

MINUTES

COSM

Commissioners

**COSM Closed Work and Legislative Sessions
Tuesday, January 14, 2020, 5:15 pm - 8:00 pm
Edgar M Bosley Jr. Municipal Admin Building
300 Mill Street; PO Box 206
St. Michaels, MD 21663**

- I.

5:15 - Call to Order for Closed Executive Session

- President William Boos called to order the meeting of the Commissioners of St. Michaels at 5:15 p.m. in the meeting room of the Edgar M. Bosley Municipal Building, 300 Mill Street, St. Michaels, Maryland. Also present were Commissioners Dennis Glackin, Michael Bibb, and Joyce Harrod. Commissioner Jaime Windon was absent.

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Motion to vote to go into closed session pursuant to MD Code, Open Meetings Act, General Provisions Article, Section 3-305(b)1: To discuss the appointment, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

- President Boos made the motion to move into Closed Session, citing the Maryland Code section as noted above. The motion was seconded by Commissioner Bibb and passed on a roll call vote of 4-0 in favor.

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- II.

6:00 - Call to Order for Working and Legislative Session - Pledge of Allegiance

- Commissioners will convene into Open Session
- President Boos reconvened the public meeting of the Commissioners of St. Michaels at 6:00 p.m. Commissioner Windon had joined the meeting.

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- III.

Agenda Amendments

- IV.

Announcement of Prior Closed Sessions

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The Commissioners met in closed session today at 5:15 pm pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section 3-305(b) 1: to discuss appointment of appointees over whom this public body has jurisdiction; and the Commissioners met in closed session on January 8, 2020 at 11:30 am pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section 3-305(b) -7 - To consult with counsel to obtain legal advise, and - 8 - To consult with staff, consultant, or other individuals about pending or potential litigation.

- President Boos announced that the Commissioners had met in closed session at 5:15 p.m. today, pursuant to Maryland Code as noted above. President Boos also noted that the Commissioners had met in closed session on January 8, 2020 to consult with counsel.
- V.

Announcements from Commissioners and Staff

- Town Manager Jean Weisman announced that the Community Center roof project had been put out to bid again, with a pre-bid meeting scheduled for January 22, 2020 and bids being due on January 29, 2020. Commissioner Bibb said that he had attended the opening of the 2020 State legislative session on January 8th. President Boos read a statement, which is made a part of these minutes by reference, regarding the St. Michaels Action Committee's (SMAC) lawsuit against the St. Michaels Ethics Commission, and the ruling of the Circuit Court. President Boos said the Court had remanded the matter back to the Ethics Commission for a full hearing with witnesses and cross-examination, and he looked forward to the public hearing. Commissioner Bibb read a statement, which is made a part of these minutes by reference, in support of the Ethics Commission and in support of the public hearing on the matter. Commissioner Windon said she supported the public hearing as an opportunity to hear all the facts, given that the newspaper reports had not always presented both sides of the issue.

- VI.

Comments from the Public
There were no comments.

- VII.

Special Presentation
2020 Zoning Code re-write

- Planning Commission and Peter Johnston
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- President Boos introduced Zoning Consultant Peter Johnston and thanked him on behalf of the Commission, as well as members of the Planning Commission who worked diligently on a very lengthy and detailed overhaul of the Town's Zoning Code. Commissioner Glackin also thanked Town Manager Jean Weisman for her expertise and the historical background she brought to the project. Commissioner Glackin said the project was started in May of 2018 and included 28 public meetings. He added that the Commissioners would be holding additional public meetings as they review the draft document, with a possible vote on the final draft in the early spring. President Boos then called upon Mr. Johnston, who provided an overview and highlights of the key updates to the Code. Mr. Johnston said a municipality's Comprehensive Plan sets out its long term goals and the Code regulations should support those goals and recommendations. Mr. Johnston said the Zoning Map had not been changed in the updating process, but the text of the regulations had been modernized and streamlined to make it more practical and workable. Mr. Johnston noted that the re-write dealt with short-term rentals, and the new Code only allows short-term rentals in second stories in the Central Commercial Zone. Mr. Johnston also noted that in order to increase the affordable housing in Town, the regulations regarding accessory dwelling units were changed. Mr. Johnston said the new Code also includes design standards and incentives for people to voluntarily comply with them. After some additional discussion, the Commissioners tentatively set the first public listening session for the zoning re-write for January 22 at 6:00 p.m. at the Town Office and agreed to add more sessions as necessary. Commissioner Windon suggested a quick "cut sheet" to highlight zoning topics of particular interest to residents. Mr. Johnston said the tables in the Code are organized for such reference. Commissioner Boos again thanked everyone involved in the re-write project.
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- VIII.

