

March 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 Jeff Blomquist, Secretary Dorothy Olley, and approximately 50 members of the public.

Call To Order:

President Clark called to order the public working session of the Commissioners of St. Michaels at 3:15 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street. The Pledge of Allegiance was recited.

Announcement of Prior Closed Session:

President Clark announced that the Commissioners had met in closed session at 1:00 p.m. pursuant to Maryland Code, State Government Art., § 10-508 (a) (7): to consult with counsel regarding legal matters related to the 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. President Clark said that Commissioner Dinkel would be participating in the Miles Point deliberations as he has had an opportunity since the February 11, 2009 deliberations to review the record.

Mrs. Yohn read the description of the request from the applicants into the record as follows: Continued deliberations from February 11, 2009 - 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"). Specifically, the Applicant's request is to amend growth allocation conditions 23-32, which deal with storm water management, by applying instead the provisions of St. Michaels Code, Chapter 281 (Stormwater Management). The land that is the subject of the Application is identified on Talbot County Tax Map 23 as Parcel 111, and is generally bordered by Perry Cabin Drive, Yacht Club Road, MD Route 33, and the Miles River, and encompasses approximately 72 acres. The subject property is more particularly described in a deed dated August 11, 2004 from Harry C. Meyerhoff to Miles Point Property LLC, recorded among the Land Records of Talbot County, Maryland, in Liber No.1268, Folio No. 312, *et seq.*

President Clark then turned the discussion over to Attorney Blomquist, who gave a summary of the deliberations to date and proceeded to review changes to the Growth Allocation Decision Conditions that were adopted by the Commissioners in June 2006, specifically numbers 23 through 32. Based on a request by Commissioner Brady, Attorney Blomquist said he would add language to Section 32.0 requiring the applicant to comply with any future changes to the Town's storm water management ordinance. The Commissioners made other minor changes to the draft, and directed Attorney Blomquist to make the necessary revisions and asked that the revised draft be completed by March 19, 2009.

Public Hearings:

Ordinance 399 - Mrs. Yohn read the title of Ordinance 399 into the record as follows: ORDINANCE 399, AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING),

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ARTICLE IV (ZONE REGULATIONS) §340-20 (RESIDENTIAL ZONE R-2), PARAGRAPH B (ACCESSORY USES) TO PERMIT THE SALE OF EVENT PACKAGES; TO AMEND CHAPTER 340 (ZONING), ARTICLE V (SUPPLEMENTAL ZONE REGULATIONS), TO ADD A NEW §340-51.3 (BED-AND-BREAKFAST INNS -EVENT PACKAGES) TO PROVIDE FOR THE SALE OF -EVENT PACKAGES AS AN ACCESSORY USE TO THE OPERATION OF A BED AND BREAKFAST INN, UNDER CERTAIN CONDITIONS, AS PART OF A PACKAGE OF SERVICES FOR WEDDING RECEPTIONS, FAMILY REUNIONS, BUSINESS ACTIVITIES AND OTHER EVENTS SIMILAR IN NATURE; TO AMEND CHAPTER 340 (ZONING), ARTICLE V (SUPPLEMENTAL ZONE REGULATIONS), TO ADD A NEW §340-51.4 (HOTELS - EVENT PACKAGES) TO PROVIDE FOR THE SALE OF EVENT PACKAGES UNDER CERTAIN CONDITIONS; TO AMEND THE DEFINITION OF BED AND BREAKFAST INN AND HOTEL AS SET FORTH IN ARTICLE IV, §340-108 (DEFINITIONS) TO INCLUDE PROVISIONS FOR THE SALE OF EVENT PACKAGES-PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO THE OPERATION OF BED AND BREAKFAST INNS AND HOTELS IN THE TOWN OF ST. MICHAELS.

