

MINUTES

COSM

Commissioners

COSM Work and Legislative Session

Thursday, January 10, 2019, 6:00 pm - 8:00 pm

Edgar M Bosley Jr. Municipal Admin Building

300 Mill Street; PO Box 206

St. Michaels, MD 21663

- I.

Call to Order - Pledge of Allegiance

- President Boos convened the combined working and legislative session of the Commissioners of St. Michaels in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland at 6:00 p.m., and the Pledge of Allegiance was recited. Present were Commissioners Bill Boos, Joyce Harrod, Jaime Windon, Michael Bibb, and Michael Gorman, Police Chief Anthony Smith, Town Manager Jean Weisman, Legislative Clerk Suzanna Warnick, and 29 members of the public.
- II.

Agenda Amendments

- There were no changes or additions to the agenda
- III.

Announcements from COSM and Staff

- Commissioner Harrod noted that she would be attending the NAACP prayer breakfast at the B'nai Brith Temple in Easton next week at 8:00 a.m. Commissioner Bibb said he had met with the Secretary on Aging at a meeting in Easton for a discussion of an "Aging in Place" program the State is trying to organize and promote. Commissioner Bibb said he also attended a meeting to move forward on the rehabilitation of the Boy Scout cabin on St. Mary's Square in St. Michaels. Commissioner Bibb added that the Maryland Municipal League would be involved in trying to modify a recently passed law allowing construction of cell towers along major highways, with the goal of ensuring that local communities have a say in the placement of the towers. Mrs. Weisman announced that the new Zoning Officer, Kymberly Kudla, begins work on January 15th. Mrs. Weisman said, as part of the Town's zoning code update, surveys had been mailed to all property owners in St. Michaels and made available online on the Town's website. She encouraged everyone to complete the survey and attend the workshops. Mrs. Weisman noted that Commissioner Bibb would be hosting his next "Conversation with a

Commissioner" on Saturday, January 19th, and that several Commissioners would be attending the quarterly Eastern Shore Association of Municipalities Legislative dinner on January 22nd.

- IV.

Comments from the Public

- John Novak of West Chew Avenue, said he represented a number of residents who opposed the location of a new Town Office on Fremont Street. Mr. Novak said the group thought the better choice was the Mill Street location because it offered ample parking and would accommodate a less expensive, single-story combined Town Office and Police Station. Mr. Novak added that his group was aware of the Letter of Intent between the Town and the Museum to sell the skate board park property to the Museum. Mr. Novak said that since three of the Commissioners had ties to the Museum, the Commissioners should be barred from voting on the location for the new office. Mr. Novak submitted his written comments for the record. Jim Fulton of Cherry Street said he supported the choice of Mill Street for the new office. Aida Kahlil and Marie Martin of Cherry Street said they supported the Mill Street location. Ms. Martin noted that the Fremont location seemed to have traffic and cost issues. Susan Reisweg of E. Chew also said she supported the Mill Street location. David Breimhurst of Grace Street opposed the Fremont location and called for the Commissioners to recuse themselves from voting on the parking ordinance on this meeting's agenda. Jim Fulton of Cherry Street had an additional comment about the conflict of interest, noting that the extent of the Commissioners' relationship to the museum should be explained. Mike Estrella of East Chew Avenue said, for the record, that Commissioner Gorman had recused himself from the vote on the Mill Street location.

Jean Butler of Chester Park Lane urged the Commissioners to look into the traffic and construction problems on Chester Park, which she said were causing daily hardships for the residents. Mrs. Weisman said she had asked Chief Smith to increase patrols in the area to make sure equipment is not blocking access and egress, and she had also talked with Ken McFadden, construction supervisor for Talbot County, about the situation. Chief Smith said he had conversations with the construction crews and would continue to monitor the situation. Commissioner Boos thanked Ms. Butler for her comments.

