

MINUTES

COSM

Commissioners

COSM Work and Legislative Session

Tuesday, June 18, 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.

**Note: Commissioner Boos, as President, will preside over meeting until the election of officers*

- II.

Call to Order - Pledge of Allegiance

- President William 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. Also present were Commissioners Joyce Harrod, Jaime Windon, Dennis Glackin, and Michael Bibb, Town Manager Jean Weisman, Police Chief Anthony Smith, Legislative Clerk Suzanna Warnick, and approximately 17 members of the public.
- III.

Agenda Amendments

- There were no amendments.
- IV.

Election of Officers of The Commissioners of St. Michaels

- Commissioners Boos - will be electing a President, Vice President and Treasurer.

Once the election of President is completed, the new President will preside over the remainder of the elections and the meeting.

- President Boos announced the first order of business was the election of officers, and called for nominations for president. Commissioner Windon nominated Commissioner Boos. Commissioner Harrod nominated Commissioner Michael Bibb. President Boos asked Mrs. Warnick to call the roll for a vote for Commissioner Bibb.

Commissioner Harrod	Yes
Commissioner Boos	No
Commissioner Glackin	No
Commissioner Windon	No
Commissioner Bibb	Yes

President Boos then called upon Mrs. Warnick to call the roll for a vote for Commissioner Boos.

Commissioner Windon	Yes
Commissioner Glackin	Yes
Commissioner Boos	Yes
Commissioner Bibb	No
Commissioner Harrod	No

Commissioner Boos thanked the Commissioners for electing him president for another year. President Boos then called for nominations for Vice President, and nominated Commissioner Bibb. As there were no other nominations, Mrs. Warnick called the roll.

Commissioner Glackin	Yes
Commissioner Windon	Yes
Commissioner Harrod	Yes
Commissioner Boos	Yes
Commissioner Bibb	Yes

President Boos congratulated Commissioner Bibb on his re-election as Vice President, and then nominated Commissioner Harrod for Treasurer. As there were no additional nominations, Mrs. Warnick called the roll.

Commissioner Bibb	Yes
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Commissioner Glackin	Yes
Commissioner Windon	Yes
Commissioner Boos	Yes
Commissioner Harrod	Yes

President Boos congratulated Commissioner Harrod on her election as Treasurer.

- V.

Announcements from COSM and Staff

- Mrs. Weisman announced that the tree and grate project on Talbot Street was almost complete with only the section of sidewalk in front of the former Acme building remaining. Mrs. Weisman said she hoped that section would be completed within a couple of weeks and that staff was very happy with how the trees, grates and sidewalks look. Mrs. Weisman said America in Bloom has been in St. Michaels for the last few days looking at the Town and staff is expecting a good report from them in the coming weeks. Mrs. Weisman said on June 13th, the Commissioner held a closed session, according to the Open Meetings Act to discuss a personnel matter. Commissioner Bibb provided an update on the renovation of the Boy Scout Cabin, and said that the project was almost complete and that the exterior renovations would be sufficiently complete at the time of the Fourth of July celebration on St. Mary's Square. Commissioner Glackin said that there were two more zoning re-write meetings scheduled in July, after which a draft would be presented to the Commissioners, hopefully by the Fall. President Boos said he and Commissioner Bibb walked Talbot Street with the State Highway Administration, focusing on de-cluttering the signage.
- VI.

Comments from the Public

- Roy Myers of E. Chestnut Street said he favored the choice of the flag with the sword as the Town flag. Mr. Myers suggested that the Commissioners place a notice on the Post Office bulletin board announcing the next Commissioners' meeting and the general topics to be discussed. Mr. Myers said he was very pleased with the addition of Dennis Glackin on the Commission and encouraged the Commissioners to use his skills as a town planner in the coming year to develop a long-range town plan and a financial plan to support it. Mike Estrella of E. Chew Avenue questioned the cost estimate for air conditioning the newly renovated Boy Scout Cabin. Mr. Estrella also asked about the status of the action filed against the St. Michaels Ethics Commission. President Boos said a request for judicial review filed by the St. Michaels Action Committee, is pending in the

Circuit Court, and the Town's legal counsel would be responding to the complaint within the time limit specified. President Boos added that significant taxpayer funds have already been expended to address the complaint, and Mrs. Weisman said the amount so far was \$9500. Ann Borders of Cherry Street questioned the appropriateness of the "Conversation with a Commissioner" meeting, noting that the meeting is held on Town property and supported by the Town, giving the appearance that it is an official Town meeting when it is not. David Breimhurst of Grace Street commended the Commissioners for addressing the matter of cell phone towers, noting that the towers are actually an issue of blight and should not be allowed to go unchecked. Mr. Breimhurst also called for an independent assessment and feasibility study to determine the true value of the skateboard park property. John Novak of W. Chew Avenue provided an update on the Communications Committee.