Mrs. Yohn red exhibits into the record as follows:

| <u>Exhibit No.</u> | <u>Exhibit</u> |
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| 1 | Notices of public hearing as published in the <i>Star Democrat</i> on February 23, 2009, March 2, 2009 and March 9, 2009. |
| 2 | Ordinance 399 |
| 3 | Notice of Public Hearing on March 11, 2009 which was posted on the bulletin board in the Town Office for Ordinance 399 – (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) |
| 4 | Request to the Commissioners of St. Michaels dated November 7, 2008 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. |
| 5 | Letters from the Commissioners of St. Michaels to the St. Michaels Planning Commission, the St. Michaels Business Association and the St. Michaels Tourism Board all dated February 17, 2009 requesting that they review the draft ordinance text amendment language. |
| 6 | Recommendation from the St. Michaels Planning Commission to the Commissioners of St. Michaels dated March 3, 2009 in which the Planning Commission gave a favorable recommendation for the Ordinance as presented and suggests that the parking of commercial vehicles be limited to those times necessary for the unloading and loading of equipment and supplies. |
| 7 | Letter to the Commissioners of St. Michaels from Ann Hymes dated January 15, 2009 supporting the requests of the Hambleton Inn, Aida’s Victoriana Inn and the Two Swann Inn for expanded services. |

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| 8 | Letter to the Commissioners of St. Michaels from the St. Michaels Tourism Board dated March 10, 2009. |
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President Clark asked if any of the Commissioners had comments or questions. Commissioner Brady said he thought language concerning the loading and unloading of catering or delivery vehicles in the R2 Zone should be added to Section 5, as suggested in the Planning Commission's recommendations. The Commissioners agreed. As there were no additional comments from the Commissioners, President Clark asked for public comments. Aida Khalil, owner of the Victoriana Inn on Cherry Street, said this ordinance, which would enable bed and breakfast inns and hotels to offer event packages, would bring much-needed business and activity to the town during a rapidly slowing economy, and would benefit all businesses in town, not just the inns and hotels. Commissioner Snyder raised the issue of parking. Ms. Khalil said guests would be directed to public parking areas and would not be encouraged to park on town streets, and that catering and delivery vehicles would be unloaded and then directed to lots. There were other public comments and concerns about parking and noise, but there was a general consensus at the end of the discussion that parking, with fewer visitors and ample space in public lots, would not be an issue, and noise issues could be dealt with under the current town noise ordinance. Commissioner Clark raised a question about the number of guests and capacity issues, but it was agreed that fire regulations would determine capacity. Commissioner Dinkel asked about outdoor bands. Ms. Khalil and other facility owners said events, such as weddings, luncheons, family reunions, or business conferences, would be primarily indoors and involve more sedate types of entertainment. As there were no other comments or questions from the Commissioners or the public, President Clark closed the public hearing on Ordinance 399 and called for an introduction. All five Commissioners introduced Ordinance 399, as amended (with the language to be added regarding parking of commercial vehicles). President Clark said Ordinance 399 would be eligible for a vote at the Commissioners' legislative session on March 25, 2009.

Ordinance 402 - Mrs. Yohn read the title of Ordinance 402 into the record as follows:
ORDINANCE 402, AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING) §340-108 (DEFINITIONS) TO AMEND THE DEFINITION OF A PUBLIC PARK TO INCLUDE THE HOLDING OF COMMUNITY ENHANCEMENT EVENTS AS DEFINED; TO AMEND §340 (ZONING), TO ADD A NEW SUBSECTION 340-51.2 (COMMUNITY ENHANCEMENT EVENTS); TO DEFINE COMMUNITY ENHANCEMENT EVENTS AS OPEN AIR CONCERTS! PERFORMANCES, CULTURAL AND GOVERNMENT SPONSORED OR SUPPORTED EVENTS AND FARMERS MARKETS; TO DEFINE THE PURPOSE AND GENERAL REQUIREMENTS OF ALL COMMUNITY ENHANCEMENT EVENTS; PROVIDED THAT THIS TITLE. SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO PUBLIC PARKS AND COMMUNITY ENHANCEMENT EVENTS IN THE TOWN.

