

March 24, 2010

Present:

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Town Attorney Karen Ruff, Administrative Clerk Sabrenia Yohn, and approximately 24 members of the public.

Call to Order:

Commissioner Snyder made a motion to move out of closed session. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor. President Brady then called to order the public legislative session of the Commissioners of St. Michaels at 6:45 p.m. in the meeting room of the St. Michaels Town Office, 300 Mill Street, St. Michaels, Maryland. The Pledge of Allegiance was recited.

Announcement of Prior Closed Session:

President Brady announced that the Commissioners had met in closed session on March 24, 2010 at 5:00 p.m., pursuant to Maryland Code, State Government Art., § 10-508 (a) (3), (7) and Administrative Matters to discuss (i) legal matters associated with a request from Interfaith Housing Development Corporation on the Eastern Shore of Maryland to meeting with the Commissioners regarding the potential acquisition and renovation/redevelopment of the St. Michaels House located at 111 Mitchell Street, on which the Town holds a Second Indemnity Deed of Trust; (ii) legal matters associated with the potential acquisition of the property located at 112 S. Fremont Street, St. Michaels, Maryland; (iii) legal matters relative to legislation pertaining to the developments known as Chesapeake Reach, and Hatton's Garden/Marea, Heatherington Harbor Annexation and the Miles Point TND Map Amendment; and (iv) the Commissioners' calendar.

Public Hearings:

- **Resolution 2010-01** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ANNEX CERTAIN LANDS LOCATED TO THE SOUTH OF THE TOWN OF ST. MICHAELS ON THE SOUTHWEST SIDE OF MARYLAND ROUTE 33, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, CONSISTING OF 23.07 ACRES, MORE OR LESS; TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF ST. MICHAELS; TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS TO INCLUDE THE ANNEXED PROPERTY WITHIN THE LEGAL DESCRIPTION OF THE CORPORATE LIMITS OF THE TOWN; AND ALL MATTERS GENERALLY RELATING TO SAID ANNEXATION.

President Brady opened the public hearing on Resolution 2010-01, noting that the Resolution was introduced by the Commissioners at their February 24, 2010 meeting. He then called upon Mrs. Yohn who entered into the records Exhibits 1 through 19 from the exhibit list, along with the most recent Exhibit, No. 20, a memorandum from St. Michael Police Chief Miguel Dennis to Cheril Thomas dated March 24, 2010. Attached to these minutes is a copy of the complete Exhibit List through exhibit 20.

President Brady then recognized David Thompson and Sarah Everhart, attorneys for Heatherington Harbor, LLC, Bill Stagg of Lane Engineering, and Stan Marks, the owner of the property. Attorney Everhart gave an overview of the request for annexation, noting that

the property would be zoned Residential Gateway. Attorney Everhart said that the property owner may seek growth allocation in the future but that there would be no development on the property for five (5) years, and the property owner was not requesting water or sewer services at this time. Attorney Everhart said the only Town services requested were trash and police services, and that her client was asking for approval of the Resolution with a 45-day referendum period. Bill Stagg of Lane Engineering provided an overview of the plans and land maps, demonstrating that the zoning was consistent with adjacent property and the Town's Comprehensive Plan. Commissioner Dinkel questioned the number of houses that would be allowed on the property to which Mr. Stagg responded that a total of four houses would be possible if additional land was purchased, but that with the existing acreage, only three houses total would be allowed. Attorney Everhart said that during the growth allocation process would be the time to talk about a development plan but at this time, her client is only seeking annexation.

President Brady then called for public comment from the speakers' sign-in sheets. Thomas Dailey of 1004 S. Talbot Street, urged the Commissioners to apply the same principles for the Heatherington Harbor property that were used with Hatton's Garden. Marion Brown of Water Street asked why the Town would annex property with so many unknowns and wouldn't it be better to do growth allocation first. Stan Marks identified himself as the owner of the property and offered to answer any questions. Questions by Monica Penwell of S. Talbot Street prompted discussions between the Commissioners, Attorney Thompson and Attorney Everhart with respect to how and why shoreline and water can be annexed since water is not actually a part of the property. Attorney Thompson explained how the annexation of shoreline and water is advantageous to the Town. Steve Florkewicz of Marengo Street said he opposed the annexation. After some additional discussion, President Brady closed the public hearing on Resolution 2010-01 and said that the Resolution would be eligible for a vote at the Commissioners' on April 28, 2010 meeting.

