

MINUTES

**Commissioners
COSM Work and Legislative Session
Wednesday, February 13, 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 approximately 45 members of the public.

- II.

Agenda Amendments

- President Boos said that the meeting agenda would begin with a special presentation.
- III.

Announcements from COSM and Staff

- President Boos read a Proclamation celebrating Town Manager Jean Weisman's thirty-five years of service to the Town of St. Michaels. Mrs. Weisman was presented with a silver tray featuring the Town's Seal.

President Boos said the Commission would now take open public comment, followed by a Public Hearing and another session of public comment related to the public hearing and Ordinance 499.

President Boos first called upon Mrs. Weisman for public announcements. Mrs. Weisman said Commissioner Bibb's next "Conversation with a Commissioner" would be Saturday, February 16th at 8:30 a.m. in the Town Office, followed by an open forum at 2:00 p.m., hosted by the Planning Commission. She noted the Planning Commission would be inviting discussion of the zoning survey that was sent out to residents. Mrs. Weisman said that the Town had finally received the

permit for the dock at Back Creek from the Army Corps of Engineers that has been outstanding for about two years. Mrs. Weisman also said the Planning Commission has just started meetings to renew the Town's sustainable communities designation, which is a 5-year license enabling the Town to access community grant funding. Commissioner Bibb said he had recently met with the Rotary Club about moving forward on the renovation of the Boy Scout building, with a target completion date of June 2019 and a cost of about \$80,000. Commissioner Windon said she had asked the Ethics Commission to look into any potential conflict of interest she might have because of her membership in the Museum Friends or the sale or donation of product from her St. Michaels business.

- IV.

Comments from the Public

- President Boos then invited public comment. Jim Fulton of Cherry Street commended Commissioner Boos and Commissioner Windon for their cooperation and good humor with regard to the conflict of interest, and said he hoped that, concerning any of the controversial issues in Town, reasonable people will be able to agree to disagree and reach a consensus. David Briemhurst of E. Chew Avenue urged the Commissioners to fund a feasibility study of all the possible locations for a town office and police station in the Town. Roy Myers of E. Chestnut said that he wanted to praise Jean Weisman for her diligence in pursuing the permit for the Back Creek dock and Watermen's park. Karen Wald of 107 Grace Street expressed concern about the potential for overdevelopment in the Town. John Novak of W. Chew Avenue urged the Commissioners to do a cost/benefit analysis of the two town office sites - Fremont and Mill Streets - to determine which was most cost effective. Kristin Greenaway, President of the Chesapeake Bay Maritime Museum (CBMM), provided some history of the CBMM's proposed purchase of the skateboard park property, and the Town's proposed purchase of the museum's Pinkett House property. Ms. Greenaway said that the museum had decided not to build on the skateboard park property because of the cost of moving the sewer lines and because the sewer and easement restrictions would prohibit the construction of the size building the museum needed. Ms. Greenaway noted that the museum had concluded that the best use of the skateboard property was for parking. President Boos said that anyone who had questions or comments for Ms. Greenaway could follow up with her outside of the meeting.

Randy Royer of the St. Michaels Business Association said Ms. Greenaway's comments were "Exhibit A" for why an independent feasibility study was necessary. Mr. Royer also noted that he opposed the museum's plan to have a café on the museum property.

President Boos then closed the public comment session. Commissioner Bibb made a motion to commission a feasibility study. Commissioner Harrod seconded it. President Boos said the matter was open for discussion. President Boos then proceeded to address inaccuracies in local press reports about the town office project. President Boos said the Commissioners had devoted countless hours, visited other towns, and consulted professional opinions at every juncture in choosing the site for the town office and it was his belief that the Fremont site was the best site. President Boos said that regarding town-owned properties, he would be asking the Commissioners to review a list of all Town-owned properties and to determine a disposition for each, including the skateboard park property. President Boos' remarks are made part of the record and these minutes.

Commissioner Windon said she agreed with 95% of Commissioner Boos' comments and believed the Town had done its due diligence on this project. Commissioner Bibb said he favored a new combined town office/police station complex. Commissioner Harrod said the current police station was inadequate. President Boos asked if there were any further comments and concluded by stating that he would not vote to spend \$5 million dollars of taxpayers' money on a town office/police station complex. The Commissioners then voted on the motion to commission a feasibility study. The vote was 2-2 and the motion failed. Commissioners Harrod and Bibb voted in favor of the study. Commissioners Boos and Windon voted against the study, Commissioner Gorman abstained from voting.