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Mrs. Yohn read exhibits into the record as follows:

| <u>Exhibit No.</u> | <u>Exhibit</u> | |
|--------------------|--|---|
| 1 | Notices of public hearing as published in the <i>Star Democrat</i> on February 23, 2009, March 2, 2009 and March 9, 2009. | |
| 2 | Ordinance 402 | |
| 3 | Notice of Public Hearing on March 11, 2009 which was posted on the bulletin board in the Town Office for Ordinance 402 – (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) | |
| 4 | Request to the Commissioners of St. Michaels dated August 12, 2008 from Ann Yonkers of FRESHFARM Markets requesting a 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. | |
| 5 | Letters from the Commissioners of St. Michaels to the St. Michaels Planning Commission, the St. Michaels Business Association and the St. Michaels Tourism Board all dated February 17, 2009 requesting that they review the draft ordinance text amendment language. | |
| 6 | Recommendation from the St. Michaels Planning Commission to the Commissioners of St. Michaels dated March 3, 2009 in which the Planning Commission gave a favorable recommendation for the Ordinance as presented and requests that the Commissioners consider the changes suggested in their recommendation of March 3, 2009. | |
| 7 | Letters and other communications from Ann Yonkers of FRESHFARM Markets dated: <ul style="list-style-type: none"> • October 16, 2008 – Letter to Cheril Thomas, Town Clerk/Manager • January 6, 2009 – E:mail to Cheril Thomas, Town Clerk/Manager • January 7, 2009 – Letter to the Commissioners of St. Michaels • January 22, 2009 – Letter to the Commissioners of St. Michaels • January 28, 2009 – E:mail to St. Michaels Business Association • February 23, 2009 – E:mail to the Commissioners of St. Michaels • FRESHFARM Markets Proposed Language for Zoning Regulations related to the operation of the St. Michaels Farmers Market • FRESHFARM Markets Rules & Procedures and Product Guidelines Updated for 2008-2009 Market Season | |
| 8 | Letters/e:mails received from the following residents/business owners/others: | |
| | DATE | RECEIVED FROM |
| | No date | Si Boettner – Chesapeake Trading Co. |
| | No date | Jennifer Bridges – Market House, LLC |
| | 1/26/09 | Bella Luna Italian Market (2 letters received – signatures illegible) |
| | 1/26/09 | Melissa McLoud – Director Breene M. Kerr Center for Chesapeake Studies - CBMM |
| 1/27/09 | Ellen Wise - St. Martin’s Ministries | |

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| 1/27/09 | Wenfei Uva, Ph.D - Agricultural Economic Development Specialist, Mid-Shore Regional Council | |
| 1/27/09 | Chris Agharabi – Ava’s Restaurant | |
| 1/27/09 | Francis Neaton, Alisa Salter & Mark Salter – Hype | |
| 1/27/09 | Jen Martella – Martella Associates | |
| 1/27/09 | Val Keen Gray, Chairman Wilson Reading Garden at Chesapeake Alley | |
| 1/27/09 | Peter Hartjens | |
| 1/27/09 | Charles T. and Kathleen M. Cricks | |
| 1/27/09 | Jan Hills Johnson & Clarence L. Johnson, Renny Johnson Graphics | |
| 1/27/09 | Paulette Florio, St. Michaels Movement Studio | |
| 1/27/09 | Ceci Nobel – Garden Club of the Eastern Shore | |
| 1/27/09 & 2/12/09 | Ilene Morgan – Chesapeake Bay Outfitters | |
| 1/28/09 | Sheila Monahan – Coldwell Banker Eastern Shore Properties | |
| 1/28/09 | Linda & Paul Makosky | |
| 1/28/09 | Patricia Bosley – Bosley Brangier Hand Tailored Apparel | |
| 1/28/09 | Marion T. Brown | |
| 1/28/09 | Trish Payne – St. Michaels Community Center | |
| 1/28/09 & 2/18/09 | Carol Parlett – Key Lime Café | |
| 1/29/09 | Bonnie & Jim Camarata – The Tarr House | |
| 1/29/09 | Tracey Jones Wass – The Crab Claw | |
| 1/29/09 | Irene Pasta – St. Michaels Perk Coffeehouse | |
| 1/29/09 | Pat & Tom Howell – St. Michaels Candy & Gifts | |
| 1/29/09 & 2/20/09 | Sidney Davenport-Trond – Gourmet by the Bay/Shore Restaurant & Lounge (3 letters received – 2 letters dated 1/29/09 & 1 dated 2/20/09) | |
| 1/30/09 | William Patterson | |
| 1/30/09 | Ellen S. Walsh | |
| 1/31/09 | Michael Rouke – Town Dock Restaurant | |
| 2/9/09 | Nevin Kuhl | |
| 2/12/09 | Patty Andreen | |
| 2/12/09 | Jennifer Kauffman | |
| 2/13/09 | Susan Leonard – Sugar Buns Bake Shop | |
| 2/13/09 | Rob & Ceci Nobel | |
| 2/14/09 | Elaine Hering – Rings and Things | |
| 2/14/09 | Arthur L. S. Waxter | |
| 2/15/09 | Lynda Boettner – Chesapeake Trading Co. | |
| 2/15/09 | Helen Kenney Poore – The Scented Garden and Alan T. Poore – Big Al’s Market | |
| 2/15/09 | David Hopkins – Medicine Shoppe Pharmacy and Kathleen Hopkins – Papper’s Hot Dogs | |
| 2/15/09 | Wells Hassell – Bleachers | |
| 2/15/09 | Debby Schultz – Bags Aloft | |
| 2/16/09 | Linn and Beale Ong | |
| 2/16/09 | Betty W. Crothers | |
| 2/17/09 | Sue Rockwell | |
| 2/17/09 | Jennifer Murphy | |