- **Resolution 2010-02 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE PURPOSE OF DELETING SECTION §C-69 (EMPLOYEE BENEFIT PROGRAM) OF ARTICLE VI (PERSONNEL) FOR THE PURPOSE OF REMOVING THE REQUIREMENT THAT THE COMMISSIONERS MUST ADOPT AN ORDINANCE TO INCLUDE IN THE ANNUAL BUDGET OF THE TOWN THE PROVISION OF HEALTH CARE OR OTHER BENEFIT PROGRAMS FOR THE OFFICERS AND EMPLOYEES OF THE TOWN; PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO BENEFITS FOR THE OFFICERS AND EMPLOYEES OF THE TOWN OF ST. MICHAELS.**

Mrs. Yohn said that no speakers had signed up to speak concerning Resolution 2010-02 and read the exhibits into the record as follows:

1. Notices of the public hearing scheduled for March 24, 2010 as published in the *Star Democrat* on March 8, 2010 and March 15, 2010.
2. Resolution 2010-02 – draft as of March 24, 2010
3. Notice of Public Hearing on March 24, 2010 for Resolution 2010-02 which was posted on the bulletin board in the Town Office.

Mrs. Thomas provided an overview of Resolution 2010-02, noting that the Resolution would remove section §C-69 from the Town's Charter. There were no comments from the Commissioners or the public. President Brady closed the public hearing on Resolution 2010-

02 and said that the Resolution would be eligible for a vote at the Commissioners' April 28, 2010 meeting.

Consent Agenda:

President Brady said the Consent Agenda included the meeting minutes from closed and public sessions from February 2010. There were no comments from the Commissioners or the public. Commissioner Snyder made a motion to accept the consent agenda as presented. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

President Brady then announced that there would be an election for Commissioners on Monday, May 3, 2010. There are two seats with 4-year terms expiring in 2014, and one seat with a term expiring in 2012. Information is available at the Town office and also on the Town's website at www.townofstmichaels.com. The election will be held at the Town Office between the hours of 7:00 a.m. and 7:00 p.m. All qualified persons wishing to be a candidate for the office of Commissioner must file a Certificate of Candidacy on or before 4:30 p.m., Friday, April 2, 2010 at the Town office.

Items Eligible for Discussion/Vote:

- **Resolution 2010-03** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AUTHORIZE THE PRESIDENT OF THE COMMISSIONERS OF ST. MICHAELS TO SIGN THE FOLLOWING DOCUMENTS FOR THE DEVELOPMENT KNOWN AS HATTON'S GARDEN AND AS MAREA-ST. MICHAELS: PUBLIC WORKS AGREEMENT, RESIDENTIAL PRIVATE STORMWATER MANAGEMENT SYSTEM INSPECTION, MAINTENANCE AND OPERATION AGREEMENT, DEED OF OPEN SPACE, BUFFER AND FOREST CONSERVATION EASEMENT, AND ST. MICHAELS NATURE TRAIL EXTENSION EASEMENT AND AGREEMENT; AND TO ACCEPT THE FOLLOWING DOCUMENTS REQUIRED IN CONNECTION WITH THE HATTON'S GARDEN/MAREA-ST. MICHAELS DEVELOPMENT: DECLARATION OF SHARED DRIVEWAY ACCESS EASEMENT AND MAINTENANCE AGREEMENT, DECLARATION OF SHARED PIER ACCESS, MAINTENANCE AND JOINT USE EASEMENT AND AGREEMENT, AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND TO AUTHORIZE CERTAIN AMENDMENTS TO THE AFOREMENTIONED DOCUMENTS

