

**April 14, 2010**

**3:00 p.m. – Special Public Working Session**

**Present**

Commissioners Michael Brady, Joanne Clark, Robert Snyder, and Donna Hunt, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, and approximately 17 members of the public. Commissioner Philip Dinkel was absent.

**Call to Order**

President Brady called to order the special public working session on the FY 2011 Budget at 3:00 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. The Pledge of Allegiance was recited.

**Public Working Session on the FY 2011 Budget**

President Brady called on Mrs. Thomas, who provided an overview of the proposed 2011 Budget, beginning with the General Fund and proposed residential and personal property tax rates. Mrs. Thomas then reviewed the summary budget line by line. Ann Borders of Cherry Street inquired about pension payments and longevity bonuses for police officers. Commissioner Snyder provided background on the changes the Town had made in police department salaries, and Ted Doyle of Perry Cabin Drive, and former Commissioner, added detail to the comments on police salaries compared to other municipalities. Mrs. Thomas responded to a question from Walda duPriest-Brandt regarding bonus percentages. Sherry Manning of Cherry Street said she was surprised that the Fire Department donation was a line item and said she thought citizens should make decisions on donations. President Brady explained the Town's process for funding to outside agencies and Mrs. Thomas provided information regarding the legislation which mandates the donations to the Fire Department and the Tourism Board.

The Commissioners and Town staff responded to additional questions about donations, tax rates, terms on street bonds, employee salaries, and the accommodations tax. Commissioner Clark provided an overview of the police protection required by the Town. Laurence Pratt of Mulberry Street asked about maintenance of newly planted trees and requested a breakdown of the tree plantings. Mr. Pratt also asked about fertilizing of the trees on West Chestnut Street.

Mrs. Thomas then gave an overview of the Capital Budget. Commissioner Clark asked about the cost to repair the Carpenter Street bulkhead. Mrs. Thomas said that the bulkhead repair would be covered by a grant. Walda duPriest-Brandt of Mulberry Street asked about the number of police officers employed by the Town. Commissioner Clark said that the Commissioners meet with the Chief of Police to determine the minimum number of officers required to provide 24/7 coverage, which for St. Michaels is eight officers to ensure two officers per shift. Mrs. Thomas also explained the reciprocal agreement with other municipalities, under which the State Police or Sheriff's office will supply officers to the Town. Ted Doyle of Perry Cabin Drive added that St. Michaels pays less in County taxes because it has its own Police Department. Residents had additional questions about police vehicles, funds for parking areas, the status of street work, the Housing Authority Town Houses that have not sold, and potential salary increases for Town employees all of which were responded to by Mrs. Thomas and the Commissioners.

President Brady announced that the next budget workshop would be held on April 28, 2010 at 3:00 p.m. In the meantime, President Brady asked Staff and the Commissioners to take a look at donations to outside agencies but otherwise, Staff should move forward with putting the budget in final form.

**Final Comments from the Public:**

Ann Borders of Cherry Street asked if the Town had looked into a 401K plan or other types of pension plans for Town employees.

**Final Comments from the Commissioners:**

President Brady directed staff to put the budget in final form and to look into alternative pension plans.

**Adjournment:**

President Brady adjourned the meeting at 4:45 p.m.

**5:00 p.m. - Public Working Session**

**Present:**

Commissioners Michael Brady, Joanne Clark, Robert Snyder, and Donna Hunt, Town Manager Cheril Thomas, Codes Enforcement Officer Deborah Renshaw, Town Attorney Karen Ruff, Administrative Clerk Sabrenia Yohn, and approximately 28 members of the public. Commissioner Philip Dinkel was absent.

**Call to Order:**

President Brady called to order the special public working session at 5:05 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. The Pledge of Allegiance was recited.

**Introduction and Swearing In of Police Officers**

President Brady recognized Police Chief Miguel Dennis, who introduced and administered the Oath of Office to the Town's new police officers, Ben Taylor and Chris Birely.

