

July 13, 2016

Present

Commissioners Jaime Windon, Roy Myers, Joyce Harrod, Michael Bibb and William Boos, Town Manager Jean Weisman, Administrative Clerk Suzanna Warnick, and Town Attorney Charles ‘Chip’ MacLeod. There was one member of the public present.

Call to Order

President Roy Myers called to order the regular work session of the Commissioners of St. Michaels at 6:00 p.m. in the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland, and the Pledge of Allegiance was recited.

Public Announcements

Mrs. Weisman said she had attended the closing settlement for the sale of 101 Conner Street the previous week. Mrs. Weisman also noted that on July 30th from 11-4 p.m. the Police Department and the Talbot Association of Clergy and Laity would hold their annual Unity Day Picnic at the Griffin Apartments courtyard in the 200 block of North Street.

Consent Agenda

President Myers announced that a vote to approve the items on the consent agenda would include approval of department reports for the month of June 2016, approval of public event permit application from the Talbot Watermen Association Inc. for an outdoor fundraising event held at the Chesapeake Bay Maritime Museum on August 14, 2016, approval of a sign permit application for sign placement on utility poles from SMASH to benefit the after school program, and a public event permit application from TriCycle and Run LLC, for a Free 5K Fun Run on August 13, 2016 along the St. Michaels Nature Trail. President Myers also noted that the disbursements for June 2016 totaled \$ 157, 346.73. President Myers then asked if the Commissioners wanted to remove any item from the consent agenda for discussion on the regular agenda. There were no requests. Commissioner Boos had some suggestions on improvements to monthly reports. As there were no comments from the public, President Myers called for a motion to approve the consent agenda as presented. Commissioner Harrod made the motion, which was seconded by Commissioner Boos, and which passed on a roll call vote of 5-0 in favor.

Ordinances for Discussion and Possible Introduction

- Ordinance No. 477 – Cable TV Franchise Renewal

President Myers called upon Chip MacLeod, Town Attorney from Funk & Bolton P.A., who provided an overview and highlights of the proposed Ordinance, and explaining some added consumer protections. Attorney MacLeod then answered a number of questions from the Commissioners in a discussion of some length. As there were no additional questions or changes to the ordinance, President Myers called for introductions. Commissioners Harrod and Boos introduced Ordinance No. 477 as presented. President Myers then called upon Mrs. Warnick, who read the title of the ordinance into the record as follows:

ORDINANCE NO. 477: AN ORDINANCE TO REPEAL CHAPTER A350, ARTICLE III (CABLE TELEVISION) OF THE CODE OF THE TOWN OF ST. MICHAELS AND REENACT A NEW CHAPTER A350, ARTICLE III ENTITLED “CABLE SERVICE RANCHISING” FOR THE PURPOSES OF SETTING FORTH MINIMUM REGULATIONS, TERMS AND CONDITIONS UNDER WHICH CABLE SERVICE FRANCHISES MAY USE AND OCCUPY THE PUBLIC RIGHTS-OF-WAY OF THE TOWN; ESTABLISHING A FRAMEWORK UNDER WHICH CABLE SYSTEMS SHALL BE CONSTRUCTED, INSTALLED, OPERATED, MAINTAINED AND REGULATED WHEN UTILIZING THE TOWN’S PUBLIC RIGHTS-OF-WAY;

AUTHORIZING THE GRANTING OF ONE OR MORE NON-EXCLUSIVE FRANCHISES FOR CABLE SERVICE WITHIN THE TOWN; ESTABLISHING MINIMUM OPERATIONAL AND CUSTOMER SERVICES STANDARDS FOR CABLE SERVICE FRANCHISES; PROVIDING PROCEDURES FOR CABLE SERVICE FRANCHISE APPLICATIONS, MODIFICATION AND RENEWAL; ESTABLISHING A CABLE SERVICE FRANCHISE FEE AND APPLICATION FEE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO CABLE SERVICE AND CABLE SERVICE FRANCHISING IN THE TOWN OF ST. MICHAELS

President Myers said the Ordinance No. 477 would be eligible for a vote on July 27, 2016.

Topics/Items for Discussion

- Email Accounts and Discovery of Personal Information

President Myers called upon Jean Weisman to begin the discussion, after which Attorney Chip MacLeod provided background on the issue of private vs. town e-mail accounts for FOIA or litigation purposes. Attorney MacLeod recommended that personal and Town email accounts be separate. Mrs. Weisman said that Commissioners' accounts would be separated with the assistance of the Town's IT consultant.

- 107 Mill Street property swap with the Maritime Museum

Attorney MacLeod referenced his memo regarding the property swap, and said the Town should make sure that the Maryland Department of the Environment gives the property a clean bill of health before an acquisition. Attorney MacLeod also recommended that the museum test for any presence of MTBEs to make sure that it does not threaten the Town's water supply.

- Fiscal Policy on Utility (Electric) Fund

President Myers opened the discussion of the issue of how the utility fund should be used, and provided a history of previous conversations on the matter. Commissioner Boos said he did some research on rainy day funds for other counties and municipalities. Commissioner Boos said most municipalities and many counties do not have the fund that St. Michaels has, which resulted from the sale of the Town's electric utility. Commissioner Boos first said the fund should be renamed so that people do not assume that the money is exclusively for burying utility lines and/or removing power poles. Commissioner Boos also suggested that the fund should be divided into three funds:

1. Repair and replacement fund
2. Capital project fund – new items
3. Rainy day fund

Commissioner Boos said he was recommending that a study be done to determine the efficacy of such a plan and how, and for how much, each category should be funded. Finally, Commissioner Boos said he was strongly in favor of the Town's accountants and the Town's attorneys being directly involved in the process and providing professional direction. The Commissioners continued their discussion of current funding commitments, and were in general agreement to have some idea of funding directions by the beginning of the next budget cycle. Commissioner Myers then invited public comment. The Commissioners directed staff to get input from the Town's auditors and to develop an RFP for the financial study. Commissioner Myers noted that the funding the cost of the study would require a super majority vote.

Commissioners' Calendar

The Commissioners made changes and additions to their agendas for meetings in August and September 2016.

The Commissioners of St. Michaels
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Comments from the Public

There were no additional comments from the public.

Comments from the Commissioners

There were no additional comments.

Adjournment

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

Respectfully submitted,

Suzanna Warnick
Administrative Clerk

Public Handouts:

Agenda

Monthly department reports

Resolution 2013-05 – Fiscal Policy Guidelines

Ordinance No. 477 – Cable Service Franchising