Town Attorney Ruff gave an overview of Resolution 2010-03 and Section §C-11 of the Town Charter relating to the Commission President's authorization to sign agreements and documents as part of the growth allocation process. There were no comments or proposed changes from the Commissioners. Commissioner Clark made a motion to accept Resolution 2010-03 as presented. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Resolution 2010-04** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AUTHORIZE THE PRESIDENT OF THE COMMISSIONERS OF ST. MICHAELS TO SIGN THE FOLLOWING DOCUMENTS FOR THE DEVELOPMENT KNOWN AS CHESAPEAKE REACH: PUBLIC WORKS AGREEMENT AND RESIDENTIAL PRIVATE STORMWATER MANAGEMENT SYSTEM INSPECTION, MAINTENANCE AND OPERATION AGREEMENT; AND TO ACCEPT THE BUFFER MANAGEMENT PLAN AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE COMMUNITY TO BE KNOWN AS CHESAPEAKE REACH

Town Attorney Ruff provided an overview of Resolution 2010-04 and Section §C-11 of the Town Charter relating to the Commission President's authorization to sign agreements and documents as part of the growth allocation process. There were no comments or proposed changes from the Commissioners. Commissioner Clark made a motion to accept Resolution 2010-03 as presented. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Ordinance 413** - AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), §340-18 "AGRICULTURE ZONE A", §340-19 "RESIDENTIAL ZONE R-1", §340-20 "RESIDENTIAL ZONE R-2", §340-21 "RESIDENTIAL ZONE R-3", §340-22 "NEIGHBORHOOD COMMERCIAL ZONE NC", §340-23 "WATERFRONT DEVELOPMENT ZONE WD", §340-24 "SELECT LIGHT COMMERCIAL ZONE SLC", §340-25 "MARITIME COMMERCIAL ZONE MC", §340-26 "CENTRAL COMMERCIAL ZONE CC", §340-29 "MUSEUM ZONE MM ", §340-30 "LIMITED COMMERCIAL ZONE LC ", §340-31 "AGRICULTURE ZONE B LOW DENSITY" AND §340-33.1 "RESIDENTIAL GATEWAY RG ZONE " TO PERMIT CARNIVALS IN ALL OF THE AFOREMENTIONED ZONES PURSUANT TO A TEMPORARY USE PERMIT ISSUED BY THE COMMISSIONERS; AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), §340-108 (DEFINITIONS) TO ADD A DEFINITION OF "TEMPORARY USE PERMIT"; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY OF ORDINANCE NO. 413; AND MATTERS GENERALLY RELATING TO CARNIVALS AND TEMPORARY USE PERMITS IN THE TOWN OF ST. MICHAELS

Mrs. Thomas provided an overview of the Ordinance which allows carnivals to take place in all zones. Commissioner Snyder said that Commissioner Hunt had been the driving force behind this Ordinance and should be commended for her work. There were no additional comments or changes from the Commissioners. President Brady called for introduction. Ordinance 413 was introduced by all five Commissioners. President Brady announced that there would be a public hearing during the Commissioner's regular meeting on April 14, 2010 beginning at 5:00 p.m.

- **Ordinance 414** – AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS AMENDING CHAPTER 54 (SALARIES AND COMPENSATION), TO ADD A NEW ARTICLE II (EMPLOYEES) TO ADD A NEW SUB-SECTION §54.3 (EMPLOYEE BENEFIT PROGRAM) TO PROVIDE FOR THE PARTICIPATION IN HEALTH INSURANCE, LIFE INSURANCE, SHORT-TERM DISABILITY INSURANCE AND/ OR OTHER FORMS OF BENEFIT OR WELFARE PROGRAMS FOR THE EMPLOYEES OF THE TOWN OF ST. MICHAELS; PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY AND RELATING GENERALLY TO MATTERS OF BENEFITS FOR THE EMPLOYEES OF THE TOWN OF ST. MICHAELS, MARYLAND.

Commissioner Clark noted that Ordinance 414 clarifies benefits provided for Town employees. There were no additional comments or changes from the Commissioners. President Brady called for introduction. Ordinance 414 was introduced by all five Commissioners. President Brady said this Ordinance would be eligible for a vote during the Commissioners' legislative session on April 28, 2010 beginning at 6:30 p.m.

