

August 26, 2009

Present:

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

Call To Order:

President Brady called to order the regular 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.

President Brady announced that Commissioner Dinkel was absent, but that he had submitted absentee ballots for the Consent Agenda items, the bid award for the Well #2 Generator project, Resolution 2009-17, Resolution 2009-18 and a new appointment to the Tourism Board. President Brady called for a motion to accept the absentee ballots of Commissioner Dinkel. Commissioner Snyder made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 4-0 in favor.

Announcement of Prior Closed Session:

President Brady announced that on Monday, August 17, 2009 at 2:00 p.m. pursuant to Maryland Code, State Government Art., § 10-508 (a) (7) and (8) the Commissioners met in closed session to discuss legal matters related to Florkewicz vs. The Commissioners of St. Michaels.

Public Hearing:

Ordinance 408 - President Brady opened the Public Hearing on Ordinance 408 and asked Ms. Olley for the sign-in sheet. President Brady asked Mrs. Yohn to read the title of Ordinance 408 into the record as follows: - Ordinance 408 - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING) §340-108 (DEFINITIONS) TO AMEND THE DEFINITION OF A PUBLIC PARK TO INCLUDE THE HOLDING OF COMMUNITY ENHANCEMENT EVENTS AS DEFINED; TO AMEND §340 (ZONING) TO ADD A NEW SUBSECTION 340.51.2 (COMMUNITY ENHANCEMENT EVENTS); TO DEFINE COMMUNITY ENHANCEMENT EVENTS AS OPEN AIR CONCERTS/PERFORMANCES, CULTURAL AND GOVERNMENT SPONSORED OR SUPPORTED EVENTS AND FARMERS' MARKETS; TO DEFINE THE PURPOSE AND GENERAL REQUIREMENTS OF ALL COMMUNITY ENHANCEMENT EVENTS; TO AMEND CHAPTER 234, (PEDDLING AND SOLICITING), ARTICLE I, (TRANSIENT VENDORS), §234-2 (PROHIBITED CONDUCT) TO ALLOW FOR THE VENDING OF GOODS ON PUBLIC PROPERTY UNDER THE PROVISIONS OF A COMMUNITY ENHANCEMENT EVENT; AND PROVIDED THAT THIS TITLE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO PUBLIC PARKS AND COMMUNITY ENHANCEMENT EVENTS IN THE TOWN

Mrs. Yohn read exhibits for Ordinance 408 into the record as follows:

1. Notice of Public Hearing dated August 26, 2009, as published in the Star Democrat on August 12, 2009 and August 20, 2009.
2. Ordinance 408, dated August 26, 2009.
3. Notice of Public Hearing dated August 27, 2009 and posted on the bulletin board in the Town Office.

President Brady asked if the Commissioners would agree to include the discussion of Resolution 2009-19, dealing with the regulations for operation of Town parks, in the discussion of Ordinance 408. The Commissioners had no objection. Mrs. Yohn read the title of Resolution 2009-19 into the record as follows: Resolution 2009-19 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO REPEAL AND REENACT THE REGULATIONS FOR OPERATION OF ALL TOWN PARKS, AND TO INCLUDE REGULATIONS FOR COMMUNITY ENHANCEMENT EVENTS.

President Brady called upon Mrs. Thomas to review the amendments to Ordinance 408 since the last discussion. Mrs. Thomas gave a summary of the changes made since the last meeting. President Brady asked if the Commissioners had any additional questions. There being none, President Brady asked for public comment.

Edward Doyle of Perry Cabin Drive said he had a number of comments concerning conflicts in the definition of Community Enhancement Events in several places in the Ordinance and with the venues for farmers' markets. He also said he was concerned about requirements that Community Enhancement Events be held in parks only which he felt would preclude businesses from having events elsewhere in the Town. He further stated his concerns over the segregation of the community based on venues for Community Enhancement Events. Mr. Doyle asked how preferences would be given to local vendors and proposed an outreach program to solicit vendors.

