

MINUTES



**Commissioners of
St Michaels
Meeting Minutes Working Legislative and Closed Session
Wednesday, July 12, 2023, 6:00 pm - 9:15 pm
St. Michaels Branch of the Talbot Co. Library
106 S. Fremont Street
St. Michaels, MD 21663**

1. 6:00 pm - Call to Order for Working Session - Pledge of Allegiance

Commissioner Breimhurst, President, called to order a live and remote Working and Legislative Session of the Commissioners of St. Michaels at 6:00 pm in St. Michaels, Maryland and the Pledge of Allegiance was recited. Also present at the meeting were Commissioners Joyce Harrod, Tad duPont, Katrina Whittington, and Al Mercier. Other representatives include Town Administrator Rob Straebel, Town Planner Steve Ball, Town Clerk Vickie Sharp, and Chief Oswald. Approximately 27 members of the public were present as well as remote attendees on Zoom.

2. Announcement of Closed Session

The Commissioners will meet in a closed session after adjournment of Open Session pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section §3-305(b) to discuss the following: (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over who this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

3. Announcements from COSM and Staff

Commissioners Harrod stated that the passing of the baton to Chief Oswald was a great turnout.

Commissioner Whittington wanted to thank Kevin and Mary Beth Sullivan, former residence of St. Michaels, for making a \$500 contribution for school supplies, Commissioner Whittington matched with \$500.

Commissioner Breimhurst made a public acknowledgement for the terrific job that Tiffany Sweeny did in organizing the retirement party for Chief Smith and the swearing in of the new Chief Oswald. She is a tribute to the quality of staff currently serving the Town.

Rob Straebel gave an update on the water meter project; all have been installed but about 100 meters. Waiting on some parts to finish the others. The water bills will be going out late. The transition from the old data to the new data had a decimal error. Believe this is a onetime issue. The water system mapping project is going well, we had budget \$10,000 for a comprehensive water mapping study, should be completed in the next 3-4 weeks. We are downloading all the old maps, regarding water lines, size, valves, hydrants and the hydraulic flow of the water tanks. This is the foundation for building modeling for the water system to determine what would occur if one of the pump stations went down. We will build upon the location of the 3rd well. Title research is completed for the Environmental Concern Property and there are no encumbrances on the property. Phase I Environmental site assessment completed; the study came back with no recognizable environmental conditions. Last Saturday (July 15, 2023) A public presentation with

questions and answers event at Bradley Park regarding the Nature Trail Extension. An employee from the DNR Trails Division showed up and sat down to talk with everyone regarding future grants. July 13, 2023, at the library at 5:00pm there will a West Harbor Road East Chew presentation regarding GMB options for the flood mitigation in that area. There are a couple of recruitment items, Vickie Sharp will be moving to the Financial Director position in October therefore we are starting a recruitment process for the position of Town Clerk. If you know of anyone, please refer them. Applications are being accepted until August 10th. Interviews will be mid to late August. We had the resignation of Town's the Code Compliance Officer this week. Staff met with Mark Adams of MDIA, trying to create a seamless transition while keeping things moving forward. Looking at revamping the Code Compliance Officer job description, will be working with Staff to come up with some ideas to figure out the necessary qualifications. Have drafted a program Open Space Grant, as requested by the DNR, being careful with the language as not to commit to a certain acreage that would be designated to open space. Through the hiring of consultants that will help development a community master plan, that will then define the acreage for open space. Wise that we submit the grant but will be changing it based upon the results of the master planning process for the Environmental Concern property. Special thank you to Steve Ball who did a fantastic job in writing this grant. Enjoy having him around with his grant writing talent. Will be closing on 2 surplus properties that the Town has for sale, 800 Talbot Street for \$450,000 and 109 Talbot Street for \$690,000. Going through the public notification process in the local newspaper to make sure everyone is aware according to code. Closing will be August 10th.

Commissioner duPont spoke in favor of using Mark Adams, with MDIA for building inspections.

Steve Ball stated that requests for proposals for the Environmental Concern master plan is out, the pre-bid meeting was with professional consultants on July 11, 2023, 12 consultants were in person and 10 on zoom. Believe we will get a firm/team that is highly qualified and respected. Should be receiving the bids on July 21st. Wanted to ask if a commissioner would like to serve on the review panel, Commissioner Al Mercier has been appointed. Would like someone from the Planning Commission on the review panel as well and maybe Parks and Recreation. Working on the Cannabis Legislation with our Attorney. There are certain restrictions by the State, it is limited but the Town has to provide opportunities for it.

Chief Oswald will be discussing the noise ordinance later tonight. Chief was asked were there any issues with the use of legal cannabis, he stated that there has been none and that his Officers have been prepared and educated on the citations that can be issued.