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| | 2/17/09 | Mary Dabroski – Blue Crab Coffeehouse | |
| | 2/18/09 | David Lighty – The Village Shoppe | |
| | 2/18/09 | Elizabeth Kuhl | |
| | 2/29/09 | Carolyn & Barry Gillman | |
| | 3/2/09 | Thomas E. Nolan, Instech Solomon Scientific | |
| | 3/7/09 | Jeff Fones | |
| | 3/10/09 | Tom Bagley | |
| 9 | <ul style="list-style-type: none"> • E:mail from Paulette Florio to Jim and Elizabeth Beggins dated February 13, 2009 • E:mail from Beth Jones to Paulette Florio dated February 13, 2009 • E:mail from Beth Jones to Commissioner Hunt dated February 15, 2009 | | |
| 10 | E:mail from Beth Jones to Commissioner Hunt dated February 16, 2009 | | |
| 11 | Letter to the Commissioners of St. Michaels from the St. Michaels Tourism Board dated March 10, 2009. | | |

President Clark explained that the purpose of the ordinance is to define the permitted activities in public parks in the R-2 Zone, and noted that it would be followed by a resolution outlining the rules for activities in these parks. Commissioner Brady suggested a revision to Section 2, C, (3) (a) of adding language to clarify that Hollis and Muskrat Parks are the only parks in which the Farmers’ Market is permitted to operate. The other Commissioners agreed to the change. There were no other comments from the Commissioners. President Clark then called upon members of the public who had signed up to speak. Public comments generally favored the Farmers’ Market in its location in Muskrat Park. Other citizens had concerns about competition with local businesses or wanted local businesses to be allowed to participate in the Farmers’ Market. Some speakers favored relocating the market to a commercial area. Others suggested that the market pay a fee to operate in the town. Public discussion continued at some length, after which President Clark asked if there were any additional comments from the Commissioners. The Commissioners agreed that the matter needed further discussion and scheduled a public working session on Ordinance 402 during their meeting on April 8, 2009.

Consent Agenda:

President Clark read disbursements for the month of February 2009 into the record in the amount of \$429,997.08 of which \$204,231.00 is a grant from the State of Maryland to Talbot County Public Schools and did not include any Town funds. President Clark asked if there were any comments on departmental reports. Commissioner Brady asked Police Chief Dennis about the increase in the number of alarms which Chief Dennis confirmed were predominantly false alarms. As these types of calls take up a prohibitive amount of the police officer’s time, Chief Dennis said he would gather police patrol time reports for January, February and March for the Commissioners meeting on April 8, 2009. There was also discussion regarding the possibility of letters being sent the business owners and also of adding this as a topic in the Town’s newsletter. Commissioner Snyder made a motion to accept the Consent Agenda, amended to exclude the recommendation letter from the Business Association regarding a Tourism Board replacement. Commissioner Brady seconded the motion, which passed on a voice vote of 5-0 in favor.

