

MINUTES

COSM

Commissioners

COSM Work and Legislative Session

Wednesday, April 11, 2018, 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 called to order 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. Present were Commissioners Bill Boos, Joyce Harrod, Jaime Windon, Michael Bibb, and Roy Myers, Town Manager Jean Weisman, Zoning Officer Sarah Abel, Legislative Clerk Suzanna Warnick, and 12 members of the public.

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- II.

Agenda Amendments

- There were no amendments.
- III.

Announcements from COSM and Staff

- Commissioner Myers said the past weekend's Seaglass Festival was very well received and he thanked staff and the Police Department for their roles in making the festival a great success.

Mrs. Weisman announced that St. Michaels will be holding elections for commissioners on Monday, May 7, 2018 for two of the five offices, that the term of each office is four years expiring in June 2022, and that the candidates are as follows:

T. Coleman DuPont
Michael A. Gorman
William C. Harvey II
Jennifer C. Stevens
Christopher B. Thomas
Jaime M. Windon

Mrs. Weisman added that voting will be at the Town Office from 7am to 7 pm. on May 7th, and that she was in the process of trying to set up a pre-election Candidates Forum in conjunction with the League of Women Voters. Mrs. Weisman said that Commissioners and staff will be attending the 10th annual Talbot County Business Appreciation breakfast on Friday, April 13, 2018, and that several Commissioners will be attending the ESAM MML Chapter spring meetings for District 1 and 2 this month. Mrs. Weisman noted that the State Highway Administration (SHA) was working on Talbot Street to establish a turn lane at Railroad Avenue, and that they have indicated that the project will

be finished by Friday, April 13th. Commissioner Harrod asked the candidates for

commissioner who were present to introduce themselves. Candidates DuPont, Gorman and Thomas were present and obliged.

- IV.

Comments from the Public

- Susan Reisweg of 112 East Chew spoke in support of the St. Michaels Public Library. Ms. Reisweg was requesting a letter from the Commissioner's in support of the library's expansion project. The Commissioners directed staff to draft a letter. Dana Merdon of Pleasant Landing had complaints about the SHA project at the corner of Talbot Street and Railroad Avenue.
- V.

Public Hearings

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Ordinance No. 486: Brooks Lane zoning map amendment

- **ORDINANCE NO. 486: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF ST. MICHAELS AS PER CHAPTER 340 ZONING, ARTICLE I ZONING MAPS AND BOUNDARIES; APPLICABILITY OF THE TOWN OF ST. MICHAELS ZONING CODE; TO INCLUDE LANDS ANNEXED ALONG BROOKS LANE AS PER RESOLUTION NO. 2017-03; TO CLARIFY THE OFFICIAL MUNICIPAL BOUNDARIES OF THE TOWN AS DESCRIBED IN § C-4 DECRPTION OF CORPORATE BOUNDARIES, RESOLUTION NO. 2005-23, AND RESOLUTION NO. 99-04 AND AS PER SURVEY PREPARED BY RAUCH ENGINEERING; AND TO SHOW THE HISTORIC DISTRICT OUTLINE AS REQUIRED BY § 340-52A**
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Exhibit List

Ex. 1 Copy of Ordinance No. 486 for Public Hearing dated April 11,2018

Ex. 2 Copy of Public Notice of Public Hearing to be held on April 11, 2018, 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 March 27, and April 3, 2018.

Ex. 3 Affidavit of Public from *Star Democrat* for Notice of Public Hearing

Ex. 4 Draft Official Zoning Map dated April 5, 2018

Ex. 5 Draft March 22, 2018 Meeting Minutes of the St. Michaels Planning Commission

President Boos opened the public hearing on Ordinance No. 486, noting that the ordinance had been introduced at a prior public meeting. Mrs. Weisman said the annexation for the Brooks Lane property has been completed, and this ordinance will put the proper zoning on the property and clean up the town boundary line. President Boos called for public comment. As there were no comments, President Boos called upon Mrs. Warnick who read the title and exhibits for Ordinance No. 486 into the record as above. Ms. Abel noted that the Planning Commission had confirmed that the Zoning Map is accurate. As there were no other comments, President Boos called for a motion to adopt Ordinance No. 486, including the Findings of Fact. Commissioner Bibb made the motion, which was seconded by Commissioner Harrod. Commissioner Myers then read the findings of fact, noting that the Commissioners found that there have been no substantial or comprehensive changes to the Zoning Map, that the metes and bounds of the official zoning map are drawn as prescribed in C-4, that the boundary changes made herein are related to the boundary changes approved under Resolution 2017-03, Resolution 2005-23 and Resolution 99-04, and that as required in paragraph 340-52A of the Town Code, the Town's historic district shall be shown on the official Zoning Map. There were no additional findings. Mrs. Warnick then called a roll call vote, and the motion passed 5-0 in favor.

