FORCE. Commissioner Dinkel proposed that Ordinance 400 was

unnecessary and suggested that the Commissioners adopt Resolution 2009-05 as the Town's tree policy document and put the process under the purview of the Director of the Department of Public Works (Jeffrey Richardson), rather than establishing a separate Tree Advisory Committee. Commissioner Snyder asked Mrs. Thomas whether or not the Director of the Department of Public Works and his staff had the time and ability to do this. Mrs. Thomas answered in the affirmative. Commissioner Brady stated that he wanted Ordinance 400 and the commitment to a Tree Advisory Committee. President Clark stated that Commissioner Dinkel made valid points in his proposal but that she had concerns regarding potential time constraints on staff with other projects such as Muskrat Park, Westside Village, and the Nature Trail. She believed that a tree committee may be necessary to do the work with respect to grants and maintaining the tree species list. President Clark then proposed establishing a Tree Advisory Committee for a period of one year, at the end of which the Commissioners would decide whether the Committee was necessary and should continue and that the Committee not be codified through Ordinance 400 but rather be established by resolution. Commissioner Brady stated that he wanted to codify the Tree Committee through Ordinance 400 and wants more than a one year commitment to the Committee. Commissioners Hunt and Snyder indicated that they agreed with President Clark's proposal as a compromise. Commissioner Dinkel made a motion to instruct staff to construct Resolution 2009-05 based on his proposal of no Tree Committee. Commissioner Snyder seconded the motion which failed on a voice vote of 1-4 in opposition. President Clark made a motion to instruct staff to construct a resolution to establish the Tree Committee for one year with the same duties and responsibilities as outlined in Ordinance 400. Commissioner Hunt seconded the motion which passed on a voice vote of 4-1 in favor. Commissioner Brady made a motion to introduce Ordinance 400 as written. There was no second on the motion and Ordinance 400 failed due to lack of introduction. The Commissioners agreed that President Clark's proposed Resolution will be drafted with the next available number and will be discussed during the Commissioners' February 25, 2009 meeting.

Comments from the Public:

- James Valliant expressed concerns with respect to appointing a Tree Committee for one year. He believed that it would be hard to get volunteers and that it takes time to get grant monies.
- Michael Estrella said that the Streetscape Task Force had been adopted by resolution and therefore appointing the Tree Committee by resolution is a good idea.
- Laurence Pratt expressed concerns regarding a one year Committee and said that it had been the intention that the Committee be long term as the legacy tree plan proposed in the Streetscape Task Force's report could take a long a time.
- Rachel Brown asked for clarification of the new resolution for the Tree Committee. She also agreed with Mr. Valliant that it would take longer than one year for the establishment of a Committee and hoped they would be able to get grants and trees.

Comments from the Commissioners:

Mr. Brady expressed his disappointment in a one year Tree Committee and said that in doing so potentially sets them up for failure.

Adjournment:

There being no further comments from the Commissioners or the public, President Clark adjourned the meeting at 3:00 p.m.

4:00 - Special Public Working Session, St. Michaels Free Library

Present –

Commissioners Joanne Clark, Michael Brady, Robert Snyder, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley and 45 members of the public.

Call to Order:

President Clark called to order the special working session of the Commissioners of St. Michaels at 4:00 p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street. The Pledge of Allegiance was recited. President Clark announced that this work session was not a public hearing, but that the Commissioners would be taking public comment at the end of the session.

Announcement of Closed Session:

President Clark announced that the Commissioners had met in closed session at 1:00 p.m. pursuant to Maryland Code, State Government Article § 10-508, (a) (8) to discuss legal matters regarding the potential investment of public funds and staff assignments for long range projects.

Discussion Item:

Draft text amendment to the Zoning Chapter of the Town Code based on a request from FRESHFARM 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 provided background on the Commissioners' intent and purpose in proposing amendments to the Code that would govern farmers' markets in public parks. She explained that the regulations governing "Community Enhancement Events" would be discussed separately and would be included in a separate resolution. The Commissioners reviewed the draft Ordinance 402 and several changes were made to the draft. Commissioner Brady also opened a discussion regarding the use of the term "commons" which had been used in a previous draft of the Ordinance to describe the parks but had been removed in later versions. As there were no other comments from the Commissioners, Commissioner Dinkel made a motion to refer draft Ordinance 402, with the proposed changes, to the Planning Commission, the Tourism Board and the Business Association for their review and recommendations. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor, with none opposed.

The Commissioners then began a line-by-line review of Resolution 2009-07 which contained draft regulations for the operations of Community Enhancement Events. The Commissioners made a number of changes to the draft which included removing the reference to the 501(c) (3) designation for non-profits; changing the number of events that may be scheduled per day in any one park; deleting the section regarding the number of permits that would be issued to any one park in a seven day period; inserting information obtained from the Town of Chestertown's Farmers Market 2008 Rules and Regulations; changing the geographic area for vendors from the "Chesapeake Bay Watershed" to the "Delmarva Peninsula"; giving priority to vendors residing in and/or operating their farms or businesses in Talbot County; and removing references to public restroom facilities.

President Clark then asked for public comment. Some residents and business owners expressed concern regarding allowing retail sales as part of the Farmers' Market, as this would compete with

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local businesses. Carol Parlett of the Business Association made a suggestion that the Farmers' Market be re-located to Fremont Street to take advantage of foot traffic in the main shopping area. Other comments included concerns about over-regulation of the market to the extent that it would cause it to lose critical mass, diversity and vibrancy. President Clark asked that representatives of the Business Association and FRESHFARM Market work together and bring recommendations to the Commissioners regarding the market. President Clark also reiterated that there would be another public discussion of this subject and a public hearing.

Adjournment:

There being no further comments from the Commissioners or the public, President Clark adjourned the meeting at 6:15 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Muskrat Park Bid Award - Recommendation of Davis, Bowen & Friedel for Muskrat Park