Truck Bid Award:

Mrs. Yohn read the bids received from six area dealerships into the record as follows:

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| 1 | Preston Ford, Preston – 2009 Ford F-150 for \$21,567.30 |
| 2 | Fred Frederick, Easton – 2009 Dodge Ram 1500 Quad Cab for \$28,370.00 |
| 3 | Hertrich Fleet Services – 2009 Ford F-150 Super Crew for \$23,867.00 |

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| 4 | Hertrich Toyota Scion, Milford – 2009 Toyota Tundra Double Cab 4x4 for \$28,221.00 |
| 5 | Norris Ford of Easton, Easton – 2009 Ford F-150 Super Cab with 4x4 for \$23,213.00 |
| 6 | Norris Ford of Easton, Easton - 2009 Ford F-150 Super Cab with 4x4 for \$23,008.00 |

Mrs. Thomas said it was the staff's recommendation that the Commissioners reject all bids and re-bid for the truck in the fall, when it was anticipated that better pricing would be available.

Commissioner Brady made the motion to accept staff's proposal to reject all bids at this time and to re-bid in the fall. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor.

Discussion Items:

- **Boat Slip Lease:** Mrs. Thomas explained that, rather than rely on individual boat owners to maintain liability insurance, the Town's insurance company, Local Government Insurance Trust (LGIT) had recommended that the Town obtain a blanket policy of coverage and require the slip renters to pay a prorated portion of the annual premium. The policy would include one million dollars of legal liability coverage and one million dollars of limited pollution liability coverage for the Town. The cost breakdown would be \$50.00 annually per slip and that this provision had been added to the Boat Slip Lease Agreement as Item No. 24 of the current version. Commissioner Dinkel suggested that Item No. 19 in the draft lease agreement should be moved up to the top of the document. Commissioner Snyder made a motion to move Item No. 19 up and make it Item No. 3 in the Agreement. Commissioner Dinkel seconded the motion which passed on a voice vote of 5-0 in favor. Commissioner Snyder then made a motion to accept the lease agreement as written with the added insurance provision and as amended. Commissioner Dinkel seconded the motion which passed on a voice vote of 5-0 in favor.
- **Commissioners' Calendar:** The Commissioners discussed changes and adjustments to their calendar through the month of April. Further discussion of Ordinance 402 was added to the April 8, 2009 meeting agenda. Commissioner Clark verified for Marion Brown of Water Street that the discussion of Water Street sidewalks and trees would be on March 25, 2009.

Announcement of Next Meetings:

President Clark announced the next meeting of the Commissioners would be a special public work session on March 18, 2009 at 3:00 p.m. for a discussion of Ordinance 401 (Administrative Fees), followed by a special public working session at 6:00 p.m. to discuss trees and sidewalks on West Chestnut Street. President Clark said the Commissioners' regular legislative session would be March 25, 2009 at 6:30 p.m. at the St. Michaels Free Library, and there would be a special public working session on March 31, 2009 at 3:00 p.m. to discuss the 2010 Budget and 2009 Budget Amendments.

Comments from the Public:

- Aida Khalil of the Victorianna Inn expressed concerns regarding the early morning construction noise on Mill Street.
- Helen Van Fleet of E. Chew Avenue commented that the 15-minute parking signs behind the Medicine Shoppe were gone.
- Steve Florkewicz of Marengo Street inquired about the amounts of the boat slip fees and about plans for landscaping around the well buildings on his street.
- Roy Myers expressed business concerns related to the farmers' market and asked about adding additional funds for advertising for the businesses.

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Comments from the Commissioners:

Commissioner Snyder said that he would look into the 15 minute parking signs missing from behind the Medicine Shoppe. Commissioner Hunt put forth suggestions which she thought would help in the current economic downturn, including increasing the budget for tourism advertising, streamlining antiquated zoning regulations, improving wayfaring signage, and reducing parking fees for businesses needing additional parking.

Adjournment:

There no being no additional comments, President Clark adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Administrative Report and Disbursements
- Police Report
- Public Works Report
- Ordinance 399 and Exhibits
- Ordinance 402 and Exhibits
- Boat Slip Lease Agreement