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Ordinance No. 489: Define 'Dwelling Unit' and 'Family'

- **ORDINANCE NO. 489: AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 ZONING, SUBSECTION 340-108 DEFINITIONS; TO AMEND THE DEFINITIONS OF “DWELLING UNIT (HOUSEKEEPING UNIT)” AND “FAMILY” TO FURTHER DEFINE A SINGLE FAMILY DWELLING UNIT; AND TO LIMIT THE TOTAL NUMBER OF UNRELATED PERSONS THAT MAY DWELL AS A FAMILY**

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Exhibit List

Ex. 1 Copy of text amendment recommendation to 340-40 of definition of dwelling unit and family from St. Michaels Planning Commission to the Commissioners of St. Michaels, dated January 3, 2018.

Ex. 2 Copy of Ordinance No. 489 for the public hearing dated April 11, 2018

Ex. 3 Copy of the public notice of public hearing to be held on April 11, 2018, 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 March 27, 2018 and April 3, 2018.

Ex. 4 Affidavit of Publication from the *Star Democrat* for the Notice of Public Hearing

Mrs. Warnick read the title and exhibits for Ordinance No. 489 into the records as noted above. President Boos opened the public hearing and called for comments. Jim Fulton of Cherry Street said he felt the definition of family was not adequate in the ordinance and should be updated for modern families. Attorney Bruce Armistead and Zack Smith, representing the Inn at Perry Cabin and the Maritime Museum asked the Commissioners to consider a more flexible definition to allow for employee housing and accommodation of more than 5 unrelated persons in a dwelling. Mr. Smith said his client's suggestion was to create an "employee housing" zone or alter the definition of "family" based on the zone.

The Commissioners asked for clarification of the process for amending this ordinance. Mrs. Weisman said to make such a substantive change to the ordinance, another public hearing would be required. Mrs. Weisman suggested that the Commissioners might want to go forward with this ordinance with the change in the family definition, and then schedule discussions and a public hearing of a separate ordinance dealing with a change in the employee housing situation. President Boos asked for additional comments. After some additional discussion, the Commissioners agreed that a revised ordinance providing a better definition of family and dealing with the "employee housing" issue. Mrs. Weisman asked for the Commissioners' comments in writing, and the Commissioners invited public input in writing for their review. Ordinance No. 489 was not put to a vote.

Ordinance No. 490: FY19 Budget and Tax Rate

- **AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO SET THE TAX RATE AND ADOPT THE BUDGET FOR FISCAL YEAR 2019**
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Exhibit No.	Exhibits
1	Copy of Draft Ordinance No. 490 dated as of April 6, 2018
2	Copy of Constant Yield Tax Rate Notice (1/8 page - Section A) of Public Hearing to be held on April 11, 2018, 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 April 4, 2018
3	Affidavit of Publication from Star Democrat for Notice of Constant Yield Tax Rate Notice of Public Hearing
4.	Copy of Public Notice of Public Hearing to be held on April 11, 2018, 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 March 30, 2018
5.	Affidavit of Publication from Star Democrat for Notice of Public Hearing

- Mrs. Warnick read the title and exhibits of Ordinance No. 490 into the record as noted above. President Boos opened the public hearing and called upon Mrs. Weisman, who noted that the Town's tax rate for fiscal year 2019 is \$.524 and the constant yield rate is \$.5035. Mrs. Weisman also said the tax rate is the same as last year, the personal property tax rate remains at zero, and the utility rate remains at \$1.60 per hundred dollars of assessed value. Mrs. Weisman then gave other highlights of the FY19 budget. President Boos said the ordinance would be introduced this evening and voted on at the next Commissioners' meeting. President Boos then called for any public comment. Tad DuPont of Locust Street objected to the purchase of a street sweeper for the Town for \$225,000, suggesting that the Town should hire an independent company to do the work. President Boos then outlined his suggestions to improve the budget going forward, including elimination of automatic COLA increases and shifting to a merit system, eliminating donations to charity of taxpayers' money, a zero-based budget system, and increased beautification of the Town. Commissioner Myers said the Town's commitments to the county necessitate support of the Library and the swimming pool, but other donations should be reviewed. Commissioner Windon said this year's budget process was the easiest she had experienced in four years. Commissioner Harrod had no comments. Commissioner Bibb said he also favored beautification and maintenance of the Town. As there were no additional comments, President Boos called for introduction of Ordinance No. 490. Commissioners Myers and Bibb introduced the ordinance. President Boos then closed the public hearing on Ordinance No. 490.

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- VI.

Consent Agenda for Minutes, Department Reports and Event Permits

- President Boos said a vote to approve the consent agenda would include approval of the minutes and departmental reports for the month of March 2018 as listed above. As there were no comments or suggestions from the Commissioners, President Boos 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.