**Consent Agenda:**

President Brady announced that the Consent Agenda included departmental reports for the month of March, 2010, with disbursements noted in the amount of \$416,370.85, which included \$171,880.90 for capital projects and engineering, and \$21,144.82 for reimbursable legal costs. There were no comments on the monthly reports. President Brady said that the Consent Agenda also included a request from Thomas Crouch for a sidewalk and curb replacement on North Street, and requests from the Midnight Madness Committee and the WineFest Committee for approval of out-of-doors audio speakers in the Central Commercial Zone for their 2010 events. The Commissioners agreed to remove the WineFest from the Consent Agenda and designated it as a discussion item for later in the meeting. There were no comments from the public on the Consent Agenda. Commissioner Clark asked for an update on the arsenic issue. Mrs. Thomas said that it had been resolved. Chief Dennis responded to questions regarding Police Department reports. There were no other comments. President Brady called for a motion to accept the Consent Agenda without the request from the WineFest Committee. Commissioner Hunt made the motion, as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 4-0 in favor.

President Brady then announced that there will 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](http://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. President Brady announced the candidates for Commissioner:

Virginia L. Adams  
Joanne R. Clark  
T. Coleman duPont  
James W. Knepper, Jr.  
Marie M. Martin  
A. Michael Vlahovich

### **Public Hearing**

- **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

President Brady opened the public hearing on Ordinance 413, and noting that the Ordinance was introduced by the Commissioners at their March 24, 2010 meeting. Mrs. Yohn said that no speakers had signed up to speak concerning Ordinance and read the exhibits into the record as follows:

1. Notices of the public hearing scheduled for April 14, 2010 as published in the *Star Democrat* on March 29, 2010 and April 5, 2010.
2. Ordinance 413
3. Notice of Public Hearing on April 14, 2010 for Ordinance 413 which was posted on the bulletin board in the Town Office.

Mrs. Thomas provided an overview of the Ordinance. There were no comments from the public or from the Commissioners. President Brady closed the public hearing on Ordinance 413 and noted that it would be eligible for a vote during the April 28, 2010 meeting of the Commissioners.

### **Presentation by the YMCA**

President Brady recognized Robert Perkins and Robbie Gill from the Easton YMCA. Mr. Perkins provided an overview of the Easton facility and announced that the organization had received a bequest of \$2 - \$2.5 million to build a YMCA facility in St. Michaels, but that there was a deadline for the use of the funding. Mr. Gill said that several sites were being considered - the Meyerhoff property near the ball field, property near the school complex, or possibly the skateboard park property on Mill Street. Mr. Gill said the site could be as small as 4 acres but that 10-15 acres would be ideal. Mr. Gill continued that the facility would not have overnight accommodations but would be rather a traditional recreation facility with an indoor pool and wellness facility. Mr. Gill also noted that the facility would be operated by a local board of advisors. Commissioner Clark suggested that the YMCA seek opinions of Town residents concerning their plans before coming back before the Commissioners. Commissioner Clark asked in the meantime that Town staff prepare a report about the challenges involved on the potential sites and look at any zoning issues.

### **Items for Discussion/Possible Introduction**

- **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 CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING)**

Mrs. Thomas provided an overview of Ordinance 415, noting that its purpose was to instruct staff to amend the zoning map based on the Commissioners' Decision on Miles Point III-150 Application for TND Overlay Zone for a 238 Lot/247 Unit Subdivision which was adopted on February 24, 2010. Commissioner Clark clarified that this Ordinance was administrative and therefore did not require a public hearing. Commissioners Snyder and Clark introduced Ordinance 415. President Brady noted that Ordinance 415 would be eligible for a vote during the April 28, 2010 meeting of the Commissioners.

- **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 announced that the Resolution was first discussed by the Commissioners during their meeting on January 27, 2010, was introduced by the Commissioners during their meeting on February 24, 2010 and that a Public Hearing was held on March 24, 2010.

