

The Commissioners of St. Michaels

Legislative Session

June 24, 2009

Present:

Commissioners Joanne Clark, Michael Brady, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Administrative Assistant Sabrenia Yohn, Secretary Dorothy Olley, and approximately 15 members of the public. Commissioner Robert Snyder was absent.

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 Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels. The Pledge of Allegiance was recited.

Announcement of Prior Closed Sessions:

President Clark announced that the Commissioners had met in closed session on June 12, 2009 at 3:30 p.m., pursuant to Maryland Code, State Government Article, § 10-508 (a) (8), to discuss legal matters related to Westside Village, LLC and 109 Conner Street and to discuss administrative matters regarding the schedule of the Town's Codes Enforcement Assistant.

President Clark also said the Commissioners held a closed session on June 23, 2009 at 4:30 p.m., pursuant to Maryland Code, State Government Article, § 10-508 (a) (7) and (8) to consult with counsel regarding legal matters related to the property owned by TND Development, Inc. and Miles Point, LLC and to discuss potential litigation regarding the Agreement of Sale with Westside Village, LLC and 109 Conner Street.

President Clark also announced that the Commissioners held a closed session on June 24, 2009 at 5:30 p.m., pursuant to Maryland Code, State Government Article, § 10-508 (a) (8) to discuss potential litigation regarding the Agreement of Sale with Westside Village, LLC and 109 Conner Street and to discuss Administrative Matters related to appointments to the St. Michaels Tourism Board.

Election of Officers of the Commissioners of St. Michaels:

President Clark said that due to the absence of Commissioner Snyder, the election of officers would be postponed until the July 8, 2009 meeting of the Commissioners.

Consent Agenda:

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

- May 13, 2009 – closed session and public session
- May 27, 2009 – closed session and public session

The Consent Agenda also included a request from the Midnight Madness Committee for approval of out-of-doors audio speakers in the central commercial zone during the event on December 5, 2009. 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 May 2009 and the request from the

Midnight Madness Committee. Commissioner Brady made a motion to approve the Consent Agenda as presented. Commissioner Dinkel seconded the motion which passed on a roll call vote of 4-0 in favor.

Demolition/Dismantling of 109 Conner Street Bid Award:

President Clark explained that on June 5, 2009, bids were submitted to the Town for the demolition of the structure on the Town-owned property located at 109 Conner Street and the results were announced during the Commissioners' meeting on June 10, 2009. On Thursday, June 4, 2009, the Town received notice from Brian Goldstein, Principal of Westside Village, LLC that he intends to appeal the Town's decision to demolish this structure. Additionally, the Town learned that it may be possible to dismantle the structure and store it until such time as it is possible to restore the building. As a result of this new information, ads were run in the *Star Democrat* seeking bids to dismantle and store the structure. The bids for this process were submitted on June 19, 2009. President Clark then called upon Mrs. Yohn to recap the results of the bids that were submitted.

Mrs. Yohn read the bid results into the record as follows:

- On June 5, 2009, the Town of St. Michaels received five bids for the demolition of 109 Conner Street, St. Michaels, Maryland as follows:
 - Bridges Waste Management, Inc. Total bid = \$3,500.00 with a start date of June 11, 2009 and a one day estimated completion.
 - Tyler Contracting Co. – Total bid = \$4,975.00 with a start date of June 22, 2009 and a one day estimated completion.
 - Duvall Brothers, Inc. – Total bid = \$6,900.00 with a start date of June 15, 2009 and two days estimated completion.
 - Norris E. Taylor Contractors, Inc. – Total bid = \$6,570.00. No start date provided and no estimated completion.
 - Harper & Sons, Inc. – Total bid = \$5,640.00 with a start date of June 11, 2009. No estimated completion

- On June 19, 2009, the Town of St. Michaels received five bids for the dismantling and storing of the structure located at 109 Conner Street, St. Michaels, Maryland as follows:
 - Sun & Sons, t/a Albrecht Bldg & Inspection with a start date of June 25, 2009 and 10 days estimated completion:
 - \$7,200.00 – dismantle and store at 109 Conner Street
 - \$7,700.00 – dismantle and store at 109 Glory Avenue
 - \$7,700.00 – dismantle and store at Rolles Range Road lot
 - \$7,700.00 plus \$200.00 per month – dismantle and store at contractor owned property
 - Victor MacSorley Construction with a start date of July 8, 2009 and 40 calendar days estimated completion:
 - \$16,000.00 – dismantle and store at 109 Conner Street
 - \$16,000.00 – dismantle and store at 109 Glory Avenue
 - \$16,000.00 – dismantle and store at Rolles Range Road lot
 - No bid submitted for dismantling and storing at contractor owned property