Consent Agenda for Minutes, Department Reports and Event Permits

- Minutes of December 2019
 - December 10, 2019 - Closed Session
 - December 10, 2019 - COSM Work & Legis
- Department Reports for December 2019
 - Police Dept.
 - Finance - Disbursements
 - Budget vs. Actual
 - Profit and Loss

Administration
Planning and Zoning
Public Works
Marketing and Communications

- Event Permits

- Town Use Permit from Talbot County Garden Club, for Talbot County Garden Club Tour of the Maryland House and Garden Pilgrimage, as a fundraiser for the St. Michaels Museum, use of St. Mary's Square and School Parking Lot, on May 9, 2020 from 9:30 am to 5:30 pm, approx 500-700 attendees;
 - Public Event and Town Use Permit from National Multiple Sclerosis Society, for a 2020 BIKE MS Chesapeake Challenge Ride, no vendors, no road closures, use of Nature Trail, June 13 and 14, 2020, from 7:00 am to 3:00 pm, approx. 500 total attendees for two days.
- President Boos announced that a vote for the Consent Agenda would include departmental reports and meeting minutes for the month of December and permits for the 2020 Maryland House Garden Tour and Pilgrimage and the annual Multiple Sclerosis Bike fundraiser. There were no items for discussion. President Boos therefore called for a motion to accept the Consent Agenda as presented. 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.
 - IX.

Board and Commission Appointments

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Appointments to the following boards and commissions:

- Board of Zoning Appeals
- Planning Commission

- a.

BOZ - 3 yr term 12/31/22
PC - 5 yr term 12/31/2024

- President Boos said there were open positions on the Board of Appeals and the Planning Commission. Commissioner Boos made a motion to re-appoint John Hunnicutt to the Board of Appeals for a three-year term ending December 31, 2022. Commissioner Bibb seconded it, and the motion passed on a roll call vote of 5-0 in favor.

President Boos said the Planning Commission appointment would be postponed until the next meeting.

President Boos noted that the Commissioners had discussed having an additional alternate to the 3-member Board of Zoning Appeals for better assurance of a quorum for meetings. Mrs. Weisman said, Bradley Hower of Railroad Avenue had expressed interest in serving. Commissioner Boos made a motion to appoint Bradley Hower as Alternate At Large for the Board of Appeals. Commissioner Bibb seconded it and the motion passed on a roll call vote of 5-0 in favor.

- X.

Ordinance for Introduction

- Ordinance No. 505 - 109 S Talbot Surplus Property

- AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO DECLARE A PORTION OF CERTAIN REAL PROPERTY OWNED BY THE TOWN OF ST. MICHAELS, LOCATED AT 109 TALBOT STREET, DESCRIBED IN A DEED RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT LIBER J.T.B. NO. 357, FOLIO 53, SHOWN ON TALBOT COUNTY TAX MAP 200 AS PARCEL 1582, HAVING A TAX IDENTIFICATION NUMBER OF 02-067005, AND CONSISTING OF 3,885 SQUARE FEET OF LAND, MORE OR LESS, AS SURPLUS PROPERTY AND NOT NEEDED FOR ANY PRESENT OR FORESEEABLE PUBLIC USE, SUBJECT TO THE TOWN'S RESERVATION OF A PARKING EASEMENT OVER A PORTION OF THE PROPERTY; PROVIDED THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO SURPLUS PROPERTY IN THE TOWN OF ST. MICHAELS.