4. Comments from the Public

Denise Stewart had concerns about the tree ordinance, wanted to know why it is only for private property and not public property too. Also wanted to know the status of the Boy Scout Cabin. Her father in-law built the cabin and built the Troop. The Rotary was also a big part of the cabin, they never tried to stake claim and they donated fiscally and by labor. Complimented the Chief for great work of his Officers and the Public Works Department. Rob Straebel stated that the Town Attorney is working on a Quiet the Title for the Boy Scout Cabin, this is not a lawsuit against the Boy Scout's but clarification on who owns the land and cabin. The Town will work with the Boy Scout's regarding the cabin.

Debra Alms wanted to introduce a group that was formed, The St. Michaels Lodging Association. They are going to be a conduit for the Town as a group from all lodging in the Bay Hundred area. Had a meeting and discussed goals that they have for the Town. The number one issue is increasing heads in beds. They are promoting their lodging facility and would like to get additional advertising for their facilities. They provide about \$900,000 in accommodation tax to the town and believe they should have a voice in advertising. They are about 30% down from last

year. Number two goal is to not have the accommodation tax increased by the county. It is about a 50% increase and our businesses will suffer further. Guest and tourist will not make overnight stays. Need to promote overnight stays, have events that require overnight stays. Then the taxes will go to the town if there are overnight stays. Daytimer's do not bring in the business. Figure out how to get more advertising and not raise the taxes. Have a consistent and easier process on licensing renewal process.

Aida Khalil accommodation taxes are almost 25% of income budgeted in our town. These license owners are the reason why the restaurants have breakfast in the morning, because they stay overnight, and they don't eat in the Inn's, so they go to the next place for breakfast, lunch and dinner. In order for the B&B's to exist the accommodation tax needs to be done. They will have monthly meetings; the next meeting is in August to be held at the Old Brick Inn and would like to have some Commissioners attend. Commissioner Briemhurst stated they welcome the dialogue and thanked them for bringing this to their attention. We have been searching for possible revenue enhancements that do not involve increasing the accommodation tax. The lodging industry carries the lion's share of the load for funding the Town's operations. Sometimes very expensive operations that are required for supporting the tourism economy. Only fair that the burden be spread out among the various beneficiaries that the economy has, talking about ways to change that.

George Wilson, owner of the Old Brick Inn, invited the commissioners to their meetings.

5. Appointments and Announcements

Commissioner Briemhurst announced that the Commissioners will elect officers - President, Vice-President and Treasurer, this process was delayed by a month. The Nominations would be taken for each position separately and each position would be voted on separately.

Commissioner Whittington nominated and seconded by Commissioner Harrod, Commissioner Briemhurst for President, he was re-appointed on roll call vote 5-0 in favor. Commissioner Whittington nominated and seconded by Commissioner duPont Commissioner Harrod for Vice-President, she was re-appointed on roll call vote 5-0 in favor. Commissioner Briemhurst nominated and seconded by Commissioner Whittington Commissioner Mercier for Treasurer, he was re-appointed on roll call vote 5-0 in favor.

6. Consent Agenda for Minutes, and Events

Commissioner duPont motioned to approve meeting minutes from June 14 & 22, 2023 as submitted. Commissioner Harrod seconded and was passed on roll call vote 5-0 in favor.

Commissioner Harrod motioned to approve Department Reports as submitted. Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

Commissioner duPont motioned to approve the event permit for St. Michaels art League Art Show, pending permit payment of \$100. Commissioner Harrod seconded and was passed on roll call vote 5-0 in favor.

After discussion the Event Permit for the Grace Street Block Party was withdrawn.

Commissioner duPont motioned to approve the Event Permit for the Community Center Block Party at the Treasure Cover Thrift Shop Parking Lot. Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

Commissioner Harrod motioned to approve the Department Reports as submitted.

Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

7. Ordinance for Public Hearing and Introduction

Ordinance No. 540 - Tree Mitigation continued with public hearing, Commissioner Briemhurst questioned how replacing trees with shrubs protects the canopy? Steve Ball stated that it really does not, just replacing with greenery, this was recommended by the Planning Commission. Can restrict to trees only. Aida Khalil commented she was taken back by the fees and recommended cutting the first 4 fees in half for residential. Will be striking the shrub provision and cutting in half the first 4 commercial fees for residential. Commissioner duPont motioned to close the public hearing for Ordinance No. 540 - Tree Mitigation. Commissioner Harrod seconded and was closed on roll call vote 5-0 in favor. Commissioner Whittington motioned to adopt Ordinance No. 540 with changes as discussed. Commissioner Harrod seconded and was passed on roll call vote 5-0 in favor.

