

The Commissioners of St. Michaels

Legislative Session

July 22, 2009

Present:

Commissioners Joanne Clark, Michael Brady, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Town Attorney Karen Ruff, Administrative Clerk Sabrenia Yohn, Secretary Dorothy Olley, and approximately 20 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 6:35 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 July 22, 2009 at 4:00 p.m. pursuant to Maryland Code, State Government Article, § 10-508 (a) (7) to consult with counsel to obtain legal advice regarding the application of Chapter 285 and to discuss legal matters related to draft legislation pertaining to Chapter 340, Article III of the Code of the Town of St. Michaels.

Public Hearing:

Resolution 2009-17 - President Clark opened the public hearing on Resolution 2009-17 and Mrs. Yohn read the title of Ordinance 2009-16 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 Resolution 2009-17 was charter amendment intended to conform the language in the Town's code to that contained in the State Code pertaining to open meetings. Mrs. Yohn read exhibits into the record as follows:

1. Notices of the public hearing scheduled for July 22, 2009 as published in the *Star Democrat* on July 6, 2009 and July 13, 2009.
2. Resolution 2009-17 - draft dated as of June 24, 2009.
3. Notice of Public Hearing on July 22, 2009 for Resolution 2009-17 which was posted on the bulletin board in the Town Office.

As there were no comments or questions from the Commissioners or the public, President Clark closed the public hearing on Resolution 2009-17, and called for two Commissioners to introduce the Resolution. Commissioners Hunt and Dinkel introduced Resolution 2009-17. President Clark noted that the Resolution would be eligible for a vote at the August 26, 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 June 2009 as follows:

- o June 4, 2009 – closed session
- o June 5, 2009 – closed session and public session
- o June 10, 2009 – public session
- o June 12, 2009 – closed session
- o June 23, 2009 – closed session
- o June 24, 2009 – closed session and public session

The Consent Agenda also included the nominations of Marie Martin as the Town's representative on the Talbot County Parks and Recreation Board and the nomination of Commissioner Philip Dinkel to be appointed to the Talbot County Local Emergency Planning Committee. There were no comments from the Commissioners or the public. Commissioner Hunt 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.

Legislation/Other Matters Eligible for Vote:

- **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 generally agreed they were comfortable with the proposed fee schedule even though a fee for Community Enhancement Events had yet to be determined. Mrs. Thomas said that the fee schedule attached to the Resolution could be amended later to include a fee for Community Enhancement Events in the event the Commissioners decided to access one. Commissioner Brady had some concern that the schedule was not complete, but was not inclined to hold up the vote because of it. Commissioner Dinkel made a motion to adopt Resolution 2009-16 as written and the fee schedule with the fee for Community Enhancement Events being omitted for the time being. Commissioner Hunt seconded the motion which passed on a roll call vote of 4-0 in favor.

- **Sidewalks at the Gruenberg Property on Water Street** - President Clark provided some background and history on the issue of concrete vs. brick sidewalks and referenced the Ordinance the Commissioners had passed earlier in the year to address sidewalks. President Clark noted that the Commissioners had reviewed a Staff memorandum regarding Mr. Gruenberg's sidewalks, and had met with Mr. Gruenberg, the Town's engineers and the Director of the Public Works Department regarding this matter.

President Clark noted that the Town was obligated to make repairs to sidewalks that had been damaged by the Town, not only on Water Street, but also on W. Chestnut Street where sidewalks had been damaged as a result of the trees that had been planted by the Town and damage resulting from digging to preserve tree roots.

President Clark then stated that her recommendation would be to replace the Gruenberg's gravel driveway in concrete and the existing gutter pan in concrete. The Town would also have concrete going across the sidewalk into Mr. Gruenberg's driveway and the driveway apron would be replaced in concrete. She stated that she would like to offer the Gruenbergs the same offer that the Town may be making to the residents of W. Chestnut Street, i.e., if the Gruenbergs would like the portion of the concrete sidewalk extending from the south end of the gutter pan all the way to the north end of the property replaced in brick, the Town would be willing to do that at a shared cost. If the Gruenbergs would like to replace the remaining portion of the sidewalk to the south end of their property that is currently concrete with brick, the full amount of those costs would be borne by the Gruenbergs. In addition, the sidewalk width would be reduced from eight feet to five feet per the Code. In addition, President Clark said that the Town would be repairing the storm drain on Mr. Gruenberg's property

President Clark asked if the Commissioners had any comments. Commissioner Brady said he was unhappy with the solution, but due to budgetary constraints on the town, this solution was better than nothing at all.