- V.

Public Hearing

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ORDINANCE NO. 499: 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

- Introduced on January 10, 2019 by Commissioners Windon and Boos.
- President Boos opened the public hearing on Ordinance No. 499. Mrs. Warnick turned in the sign-in sheet for those wishing to make comment, and read the title of Ordinance No. 499 into the record as noted above. Mrs. Warnick also read the following exhibits into the record:

Exhibit 1 A recommendation from the Planning Commission dated January 23, 2019 requesting an amendment to Chapter 340-34, Parking

Exhibit 2 Copy of the proposed Ordinance for the public hearing, dated February 13, 2019

Exhibit 3 Copy of the Notice of the Public Hearing to be held on February 13, 2019, which was posted on the Town bulletin board, the Post Office and the Town's website, and published in the Star Democrat and Chesapeake Internet on January 29th and February 5, 2019

Exhibit 4 Affidavit of Publication from the Star Democrat for the Notice of Public Hearing

President Boos said he had three signatures from those wishing to comment, and called upon Jeff McGuinness of Perry Cabin Drive. Mr. McGuinness said he was in favor of the ordinance, and that he did not think building a police station in the Town's prime tourist area with a scenic water view was an appropriate move by the Town. Ms. Khalil of Cherry Street said she supported locating the Town and the police station on Mill Street. Jim Fulton of Cherry Street said he supported the ordinance and that giving the Planning Commission flexibility to review parking on a case-by-case basis was a positive step. There were no additional comments.

President Boos said Ordinance No. 499 was introduced by two Commissioners at the January 10, 2019 meeting and was duly advertised. Commissioners Boos then closed the public hearing. President Boos made a motion to approve Ordinance 499 as presented. Commissioner Windon seconded it. President Boos called for any further discussion. Commissioner Bibb said he did not think the ordinance should be approved at this time. Commissioner Windon said she believed it was a pro-active ordinance and supports the direction the Town wants to go. Commissioner Gorman said this ordinance was based on a recommendation of the consultant re-writing the Town's code and he believed the ordinance supports his own vision for the Town. Commissioners Boos, Windon and Gorman voted to approve Ordinance 499, Commissioners Bibb and Harrod voted not to approve Ordinance No. 499. The motion to approve the ordinance passed on a roll call vote of 3-2 in favor.

- VI.

Special Presentation

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Upper Shore Aging Inc.

President Boos introduced Childene Brooks, Manager of the Talbot County Senior Center, an affiliate of Upper Shore Aging. Mrs. Brooks provided some history of her organization, and said that Upper Shore Aging would have space in the new YMCA building in St. Michaels for a Senior Center. Mrs. Brooks noted that the completion date for the YMCA building is June 2019. Mrs. Brooks also said the organization was asking for donations and volunteers, and would like a Commissioner to sit on their Advisory Committee, which would meet for the first time on March 7th at 1:00 p.m. at the old YMCA location. President Boos thanked Mrs. Brooks for the update and said the Commissioners were looking forward to the new YMCA facility, and especially the indoor pool.

Woodside Recycling Site

- President Boos called upon Mrs. Weisman for an overview of the project. Mrs. Weisman acknowledged Ray Clarke, Talbot County Engineer, who was present for the meeting. Mr. Clarke explained that Graul's Market outside of town did not want to continue to be a recycling location for the County, and the County also wanted to relocate recycling away from the Ball Field site for safety reasons. Mr. Clarke said that the County was asking for the Town's cooperation in finding another site and was considering an arrangement with the Town to locate the site at the south end of Town near the water tower and the Fire House. Mr. Clarke admitted that the site would be small, but it would have a perimeter fence. Mr. Clarke said if the Town could not offer the site, the County would look for an alternative. President Boos suggested that the County should consider another location. Commissioner Gorman said he needed more information, which Mr. Clarke said he could provide. President Boos thanked Mr. Clarke for his presentation.
- VII.