Mrs. Thomas gave an overview of Resolution 2010-01. Commissioner Clark said she was disappointed that the property owners of Heatherington Harbor had not discussed the project in more detail with the existing neighboring property owners. Commissioner Clark said Mr.

Dailey, whose property abuts the Heatherington Harbor property, had concerns about what would happen when the 5-year prohibition on development of the property had expired in the event the annexation was granted. Commissioner Hunt said she agreed that there should have been better communication with neighbors, but that the property owner would be very limited in what could be done on the property and that she was comfortable with those limitations. As there were no other comments, President Brady said Resolution 2010-01 would be eligible for a vote during the April 28, 2010 meeting of the Commissioners.

### **Discussion Items**

- **Zoning Ordinance and Zoning Map Amendments Related to the 2009 Comprehensive Plan.** President Brady called upon Mrs. Thomas, Mrs. Renshaw, and the Planning Commission members to provide an overview of the proposed changes to the Zoning Ordinance resulting from the meetings regarding implementation of the Town's Comprehensive Plan. Mrs. Renshaw introduced Dorrie McGuinness and Bill Frost from the Planning Commission who had worked on the zoning changes. Mrs. Renshaw said that more than thirty hours of staff time and numerous public hearings had been expended on this Phase I of the implementation. Commissioners Hunt and Clark said they were very pleased with the map change proposals and Commissioner Clark said she was especially satisfied with the changes to the Mill property zoning. Responding to President Brady's question about the Mill zoning, Bill Frost said that the current PRA Zone for the Mill only allows retail sales of products made on the property while the proposed change would relax those rules, but would place limitations on the times when stores can be open. Mr. Frost also gave an overview of the changes to Articles III and IV, Permitted Uses and the Land Use Table, and highlighted changes to the Front Yard Setback Table in the R-1 and R-2 zones. Mrs. Renshaw continued with a review of changes to Article V dealing with business signage. She noted that awning and canopy signs now must be counted as part of allowable signage. Mrs. Renshaw said that Phase II of the implementation would begin in June and should address the remainder of Chapter 340. In response to a question from President Brady, Town Attorney Ruff said that one ordinance would be drafted to include all of the proposed changes to Chapter 340 which would minimize publication costs and public hearing costs.
- **Setting the Town's Tax Rate for FY2011.** Mrs. Thomas gave an overview regarding setting the tax rate and an explanation of the Constant Yield tax rate calculation. Mrs. Thomas said this was the Commissioners' opportunity for discussion before the public hearing and vote. The Commissioners had no comments, other than to direct staff to prepare the necessary Resolution to adopt the tax rate. Mrs. Thomas added that the tax rate does not affect the homestead tax credit and that St. Michaels is one of four towns in the State of Maryland with a zero percent homestead tax credit.
- **Maiden Point Farm Playground Equipment - Appropriation of Funds from 2010 Budget.** Mrs. Thomas explained that the owners of Maiden Point Farm were donating a large playground set and had also offered to pay a significant portion of the relocation costs. She noted that the Town's costs would be approximately \$2,500.00 to acquire the equipment. Pictures of the equipment were provided to the Commissioners. Marie Martin of Cherry Street said that Bradley Park was being proposed as a possible location for the equipment. President Brady expressed concerns about the enclosed portions of the set being a safety hazard and the Town being responsible for the ongoing maintenance of such a large structure. Commissioner Clark said she also had concerns about safety and maintenance and whether homeowners near Bradley Park would want to look at such a structure. Barney Kastel of Mt. Pleasant Landing said he had tenants in a home directly across from the park and they would have no objection to a view of playground equipment. Commissioner Snyder said he was in

favor of acquiring the equipment, which was worth approximately \$80,000.00. The Commissioners agreed they would like to look at the equipment on site. Mrs. Thomas said a "field trip" to Maiden Point Farm would be arranged.