- **Ordinance 415** - AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF ST. MICHAELS, TO OVERLAY A TRADITIONAL NEIGHBORHOOD

DEVELOPMENT (TND) ZONE ON THE UNDERLYING R-1 ZONING ON THE LAND IDENTIFIED ON TALBOT COUNTY TAX MAP 23 AS PARCEL 111, WHICH IS GENERALLY BORDERED BY PERRY CABIN DRIVE, YACHT CLUB ROAD, MD ROUTE 33, AND THE MILES RIVER AND ENCOMPASSES APPROXIMATELY 72 ACRES, PURSUANT TO THE ST. MICHAELS CODE, SECTIONS 340-32 AND 340-89

Town Attorney Ruff explained that Ordinance 415 was an administrative ordinance and the next step after establishing the TND zoning. Attorney Ruff said the Ordinance instructs the Town Clerk to amend the zoning map. Commissioner Snyder asked if this Ordinance required a public hearing. Attorney Ruff responded that the public hearing was held for the zoning application itself and that the Ordinance just follows up the process. There were no additional comments or changes by the Commissioners. President Brady announced that the Ordinance is scheduled for another discussion and possible introduction on April 14, 2010 and will be eligible for a vote during the Commissioners' regular legislative session on April 28, 2010 beginning at 6:30 p.m.

- **Request for Proposal (RFP) for Banking Services:**

Mrs. Thomas provided an overview of the RFP and the changes made since the last discussion. Mrs. Thomas said if the Commissioners were satisfied with the changes, she would like to issue the RFP on Friday, March 26, 2010. Mrs. Thomas said that bids would then be due back on April 23, 2010, and could be awarded as soon as May 12, 2010. All the Commissioners said they were satisfied with the changes and the schedule. Commissioner Clark made a motion to issue the RFP for banking services as presented. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Stormwater Management Ordinance:**

President Brady called upon Mrs. Thomas, who noted that the Commissioners had before them a draft that incorporated the comments and suggestions from the Maryland Department of the Environment (MDE). Mrs. Thomas said if the Commissioners like this version it would go back to MDE and then a public hearing could be scheduled. Mrs. Yohn answered questions from the Commissioners regarding the revisions. President Brady commented on the Point of Study definition, but there was no consensus of the Commissioners to make any additional changes. President Brady directed staff to send a clean version of this draft back to MDE for their final review and approval.

Comments from the Public:

There were no comments from the public.

Comments from the Commissioners:

Commissioner Clark thanked Commissioner Brady and Commissioner Hunt for speaking on behalf of the Commissioners at the County Council and at the public meetings in support of the St. Michaels Fire Department's request to hold their annual carnival at the school complex in St. Michaels. Commissioner Brady added that he went to the County Council and also thanked them for their support of the carnival.

Announcement of Future Meetings:

President Brady announced the schedule of future meetings as follows:

- March 31, 2010 – 1:30 p.m. – Town Office – Closed Session to discuss the 2011 Budget
- April 7, 2010 – 3:30 p.m. – Town Office – Closed Session to discuss the 2011 Budget
- April 7, 2010 – 6:00 p.m. – Library – Special Public session – “Let's Talk Trash”

The Commissioners of St. Michaels
March 24, 2010

- April 14, 2010 – 3:00 p.m. – Town Office – Public Working Session - 2011 Budget
- April 14, 2010 – 5:00 p.m. – Town Office – Regular Public Session
- April 28, 2010 – 3:00 p.m. – Town Office – Public Working Session – 2011 Budget
- April 28, 2010 – 6:30 p.m. – Town Office – Regular Legislative Session

Adjournment:

President Brady adjourned the meeting at 8:30 p.m.

Respectfully submitted,



Sabrenia L. Yohn, Administrative Clerk

Attachments:

- Resolution 2010-01
- Exhibit List for Resolution 2010-01
- Resolution 2010-02
- Resolution 2010-03
- Resolution 2010-04
- Ordinance 413
- Ordinance 414
- Ordinance 415