- Ken Collison. 3 week estimated completion with no start date given:
 - \$12,500.00 – dismantle and store at 109 Conner Street
 - \$15,000.00 – dismantle and store at 109 Glory Avenue
 - “same” – dismantle and store at Rolles Range Road lot
 - \$300.00 per month – need clarification on costs for dismantling and storing at contractor owned property
- Harper & Sons, Inc. with a start date of June 28, 2009 and 30 days estimated completion:
 - \$23,680.00 – dismantle and store at 109 Conner Street
 - \$24,250.00 – dismantle and store at 109 Glory Avenue
 - \$25,000.00 – dismantle and store at Rolles Range Road lot
 - \$27,500.00 – dismantle and store at contractor owned property for one year
- Nelson Rodriguez. 10 day estimated completion with no start date given:
 - No bid submitted to dismantle and store at 109 Conner Street
 - \$7,260.00 – dismantle and store at 109 Glory Avenue
 - \$7,870.00 – dismantle and store at Rolles Range Road lot
 - No bid submitted for dismantling and storing at contractor owned property

Mrs. Thomas stated that if the Commissioners were inclined to pursue demolition of the property, the Staff recommendation was to award the bid to the low bidder, Bridges Waste Management, Inc., pending a satisfactory response regarding proper disposal of asbestos material. If the Commissioners wanted to dismantle and store the property, Staff recommendation would be to award the bid to the lowest bidder, Sun & Sons, t/a Albrecht Bldg & Inspection. After some discussion, the Commissioners generally agreed that they prefer dismantling and storing the structure at the Town's Rolles Range lot. Commissioner Brady made a motion to dismantle and store the structure at 109 Conner Street, with the action to be subject to the forthcoming ruling by the St. Michaels Board of Zoning Appeals regarding an appeal that has been filed alleging error in the issuance of a demolition permit. Commissioner Dinkel seconded the motion which passed on a roll call vote of 4-0 in favor. Commissioner Brady then made a motion to award the contract to Sun & Sons, t/a Albrecht Bldg & Inspection in the amount of \$7, 700.00 to dismantle and store the structure at the Town's Rolles Range Lot with the award to be conditioned upon the forthcoming ruling by the St. Michaels Board of Zoning Appeals regarding an appeal that has been filed alleging error in the issuance of a demolition permit. Commissioner Dinkel seconded the motion which passed on a roll call vote of 4-0 in favor.

Legislation/Other Matters Eligible for Vote:

- **Ordinance 401-** Mrs. Yohn read the title of Ordinance 401 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.

President Clark announced that the Ordinance was introduced at the Commissioners' meeting on June 10, 2009 and asked if the Commissioners had any further comments or questions. Commissioner Brady said he favored the Ordinance because it would allow the Commissioners to revise the administrative fee schedule as necessary. Commissioner Dinkel made the motion to adopt Ordinance 401 as written. President Clark seconded the motion which passed on a roll call vote of 4-0 in favor.

- **Ordinance 404** - Mrs. Yohn read the title of Ordinance 404 into the record as follows: ORDINANCE 404, AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS TO AMEND CONDITIONS 23-32 OF THE GROWTH ALLOCATION FINDINGS OF FACT, DECISION AND CONDITIONS RELATIVE TO THE PROJECT KNOWN AS MILES POINT III-150, WHICH THE COMMISSIONERS OF ST. MICHAELS ADOPTED ON THE 22nd DAY OF MARCH 2006.

President Clark announced that the Ordinance was introduced at the Commissioners' meeting on June 10, 2009 and asked if the Commissioners had any further comments or questions. There were no additional comments or questions from the Commissioners. Commissioner Dinkel made the motion to adopt Ordinance 404 as written. President Clark seconded the motion which passed on a roll call vote of 4-0 in favor.

Board and Other Appointments:

President Clark said that the Commissioners had reviewed proposed appointments to the Tourism Board and the reappointment of Deborah A. Renshaw as Zoning Inspector/Codes Enforcement Officer through June 30, 2010. President Clark stated that the slate of potential appointees to the Tourism Board appointments were as follows:

- Reappointment of Rosemary Fasolo with a new term ending June 30, 2012.
- Reappointment of Helen Van Fleet with a new term ending June 30, 2012.
- Reappointment of Jon Mason as Chairman.
- Appointment of Angela Eade-Spence to serve as the St. Michaels Business Association representative on the Tourism Board with a term ending June 30, 2012.