Commissioner Gorman responded to a question regarding his recusal, affirming that

he did recuse himself from the vote on Mill Street as a town office location, which turned out to be a 4-0 vote in favor of Fremont Street. Commissioner Gorman said that he would continue to recuse himself from any vote involving the Mill Street property, but that he would be voting on issues related to the Town Office project at the Fremont Street location.

President Boos said he had forwarded the circumstances of his contact with the Museum regarding a boat listing arrangement to the St. Michaels Ethics Commission for an opinion on whether there was a conflict. He said their decision was expected shortly, and would be made public.

Commissioner Windon said she is on the Friends Board at the Museum, but that she favored the Fremont location from the outset and voted for it.

Chairman Boos thanked everyone for their comments.

- V.

Special Presentation

- Rick Tull
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FY2018 Auditor's report

- Rick Tull of

Lank, Johnson and Tull

- President Boos introduced Rick Tull of Lank, Johnston and Tull, Auditors, who provided highlights of his firm's annual audit of the Town's finances for FY 2017-18. Mr. Tull said that the report was unmodified, which was the highest level report any organization could receive. Mr. Tull said that over the year, the Town was able to meet all financial obligations without incurring any new debt, and maintaining existing reserves, a situation, Mr. Tull emphasized, that was the best possible scenario for any municipality. Following some questions from the Commissioners, President Boos thanked Mr. Tull for his presentation.

- VI.

Consent Agenda for Minutes, Department Reports and Event Permits

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Minutes

- December 13, 2018 - Regular Work & Leg Session

December 14, 2018 - Closed Executive Session

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Department Reports for December 2018

- Police Department

Disbursements

Budget vs. Actual

Profit & Loss

Public Works

Planning and Zoning

Administrative

Communications and Marketing

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Event Permits

- None
- President Boos said a vote to approve the Consent Agenda would include approval of meeting minutes for the month of December 2018, and December and year-end Departmental reports. President Boos asked if there were any questions or comments on the Consent Agenda, There being none, he called for a motion to approve the Consent Agenda as presented. Commissioner Bibb

made the motion, which was seconded by Commissioner Boos, and which passed on a roll call vote of 5-0 in favor.

- VII.

Bids and Contracts

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Gray Iron Castings for Tree Grates along Talbot St

- Bids to be opened on Monday, Jan 7...copy of bids will follow
- Mrs. Weisman said she and Public Works Director Jeff Richardson had met on-site with a grate manufacturer to discuss putting grates around the trees on Talbot Street, instead of mulch. Mrs. Weisman said the project was put out for bids and that two bids were received. Mrs. Weisman said the low bid was \$17,895.00 plus freight from Neena Foundry. Mrs. Weisman said the Town has \$25,000 budgeted for this project, but may need to spend a little more for the electrical to light up the trees at the holidays. Mrs. Weisman said the public works crew will be doing the installation of new trees (crepe myrtles) and the 4 x 6 foot openings for the grates during the winter months. Mrs. Weisman said she was asking the Commissioners for a vote on the low bidder, noting that the other bid received was \$25,000.00. President Boos called for a motion to accept the bid of \$17,895.00 from Neena Foundry, as recommended by staff. Commissioner Bibb made the motion, which was seconded by Commissioner Boos, and the motion passed on a roll call vote of 5-0 in favor.
- VIII.

Ordinance eligible for Vote

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Ordinance No. 498 - Mooring at Hollis Park Bulkhead

- AN ORDINANCE TO AMEND CHAPTER 101 - BOATS AND BOATING, CHAPTER 101-2, MOORING AT PUBLIC WHARVES, OF THE CODE OF THE TOWN OF ST. MICHAELS TO REGULATE THE MOORING OF BOATS AND PROHIBIT RAFTING OF BOATS ALONG THE PUBLIC WHARF AT HOLLIS PARK
- President Boos called upon Mrs. Warnick, who read the title of Ordinance No. 498 into the record as noted above. President Boos said Ordinance No. 498 was introduced at the Commissioners' last meeting and was eligible for a vote. President Boos acknowledged Mark Van Fleet, a member of the Waterways Committee. Mr. Van Fleet said that the Waterways Committee had looked at the ordinance and was recommending a 10:00 p.m. curfew, which was