Beverly Pratt of 202 Mulberry Street questioned the extent to which the Commissioners want to regulate the farmers' market versus other Community Enhancement Events. She said that a survey had been conducted of residents and other visitors to the Farmer's Market in Muskrat Park, which included 250 signatures. President Brady said he would accept the survey as part of the record.

Barney Kastel of Mount Pleasant Landing said he was opposed to the farmers' market being in Muskrat Park and to retail sales in the park. He questioned why waterman were precluded from selling their products when farmers could sell theirs. Mr. Kastel also stated that the park is too small for the farmers' market to operate efficiently and he offered over 500 feet of space on Talbot Street that he owns free of charge for the farmers' market to use to get them out of the park.

Marie Martin of Cherry Street said the park is the perfect venue for the farmers' market noting that the patrons love it and it could be detrimental to the success of the market if it were moved elsewhere. Ms. Martin also commented on other events that could be considered Community Enhancement Events like Midnight Madness, Fall into St. Michaels and others that do not take place in the parks.

Beth Jones of St. Michaels Road said she supported the comments of Beverly Pratt, did not agree with Mr. Doyle's comments, and asked the Commissioners to please consider the geographic

limitations on the vendors. She does not want to see the Mennonite vendor's tomatoes excluded from the market. She also added that producers are not "beating down doors" to join the St. Michaels Farmers' Market and that flexibility is needed to create the right mix of products to continue its success.

Walda duPriest Brandt of Mulberry Street said that the farmers' Market has a strong following among visitors who come by boat, and that their patronage should not be dismissed.

Elizabeth Beggins of Conner Street said she favored the St. Michaels Farmers' Market because all producers sell what they grow versus other markets that do not have that requirement. She is also opposed to such strict geographical limitations being placed on the vendors.

Carol Bean of Pot Pie Farm, Wittman, asked what was meant by "certified producers". Commissioner Snyder responded that it referred to those vendors who are required to be certified by the government. Mrs. Bean also noted that the limitation on one hour for set up time for the farmers' market was sometimes not sufficient. Mrs. Bean said that the local aspect of the market should be reinforced, and that a 150-mile radius for vendors provides for diversity in products sold. Too many limitations can be detrimental to the market mix.

President Brady asked if there were any other comments from the public. There were no further comments. Commissioner Snyder agreed that the geographical area should include the eastern shore and abutting states. The Commissioners do not want to micro-manage the farmers' market and stated that he is not opposed to the sale of seafood because watermen are "farmers" too.

Commissioner Hunt said that she disagreed with the extension of the geographical area and that she preferred the "local area" being limited to producers on the Eastern Shore. Elizabeth Beggins of Conner Street said that Talbot County farmers do not grow much food any more and that the "local area" should be broad enough to ensure a good market mix.

Commissioner Clark stated that she wants to think about the geographic location of the vendors and suggested that the public hearing on Ordinance 408 be continued to the September 9, 2009 meeting of the Commissioners. President Brady asked the other Commissioners for their thoughts. There was a consensus of the Commissioners to continue the public hearing on September 9, 2009 when another update of the legislation would be available. Commissioner Clark also proposed a meeting with Elizabeth Beggins to obtain additional information about the geographic location of the vendors in Freshfarm Markets before the September 9, 2009 meeting. As there were no additional questions or comments on Resolution 2009-19, President Brady closed the discussion on the Resolution.