Ordinance No. 541 - HDC Changes was for public hearing with no comments from the public. Commissioner Whittington motioned to close the public hearing for Ordinance No. 541 - HDC Changes. Commissioner duPont seconded and was closed on roll call vote 5-0 in favor. Commissioner duPont motioned to adopt Ordinance No. 541 - HDC Changes as presented. Commissioner Harrod seconded and was passed on roll call vote 5-0 in favor.

Ordinance No. 547 - Nosie was for public hearing with comments. Doug Rollow discussed wording in the Ordinance that should be reviewed and possible reworded. Public hearing for Ordinance No. 547 will remain open, Commissioner's requested that Mr. Rollow submit the potential changes in writing and to meet with Chief Oswald to discuss and amend. Commissioner duPont motioned to keep the Public Hearing open for Ordinance No. 547. Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

Ordinance No. 548 - Budgetary Amendments for FY2023, the numbers have been updated since last meeting Rob Straebel reviewed the new number changes with the Commissioner's. Public comments, question regarding the Crosby & Associates payments, the amount of \$54,346.54 is above the contracted price. Mr. Crosby will go back and look into the billing to see if it was over billed. The Town finance clerk will check the payments made as well. Commissioner duPont motioned to adopt Ordinance No. 548 - Budgetary Amendments for FY2023 with reconciliation of item #1 Crosby & Associates. Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

Resolution 2023-09 - Historic District regulating tents and string lights was for public hearing with no comments from the public. Commissioner duPont motioned to adopt Resolution 2023-09 as presented. Commissioner Whittington seconded and was passed on roll call vote 5-0 in favor.

8. Old Business

Amend the Bayland Contract, there is approximately \$15,000 in DNR additional grant funds that is not being used for current projects. Staff has identified another potential project within the same watershed for North Street/Brooks Lane area. Rob Straebel was given authorization to sign the Amendment for the Bayland Contract.

Change Order for Tim Crosby for an additional site plan feasibility study for a Police Station and Meeting Room at 301 Mill Street. This change order was not approved by the Commissioners. Has been put on hold.

9. New Business

Discussion regarding parking on Talbot Street between Marengo and Chew Street per the

request of Barney Kastel. After much discussion it was agreed to leave the parking as is. If someone wants to park in front of the Winery and Gina's they are allowed. Parking area will not be marked off. Rob Straebel will contact MDOT to inform them not to install the no parking signs.

The Town of St. Michaels has been awarded a federal grant for additional harbor flooding and stormwater management study to be used for the Cherry Street/Honey Bridge, Harbor Walkway, Burns Street and Mill Street areas. The Commissioners agreed to authorize the Town Administrator to sign the Memorandum of Agreement and move forward with Request for Proposal.

10. Comments from the Public

Aida Khalil stated she was concerned that only 1 or 2 of the Commissioners know what is going on while the others may not know. Requested that there would be a bidding process for the next projects that the Town puts out for bids. Commended The Commissioners on all their hard work.

Debra Alms wanted to know why the New Town Hall and Police Department was not bid out for the conceptual drawings. Had a contractor look at the conceptual drawings and there are very few contractors who can complete the work.

Mark Berman, all the focus is on the Police Station to be on Mill Street, because that property was the only place that could handle both the Police Station and Town Hall. Things have changed and now we take the Town Office out of the equation. It was asked could the Fremont Street property hold the police station and was confirmed it could. Consider using the sale of the two properties to purchase the Old Dirty Dan's Property to put the new Police Station.

11. Comments from the Commissioners

Commissioner Harrod commented that putting a police station on Rt. 33 at Dirty Dan's place, some feel that it may make out town look unfriendly.

Commissioner Mercier commented that using Mill Street for the police station would be like making it a bowling alley, there are no sidewalks and people are always walking up and down the street. A police car going 20 mph could be dangerous.

12. Commissioners Proposed Calendar 2023

13. Announcement of Future Meetings - to be held at Library

August 9, 2023 - Working & Legislative Session

September 13, 2023 - Working Session

September 27, 2023 - Legislative Session

October 11, 2023 - Working Session

October 25, 2023 - Legislative Session

14. Closed Session Statement

The Commissioners will voted to go into a Closed Session to be held after the Open Session on Wednesday, July 12, 2023 pursuant to Maryland Code, under the Open Meetings Act, General Provisions Article Section §3-305(b) to discuss the following: (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over who this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

15. Adjournment of Open Session

At close of Open Session, COSM will convene into Closed Session

Commissioner Whittington made the motion to go into closed session. Commissioner duPont seconded and was passed on a roll call vote 5-0 in favor.

16. Adjournment of Closed Session

Public Participation: All comments from the public will be taken during the period set aside for "Comments from the Public." The "Comments from the Public" portion of the Commission agenda shall have a limited time period as determined by the Commissioners, and shall be at the beginning and at the end of each agenda. 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.