

The Commissioners of St. Michaels

Legislative Session

May 27, 2009

Present:

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

Call To Order:

President Clark called to order the legislative session of the Commissioners of St. Michaels at 6:30 p.m. in the meeting room of the St. Michaels Public Library, 106 S. Fremont Street, St. Michaels. The Pledge of Allegiance was recited.

Consent Agenda:

President Clark said that the Consent Agenda included minutes for closed sessions and open sessions in the month of April 2009 as follows:

- April 6, 2009 – closed session
- April 8, 2009 –public session
- April 9, 2009 – closed session
- April 22, 2009 –public session

The Consent Agenda also included a request from the St. Michaels Museum for approval of 4th of July festivities. There were no questions or comments from the Commissioners or the public. President Clark called for a motion to approve minutes for the month of April 2009 and the request from the St. Michaels Museum. Commissioner Dinkel made a motion to approve the Consent Agenda as presented. Commissioner Brady seconded the motion which passed on a roll-call vote of 5-0 in favor.

Legislation/Other Matters Eligible for Vote:

- **Resolution 2009-06** - Mrs. Yohn read the title of Resolution 2009-06 into the record as follows: RESOLUTION 2009-06, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2009. President Clark noted that a public hearing on this resolution was held on April 22, 2009. Mrs. Thomas noted that there had been no changes to the Resolution since the public hearing on April 22, 2009. There were no comments from the Commissioners or the public. Commissioner Brady made a motion to approve Resolution 2009-06 as presented. Commissioner Dinkel seconded the motion which passed on a roll-call vote of 5-0 in favor.
- **Resolution 2009-07** - Mrs. Yohn read the title of Resolution 2009-07 into the record as follows: RESOLUTION 2009-07, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT THE BUDGET FOR FY 2010 AND TO SET THE TAX RATE FOR PERSONAL PROPERTY AND CORPORATIONS AT SIXTY-FIVE CENTS (\$.65) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE AND TO SET THE TAX RATE FOR PERSONAL PROPERTY OF PUBLIC UTILITIES AT ONE DOLLAR AND SIXTY (\$1.60) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE.

President Clark said that a public hearing was held on this Resolution on April 22, 2009. Mrs. Thomas noted there had been no changes to the Resolution since the public hearing. There were no additional comments from the Commissioners or the public. Commissioner Dinkel noted that the 2010 Budget was very lean and reflected the current economic times. President Clark called for a motion. Commissioner Snyder made a motion to approve Resolution 2009-07 as presented. Commissioner Hunt seconded the motion which passed on a roll-call vote of 5-0 in favor.

- **Resolution 2009-15** - Mrs. Yohn read the title of Resolution 2009-15 into the record as follows: RESOLUTION 2009-15, A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS, MARYLAND, ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM TO DETECT, PREVENT AND MITIGATE IDENTITY THEFT IN CONNECTION WITH OPENING OR MAINTAINING AN ACCOUNT WITH THE TOWN IN ACCORDANCE WITH FEDERAL REGULATIONS RELATING TO RED FLAG IDENTIFY THEFT. President Clark noted that this Resolution had been discussed by the Commissioners at their May 13, 2009 meeting and reviewed by the Town's attorneys. Mrs. Thomas explained that the State of Maryland required that this Resolution be adopted by municipalities in the State as written. There were no additional comments from the Commissioners or from the public. President Clark called for a motion. Commissioner Brady made the motion to adopt Resolution 2009-15 as presented. Commissioner Dinkel seconded the motion which passed on a roll-call vote of 5-0 in favor.
- **Ordinance 401** - President Clark asked if there was any objection from the other Commissioners to postpone discussion of Ordinance 401 until the Town's attorney arrived at the meeting to participate in the discussions. There were no objections.

Discussion Items:

- **Request from the St. Michaels Art League for financial support for "Paint the Town" Day** - President Clark opened the discussion regarding a request from the St. Michaels Art League for financial support in the amount of \$200.00 for "Paint the Town" Day. While not in the budget for this year, Mrs. Thomas said the amount could be allocated from Office Supply funds or from prior year reserves. The Commissioners were in agreement to approve the funds, however President Clark said the Commissioners needed a written request for funding from the Art League earlier in the budget process for next year. Commissioner Snyder made a motion to approve the Art League's request for \$200.00. Commissioner Dinkel seconded the motion which passed on a roll-call vote of 5-0 in favor.
- **8th Annual CROP Walk on June 28, 2009** - President Clark explained that the Commissioners had supported this fundraiser for Church-sponsored hunger relief last year allowing the CROP walk committee to advertise the event by hanging a sign at the South entrance to Town. The Commissioners had no objection to allowing the sign advertising the event to be posted. Commissioner Dinkel made a motion to approve the request. Commissioner Hunt seconded the motion which passed on a roll-call vote of 5-0 in favor.