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- President Boos announced that Ordinance No. 505, the declaration of 109 S. Talbot Street as surplus Town property, was eligible for possible introduction and called upon Mrs. Warnick, who read the title of the ordinance into the record as noted above. Mrs. Weisman said that the Commissioners had directed her to first prepare a subdivision plan for the property (Town-owned property currently rented by Long & Foster) to separate the public parking lot, which the Town intends to retain, from the building, which will be sold. Mrs. Weisman said the property was already two lots easily separated, and that the building property would include a parking easement directly behind the building. Mrs. Weisman said the Commissioners needed to declare the property surplus and decide how it should be sold, whether through a real estate agent, by public auction or private sale. Commissioner Glackin said he agreed a real estate listing was best, as it would attract a greater number of potential buyers. After some additional discussion, Ordinance No. 505 was introduced by Commissioners William Boos and Michael Bibb. The Commissioners directed staff to obtain

marketing plans from interested area real estate firms, to add this directive to the ordinance, and to schedule a public hearing.

- XI.

Resolutions for Consideration

Resolution 2020-01

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS APPROVING PAYMENT OF TOWN COMMISSIONER'S LEGAL EXPENSES RELATED TO ETHICS COMPLAINT

- President Boos said he was recusing himself from the discussion of Resolution 2020-01 and deferred to Vice President Bibb. Vice President Bibb said the Commissioners had discussed in closed session the reimbursement of Commissioner Boos for legal fees incurred for the litigation pending against him as part of the Ethics complaint. Mrs. Warnick read the title of Resolution No. 2020-01 into the record as noted above. Commissioner Bibb said he felt the ordinance should be written to protect all Commissioners and staff, and not just one individual, and that he could not support the resolution as currently written. Commissioner Harrod asked if there was a cap on the amount to be reimbursed and were taxpayers going to be affected. Mrs. Weisman said that legal expenses incurred prior to the filing of the case in Circuit Court were borne by the taxpayers and costs since then have been covered by the Town's insurance. Commissioner Glackin suggested the resolution was very specific to the current case and requires action within 30 days, and that a second resolution could be fashioned later to cover any and all staff and board members for the future. Commissioner Windon said she agreed with Commissioner Glackin's suggestion because the current resolution was time-sensitive. Commissioner Windon also said this was the first she was hearing of any concerns about the resolution, since the Commissioners had all agreed to it unanimously in discussion. She asked Commissioner Bibb if he had any suggestions for amending the current resolution. Commissioner Bibb said he thought it should be re-written to be all-inclusive. Commissioner Windon repeated that the resolution was time-sensitive. Commissioner Glackin said the current resolution has a time frame attached and a broader, all-inclusive resolution should be properly vetted through the Town's legal counsel. Commissioner Harrod said this resolution was done quickly and that it is a complex situation and there is always a question where taxpayers money is concerned. Commissioner Windon said, "with all due respect, this comes down to whether or not the Commissioners sitting here believe that a Commissioner doing service for the Town deserves representation or compensation - that's all it comes down to - so I think we are mincing words, because it has already been discussed - so if you no longer feel that way - then that's your stance..." Commissioner Glackin said "I think he needs to know going into this whether he's covered or not covered," and that all the Commissioners would

- want that assurance. Commissioner Windon said if there are no suggestions to amend the current resolution, which she said she would be open to, then the next step was a motion. Commissioner Glackin added that the hearing was coming up in February.

Commissioner Bibb then said he would entertain an amendment that said "Commissioner Boos and all Commissioners." After some additional discussion, the Commissioners agreed to broaden the resolution for the Commissioners only, and Mrs. Weisman read the edits with the Commissioners assenting to each change. Commissioner Glackin then made a motion that the Commissioners pass Resolution No. 2020-01 with three amendments in Sections 1,2, and 3; that where Commissioner Boos' name is listed that it should be changed to "the Commissioners." Commissioner Windon seconded it. There being no additional comments, Mrs. Warnick called the roll, and the motion passed on a vote of 4-0 in favor, with President Boos having recused himself from the discussion and the vote.

- XII.