Presentation by Deborah Renshaw, Codes Enforcement Officer:

Deborah Renshaw made a presentation regarding meetings and discussions she had had with business owners regarding signage. Mrs. Renshaw said that two public meetings were held to identify concerns and preferences of businesses regarding signage, and the Commissioners had the results of the meetings before them. Mrs. Renshaw asked if the Commissioners had any questions or recommendations for her next steps in this process. Commissioner Snyder said he would like to see a supplemental memorandum identifying the issues and outlining what is, or is not allowed, with regard to business signage. Commissioner Hunt asked if the discussions with businesses included banner signage across Talbot St. Mrs. Renshaw said banners were not part of the discussions. Mrs. Renshaw said that the moratorium on illuminated neon signs was expiring and that she would need to send a notice to the affected business owners if the

Commissioners favored the expiration. Commissioner Brady said he favored extending the deadline until comprehensive legislation on signage was ready. After some discussion, the Commissioners agreed to extend the deadline for one year, and directed Mrs. Renshaw to notify the affected business owner(s) of the extension. Commissioner Hunt asked for clarification of projected signs and Mrs. Renshaw explained those referred to cantilevered signs where businesses did not have the space for a free standing sign. Commissioner Clark said the Town urgently needs directional or wayfaring signage, and Commissioner Brady agreed, noting that the Town would also need directional signage as the nature trail was completed to direct trail users to that area of the Town. President Brady recognized Barney Kastel of Mt. Pleasant Landing, who urged the Commissioners to further define what constitutes signage for a business as many businesses are setting out merchandise which could be considered in violation of sign ordinances because of the square footage of space being used. President Brady asked if there were any other comments; there were none.

Consent Agenda:

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

- o July 8, 2009 – public session
- o July 22, 2009 – closed session and public session
- o July 27, 2009 – closed session
- o July 29, 2009 – public session

President Brady noted that the Consent Agenda also included discussions of an amended holiday schedule and amended Commissioners' meeting schedule. President Brady said that staff was proposing that the observance of the Veteran's Day Holiday be changed from Wednesday, November 11th to Monday, November 9, 2009 to coincide with the federal government's observance of the Holiday. Also, so as not to interfere with the Thanksgiving and Christmas holidays, changing the dates of the Commissioners' meetings in November and December from the 2nd and 4th Wednesdays of the month to the 1st and 3rd Wednesdays of the month.

And finally, President Brady noted that the Consent Agenda included a report from Davis, Bowen & Friedel dated July 2009 on refinements to the stormwater management Plan for the St. Michaels Nature Trail.

President Brady asked if there were any comments or questions on the Consent Agenda items. There being none from the Commissioners or the public, President Brady called for a motion. Commissioner Snyder made the motion to approve the Consent Agenda as presented. Commissioner Hunt seconded the motion which passed on a vote of 5-0 in favor, including Commissioner Dinkel's absentee vote as read by Mrs. Thomas.

Bid Award for the Town of St. Michaels Well #2 Generator Project:

President Brady called upon Mrs. Yohn to announce the bid results that had been submitted. Mrs. Yohn said that on August 4, 2009, the Town of St. Michaels received six bids for the Well No. 2 Generator Project. The bids were as follows:

- Bilbrough's Electric, Inc., Denton, MD: Total base bid - \$49,330.00, which included the required bill bond and Addendum #1 to the specifications.
- Sens Mechanical, Inc., Berlin, MD: Total base bid - \$150,215.00, which included the required bill bond and Addendum #1 to the specifications.

- Chuck's Electrical Service, Inc., Centreville, MD: Total base bid - \$52,640.00, which included the required bill bond and Addendum #1 to the specifications.
- John W. Tieder, Inc., Cambridge, MD: Total base bid - \$59,800.00, which included the required bill bond and Addendum #1 to the specifications.
- Zober Contracting Services, Inc., Dover, DE: Total base bid – KOHLER \$66,359.83, which included the required bill bond and Addendum #1 to the specifications.
- Zober Contracting Services, Inc., Dover, DE: Total base bid – CUMMINGS \$72,359.83, which included the required bill bond and Addendum #1 to the specifications.

