

MINUTES

COSM

Commissioners

COSM Working Remote Session

Wednesday, April 14, 2021, 6:00 pm - 8:00 pm

Virtual Remote Meeting

- I.

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

- President Harrod called to order the regular working remote session of the Commissioners of St. Michaels at 6:00 p.m. in St. Michaels, Maryland and the Pledge of Allegiance was recited. Also present at the meeting were Commissioners Michael Bibb, David Breimhurst, Jaime Windon and Tad duPont, Town Manager Jean Weisman, Police Chief Anthony Smith, Legislative Clerk Suzanna Warnick, Communications Manager Kimberly Weller, and approximately 19 members of the public.

-

II. Agenda Amendments

- There were no amendments.

-

III. Announcement of Prior Closed Session

- The Commissioners met in closed session on April 9 2021 during their FY22 Budget Session pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section 3-305(b) 1: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matters that affects one or more specific individuals.
- President Harrod announced the Commissioner's Closed Session on April 9th as noted above.

-

IV. Announcements from COSM and Staff

- Chief Smith said that a committee had been formed to promote Covid-19 vaccinations for the whole community of St. Michaels. Chief Smith said the committee is coordinating with Choptank Health and consists of residents, Commissioners, town staff and police officers. Chief Smith said the goal is to inform and encourage reluctant residents to be vaccinated at the United Methodist Church on May 8th and June 5th. Communications Manager Kimberly Weller said she would be helping to coordinate and promote the effort via e-mail reminders and information on the Town's website.

-

V. Comments from the Public

- Kristin Greenaway asked for a repeat of the vaccination dates and said she would help spread the word through the Museum's resources.

-

VI. Items for Discussion with Town Attorney

- Charles 'Chip' MacLeod will be in attendance
San Domingo Road Dedication
- Town Manager Jean Weisman introduced the Town's attorney Chip MacLeod. Attorney MacLeod said his office had prepared the documents for the three roads in the Marea development - Marea Court, San Domingo Court and Ruscillo Court - and these documents could now be voted on by the Commissioners and the roads dedicated and transferred into the Town. Attorney MacLeod added that the Town's engineer had certified that the roads were in the condition acceptable to the Town and that all necessary and appropriate legalities had been satisfied. Commissioner Bibb made a motion to accept the documents for the three roads noted above as presented. Commissioner Breimhurst seconded it and the motion passed on a roll call vote of 5-0 in favor.

- Brooks Lane Dedication

- Attorney MacLeod said that this dedication of Brooks Lane was a road transfer from the County and that the Town had not yet received the as-built drawings. Attorney MacLeod said, however, that there was enough information for the Commissioners to approve the dedication subject to the receipt of the as-builts, engineering certification, and pending any additional legal review. Commissioner Breimhurst said he would prefer to wait until the as-builts are received. The Commissioners agreed to table discussion of the Brooks Lane dedication pending receipt of the as-built drawings.

- Request for Informed Consent

- Attorney MacLeod said that his firm had been approached by the County to represent them as Acting County attorneys. Attorney MacLeod said the conflict waiver letter is an acknowledgement of the dual representation for review and approval by the Commissioners. Attorney MacLeod said such relationships are not unusual and his firm represents several local municipal and County governments simultaneously and is strictly mindful of potential conflict issues. Commissioner Breimhurst confirmed that the Town could seek outside counsel even if it has signed the waiver. Commissioner duPont made the motion to approve the signing of the waiver letter. Commissioner Bibb seconded it and the motion passed on a roll call vote of 5-0 in favor.

-
-

Rules for Recusals of Commissioners during discussion and vote

- Attorney MacLeod said he had reviewed the recusal issue that had come up in a recent Commissioners' meeting. Attorney MacLeod said that if a majority of the Commissioners' believe the recusal policy currently in place is not clear, the policy can be amended. Attorney MacLeod read the key sections of the policy dealing with recusal. Commissioner Windon said she felt the recusal system works fairly well but that it is what constitutes a conflict of interest that appears to be the sticking point. Commissioner Windon asked if there is a way to make the policy clearer. Attorney MacLeod said he thought there might be a way to add flexibility to the policy to allow Commissioners to participate in the discussion of an issue in which they have a vested interest, but to recuse themselves from the vote. The Commissioners agreed that amending the language would be appropriate. Attorney MacLeod and Mrs. Weisman said they would work on draft language. Attorney MacLeod said he would include language on verbal and/or written advance disclosure of conflicts of interest in the draft for the Commissioners' review.