Consent Agenda for Minutes, Department Reports and Event Permits

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Minutes

- January 10, 2019 - COSM Regular Work & Leg Session
January 23, 2019 - Special Working Session

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Department Reports for January 2019

- Police Department

Disbursements

Budget vs. Actual

Profit & Loss

Public Works

Planning and Zoning

Administrative

Communications and Marketing

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Event Permits

- -- Application for Public Event from St. Michaels Business Association for a Chocolate Fest through out town including the library and Community Center, on March 1-3, from 11am to 5pm, for approx. 500-1,000 attendees;
- -- Application for Event Sign Permit from St. Michaels Police Department for Shamrock Signs to be hung on utility poles around C- Street Saloon from March 2 - 31st; to benefit SMYLE program;
- -- Application for Public Event and Town Use Permit of Talbot Street from Willow to Cherry St., from Carpenter Street Saloon (Johnny Mautz), for Shopping Cart Races on Midnight of March 17, 2019, for approx. 20 participants/300 spectators, to benefit the St. Michaels and Tilghman Fire Departments; including road closure;
- -- Application for Public Event and Town Use Permit from TriCycle and Run/Laura Chance, for Family Fun Run on St. Michaels Nature Trail, on March 17, April 14, May 12, June 15 and July 13, 2019, for 50-100 participants, to benefit varying local charities;
- -- Application for Public Event from Chesapeake Bay Maritime Museum, for Sea Glass Festival to be held on the grounds of CBMM, on April 6-7, 2019, from 10 am to 5 and 4 pm respectively, for approximately 2,000 attendees daily;
- -- Application for Farmers' Market held on Talbot and Fremont Street parking lot, on Saturdays from April 13 through Nov 16, from 7am-12noon, 50-250 attendees; including Public Sign Permit for 75 vegetable signs along Talbot Street (asking for 6 weeks - standard permit allows 4 weeks); including Permit to Use Outdoor Speakers (following allowable decibel limits).

- President Boos said a vote to approve the Consent Agenda would include approval of meeting minutes and departmental reports for the month of January 2019, as well as the event permit applications as noted above. As there were no comments or changes, President Boos called for a motion to approve the Consent Agenda as presented. Commissioner Bibb made the motion, which was seconded by Commissioner Windon, and which then passed on a roll call vote of 5-0 in favor.
- VIII.

Items for Discussion

Alley Abandonment - Miles and Chesapeake Ave

- Mrs. Weisman said Jeff Knapp of 101 Miles Avenue, Parcel 1779, had requested that the Town consider abandoning the alley next to his property to allow him to use Parcel (1778), which he also owns, to construct an accessory structure. Mrs. Weisman turned the discussion over to Mr. Knapp, who said he had prepared a proposal as requested by the Commissioners at their last meeting. Mr. Knapp referenced the plat and the pertinent sections of the Town Code. Mr. Knapp said the alley was only 10 feet wide and terminates at Parcel 1772, which he also owns. The Commissioners generally favored the transaction, agreeing that the alley makes no sense and does not serve any useful purpose. Mrs. Weisman added that following abandonment, the property would need to be declared surplus and then sold to Mr. Knapp, after which he could pursue a lot line revision. Mr. Knapp said he already had the whole property surveyed so that the metes and bounds could be included in a draft ordinance. Mrs. Weisman said the next step for the Commissioners would be to schedule a public hearing. President Boos then called for a motion to move to the next step in the process. Commissioner Bibb made the motion, which was seconded by Commissioner Harrod, and which then passed on a roll call vote of 5-0 in favor.
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Ad Hoc Communication Committee

- President Boos introduced Mr. Novak of W. Chew Avenue. Mr. Novak presented his proposal for an ad hoc committee to look into ways to improve communications between the Commission and residents. Mr. Novak said the ad hoc committee would consist of 8-10 members, including five town staff and others from the public, and they would meet for four months, from April through July, after which they would prepare a report and recommendations to be presented to the Commissioners. Mr. Novak said the committee would look at the Town web site, social media, email, and "push out systems." After some additional discussion, the Commissioners were in general agreement. Commissioner Boos made the motion to form the

committee. Commissioners Bibb seconded it, and the motion carried on a roll call vote of 5-0 in favor.

- IX.

Commissioners Calendar

- - Town Property Disposition Plan
- - Small Cell Town Guidelines
- The Commissioners made changes and additions to their agenda for the March 13th working and legislative session. The Commissioners also agreed on their budget meetings in March, setting March 26th and 27th from 8 a.m. to 2 p.m.
- X.