- VII.

Consent Agenda for Minutes, Department Reports and Event Permits

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Minutes

- May 1, 2019 - Closed Session

May 14, 2019 - COSM Regular Work & Leg Session

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Department Reports for May 2019

- Police

Finance - Disbursements

Year to Date

Profit and Loss

Administrative

Public Works

Planning and Zoning

Communications

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Event Permits

- -- Application for Public Event from Iron Will Woodworks for an Annual Furniture Market, held on property of The Old Mill, on the following dates and times: Wed-Sat July 3rd-6th 9am to 6pm, and Sun July 7th 9am to 5pm, for approx. 500 attendees; including sign permit.
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- President Boos said he had one question regarding the Consent Agenda, which included minutes, departmental reports and event permits for May 2019 as noted above. President Boos said it looked like the Town was ending its fiscal year with a budget excess of \$63,000. and his question was whether there were any surprise expenses before July 1st. Mrs. Weisman said no, she did not anticipate any unplanned expenditures. As there were no other comments or questions, President Boos made a motion to approve the Consent Agenda as presented. Commissioner Bibb seconded it, and the motion passed on a roll call vote of 5-0 in favor.
- VIII.

Bids and Contracts

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N Harbor Road Mill and Overlay

- Mrs. Weisman provided an overview of the bids and contracts. Mrs. Weisman said the first contract was for the mill and overlay of a portion of North Harbor Road, and R. L. Ewing was the low bidder at \$23,080. Mrs. Weisman said staff was recommending R.L. Ewing based on the bid and past work they had satisfactorily completed for the Town. President Boos made the motion to accept the bid of R.L. Ewing based on the staff's recommendation. the motion was seconded and passed on a roll call vote of 5-0 in favor.
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Safe Routes to School

- Mrs. Weisman said bids went out for the Safe Routes to School project, for which the Town had received a State grant. Mrs. Weisman said the low bidder, David A. Bramble at \$254,416.50, would need to be approved by the State Highway Administration (SHA), and the other bidder was Bridges Site and Utilities at \$285,000. Mrs. Weisman said the Town's engineer, Davis, Bowen & Friedel, was recommending the low bidder, and the State grant for the project is \$277,000. Mrs. Weisman said she would like the Commissioners' approval of the bid, so she can send it on to the SHA for final approval. President Boos made the motion to approve, which was seconded by Commissioner Bibb. President

Boos then asked for clarification. Mrs. Weisman said the project would put an 8-foot asphalt sidewalk on school property on the South side of Seymour Avenue, extending from Talbot Street to Parsonage Lane. The bid from David A. Bramble was approved with a roll call vote of 5-0 in favor.

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HVAC - Boy Scout Cabin

- Mrs. Weisman said one bid was received for the HVAC for the Boy Scout Cabin from Wicomico Heating and Air for \$14,250.00. Commissioner Bibb explained that the cost of the project included extensive ductwork that was not previously existing. President Boos made the motion to approve, which was seconded by Commissioner Harrod, and which then passed on a roll call vote of 5-0 in favor.
- IX.

Boards and Commission Appointments

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Appointment to Planning Commission

- Position vacated by Dennis Glackin for move to Commissioner. This term will expire Dec 2019. Full term is for 5 years.
- Mrs. Weisman said Mr. Glackin's term on the Planning Commission expires December 31, 2019, and the Town had received four qualified applicants for this six-month appointment. Commissioner Glackin made a motion to appoint Chris Thomas to the Planning Commission for the term expiring December 31, 2019. Commissioner Harrod seconded it. Commissioner Harrod and Commissioner Windon spoke in favor of Mr. Thomas' appointment. The motion then passed on a roll call vote of 5-0 in favor.