President thanked Attorney MacLeod for his counsel. There were no other comments.

VII. Public Hearing and Possible Vote

- Ordinance No. 521 - Subdivision and Site Plan Review
 - Ordinance No. 521
- AN ORDINANCE TO REPEAL CHAPTERS 110 (SITE PLAN REVIEW) AND 290 (SUBDIVISION OF LAND) AND REENACT CHAPTER 110 OF THE CODE OF THE TOWN OF ST. MICHAELS AS THE TOWN'S SITE PLAN REVIEW AND LAND SUBDIVISION ORDINANCE FOR BETTER ORGANIZATION AND USE

This ordinance was discussed on March 24, 2021 and introduced by Commissioners duPont and Bibb.

- President Harrod opened the public hearing on Ordinance No. 521. Mrs. Weisman said there were no members of the public on the speaker's list. Mrs. Weisman then read the title of the ordinance into the record as noted above and the exhibits, which are as follows:

Exhibit 1 Draft Ordinance No. 521, dated March 24, 2021

Exhibit 2 Notice of Public Hearing to be held on April 14, 2021, as posted on the Town Office bulletin board, the Post Office bulletin board, the Town's website, and published in the Star Democrat and the Chesapeake Internet site on April 2nd and April 9th.

Exhibit 3 Affidavit of publication from the Star Democrat for the Notice of Public Hearing

Exhibit 4 Recommendation from the St. Michaels Planning Commission to the Commissioners to amend the draft Zoning Code

President called for public comment. Langley Shook, on behalf of the Community Center, wanted to be assured that the upgrade of the Community Center would proceed under the current simplified site plan review process. Mr. Shook said the project would not qualify for simplified site plan review under the new revised code. Commissioner duPont said he thought that since the Community Center had filed under the old Code, it would be grandfathered. Mr. Shook added that a delay in the start of the project due to changes in the law could affect their State grant funding and potential donor support and thus would be financially detrimental to the project. Zoning Consultant Peter Johnston and Zoning Officer Kim Kudla said the project was certainly vested under the old ordinance. Mr. Shook said he was satisfied and relieved by the assurances.

As there were no further comments, President Harrod closed the public hearing on Ordinance No. 521. Mrs. Weisman said Ordinance No. 521 had been introduced and was now eligible for a vote. Commissioner Breimhurst made a motion to approve Ordinance No. 521 as presented. Commissioners duPont and Bibb seconded it. There was no additional discussion. The motion passed on a roll call vote of 5-0 in favor.

VIII. FY21 Budget Review

- Commissioner duPont
- Commissioner duPont opened the discussion, noting that the budget sessions to date had been very productive and the Commissioners were close to consensus on goals. He added that there were still some sticking points which he hoped would be resolved in the remaining budget discussions. Commissioner duPont urged the public to bring forth their questions this evening and in the next budget session on Friday.
-

IX. Marketing and Advertising Review

- Mrs. Weisman reported that Mrs. Weller continued to work on her prior directives from the Commissioners and had nothing new to add.
-

X. Consent Agenda for Minutes, Department Reports and Event Permits

- Minutes
 - March 19, 2021 - Budget Session Two
 - March 24, 2021 - COSM Legislative Session
 - March 26, 2021 - Budget Session Three

- Department Reports for March 2021

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

Marketing and Communication

- President Harrod said the Consent Agenda included minutes and departmental reports for the month of March 2021. There were no comments. Commissioner Bibb made a motion to approve the Consent Agenda as presented. Commissioner Harrod seconded it and the motion passed on a roll call vote of 5-0 in favor.