Comments from the Commissioners

- President Boos called for any additional comments from the public. Kristin Greenaway of the Maritime Museum said the museum is NOT planning a sit-down restaurant despite all the rumors, and she would reiterate her statement at a public presentation to the St. Michaels Business Association on February 21st, and all were welcome. Mike Estrella of E. Chew Avenue said he hoped that lists of site users or mailing lists would not be made available to any ad hoc committee for any purpose, noting that there was too much misinformation in the Town as it was. Donna Hunt of E. Chew Avenue said she did not believe that Woodside Avenue was a good site for recycling. She said it would discourage recycling because of the fire siren and could be a potential hazard to pedestrians from activity of fire vehicles in and out of the firehall.

President Boos noted there was a zoning code re-write meeting on February 16th at 2:00 p.m., and March 13th was the next Commissioners' meeting. President Boos concluded with praise again for Mrs. Weisman's 35 years of service to the Town of St. Michaels.

- XI.

Announcement of Future Meetings

- February 16, 2019 - 2:00 pm - Town Office - Zoning Code Rewrite

February 18, 2019 - Town Office closed for President's Day

March 13, 2019 - 6:00 pm - Town Office - COSM Work and Legislative Session

- XII.

Adjournment

- The meeting was adjourned at 8:15 p.m.

Let me say up front that I am speaking for myself speaking, not the town. Commissioners only speak for the town when they vote.

This is from a recent opinion piece in the star democrat,

“The commissioners appear to be rushing to build a new town office on a small unsuitable lot”

Considering that we have been at this for over two years, to suggest that we have rushed into this decision is completely untrue.

First, I have stated many times publicly my reasons for preferring the Fremont site and for voting to build the new town office there.

That opinion came from many hours, hundreds of hours, of careful investigation, conversation and due diligence.

We have hired and gotten the professional opinions of 2 architectural firms, Crosby and Asso and Manns Woodward, both highly qualified and respected and experienced in municipal design, as well as building zoning experts, energy consultants and of course opinions from the public

Many options were looked at and carefully considered...renovate the existing town office, rebuild on the existing town hall site, build on the skateboard park site, build the Fremont site, re-occupy the Long and Foster building, lease space in the new Acme building, build at Talbot and Boundary, investigate a site on the south side adjacent to the school ball fields.

We did spread sheets comparing sites, looked at land costs, building costs, parking, accesibility and how each site comported with the long range plan, we had countless meetings, field trips to other towns, etc

In the final analysis, for me, the Fremont site was the obvious and best choice. It was never about trying to make sure another site, like the skateboard site remained freed up to sell to the museum as has been suggested. I only care who will own that site from a standpoint of will the new owners provide an enhancement to the town, and did we maximize the financial benefit to the town by getting the best possible price. I am asking the other commissioners later in this meeting to take up the issue of town property disposition. I have made a list of all town owned properties and suggestions about what should be done with them. The ones that should be sold are identified and we should enact a plan to sell them. We should consider putting them up for open bid, and that includes the skateboard property.

My goals for the new site were many, but a couple of important ones were...

It needs to be no larger nor smaller than what is required by the programmatic needs set up by our architects

It needs to be accessible and walkable for as many people who use it as possible

It needs to have sufficient parking even for times when there is a meeting that draws many cars

It should be as energy efficient as we can make it without compromising the cost to build and spending too much without proper payback

It's design should be appropriate for the neighborhood it is in. It should be a good neighbor

It should be an administrative building that houses the town staff of 7 people and provides adequate meeting space for the monthly and periodic meetings of our commissions

Finally, the cost to build should be the least amount possible without compromising quality or function

Those are some things that it should be, here a couple it should not be...

It should not be a monument. It was recently stated in the opinion section of the paper that the new building could be put on the Mill St site and be a combined town hall and police station. It goes on to say that it would be a "handsome municipal building that would become a landmark centerpiece of the town" ...overlooking Hollis Park and the harbor.

Besides a building like that costing north of 4 million, probably closer to 5 million dollars, it is unnecessary and inappropriate in my opinion

Our town office that we all agree is badly needed, should not be the centerpiece of this town nor should it be positioned with beautiful views of the water for the limited number of people who use it daily

For the same reason I rejected other sites for the office such as Boundary. It should not be the first thing that you see when you come into town

It should not be an emergency operations center, we have a school for that possibility

It should not be put in a spot that is prone to flooding due to high tides or in a spot that could be potentially unviable in the next couple of decades.