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Appointment to Waterways Management Advisory Board

- Vacant position 3 year term to end Dec 2021
- Mrs. Weisman said there were three applicants for a term on the Waterways Advisory Board, which expires December 31, 2021. Mrs. Weisman said there were no watermen represented on the Board at this time. Commissioner Boos and Commissioner Windon favored the choice of Daniel 'Dink' Daffin. Commissioner Bibb said that Mr. Daffin was a waterman, a life-long resident of St. Michaels, and operated his own boat business. President Boos made a motion to approve Daniel Daffin to the Waterways Advisory Board for a three-year term ending December 31, 2021. Commissioner Harrod seconded it, and the motion passed on a roll call vote of 5-0 in favor.
- X.

Ordinance for Consideration or Introduction

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Ordinance No. 500

- AN ORDINANCE TO AMEND CHAPTER 285 (STREETS AND SIDEWALKS AND ALLEYS) OF THE CODE OF THE TOWN OF ST. MICHAELS, MARYLAND FOR THE PURPOSE OF AMENDING CHAPTER 285 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF ST. MICHAELS TO PROVIDE A DEFINITION FOR "SMALL WIRELESS FACILITY" AND "SUPPORT STRUCTURE" AND ENACT REQUIREMENTS FOR THE PERMITTING AND LOCATION OF THE SAME IN, UPON OR OVER TOWN SIDEWALKS AND PUBLIC WAYS; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY; AND GENERALLY RELATING TO SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURES IN THE TOWN OF ST. MICHAELS
- Mrs. Warnick read the title of Ordinance 500 into the record as noted above. President Boos said Ordinances 500 and 503 are related, having to do with "small wireless facilities." Mrs. Weisman said Ordinance 503 is an amendment to the Zoning Code and will require a public hearing, but both ordinances could be introduced at tonight's meeting. President Boos called for comments on Ordinances 500 and 503. Commissioner Bibb said that while these ordinances should help the Town to have some say in how these wireless installations look and where they will be placed, the FCC has already given approval for these very unsightly structures to be put along highways and in cities and towns to facilitate driverless vehicles. Commissioner Bibb said highly populated areas of Maryland are starting to see the facilities, including some in Ocean City, but he thought that it could be 5-7 years before St. Michaels would see permit requests. After some additional discussion, Commissioners Boos and Bibb introduced Ordinance No. 500.

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Ordinance No. 503

- AN ORDINANCE TO AMEND CHAPTER 340 (ZONING) OF THE CODE OF THE TOWN OF ST. MICHAELS ENTITLED "SMALL WIRELESS FACILITIES" FOR THE PURPOSE OF ALLOWING SMALL WIRELESS FACILITIES AS A SPECIAL EXCEPTION WITH CONDITIONS IN ALL ZONING DISTRICTS AND DEFINING TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS SUMMARY SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO SMALL WIRELESS FACILITIES IN THE TOWN OF ST. MICHAELS

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Mrs. Warnick then read the title of Ordinance No. 503 into the record as noted above. 503. Mrs. Weisman said a public hearing would be scheduled for Ordinance No. 503 because it related to private property and was subject to the Zoning Code. Mrs. Weisman said the hearing could be slated for the July 9th meeting. As there were other comments, Commissioners Windon and Harrod introduced Ordinance No. 503.

- XI.

Items for Discussion

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Extra Security at Public Events

- President Boos said the issue of extra security for large events in St. Michaels was brought to his attention by a resident and he had requested that the matter be placed on the agenda for tonight's meeting. President Boos then called for comments from Anthony Smith, Chief of Police, and Kristin Greenaway, President of the Chesapeake Bay Maritime Museum (CBMM). Ms. Greenaway said that the CBMM hires security for every event they have, based on the number of anticipated attendees. Ms. Greenaway said security personnel hired must have jurisdiction, i.e., they are off-duty police officers, DNR officers, or security personnel with current authority in the State of Maryland, and at times may carry a concealed weapon. Chief Smith said it helps his staffing to have his off-duty officers sign on for Museum events, as it frees up his other officers or himself to focus on Town security matters. Chief Smith said additional planning and security was needed for the four biggest events the Town holds, and he arranges for additional security based on the number of people expected, and the events are charged for the extras. Chief Smith said this year's Seaglass Festival had inadequate security on the Town side (not the Museum side) because the good weather brought an unexpected number of people to Town - approximately 9,000 people, compared to the 5-6,000 anticipated.