President Clark asked if there were any comments or questions from the Commissioners. There being none, President Clark called for a motion. Commissioner Brady made a motion to approve the Tourism Board appointments as proposed. Commissioner Hunt seconded the motion which passed on a roll call vote of 4-0 in favor.

President Clark stated that the next matter before them was the reappointment of Deborah A. Renshaw as the Zoning Inspector/Codes Enforcement Officer through June 30, 2010 or until such time after June 30, 2010 that appointment for the position of Zoning

Inspector/Codes Enforcement Officer shall be made by the Commissioners. President Clark asked if there were any comments or questions from the Commissioners. There being none, President Clark called for a motion. Commissioner Brady then made a motion to approve the reappointment of Deborah A. Renshaw as the Zoning Inspector/Codes Enforcement Officer as proposed. Commissioner Hunt seconded the motion which passed on a roll call vote of 4-0 in favor.

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

- **Resolution 2009-16** - Mrs. Yohn read the title of Resolution 2009-16 into the record as follows: RESOLUTION 2009-16, A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS PURSUANT TO ORDINANCE 401 TO ESTABLISH A CONSOLIDATED SCHEDULE OF FEES AND CHARGES ASSOCIATED WITH THE EXERCISE OF CERTAIN GOVERNMENTAL FUNCTIONS AND FOR CERTAIN APPLICATIONS MADE TO THE TOWN

The Commissioners discussed at length the fee for additional parking spaces. There was a general consensus that the fee should remain at \$3,000.00 per space as determined by computations of the costs based on the value of land used for parking areas. However, the Commissioners directed Staff to make recommendations on how payment plans would be structured if they were prorated over a number of years taking into account the number of spaces being purchased. Commissioner Brady suggested that the introduction of Resolution 2009-16 be postponed until the Commissioners had a chance to review the Staff's changes. President Clark asked that the revised Resolution be placed on the agenda for the Commissioners' July 22, 2009 meeting. There were no comments or questions from the public.

- **Resolution 2009-17** - Mrs. Yohn read the title of Resolution 2009-17 into the record as follows: RESOLUTION 2009-17, A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E, § 4 OF THE CONSTITUTION OF THE STATE OF MARYLAND (2002 REPLACEMENT VOLUME AND 2007 SUPPLEMENT) AND SECTION 13 OF ARTICLE 23A, OF THE ANNOTATED CODE OF MARYLAND (2005 REPLACEMENT VOLUME AND 2007 SUPPLEMENT), TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS AMENDING THE CHARTER OF THE TOWN FOR THE PURPOSES OF CONFORMING ARTICLE II, § C-8 "MEETINGS OF COMMISSION" WITH SUBTITLE 5 OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE, OPEN MEETINGS ACT, OF THE ANNOTATED CODE OF MARYLAND; AND PROVIDING THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THE CHARTER AMENDMENT ADOPTED BY THIS RESOLUTION

Mrs. Thomas explained that this Resolution incorporated the State's regulations and wording regarding open meetings into to the Town's Code, and noted that the policy of the Commissioners regarding open meetings was in accordance with State laws, but that the language in the Code needed updating. Commissioner Brady said he considered the Resolution to be a "housekeeping" requirement, with which he was more than comfortable. Mrs. Thomas said that because this is a Charter Amendment a public hearing would be set for July 22, 2009. There were no additional comments from the Commissioners or the public on Resolution 2009-17.

Comments from the Public:

- Marie Martin of Cherry Street thanked the Commissioners for trying to preserve the 109 Conner Street structure.
- Bruce Bedford of Perry Cabin Drive inquired about the next steps in the Miles Point III-150 project. President Clark said the Commissioners were in discussions with the Town's attorneys.
- Chris Agarabi of Ava's Restaurant and 106 N. Harbor Road said he appreciated the Commissioners' consideration of pro-rating the parking fees.
- Eric Bridges asked if the Farmer's market vendors will be charged for parking spaces. President Clark stated that as of now, they are not but this may be something to consider.

Comments from the Commissioners:

Commissioner Dinkel suggested the Town consider establishing its own tree farm along the nature trail at Railroad Avenue.

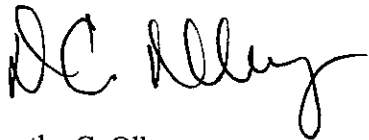
Announcement of Next Meetings:

President Clark announced that the next meetings of the Commissioners would take place on July 8, 2009 and July 22, 2009.

Adjournment:

President Clark adjourned the meeting at 7:35 p.m.

Respectfully submitted,



Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Ordinance 401
- Ordinance 404
- Bid Awards - 109 Conner Street
- Draft Resolution 2009-16
- Draft Resolution 2009-17