the time the noise ordinance becomes affective, thus making it easier to enforce noise violations related to rafting or mooring of boats along the public wharf. President Boos said he approved of the change to the specific time of 10:00 p.m., as recommended by the Waterways Committee. Commissioner Gorman said he did not favor further restricting boater activity along the wharf in the high tourist season from 11:00 p.m. to 10:00 p.m. He said he did, however, support "no rafting" because of its interference with navigable water and slipholders, and empowering police officers to enforce the regulation.

Commissioner Bibb made a motion to amend the current ordinance to change the time to 10:00 p.m., which was seconded by Commissioner Boos, and the motion passed on a roll call vote of 4-1 in favor, with Commissioner Gorman dissenting.

President Boos then made a motion to accept Ordinance No. 498 as amended with the 10:00 p.m. time. Commissioner Bibb seconded it, and the motion passed on a roll call vote of 4-1 in favor, with Commissioner Gorman dissenting.

- IX.

Ordinance for Consideration or Introduction

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Ordinance No. 499 - Amend Parking Requirement for Offices

- AN ORDINANCE TO AMEND CHAPTER 340-34 C.(n) TO CHANGE THE PARKING REQUIREMENT FOR OFFICES, AND TO ADD A NEW SUBSECTION V. THAT WILL ALLOW THE PLANNING COMMISSION TO REVIEW PARKING NEEDS AND PERMIT A DEVIATION FROM THE PARKING REQUIREMENTS
- President Boos said Ordinance No. 499 was eligible for consideration and/or introduction, and called upon Mrs. Warnick, who read the title of the ordinance into the record as printed above. Mrs. Weisman noted that the Planning Commission had made a favorable recommendation regarding the amendment. President Boos called for any comments or discussion. Commissioner Bibb said he opposed the change. Commissioner Gorman said the amendment was suggested with the new Town Office in mind, but that the change was in keeping with the changes in parking requirements that would be part of the updated zoning code. Commissioner Gorman said the amendment was being considered now because the design and planning for the new Town Office could not go forward unless the parking issue was

resolved. Commissioner Gorman added that the professionals favor the change, citing a position paper produced by Zoning Consultant Peter Johnston and presented at the last Commissioners' meeting. Commissioner Gorman also said the parking change was in keeping with his vision for a more walkable St. Michaels. Commissioner Windon said she supported the amendment as a proactive part of the zoning code overhaul. Mrs. Weisman noted that the amendment applies to all offices, and gives the Planning Commission some flexibility with the parking regulations in the code. As there were no additional comments, President Boos called for introduction, saying he was introducing Ordinance No. 499. Commissioner Windon also introduced the ordinance.

- X.

Boards and Commissions

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Ad-hoc committee to improve town/resident communication

- John Novak of W. Chew opened the discussion on forming a committee to improve the communication between the Town and residents. Mr. Novak said the group of citizen's he was representing wanted to form a short-term ad hoc communications committee composed of 8-10 people from Town administration, members of Town commissions, and the Commissioners, and to make recommendations. The Commissioners all agreed with the concept. President Boos suggested that staff meet with committee representatives to set parameters and determine members. President Boos then made a motion to form the committee as outlined. Commissioner Bibb seconded it, and the motion passed on a roll call vote of 5-0 in favor. Mr. Novak said he would send an email to Mrs. Weisman to get the process started and schedule a meeting. Commissioners Bibb and Harrod volunteered to serve on the committee.
- XI.