- **Street Light on Talbot Street.** Mrs. Thomas stated that in response to an inquiry by a Town resident, the Town had talked to Choptank Electric about the installation of a street light at the intersection of Grace and Talbot Street to assist people crossing the street at night to attend restaurants. Choptank said it can install a street light on an existing pole at that location, but the Town would be responsible for monthly cost of electricity – approximately \$14.00 per month. The Commissioners agreed to have the light installed. President Brady directed Staff to proceed with the installation with the understanding that the Town would pay the extra monthly electricity costs.
- **Request from the WineFest Committee for an exception to Chapter 216 (Noise) § 216-6 (Exceptions) of the Code of the Town of St. Michaels for their event on April 23 and 24, 2010.** Mrs. Thomas explained that the Commissioners could only grant an exemption for amplification in the Central Commercial Zone. She noted that the organization's request was for an exemption for various zones. Commissioner Snyder made a motion to accept the Tourism Board's recommendation for amplified music in the Central Commercial Zone for Saturday, April 24, 2010 from 11 a.m. to 6 p.m. Commissioner Clark seconded the motion which passed on a roll call vote of 4-0 in favor.

#### **Comments from the Public**

- Ann Borders of Cherry Street said that as a part-time resident she does not subscribe to the Star Democrat and was unaware that the public hearing on the Constant Yield Tax Rate had been published.
- Helen Van Fleet of Chew Avenue said the Town would be receiving a letter from the Tourism Board requesting an increase from two per year to six per year for the number of requests for exemptions to the noise ordinance. Mrs. Van Fleet noted that the Tourism Board had already recommended its two exemptions for the year which were voted on by the Commissioners this evening. Mrs. Van Fleet also responded to Ms. Borders request for notification, commenting that it is the part-time resident's responsibility to become informed regarding Town matters that interest them.
- Laurence Pratt of Mulberry Street commented that in his opinion it is wrong to call the ordinance to amend the Town Zoning Map a ministerial act and that the Town's Zoning Map and the decision with respect to it will be the most important decision the Commissioners ever undertake. It is going to have a big impact on this Town. Mr. Pratt quoted from Sections of the Town's Zoning Code – Section 340 regarding public hearings stating that the Commissioners must follow the Town's own Zoning Code. The February 2010 Findings on the TND application clearly contemplated issuing an ordinance, but treating this map amendment as an administrative detail, circumvents due process and prevents citizens from exercising our rights under the Town Code.

#### **Commissioners' Calendar**

The Commissioners discussed agenda changes to their calendar for April and May 2010.

#### **Announcement of Future Meetings**

President Brady announced the following future meetings:

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

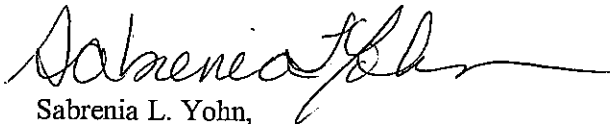
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- May 1, 2010 – 11:30 a.m. – Ribbon Cutting Ceremony at Muskrat Park
- May 3, 2010 – 7:00 a.m. to 7:00 p.m. – Town Office – Commissioner Election
- May 7, 2010 – 10:00 a.m. – Ribbon Cutting Ceremony for the Nature Trail (at Back Creek Park)
- May 12, 2010 – 5:00 p.m. – Town Office – Regular Public Session
- May 19, 2010 – 4:00 p.m. – Town Office – Public Working Session on FY 2011 Budget
- May 19, 2010 – 6:30 p.m. – Public Hearing on Zoning Ordinance and Zoning Map Amendments
- May 26, 2010 – 6:30 p.m. – Town Office – Regular Legislative Session

**Adjournment**

President Brady adjourned the meeting at 8:25 p.m.

Respectfully submitted,



Sabrenia L. Yohn,  
Administrative Clerk

**Attachments:**

- Draft 2011 General Fund and Capital Fund Budgets
- Ordinance 413 and Ordinance 413 Public Hearing Speaker List
- March 2010 Departmental Reports
- Ordinance 415
- Resolution 2010-01