

The Commissioners of St. Michaels

Legislative Session Minutes

March 25, 2009

Present:

Commissioners Joanne Clark, Michael Brady, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Town Attorney Karen Ruff, Town Attorney Jefferson Blomquist, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley and approximately 45 members of the public. Commissioner Robert Snyder was absent.

Call to Order:

President Clark called to order the regular legislative session at 6:30 p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street, St. Michaels, Maryland. 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) (1), (7) and Administrative Matters regarding (i) the first draft of the 2010 Town Budget; (ii) personnel matters related to the first draft of the Town budget; (iii) to consult with counsel regarding a request from Windward Investment, LLC for growth allocation for 130,154 sq. feet (2.99 acres) changing the Critical Area land use classification from Limited Developed Areas (LDA) to Intensely Developed Areas (IDA) pursuant to the St. Michaels Code, Section 340-28 (Growth Allocation). The property is identified on Talbot County Tax Map 200 as Parcels 1785 and 1783 fronting on Chesapeake Avenue and generally known as Chesapeake Reach; and (iv) 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 also announced that Commissioner Snyder was absent due to illness, but that he had submitted a written absentee ballot for the legislation eligible for vote.

Consent Agenda:

President Clark asked if there were any comments on the draft minutes for the month of February 2009. There were no comments. President Clark called for a motion to approve the minutes. Commissioner Dinkel made the motion to adopt the public and closed session minutes for February 11, 2009, February 18, 2009 and February 25, 2009. Commissioner Hunt seconded the motion which passed on a vote of 4-0 in favor.

The Commissioners also agreed to change the order of discussion topics on the agenda moving the presentation of the St. Michaels Community Center to later in the meeting and beginning with the request from Windward Investment, LLC.

Legislation Eligible for Discussion and Vote:

- Request from Windward Investment, LLC for growth allocation for 130,154 sq. feet (2.99 acres) changing the Critical Area land use classification from Limited Developed Areas (LDA) to Intensely Developed Areas (IDA) pursuant to the St. Michaels Code, Section 340-28 (Growth Allocation). The property is identified on Talbot County Tax Map 200 as Parcels 1785 and 1783 fronting on Chesapeake Avenue and generally known as Chesapeake Reach.

Mrs. Yohn read the title of the request into the record. President Clark asked if the Commissioners had all read the Findings and Decision as prepared by Attorney Ruff. The Commissioners confirmed that they had. President Clark asked if the Commissioners had any comments or changes. There were no comments or changes. President Clark then summarized the Decision including the conditions required in order for the Commissioners to grant the Applicant's request for Growth Allocation. There were no additional questions or comments from the Commissioners. President Clark called for a motion to adopt the Decision. Commissioner Brady made the motion to adopt the Findings of Fact and Decision, which was seconded by Commissioner Dinkel. Mrs. Thomas said the Commissioners must also vote on whether or not to accept the written absentee vote of Commissioner Snyder. Commissioner Dinkel made the motion to accept Commissioner Snyder's written absentee vote. Commissioner Brady seconded the motion which passed on a vote of 4-0 in favor. The Commissioners then took a vote on the motion of Commissioner Brady to adopt the Findings of Fact and Decision for Windward Investments, LLC which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's written absentee vote of "yea", as read into the record by Mrs. Thomas.

- 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 (Storm water 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.

Mrs. Yohn read the application description into the record. President Clark gave a brief review of dates of previous deliberations and public hearing on the matter, and then introduced Town Attorney Jefferson Blomquist. Attorney Blomquist read into the record his revisions to Section 24.1 of the "Miles Point III-150, Amended Conditions 23 thru 32, Growth Allocation Findings of Fact, Decision and Conditions by the Commissioners of St. Michaels". President Clark said the amended language had been reviewed and approved by the Town's Zoning Officer, Deborah Renshaw. The Commissioners indicated their agreement with the change and had no further questions or comments. Commissioner Hunt made a motion to accept Commissioner Snyder's written absentee vote. Commissioner Brady seconded the motion which passed on a vote of 4-0 in favor. Commissioner Hunt then made a motion to adopt the "Miles Point III-150, Amended Conditions 23 thru 32, Growth Allocation Findings of Fact, Decision and Conditions by the Commissioners of St. Michaels" as presented. President Clark seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Snyder's written absentee vote of "yea", as read into the record by Mrs. Thomas.