Items for Discussion

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Alley Abandonment

- Jeff Knapp, Planning Commission member and resident of upper Miles Avenue, opened the discussion. Mr. Knapp explained that the alley separates two of three pieces of property that he owns on Miles Avenue. Mr. Knapp continued that he would like to put a small stone barn on the second property to house chickens, but town regulations do not allow an accessory structure on properties

separated by a right of way. Mr. Knapp said that since the alley does not pass through to anywhere, he was requesting that the town abandon the alley so he can use the second property. Mr. Knapp referred the Commissioners to maps. President Boos asked Mrs. Weisman what was the process for abandoning the alley. Mrs. Weisman said the Town would need to declare the property surplus, advertise and hold a public hearing. President Boos asked if Mr. Knapp was willing to purchase the property from the Town and he said yes. Mr. Knapp concluded that he would like to be able to use the properties he owns and for which he pays taxes. President Boos said the Commissioners would like to think about Mr. Knapp's request and suggested in the meantime that Mr. Knapp meet with Mrs. Weisman to develop a formal proposal for the Commissioners.

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New Town Flag

- Commissioner Bibb provided an update on the Town Flag project. President Boos said he was in favor of creating a Town flag, and that he would like the flag to have the name "St. Michaels" on it. President Boos said in addition, he thought that the Commissioners should have the final decision on what was selected. Commissioner Bibb said that those interested in the project were ready to go. The Commissioners were in unanimous agreement to go forward with project, including the conditions as discussed - the St. Michaels name on the flag, and the Commissioners having final decision.

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Police vehicle budget amendment

- Chief Smith opened the discussion of upgrading police benefits to improve recruiting efforts. Chief Smith requested that the Commissioners budget for offering police officers a take-home car upon hiring. Chief Smith said that officers have left the department for better offers and better benefits and the force is down two officer positions that the department has been unable to fill. President Boos said he agreed with the suggestion that the police department budget for nine officers instead of ten to help offset the cost of the take-home cars, and that the cars be purchased when new officers are hired. President Boos said the Commissioners would also look at the LEOP pension program as a potential recruiting incentive. President Boos then clarified that the Commissioners would be voting for a budget amendment to change the number of police officers from ten to nine, to purchase two cars, and to purchase a third car when a new officer is hired. President Boos added that the amendment not only puts the take-home cars in the budget, but results in a modest net budget savings. The Commissioners were all in agreement on the plan. President Boos then made a motion to approve the budget amendment as written. Commissioner Bibb seconded it, and the motion carried on a roll call vote of 5-0 in favor.

- XII.

Commissioners Calendar

- The Commissioners discussed calendar items for their February 13th combined work and legislative session. Mrs. Weisman said that the County Council has requested that the Commissioners make the small triangle of land between the Fire Department and the water tower into a recycling area now that Graul's Market would not be continuing as a recycling location. Mrs. Weisman said the County had originally given that land to the Town when the water tower was erected. The Commissioners agreed the matter should be added to their agenda for the February 13th meeting. The Commissioners also agreed on January 23rd from 2:00 p.m. for the next meeting with the Town Office architects.
- XIII.

Comments from the Commissioners

- There were no additional comments from the Commissioners. President Boos called for any further comments from the public. Jim Fulton of Cherry Street asked if the Town plans to up-light the new trees on Talbot Street as his concern was that the Historic District prohibits the up-lighting of buildings in the HD and it would be hard to tell residents they cannot up-light if the Town is doing it. Mrs. Weisman said the grate project would include installing electrical outlets for plugging in Christmas lights located in the trees. Mr. Fulton urged the Commissioners to look at the cost differential of changing to the Mill Street location based on two buildings - the town office and the police station. Mr. Novak of W. Chew Street supported Mr. Fulton's comments. Mike Estrella of E. Chew Street said he hoped that the Town would talk to attorneys regarding the conflict of interest issue to resolve it once and for all. Donna Hall of E. Chew Avenue said she did not support the Fremont Street location because of safety and parking issues.
- XIV.

Announcement of Future Meetings

- January 21 2019 - Office closed for Martin Luther King Jr. Day

February 13 2019 - COSM Work & Legislative Session

- XV.

Adjournment

- The meeting was adjourned at 8:35 p.m.