After a discussion of some length, it was agreed that the event permit should ask what is the event's security plan, and that the event needs to know they will have to pay for additional security.

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Market value analysis of certain Town properties

- Mrs. Weisman said that, as she been instructed, she had procured market analysis information on 109 S. Talbot Street, 800 Talbot Street, 203 Railroad (water tower lot), and 301 Mill Street. Mrs. Weisman said she had asked Real Estate agents Carolina Barksdale and Kate Koepen to separately

provide analyses of the different properties, and that both had provided detailed information.

President Boos then asked the Commissioners their opinion on what should be done with the properties, in light of the market analysis provided. Commissioner Glackin said he didn't see any Town use for the water tower lot, given its small size, and recommended that possibly it could be sold. Commissioner Glackin said the skateboard lot (301 Mill) was difficult to deal with since it was zoned MM (Maritime Museum zone), and thus would probably require a zoning change for any other use, and an amendment to the Comprehensive Plan. He said the property should probably be put on hold for the time being. Commissioner Glackin continued, saying that 109 S. Talbot was a rental property for the Town that may or may not be more valuable as a sale, and needs further discussion. Commissioner Glackin said the 800 Talbot Street property also needs further discussion.

The Commissioners had consensus that the water tower property could be sold.

The skateboard property needed further discussion, and Commissioner Glackin noted that the property was given MM zoning, meaning that the museum would be the only buyer unless the zoning and Comprehensive Plan were changed. The Commissioners agreed that the property should be put on hold for the time being.

Commissioner Boos said he would favor selling the 109 Talbot Street property if the money were used only to reduce the loan debt on the new town office, especially if it could be sold for at least \$5-600,000. Commissioner Glackin agreed selling it made sense if the numbers worked, and he thought the Town should not be in the rental business. The Commissioners agreed the property could go on the sell list.

For the Boundary property, Commissioner Bibb said he wanted it to be a Veterans' Memorial park, featuring the Railroad building as a museum/visitor's center with public bathrooms, and funded by grants. Commissioner Bibb submitted a preliminary plan. President Boos said he would favor such a use if grants could be obtained, minimal taxpayer money was expended, and if it was unmanned. Commissioner Windon said the location would make a good gateway property, especially with the Railroad building. The Commissioners agreed to discuss the matter further and put the property on the do not sell list for the time being.

For the two properties the Commissioners agreed to sell - the Railroad Avenue and 109 S. Talbot - Mrs. Weisman said there first needed to be surplus property declarations and hearings. Jeff Knapp, Chairman of the Planning Commission, said he would volunteer to approach Long and Foster with first choice for a sale of 109 S. Talbot Street.

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Surplus Property Sale

- Property located at Miles & Chesapeake (adjoining Knapp property)
- Mrs. Weisman said the town property affecting Mr. Knapp's properties had been declared surplus property by the Commissioners at their last meeting, and Mr. Knapp has made an purchase offer of \$2,750.00, plus the cost of deed recordation and any other legal transfer costs. After some discussion, the Commissioners agreed to accept Mr. Knapp's offer. President Boos made a motion to accept Mr. Knapp's offer. Commissioners Bibb and Glackin seconded it. The Commissioners said they favored the transaction. The motion then passed on a roll call vote of 5-0 favor.

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New Town Flag

- President Boos said that at the last meeting, the Commissioners directed staff to get approval from the St. Michaels Museum for the Town to put "St. Michaels, Maryland" on the sword flag. The Museum said they were happy to give the Town permission to use the flag as the Town flag, but did not want the flag altered in any way. President Boos asked the other Commissioners if not being able to add the Town name was acceptable. Commissioner Bibb said he thought the choice of this flag was contrary to the flag contest rules and that owning the flag would have meant the Town could modify it.

After some additional discussion, President Boos made a motion to adopt the flag as the official flag of the Town of St. Michaels, subject to a clear letter that satisfies everyone's concern regarding potential future withdrawal of permission.