Items for Discussion

- Discuss request to temporarily close Canton Street from Fremont to Talbot Street

- President Boos called upon Mrs. Weisman, who explained that the Planning Commission had discussed and made a recommendation to the Commissioners that Canton Street from Fremont to Talbot Street should be temporarily closed for two months to determine what impact the closing would have on residents. Commissioner Glackin said he wasn't sure a temporary closing would accomplish anything because it would continue to be a safety hazard when it is re-opened again. He suggested that perhaps the one-way access to the pharmacy parking lot should be made two way, with access onto Talbot Street as a permanent alternative. Jeff Knapp, Chairman of the Planning Commission, said he thought that section of Canton Street should be closed permanently, and was open to the public lot access because it had a much better view of traffic and was a much safer intersection. Mr. Knapp also said most of the traffic coming off the side streets uses Railroad Avenue anyway. Planning Commission member Paulette Florio agreed, adding that a goal of the Comprehensive Plan is to encourage the use of Fremont Street and the Pemberton Lot was a much more charming approach to Fremont Street and to Talbot Street. President Boos questioned how the two-month trial would be evaluated. Lieutenant Oswald said he could conduct a two-week study of traffic using a clicker supplied by the State Highway Administration. After more discussion, the Commissioners agreed to postpone closure until a usage study could be done, combined with asking residents of Fremont Street what would be their preference.

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Discuss surplussing 800 S Talbot Street and 301 Mill Street

a.

800 S Talbot Street

b.

301 Mill Street

- President Boos opened the discussion of declaring 800 South Talbot Street and 301 Mill Street to be surplus property. President Boos added that selling off town-owned properties was an early part of the discussion of ways to offset the cost of a new town office. President Boos said he favored putting both properties on the surplus list. Commissioners Glackin and Windon also said they favored selling both properties. Commissioner Bibb said he did not think 301 should be sold until it is determined what will be done with the current waterfront town office property. President Boos noted that putting this property on the surplus list is the first step in the process and that there would be public meetings for anyone to voice an opinion. He then made a motion to declare the two properties surplus, which was seconded by Commissioner Glackin. The motion passed on a roll call vote of 3-2 in favor as follows:

Boos	yes
Glackin	yes
Windon	yes
Bibb	no
Harrod	no

- Town Office - Questions and Answers
- President Boos a Q&A had been prepared by the Town staff that explains the new Town Office Project and includes the latest rendering of the building by Manns Woodward architects. Mrs. Weisman said the town staff is seeking formal approval from the Commissioners to post the Q&A and rendering on the Town's website and distribute via the Constant Contact email list. Commissioner Glackin said he thought that the public needed information about the project, its history and its cost, and making the Q&A and rendering available was a good way to do this. President Boos made a motion to approve the Q&A and the rendering being put on the website and distributed via Constant Contact. Commissioner Windon seconded it. Commissioner Harrod questioned the timing of the Q&A, and Commissioner Windon noted that there had been public meetings, discussion and information available since the inception of the project. President Boos called for final comments. There were none. Mrs. Warnick then called the roll and the motion passed on a vote of 5-0 in favor.
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- XIII.

Commissioners Calendar

- The Commissioners and Mrs. Weisman discussed agenda items for the February 11, 2020 Commissioners' meeting. Commissioner Bibb made a motion to switch the Commissioners' meeting back to Wednesday nights starting in next month. Commissioner Boos seconded it, and the motion passed on a roll call vote of 5-0 in favor. President Boos then called for public comment. Residents had questions and comments regarding the potential property sales, and redirection of traffic from Canton Street. Jim Fulton of Cherry Street and Doug Rollow of Water Street urged the Commissioners to expand legal protections to members of Town boards and what protections currently exist. President Boos directed staff to consult the insurance company to determine the scope of coverage and begin development of a draft ordinance expanding protections for other board members. Mike Estrella of E. Chew Avenue praised the Planning Commission for its phenomenal work on the zoning code rewrite.

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- XIV.

Announcement of Future Meetings

- Jan 20, 2020 - Office closed for Martin Luther King Jr. Day

Feb 11, 2020 - COSM Work and Legislative Session

- Commissioner Bibb gave an update on the Boy Scout cabin renovation, which he hoped would be finished in February. Tad DuPont of Locust Street said the Motor Museum was working on a relationship with area colleges that could lead to accredited classes being offered in St. Michaels.

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- XV.

Adjournment

- The meeting was adjourned at 8:09 p.m.