Legislation/Other Matters Eligible for Discussion and/or Introduction:

- **Ordinance 401** - President Clark opened a discussion on Ordinance 401 as Town Attorney MacLeod was now present at the meeting. Mrs. Yohn read the title of the ordinance into the record as follows: ORDINANCE 401, AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; ADDING NEW CHAPTER 42 (FEES) TO THE CODE OF THE TOWN OF ST. MICHAELS; STATING THE POLICY OF THE TOWN REGARDING

FEES AND CHARGES ASSOCIATED WITH THE EXERCISE OF CERTAIN GOVERNMENTAL FUNCTIONS; RE-ESTABLISHING A CONSOLIDATED SCHEDULE OF FEES; SPECIFYING THE APPLICABILITY OF THIS CHAPTER; PRESCRIBING CERTAIN CONDITIONS AND REQUIREMENTS APPLICABLE TO CERTAIN APPLICATIONS AND REQUESTS FILED WITH THE TOWN OF ST. MICHAELS; MAKING PROVISION FOR A WAIVER OF CERTAIN FEES; PROVIDING PROCEDURES FOR RESOLVING CERTAIN BILLING DISPUTES; PROVIDING FOR REFUNDS; ESTABLISHING THAT CERTAIN UNPAID FEES ARE TO BECOME LIENS ON PROPERTY TO BE COLLECTED IN THE SAME MANNER AS MUNICIPAL TAXES; AND GENERALLY RELATING TO THE ESTABLISHMENT AND COLLECTION OF FEES AND CHARGES FOR CERTAIN FRANCHISES, LICENSES, OR PERMITS AUTHORIZED BY LAW TO BE GRANTED BY THE TOWN OF ST. MICHAELS.

Attorney MacLeod gave an overview of the provisions in Ordinance 401, explaining that it would revise and simplify the Town's administrative fees and give the Commissioners the authority and flexibility to change the Administrative Fee Schedule as necessary. Mrs. Thomas added that the Ordinance would clearly outline the appeal process and clarify enforcement provisions for non-payment of fees. Mrs. Thomas also noted that the draft Administrative Fee Schedule before the Commissioners needed more work with respect to proposed fee amounts and that a revised draft would be available for the June 10, 2009 meeting. Commissioner Brady asked if Ordinance 401 was ready for introduction tonight. Mrs. Thomas proposed that introduction remain on the June 10, 2009 schedule, pending the possibility of substantive changes to the fee schedule. The Commissioners had a number of questions on the current draft sections regarding land use, annexation, third party costs, refund provisions, and outstanding balances.

Commissioner Hunt raised the issue of fees imposed on businesses for the purchase of additional parking spaces, noting that in the current economy, \$3,000.00 per space had the potential to curb growth. After a discussion of some length, the Commissioners agreed that further discussions of the fee schedule, along with the parking fee issue, should be scheduled as a separate agenda item on June 10th. President Clark asked if there were any additional questions or comments on Ordinance 401. Chris Agarabi of Talbot Street praised the Commissioners for taking steps to clearly define the fees and for further consideration on the parking fee issue to enable businesses to make future plans.

- **Ordinance 403** - President Clark called upon Mrs. Thomas for an update on Ordinance 403. Mrs. Thomas said the Ordinance still needed work and asked if the discussion could be deferred to the Commissioners' meeting on June 10, 2009. The Commissioners agreed.

Announcement of Future Meetings:

President Clark announced that the next meetings of the Commissioners would be a regular public session at the St. Michaels Free Library on June 10, 2009 at 5:00 p.m. and a regular legislative session on June 24, 2009 at 6:30 p.m. in the Town Office meeting room. A separate working session would also be scheduled on June 10, 2009 to discuss Ordinance 401 and the Administrative Fee Schedule.

Adjournment:

President Clark adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Request from St. Michaels Museum-July 4th activities
- CROP Walk-request for funding
- Request from St. Michaels Art League-donation for "Paint the Town" Day
- Resolution 2009-06
- Resolution 2009-07
- Resolution 2009-15