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Minutes

- March 14, 2018 - COSM Work and Legislative Session

March 20, 2018 - COSM Budget Session

March 21, 2018 - COSM Budget Session

March 28, 2018 - COSM Work and Legislative Session

Minutes for Closed Executive Sessions held in March will be available for April 18 2018

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Department Reports for March 2018

- Police Department
- Finance Department
- Planning and Zoning
- Administrative
- Public Works
- Marketing

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Event Permits

- none
- VII.

Ordinance for Discussion and Introduction

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Ordinance No. 487: Streets Alleys and Sidewalks

- President Boos called upon Mrs. Warnick, who read the title of Ordinance No. 487 into the record as noted above. President Boos said that this ordinance was eligible for introduction and discussion, and asked if the Commissioners had any additional comments or changes since the last discussion. Commissioner Myers said he had one suggested change - at line 158/159, the language should read "up to 50% of the upgrade to brick sidewalks." The other Commissioners were accepting of the change. President Boos then called for introduction of Ordinance No. 487 as amended. Commissioners Boos and Bibb introduced Ordinance No. 487.
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- VIII.

Items for Discussion

- Speed Cameras

Commissioner Bibb opened the discussion, noting that the Commissioners had had a demonstration of speed cameras at a previous meeting, and had discussed the pros and cons of having speed cameras on Seymour Avenue near the school and for the section of Talbot Street that was the entrance and exit to the Town. Commissioner Bibb said the cameras could potentially generate revenue for the town and serve as a deterrent to cars moving too fast through the school zone. Commissioner Windon said she could see the benefits, but was uncomfortable in general with automated ticketing. Commissioner Myers said he favored the idea as it could help with school safety, and saving police time, and the signage alone may act as a deterrent to slow vehicles down. Commissioner Harrod said the speed camera presentation indicated that the cameras would only operate during school hours, but asked if the cameras operate when school is not in session during the summer. Commissioner Bibb said the cameras would operate in the summer as well. After some additional discussion, the Commissioners directed staff to prepare a draft ordinance to address for speed cameras.

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Seymour Avenue

- President Boos said that Seymour Avenue is in terrible shape with potholes and other damage caused primarily by the action of the school busses pulling in and out of the school property. Mrs. Weisman said that Jeff Richardson, the Town's public works director, had met with a county representative to try and come up with at least a temporary fix for the street. Mrs. Weisman said that a permanent repair was not practical until the construction of the YMCA was completed. Mrs. Weisman said the Town proposes to patch the potholes and other damage and the County has agreed in July to come through and seal the repairs with a layer

of tar and chip. Mrs. Weisman said that solution would buy the Town a year or so to work on the permanent reconstruction once the YMCA building was finished. Mrs. Weisman said that staff was asking for permission to get estimates from two smaller contractors to move forward with the patching project on an emergency basis. Commissioner Myers made a motion to give the Town Manager the authority to go ahead with the patching project for an approximate amount in the range of between \$10-20,000.00, which would be covered by an amendment to the budget. Commissioner Harrod seconded the motion, which then passed on a roll call vote of 5-0 in favor.

- IX.

Commissioners Calendar

- The Commissioners discussed agenda items for their meetings in May and June, 2018. President Boos asked to calendar a discussion of real estate signage in Town. The Commissioners directed staff to prepare a resolution regarding commissioners' compensation for review and possible vote at a special meeting prior to the election.
- X.

Comments from the Commissioners

- There were no additional comments from the Commissioners. President Boos then invited final public comments. Jim Fulton of Cherry Street favored the speed cameras from a safety perspective but warned about viewing the cameras as a revenue generator. Mr. Fulton and Mr. Estella of E. Chew Avenue, both having some experience with COLA/Merit pay packages, both commented that eliminating cost of living increases was a mistake and Mr. Estrella noted that a combination was the best solution. Chris Thomas of E. Maple Avenue said he felt speed cameras have not been in use long enough for St. Michaels to become a test case for their use in terms of the privacy issue. Mr. Thomas also agreed that a combination of COLA/merit packages was the best choice.

In response to a question by Commissioner Harrod, President Boos said there was a 90-day cancellation clause for the speed camera agreement, so that if the service does not perform as the Town expects, the Town can give notice.

- XI.

Announcement of Future Meetings

- April 18 - 6:00 - Town Office - COSM Work & Legis Session

May 7, 2018 7am-7pm - Town Office - Election Day

- XII.

Adjournment

- The meeting was adjourned at 8:20 p.m.

Public Participation: All comments from the public will be taken during the period set aside for "Comments from the Public". To be recognized, a member of the public should raise his or her hand and wait to be recognized by the President. Comments and questions should be kept brief and to the point, and be directed to the President.