Mrs. Thomas said that the Town's engineers had evaluated the bids and were recommending that the contract be awarded to the lowest bidder, Bilbrough's Electric, Inc. of Denton, MD. Mrs. Thomas also noted that there was \$48,000 in the budget for this project and that there was available an additional \$1,000 contingency in the water budget and the remainder of the costs could be paid from prior year reserves. There were no additional comments from the Commissioners or the public. President Brady called for a motion. Commissioner Clark made the motion to accept the bid of Bilbrough's Electric, Inc. in the amount of \$49,330.00, as recommended by the Town's engineers. Commissioner Snyder seconded the motion, which passed on a roll call vote of 5-0 in favor, including Commissioner Dinkel's absentee vote as read by Mrs. Thomas.

Legislation/Other Matters Eligible for Vote:

- **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

President Brady asked Mrs. Thomas and the Commissioners if there were any comments or changes regarding Resolution 2009-17. As there were no additional comments, President Brady called for a motion to adopt Resolution 2009-17 as presented. Commissioner Snyder made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Dinkel's absentee vote as read by Mrs. Thomas.

- **Resolution 2009-18** - Mrs. Yohn read the title of Resolution 2009-18 into the record as follows: Resolution 2009-18, A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS 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 FOR THE FOLLOWING PURPOSES: TO CONFORM ARTICLE IV, § C-22 "REGISTRATION OF VOTERS" WITH SUBTITLE 4 OF TITLE 1 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND; TO PROVIDE THAT APPOINTED COMMISSIONERS EXERCISE THE SAME VOTING PRIVILEGES AS ELECTED COMMISSIONERS AND; TO PROVIDE THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THE CHARTER AMENDMENT ADOPTED BY THIS RESOLUTION

President Brady asked Mrs. Thomas if she had any additional comments regarding Resolution 2009-18. Commissioner Snyder asked if the Resolution included provisions to allow appointed Commissioners to serve as officers. Mrs. Thomas responded that it did not. Commissioner Snyder asked if such language could be added. It was determined that another public hearing would be required to make such a change. Commissioner Snyder said he withdrew his suggestion so as not to delay Resolution 2009-18 and would prefer that another Resolution be drafted to address appointed Commissioners. As there were no additional questions or comments, Commissioner Snyder made a motion to adopt Resolution 2009-18 as presented. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Dinkel's absentee vote as read by Mrs. Thomas.

Board Appointments - Tourism Board:

President Brady said that they had before them the proposed appointment of April Dean Whitacre to serve as the retail representative replacing Ilene Morgan who had served on the Tourism Board since its formation in January 2007. Mr. Brady stated that on behalf of the Commissioners, he would like to thank Mrs. Morgan for her hard work and dedication to the St. Michaels Tourism Board, wishing her the best in her endeavors and noting that she will be missed by the Board. Commissioners Clark, Snyder and Hunt said that April Dean Whitacre was a well qualified candidate to replace Mrs. Morgan. President Brady called for a motion to appoint April Dean Whitacre to serve as the retail representative on the Tourism Board to fill the remainder of the term of Ilene Morgan which expires on June 30, 2011. Commissioner Clark made the motion as stated by President Brady. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor, including Commissioner Dinkel's absentee vote as read by Mrs. Thomas.

Comments from the Public:

There were no additional comments from the public.

Comments from the Commissioners:

There were no additional comments from the Commissioners.

Announcement of Next Meetings:

President Brady announced that the next meetings of the Commissioners would take place on September 9, 2009 at 5:00 p.m.; on September 16, 2009 at 4:00 p.m. and 6:00 p.m.; and on September 23, 2009 at 6:30 p.m. All of the meetings will be held at the Town offices.

The Commissioners of St. Michaels
August 26, 2009

Adjournment:

President Brady adjourned the meeting at 8:00 p.m.

Respectfully submitted,



Dorothy C. Olley
Assistant Town Clerk

Attachments:

- Ordinance 408 and Exhibits
- Report of Deborah Renshaw
- Bid Award - Well #2
- Resolution 2009-17
- Resolution 2009-18
- Resolution 2009-19
- Storm water management plan revision -Nature Trail
- Absentee votes - Commissioner Dinkel