Presentation from the St. Michaels Community Center:

Mr. Barry Gillman of East Chew Avenue introduced Trish Payne, Director of the St. Michaels Community Center. Ms. Payne provided an overview of the Center's activities and projects and their considerable efforts to provide a teen activity center for the Town. Ms. Payne said that a teen center was crucial for the Town's young people, and that the Community Center was in the

process of identifying a location to be used as a teen center and a place to enable the Center to meet an ever-expanding demand for classes. Ms. Payne said that, in addition to grants, the Community Center was asking for additional funding from the Commissioners to make the new Community Center a reality. President Clark thanked Ms. Payne for her presentation.

Legislation Eligible for Discussion and Vote, continued:

- 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), 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.

President Clark said that Ordinance 399 had been introduced by all five Commissioners on March 11, 2009 following the public hearing on that date. Commissioner Dinkel expressed concerns that this Ordinance would create parking problems on residential streets, that the issue of noise was also a concern and that the current economic downturn should not be used as a reason for changing the Town's zoning codes. Commissioner Dinkel suggested that a vote on this Ordinance be deferred until Commissioner Snyder could be present. President Clark said the Planning Commission had addressed parking and noise in their review of Ordinance 399, and had found these issues to be adequately addressed, and noted that the Planning Commission had rendered a favorable recommendation on Ordinance 399. Commissioner Brady said he thought the number of guests for events should be changed back from 75 to 50 for public safety concerns. After some discussion, Commissioner Brady made a motion to change the capacity number from 75 to 50. Commissioner Clark seconded the motion which passed on a vote of 4-0 in favor. President Clark then called for a motion to defer a vote on Ordinance 399 until the April 8, 2009 meeting of the Commissioners. Commissioner Brady made the motion, which was seconded by Commissioner Dinkel and which passed on a vote of 3-1 in favor, with Commissioner Hunt dissenting.

Discussion Items:

President Clark opened the discussion regarding tree planting on Water Street and called upon Mrs. Yohn and Public Works Director Jeff Richardson to present the Town's recommendations, a copy of which is made a part of these minutes. Several Water Street residents had few comments on trees, but raised concerns about the grading of the street, which they generally agreed had not

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been completed satisfactorily. Lawrence Pratt of Mulberry Street suggested that the parking areas on the west side of Water Street should be broken up and narrowed to seven feet in width to give more room for trees, and that the shoulders of the street should be the focus of work. Other resident comments included concerns over parking, especially on weekends, and during the summer months when Water Street is used as overflow parking for the Town Dock and the Crab and Steak House restaurants. One resident suggested that the Town Dock parking lot created dust and perhaps the owners should be encouraged to improve the parking surface in the lot. President Clark noted that there were clearly outstanding issues on Water Street which needed to be looked into and that another discussion would be scheduled.

Announcement of Future Meetings:

President Clark announced that there would be a special public session of the Commissioners on Tuesday, March 31, 2009 at 3:00 p.m. in the Town Office meeting room to discuss the 2010 Budget and 2009 Budget Amendments. President Clark also noted the regularly scheduled public session on Wednesday, April 8, 2009 at 5:00 p.m. and the regular legislative session on Wednesday, April 22, 2009 at 6:30 p.m.

Adjournment:

There being no further comments from the public or the Commissioners, President Clark adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Tree Recommendation Handout
- St. Michaels Community Center Brochure
- Decision of Windward Investment, LLC request for Growth Allocation
- “Miles Point III-150, Amended Conditions 23 thru 32, Growth Allocation Findings of Fact, Decision and Conditions by the Commissioners of St. Michaels”