

MINUTES

COSM

Commissioners

COSM Work and Legislative Session

Tuesday, July 9, 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 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 and Officer Kevin Rhodes, Legislative Clerk Suzanna Warnick, and approximately 15 members of the public.
- II.

Agenda Amendments

- The introduction of Officer Rhodes was added to the agenda.
- III.

Announcements from COSM and Staff

- Introduction of New Officer - Kevin Rhodes
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- On June 28, 2019 at 11:00am, the Commissioners held a Closed Session,,pursuant to Maryland Code, Open Meetings Act, General Provisions Article, § 3-305(b): No. 1 - To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom this body has jurisdiction; or any other personnel matter that affects one or more specific individuals; No. 3 – To consider the acquisition of real property for a public purpose and matters directly related thereto; and No. 7 – To consult with counsel to obtain legal advice. President Boos also announced the Commissioners had met in closed session prior to this meeting at 4:30 p.m. on the same matter as noted above.

Commissioner Harrod provided highlights of the Maryland Municipal League conference in Ocean City. Commissioner Bibb provided an update on the Boy Scout Cabin renovation and Mrs. Weisman announced that the National Night Out celebration would be held on Tuesday evening August 6th.

Chief Anthony Smith introduced a new police officer for the Town of St. Michaels - Kevin Rhodes. Officer Rhodes said he had been a State Trooper in Maryland for thirty years, was now retired, and lives in Queen Anne County. Chief Smith said he was pleased to have Officer Rhodes as part of the St. Michaels police force.

- IV.

Comments from the Public

- President Boos called for public comment. Kristin Greenaway, President of the Chesapeake Bay Maritime Museum (CBMM), complimented Chief Smith on his handling of the incident at the Museum over the holiday weekend. She said it was so calmly done that the public was totally unaware. Chief Smith likewise praised the Museum staff for not over-reacting. Additional public input included discussion of a recent Star Democrat Article, Ethics complaints filed by the St. Michaels Action Committee, Commissioner Bibb's "Conversation with a Commissioner" meetings, and communications between the Commission and the public. The following individuals had comments:

Mike Estrella of E. Chew Avenue
Jim Fulton of Cherry Street
Ann Borders of Cherry Street
David Breimhurst of 113 Grace Street
Joanne Clark of Perry Cabin Drive
Mark Van Fleet of E. Chew Avenue
Jay Fink of E. Chew Avenue
Thomas Edwards of E. Chew Avenue
Tad DuPont of Locust Street

Commissioner Harrod said she had talked to a resident who attended Commissioner Bibb's meetings on Saturday, and this person said they felt free to speak up and ask questions, unlike the more formal and limited timeframe of Commissioners' meetings.

Commissioner Windon attempted to explain why an unofficial meeting like the Saturday meeting would be more relaxed compared to the more formal Commissioners' meeting that is bound by regulatory structure and legalities and the obligations of a public servant versus a private individual.

President Boos said he had two brief comments. He noted that the only time Commissioners speak for the Town is when they vote, and secondly he said

he had responded to Mr. Fink's comments about additional security at public events, and that a response and a solution was in progress.

Commissioner Bibb said his idea for his Saturday conversations was never intended to be a meeting but rather a gathering for those who had approached him informally with questions over time.

- V.

Public Hearing and Possible Vote

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Ordinance No. 503 - Small Cell Towers on Private Property

- 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

This Ordinance was discussed and introduced by Commissioners' Windon and Harrod on June 18 2019.

- President Boos opened the public hearing on Ordinance No. 503, Small Cell Towers on private property. Mrs. Warnick read the title of the ordinance into the record as noted above, and exhibits as follows:

Exhibits

Ex. 1 Favorable recommendation for Small Wireless Facilities dated June 27, 2019, from St. Michaels Planning Commission

Ex. 2 Copy of Proposed Ordinance - for Public Hearing July 9, 2019

Ex. 3 Copy of Public Notice of Public Hearing to be held on July 9, 2019 which was posted on the bulletin board in the Town Office, Post Office and on the Town Website, and published in the Star Democrat and Chesapeake Internet on June 25 and July 2, 2019

No. 4. Affidavit of Publication from Star Democrat for Notice of Public Hearing.

President Boos asked if there were any comments from the public. Jim Fulton of 106 Cherry Street said he was pleased to see that the Historic District Commission had some influence on placement of the equipment. Commissioner Bibb said these installations were federally mandated and even what towns can charge for permitting is limited. Commissioner Bibb said that the Maryland Municipal League and others would continue to fight the mandate as the legislative session ramps up in the fall. As there were no additional comments, President Boos closed the public hearing and called for a motion to approve Ordinance No. 503 as presented. Commissioner Bibb made the motion, which was seconded by Commissioner Windon. President Boos called for discussion. Commissioner Glackin questioned the noise level of the equipment. The Commissioners decided not to amend the ordinance with regard to noise, and the motion to approve as presented was passed on a roll call vote of 5-0 in favor.

- VI.