President Clark asked if there were any other comments from the Commissioners. Commissioner Dinkel reiterated the plan for Mr. Gruenberg's property and said he believed that President Clark's recommendation was a fair compromise. Commissioner Hunt said she was in agreement. President Clark then made a motion to replace the driveway apron and the gutter pan in concrete with a five foot concrete sidewalk running the length of the south end of the existing gutter pan to the north end of the property. The Town would also be willing to share the cost if Mr. Gruenberg elected to have the sidewalks done in brick, but that the apron and the gutter pan would be concrete. Commissioner Dinkel seconded the motion. Commissioner Brady then made a motion to amend President Clark's motion to include a three foot section of walkway connecting the front porch to the sidewalk due to the reduction in the width of the sidewalk from eight feet to five feet. There was no second to the motion for amendment and the motion failed. Commissioner Dinkel then reiterated his second to President Clark's original motion which passed on a roll call vote of 4-0 in favor.

President Clark then asked for public comment on the issue of the Gruenberg sidewalk replacement. Mr. Gruenberg said he felt the solution would be very unsightly. There were no additional comments.

Legislation Eligible for Discussion and/or Introduction:

- **Ordinance 403** - Mrs. Yohn read the title of Ordinance 403 into the record as follows: ORDINANCE 403 - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), ARTICLE III (NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND PREMISES) §340-8 (INTENT), TO CLARIFY THE LONG STANDING ADMINISTRATIVE INTERPRETATION OF THE TOWN AS TO THE APPLICATION OF THE NONCONFORMING STRUCTURE PROVISIONS OF THE TOWN CODE TO RESIDENTIAL DWELLING UNITS

IN RESIDENTIAL DISTRICTS THAT ARE NONCONFORMING SOLELY DUE TO FRONT YARD BUILDING SETBACKS; TO AMEND CHAPTER 340 (ZONING), ARTICLE III (NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND PREMISES) §340-11 (NONCONFORMING STRUCTURES AND SIGNS) TO CLARIFY THAT THE RESTRICTION ON THE EXPANSION OF NONCONFORMING STRUCTURES DOES NOT APPLY TO RESIDENTIAL DWELLING UNITS IN RESIDENTIAL ZONES THAT ARE NONCONFORMING SOLELY DUE TO A NONCONFORMING FRONT YARD SETBACK AND THAT SUCH STRUCTURES MAY BE EXPANDED, ALTERED AND ENLARGED, PROVIDED THAT THE EXPANSION, ALTERATION OR ENLARGEMENT COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE TOWN CODE; AND PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE A FAIR SUMMARY OF ORDINANCE 403 AND GENERALLY RELATING TO NON CON-FORMING RESIDENTIAL DWELLING UNITS IN RESIDENTIAL ZONES.

President Clark said that the Commissioners had discussed Ordinance 403 in closed session and were in agreement that the Ordinance needed additional work. Town Attorney Ruff and Town staff were instructed to re-craft another draft of the Ordinance for the Commissioner's review.

Comments from the Public:

- Jeff Fones of W. Chestnut Street expressed his appreciation to the Commissioners for deciding to send Ordinance 403 back for revisions and said that he wants the Commissioners to hold the 30 foot front yard setback requirement currently in the Code.
- Douglas Rollo of Water Street agreed with Mr. Fones concern about Ordinance 403 and asked the Commissioners be mindful of the sizes of structures even based on the 40% lot coverage cap.
- Helen Van Fleet of E. Chew Avenue again raised the parking issue on Water Street and Mulberry Streets especially on busy weekends. Cars are parking further into the roadway due to the ornamental fencing being placed along the road by homeowners to discourage parking on the tree lawns.
- Marie Martin of Cherry Street urged greater availability of Historic District guidelines to potential homebuyers in the Historic District. Mrs. Thomas noted that the Historic District guidelines are available on the Town's website. Ann Hymes of Grace Street stated that she had provided to the Historic District Commission copies of brochures from Old Towne Alexandria. Jeff Fones said that the Historic District Commission was working on their own brochure and also suggested signage on Talbot Street that would indicate the borders of the Historic District which might be helpful for potential new residents and tourists.
- Barney Kastel of Mt. Pleasant Landing noted that there was no change in the signage language in Ordinance 403 only that references to signage was now a separate section.
- Beth Jones of St. Michaels Road asked for clarification on "piecemeal rezoning" which was included on the fee schedule.

Comments from the Commissioners:

Commissioner Brady concurred that the language in Ordinance 403 was very confusing and reiterated that he would not support Ordinance 403 without Planning Commission review.

The Commissioners of St. Michaels
July 22, 2009

Announcement of Future Meetings:

President Clark said the next meeting of the Commissioners would be a special working session on the Resolution concerning rules for Community Enhancement Events at 6:00 p.m. in the meeting room of the St. Michaels Public Library on July 29, 2009. Regular meetings in August would be August 12, 2009 at 5:00 p.m. and August 26, 2009 at 6:30 p.m. in the Town Office meeting room.

Adjournment:

President Clark adjourned the meeting at 7:55 p.m.

Respectfully submitted,



Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Resolution 2009-17
- Resolution 2009-16