

**The Commissioners of St. Michaels**

**Legislative Session**

**January 27, 2010**

**6:30 p.m. – Legislative Session**

**Present:**

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt and Phillip Dinkel, Town Manager Cheril Thomas, Administrative Clerk Sabrenia Yohn, and 16 members of the public.

**Call to Order:**

President Brady called to order the public working session of the Commissioners of St. Michaels at 6:30 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. President Brady made tribute to former Commissioner Russell Kacher, who passed away on January 26, 2010. The Pledge of Allegiance was recited, and a moment of silence was observed in memory of Mr. Kacher.

**Presentation of the St. Michaels 2009 Audit:**

President Brady introduced Rick Tull of Lank, Johnston & Tull, Town Auditors, who presented the results of the annual audit of the Town's finances. Mr. Tull gave an overview of the audit and gave the Town an "unqualified" rating, the highest rating that can be given. President Brady thanked Mr. Tull for his presentation and asked if there were any comments from the Commissioners, staff or the public. There were no comments.

**Consent Agenda:**

President Brady said the consent agenda consists of draft minutes for public and closed session meetings for the month of December, 2009. There were no changes to the minutes or comments from the Commissioners or the public. Commissioner Snyder made the motion to accept the Consent Agenda as presented. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

**Discussion Items:**

- **Resolution 2010-01** – Resolution 2010-01 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ANNEX CERTAIN LANDS LOCATED ON THE SOUTHWEST SIDE OF THE TOWN OF ST. MICHAELS ON THE SOUTHWEST SIDE OF MARYLAND ROUTE 33, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND AND CONSISTING OF 23.07 ACRES OF LAND, MORE OR LESS, AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE ANNEXATION TO THE TOWN OF ST. MICHAELS

Mrs. Thomas gave a brief history of the Resolution, noting that a petition for annexation was filed by Heatherington Harbor LLC in March of 2007 and fees were paid. The project went to the Planning Commission for review and a favorable recommendation was issued by them on May 4, 2007. Mrs. Thomas said that the Applicant withheld proceeding with the annexation process until now and their application has again been reviewed by the Planning Commission which again issued a favorable recommendation on September 30, 2009. Mrs. Thomas noted this will be the first discussion of the draft resolution, and it has been placed on the Commissioners' calendar for introduction at the February 10, 2010 meeting, followed by a public hearing on March 10, 2010. President Brady called upon David Thompson, attorney for the Applicant. Mr. Thompson said that the property to be annexed was a growth area in the Town's Comprehensive Plan, but was not a

growth area in the County's plan, and that is why the Applicant is filing an unconditional annexation with the Town. Mr. Thompson said no services from the Town were being asked other than police and trash collection, as the property is currently served by on-site well and septic. There was some discussion regarding Section 3 of the Resolution related to a change in zoning classification for the property and Mr. Thompson agreed that the language needed clarification. Commissioner Snyder asked how many residences would be ultimately built on the property and Mr. Thompson said a maximum of four, adding that it would translate into approximately \$11,000 in tax revenue for the Town. The Commissioners and staff discussed the timeline for processing the annexation request. Mrs. Thomas said that trash service needs to be added to the draft Resolution and that the Resolution will require a legal review by the Town's attorneys. As there were no additional comments from the Commissioners, President Brady said that Resolution 2010-01, with the changes discussed, would be introduced at the February 10, 2010 meeting of the Commissioners, followed by the public hearing on March 10, 2010, and the Resolution would be eligible for a vote at the Commissioners' March 24, 2010 legislative session.

- **St. Michaels Art League Banner Program:**

Mrs. Thomas gave an overview of the Art League's request for art banners on Talbot Street, noting that while it was originally thought that a text amendment would be required to allow the program, further examination of the zoning code and the definition of signs indicated that a text amendment was not necessary, only written permission from the Commissioners. Mrs. Thomas said the Commissioners had before them a draft permission letter which requires signatures of the Art League and the individual artists. Mrs. Thomas added that the letter outlined the Art League's responsibility for installation and removal of the banners, including costs and liability. President Brady then called on Mr. Cook of the Art League. Mr. Cook said they were pursuing services from various independent companies to hang the banners but asked if the Town could provide assistance in the form of traffic control during the installation and removal. Mrs. Thomas said the letter could be amended to provide for traffic control and flexibility with regard to daytime hanging. Commissioner Snyder proposed issuing the letter granting permission to the Art League as drafted and then once they have a company in place to install and remove the banners, the letter can be revised accordingly to include assistance from the Town. After some additional discussion, Commissioner Dinkel made a motion to accept the draft permission letter for the banner program as written. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Application of FRESHFARM Market for Use of a Town Park to conduct a Farmers' Market:**

Mrs. Thomas provided an overview of the permit application for a farmers' market in Muskrat Park and supporting documentation received from FRESHFARM Markets stating that the application meets the requirements of the Resolution. Mrs. Yohn noted that their 501 (c) (3) status had been confirmed with the Internal Revenue Service. Commissioner Snyder made a motion to accept the application of FreshFarm Market to conduct a Farmers' Market in Muskrat Park and to issue a permit. Commissioner Clark seconded it, and the motion passed on a roll call vote of 5-0.

**Comments from the Public:**

Ann Yonkers of FRESHFARM Market thanked the Commissioners for approving their application.

**Comments from the Commissioners:**

Commissioner Snyder said he was looking forward to the opening of the market on April 17, 2010.

**Announcement of Future Meetings:**

President Brady announced the Commissioners' schedule of future meetings as follows:

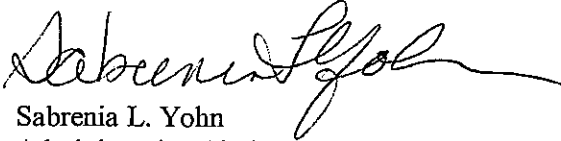
The Commissioners of St. Michaels  
01/27/2010 Meeting Minutes

- February 10, 2010 – 4:00 p.m. – Town Office – Special Working Session – Final Deliberations and Decision on Miles Point III-150 TND Overlay Zone Application
- February 10, 2010 – 5:00 p.m. – Town Office – Regular Public Session
- February 17, 2010 – 5:30 p.m. – Town Office – Special working session with the St. Michaels Planning Commission to discuss the Community Legacy Plan and the Comprehensive Plan
- February 24, 2010 – 4:00 p.m. – Town Office – Closed Session
- February 24, 2010 – 5:00 p.m. – Town Office – Regular Public Session

**Adjournment:**

President Brady adjourned the meeting at 7:20 p.m.

Respectfully submitted,



Sabrenia L. Yohn  
Administrative Clerk

**Attachments:**

- St. Michaels 2009 Audit
- Resolution 2010-10