Special Presentation

- Committee for Boundary Lane

- Jeff Knapp of Miles Avenue and Kurt Gant, restoration builder, made a presentation to move and restore the town's historic railroad station building and place it on the Boundary Lane property to function as a welcome center as part of a gateway Memorial Park. Mr. Knapp said the project could be funded by grants, and the Town's contribution would be public restrooms and parking. Mr. Knapp said the plan was consistent with the Town's Comprehensive Plan. Mr. Gant asked the Commissioners to consider the project and the potential benefits to the Town. Tad duPont said the railroad was an important part of the Town's history at the turn of the century and the railroad station should be preserved. Commissioners Glackin and Harrod said they liked the idea. Commissioner Bibb said there was substantial grant money for such projects, including grants to offset maintenance costs. President Boos said he was in favor of exploring this idea but needed more information, such as the cost to buy the building, renovation and moving costs, how the building will be used, and the maintenance. Commissioner Windon said she also needed more information and would like to hear more public opinion before deciding. The Commissioners requested more information by the next meeting, at which time they would invite public comment. President Boos thanked Mr. Knapp and Mr. Gant for their presentation.

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- VII.

Consent Agenda for Minutes, Department Reports and Event Permits

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Minutes

- June 3, 2019 - Special Information Session
June 3, 2019 - Executive Closed Session
June 13, 2019 - Executive Closed Session (interviews)
June 18, 2019 - COSM Regular Work & Leg Session
June 28, 2019 - Executive Closed Session

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Department Reports for June 2019

- Police
Finance - Disbursements
Year to Date
Profit and Loss
Administrative
Public Works
Planning and Zoning
Communications

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Event Permits - None

- President Boos said the Consent Agenda included minutes and departmental reports for the month of June 2019. As there were no comments or changes, President Boos made a motion that the Consent Agenda be approved as

presented. Commissioner Bibb seconded it, 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. 500 - Small Cell
Towers on Public Property

- 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

This ordinance was discussed and introduced by Commissioners' Boos and Bibb on June 18, 2019.

- President Boos Ordinance No. 500 did not require a public hearing because it deals with the small cell towers on public property. Mrs. Warnick read the title of Ordinance No. 500 into the record as noted above. President Boos said he and Commissioner Bibb had introduced the ordinance on June 18, 2019, it had been read into the record for a second time, and was eligible for a vote. President Boos made the motion to adopt Ordinance No. 500 as presented. Commissioner Bibb seconded it. As there was no additional discussion, President Boos called for a vote. The motion to adopt Ordinance No. 500 passed on a roll call vote of 5-0 in favor.
- IX.

Resolutions for Consideration and Possible Vote

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Resolution 2019-03 - Meeting Rule Changes

- Mrs. Warnick read the title of Resolution 2019-03 - Meeting Rule Changes - into the record as follows:

RESOLUTION NO. 2019-03, A RESOLUTION TO AMEND THE RUES FOR THE CONDUCT OF CORE MEETINGS OF THE COMMISSIONERS OF ST. MICHAELS

President Boos made a motion to adopt Resolution No. 2019-03 and then called for a second. Commissioner Windon seconded to discuss. Commissioner Windon then confirmed that the resolution had two parts - the first was changing the official monthly meeting day from Wednesday to Tuesday (Appendix I), and the second was Appendix VIII Commissioner Glackin made a motion to divide the two parts of the resolution and vote separately on them. Commissioner Windon seconded the motion, which passed on a roll call vote of 5-0 in favor.

Commissioner Glackin then made a motion to adopt Appendix I as presented. Commissioner Windon seconded it, and the motion passed on a roll call vote of 5-0 in favor.

There was then discussion of Appendix VIII. President Boos said he wrote

Appendix VIII to clarify how Commissioners interact with the public, and the Appendix VIII does not preclude any individual Commissioner from holding any meeting any time, as long as it is not on Town property. Commissioner Windon said she was conflicted on the matter and needed more information. Commissioner Glackin said he did not agree with limiting individual Commissioners from meeting on Town property. Commissioner Bibb said his concern was that a meeting could not be promoted or advertised. President Boos then called for a vote. The Commissioners voted 4-1 against adopting Appendix VIII.

- X.

Items for Discussion

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Canton Alley Road extension/improvement

- Mrs. Weisman said she had obtained costs to complete engineering design and geotechnical work from the Town's engineer to improve Canton Alley and make it a road, but at the request of Commissioner Glackin, she still needed to get an estimate on how many lots were buildable along the Miles and Canton thoroughfare.
- XI.

Commissioners Calendar

- The Commissioners discussed agenda items for their meeting on August 13, 2019, and tentatively scheduled a meeting with the architects for August 7th or 8th at 2:00 p.m., depending on Manns Woodward's availability
- XII.

Comments from the Commissioners

- President Boos called for final comments from the public. Joanne Clark of Perry Cabin Drive said she liked the idea of a Memorial Park for memorial ceremonies with nice trees and landscaping, even a Town Christmas tree, but reminded everyone that the restrooms and landscaping and building would require ongoing maintenance. Donna Hunt liked the park idea, but cautioned that the residents of W. Maple Avenue and Boundary Lane may feel very differently. George Clark of Perry Cabin Drive said he questioned whether a visitor's center was necessary, since everything visitors would need to know about coming to St. Michaels is on their smart phones. Mr. Clark added that the railroad station perhaps belonged near or associated with the St. Michaels Museum. Ann Borders of Cherry Street said the Town doesn't need another park and should sell the property. Jim Fulton of Cherry Street suggested that Hollis Park could become the Memorial Park once the town office is re-located. Mr. Fink of E. Chew Avenue complained about hotel employees using up parking spaces that boaters use to access their slips. It was suggested that the Waterways board look into the parking issue near the slips.
- XIII.

Announcement of Future Meetings

- August 13 2019 - 6:00pm - COSM Working & Legislative Session
- XIV.

Adjournment

- The meeting was adjourned at 8:05 p.m.