Events

- President Harrod opened discussion of Resolution No. 2021-02, a Resolution to extend the time that graduating senior photos could be on Town telephone poles. Mrs. Weisman said she had updated last year's resolution for the current year and extended the time limit to June 15, 2021. Commissioner Bibb made a motion to adopt Resolution No. 2021-02. Commissioner Breimhurst seconded it, and the motion passed on a roll call vote of 5-0 in favor. Mrs. Weisman said the resolution was effective immediately.

XI. Items for Discussion

- Parking Signage - with Planning Commission

- Jeff Knapp, Chairman of the Planning Commission, opened the discussion of signage for Town parking lots. He noted that sample signs had been put up for the Commissioners to see what the signage would look like. He gave credit to Planning Commission member Helen Herman for the design. Chairman Knapp also explained the brochure/maps that would be located at each parking area, and the cost of the signs. Chairman Knapp urged moving ahead with approving and installing the signs as soon as possible to identify parking for the visitor season, which was starting now. Commissioner Windon said she liked the signs and especially the "You are Here" nod to wayfaring signage, and she wanted the signs to go up as soon as possible. Commissioner Breimhurst said he liked the design and praised the Planning Commission's work. Mrs. Weisman said there was money in the signage budget to cover production costs of the upgraded sign design featuring the greater relief. Commissioner duPont concurred.

The Commissioners all liked the upgraded signage design and were in agreement on the Planning Commission going forward. Regarding work on the Mill Street parking lot,

Chairman Knapp said if the Town would pay for the equipment rental, he volunteered to do the work to get the job done sooner rather than later.

Parking Recommendations from Planning Commission

- Planning Commission Chairman introduced Consultant Peter Johnson and Member Chris Thomas. Peter Johnson reviewed the power point presentation for the Commissioners and explained the goals and objectives of the plan. Jeff Carpenter of Water Street asked if the public would have an opportunity to comment on the final parking plan. Chairman Knapp encouraged public comment in the project and said that all comments would be addressed.

The Commissioners agreed to do a walk-about on Water Street to visually look at its parking problems and Chris Thomas said he would arrange to bring a fire truck to demonstrate the space requirements for emergency vehicle access.

The Commissioners generally approved of the committee's in-depth approach to the parking issue and thanked the committee for its work thus far. The Commissioners said they looked forward to the next conversation about the project and the Water Street walk-about and would have thoughts to share.

Responding to Commissioner Breimhurst's question about the delay in the work on the Mill Street parking lot, Mrs. Weisman said public works had been delayed by staff shortages and rain in scheduling the work, but she would be talking to Jeff Richardson about the project in the next few days.

Town Survey Recommendations - Draft

- Commissioner Breimhurst
- Commissioner Breimhurst opened the discussion of the economic survey, noting that he had come up with some suggested questions for the survey. The Commissioners discussed what the focus of the survey should be and whether it should be divided into sections to address residents, businesses and visitors. Mrs. Weisman said she would be talking with Salisbury University about assistance from students and would schedule another discussion of the survey.
-

Bay Bridge Crossing

- Mrs. Weisman asked if the Commissioners wanted to send comments to the State regarding a new Bay Bridge span and where on the Delmarva peninsula the new span should land. The Commissioners discussed the matter and agreed to send a brief letter of opposition to Solution No. Eight. Commissioners duPont was nominated to write the letter.
-

XII. Comments from the Public

- President Harrod asked for public comment. Roy Myers of E. Chestnut Street asked if the Commissioners would allow him to develop a list of resident volunteers to serve on the Sea Level Rise committee. The Commissioners agreed and thanked Mr. Myers for his efforts.
-

XIII. Comments from the Commissioners

- There were no further comments from the Commissioners.
-

XIV. Commissioners Calendar

- The Commissioners and Mrs. Weisman discussed agenda topics for the remaining meetings in April and meetings in May 2021.
-

XV. Announcement of Future Meetings

April 2021 - Public Hearing on Tax Rate and FY22 Budget
April 28 2021- 6:00 pm - COSM Legislative Session

XVI. Adjournment

- The meeting was adjourned at 8:30 p.m.