With all of that said, I have always believed that if for some reason, the Fremont site turned out to be unbuildable or unviable or too expensive, I would agree that it should not be pursued

I still have not heard any compelling reason for that to be the case. Recently several statements have been made here and in the paper regarding reasons to not do the Fremont site.

In fact I believe there have been many assertions made recently both here as well as at other meetings and in the press that are simply wrong

First, quoting from the same opinion piece, "it will require a two story building, adding hundreds of thousands of dollars to the cost". Our architects have told us that is not true. If you compare two buildings of equivalent size, one single story and one two story, per square foot building costs are almost identical. This is due to the fact that the cost to build the second story is approximately 30% cheaper than the cost to build the first floor, because it shares the

foundation and roof. When you add the cost of an elevator and stairwells needed in two stories, both buildings come out being essentially the same cost. Is a smaller site more difficult to build on and does it potentially carry slightly higher costs, yes but not significant and certainly not hundreds of thousands of dollars.

Second, "Parking will be extremely limited". The architects have said that the site will hold 13 parking spaces, more than enough for the daily needs of the building, however, a recent paper from Johnston and associates, our consultant doing the code rewrite stated that there are currently 175 public parking spaces within 500 feet of the Fremont location, including two municipal lots one of which is closer than the skateboard lot is to this building. Fremont actually has many more public parking spaces available than the Skateboard lot.

Third, "Emergency vehicles, like large fire trucks, will have difficulty accessing the site". I agree that there are plenty of streets and locations in our small older town that pose a challenge to our emergency responders. In the case of Fremont, which is certainly not the narrowest street in town, it is accessible and workable. In fact, Fremont is 32 feet wide and Mill St, the skateboard lot street, is 20 feet wide.

Fourth, "Storm water drainage will be inadequate". We have not yet received a final report regarding storm water management from the Architects so we do not know exactly how it will need to be handled. We were told that it is adequate but may require some extra measures regarding surface permeability etc. That is the kind of potentially extra expense that I alluded to earlier. Our architects when asked about storm water control on this site said that St Michaels in general is a challenge, but the site is workable.

Fifth, "There is no room for future expansion if needed". Future expansion is not a factor. Since 1960 the population of St Michaels has gradually declined from around 1500 to today at 1024. There is no appetite that I know of for annexation of land which could grow the town size, and we are physically restrained on both sides by water. Yes, the town swells on the weekends with tourists, but tourists don't use a town office. Even with that said, we did include in our unanimous vote to approve Fremont, a provision to secure a right of first refusal on both adjacent properties for possible future use, such as a police station.

Finally, this quote from the most recent opinion piece in the paper "When the commissioners selected a small lot on Fremont Street, they were under the mistaken impression that the 1.2 acre lot that the town owns on Mill St could not be built upon." It goes on to say that it can be made suitable for building at no cost to the town. It is true that it can be built upon, however, the commissioners were completely aware of that when we voted for Fremont three weeks later. An email dated July 19th from Jean Wiesman describing County Engineer Ray Clarke's opinion that pipes could be moved and the lot could be made buildable, was sent to all commissioners, and that email was also included in our board packages three weeks later at the August 8th meeting when we voted unanimously for Fremont.

What about the cost of all this?

The commissioners have decided to not build a new police station at this point, but rather to fix whatever deficiencies in the existing station still exist, as frugally as possible. There is no plan, nor has there ever been a plan to spend \$700K to renovate the police station, as has been

suggested. I do not believe that we should spend one dime more on the existing station house than is needed to make it safe secure and functional. 90% of the deficiencies that were identified by Crosby & Associates a couple of years ago have been corrected.

I mention the police station because it has been suggested that we build a new "Municipal Complex" on the skateboard lot, with a combination of a town office and state of the art police station. A building like that would be close to a 10,000 sf building and cost the taxpayers north of 4 million dollars. The debt service on \$4,000,000 for 30 years even at extremely favorable rates like 4% is \$20,000 a month or a quarter of a million dollars a year for 30 years. That is 10 cents on our tax rate.

I will not support spending our residents and property owner's money for such a venture.

We have a great opportunity to put a functional town office in a great location with other municipal entities such as a community center, police station, library, community gardens and town parking and do it as frugally and financially responsible as possible.

Therefore I am not in favor of spending any more time and taxpayer money investigating a site that in my opinion is not appropriate.