Commissioner Harrod asked if the Town could sell the flag. Mrs. Weisman said no, only the Museum can sell it, but the Town can distribute or produce flags for the Town's official use. Commissioner Glackin suggested a run-off of the two flags that received the most votes in the contest as a way to resolve some of the issues. Commissioner Windon commented that the other flag violated the contest rules as well and could possibly lead to "competing flag wars." President Boos asked if there was any further discussion. There being none, he called for a vote on his motion. The motion passed on the following vote of 3-2 in favor:

Widon	Yes
Glackin	No
Boos	Yes

Bibb No

Harrod Yes

Canton Alley Road extension/improvement

- request by Michael Wood
- Mrs. Weisman said the Canton Alley issue was a discussion the Commissioners started at their last meeting, and explained that Mr. Michael Wood would like to develop his property at 108 Miles Lane, but the Town has maintained that in order to add more development to Miles Avenue, improvements would need to be made to the gravel road. Mrs. Weisman said she had found minutes from when the Lubeks built their house on Miles Lane, which state that the Lubeks signed a document acknowledging that the Town would not be responsible for the road.

President Boos said he and Commissioner Bibb had walked the road, and he had questions before he could make a decision one way or another, the first being what would be the cost of building a road in there. Additionally, he said he would need to know the level of difficulty, would it be a Town standard street, what about the wet areas, should it extend to connect with Railroad Avenue to facilitate emergency vehicles, and how many lots could be developed. President Boos suggested that the Town ask Casey Rauch, Town Engineer, to do soil borings and determine what would be required to build a proper road. Commissioner Bibb agreed. Commissioner Glackin said that typically the developer is responsible for the lot and street construction according to the Town's ordinance and the Comprehensive Plan. Burry Parker, attorney for Michael Wood, said that that was true for new subdivisions where there is not a Town street. Commissioner Glackin said he agreed with President Boos' questions and his suggestion, but he was not sure that the Town should bear the cost of the engineering study. President Boos said he had asked Mrs. Weisman what a study by Rauch would cost, and she confirmed that the cost would be about \$5,000. Commissioner Windon said she thought an engineering study would be money well spent to understand the parameters of constructing a street, and might expedite the process for Mr. Woods.

President Boos summarized the discussion and said that the instruction to staff would be to request an expeditious study by Rauch to provide the necessary information. The Commissioners agreed.

- XII.

Commissioners Calendar

- The Commissioner and Mrs. Weisman set agenda items for their next meeting on July 9th, and for the August meeting.

- XIII.

Comments from the Commissioners

- President Boos called for final comments from the Commissioners or the public.

Ann Borders of Cherry Street recommended that the Commissioners sell the skateboard park property to the Museum and honor the agreement that the Town had. Ms. Borders said it doesn't make any sense to put any kind of building on that property. Ms. Borders that the Community Gardens, which is used by 20 people for five months of the year, should be used as a shared parking lot by the library and the Town. Ms. Borders said the Boundary Lane property should also be sold and that a visitor's center with public bathrooms would simply cause a traffic jam with a lot of left turns. Kristen Greenaway of the CBMM said she also supported the sale of the Boundary Lane property and the sewer pumping station/skateboard park property, and added that she did not like the idea of a police station on that property, and viewed it as an unsafe use of a property next to a highly public venue. Roy Myers of E. Chestnut Street said he opposed the purchase of the Railroad Building and urged the Commissioners to do their homework on the cost, which would include moving the building to the Boundary location. Mr. Myers also said he believed in the surplus process and the Commissioners had made good decisions so far. Donna Hunt of E. Chew Avenue said the Town has plenty of parks and the money from the sale of the lots on Boundary Lane could be a hedge against property loss due to impending sea level rise. Commissioner Glackin asked if anyone had seen any map where one could see which properties might be affected by sea level rise. Mr. Myers said the State and the ESCAP have charts that show a 2-ft sea level rise by 2050 that indicates Mill Street would be under water. Commissioner Glackin asked Mr. Myers to supply Mrs. Weisman with a copy of that chart. Mike Estrella of E. Chew said he had been opposed to moving the train station at least four times in past years and said it was still close to the worst idea he had ever heard. Ann Borders said it is not the Town's job to save any of the historic buildings in Town, including the Boy Scout building, with taxpayers' money.

Commissioner thanked everyone for their comments, which she said provided perspective for her on many of the issues.

- XIV.

Announcement of Future Meetings

- July 4 2019 - Town Office closed for Independence Day

July 9 2019 - 6:00pm - COSM Working & Legislative Session

- XV.

Adjournment

- As there were no additional comments, President Boos adjourned the meeting at 8:32 p.m.