

**MAYOR AND COUNCIL REGULAR MONTHLY MEETING  
MONDAY, APRIL 2, 2007 @ 7:30 P.M.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, April 2, 2007 at 7:30 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Phillips, Hutson, Gasser and Gutkin. Also in attendance were local citizenry and representatives from the local media.

The meeting was called to order by Mayor Ballas, who then led the group in reciting the Pledge of Allegiance.

**MINUTES**

A motion by Councilmember Hutson, seconded by Councilmember Gasser and unanimously passed by a vote of 5 to 0 approving the minutes of the previous meeting as corrected. The corrections were spelling and grammatical errors.

**Discussion on Proposed Ordinances**

The Mayor and Council accepted public testimony on the Skateboard, Bicycle, Yard Sale, and Municipal Infraction Ordinances. Mayor Ballas gave a synopsis of the ordinances, outlined some of the reasons for the sponsoring of these ordinances, and reviewed some of the recommendations that have been voiced during the last two readings. Mayor Ballas advised that these ordinances would not be voted on; because one of the Councilmember felt that since they would not be running for reelection, they do not want to vote. Therefore, the Mayor and Council accepted public comments and voting will take place at the May 7th Mayor and Council Meeting.

Councilmember Hutson also gave a brief overview of the reason for the ordinances and that concerns about these topics start as far back as 2005.

**3<sup>RD</sup> READING - ORDINANCE NO. 2007-02 - YARD SALES**

Mayor Ballas advised that the creation of this Ordinance resulted from complaints from businesses that some residents are having continuous sales, buying and reselling at yard sales and are not purchasing business licenses; bearing the expense of a building to house their business and they are not paying sales tax on their sales and income taxes on their profits. Currently, there is no ordinance in force that addresses frequent yard sales.

**PUBLIC TESTIMONY**

**Sharon Clendaniel/Academy Avenue** – Ms. Clendaniel stated that she does not feel there are many people that have continuous yard sales. She stated that those observed

are trying to supplement their income. She feels that this is a small town and would like to retain the small town atmosphere.

**April Young/Buena Vista Avenue** – Mrs. Young feels that there is no need for the Yard Sale Ordinance, because people are just trying to sell their stuff. She also feels that even if the fees were removed from the ordinance, residents would still have to come to the town office and obtain a permit. Ms. Young stated that she does not feel that this would be feasible and is unnecessary. She doesn't feel that yard sales are a trouble to many people.

**Terry Stoltzman/Bloomingtondale Avenue**- Ms. Stoltzman feels that a yard sale is a business. She questioned whether or not the permit could be obtained by mail and tracked by computer to keep a record of the residents having continual yard sales, and allocate a fee to be paid. Perhaps this would curtail those that are creating a problem and help those that don't have a time to come into the office to obtain a permit. Ms. Stoltzman questioned whether or not there is a way to simplify the process of picking up forms for the permit.

### **3<sup>RD</sup> READING - ORDINANCE NO. 2007-03 = SKATEBOARD SAFETY**

Mayor Ballas advised that the creation of this ordinance was a result of citizen complaints. Citizens have complained about youth on skateboards riding on the streets, crossing in front of vehicles, danger on sidewalk to pedestrians, destruction of walls that are privately owned adjacent to sidewalks.

### **PUBLIC TESTIMONY**

**Vicki Galloway/ 201 West Central Avenue** – Mrs. Galloway stated that since West Central Avenue was repaved and a handicap ramp was installed, there have been numerous problems on the corner of West Central Avenue and Park Lane. She stated that she has seen people bring their children and drop them off on this corner. The children are damaging the brick walls that border her property. Mrs. Galloway first began to see bricks in the roadway, now they are chipping away at the brick walls. She said that she quit counting after 30 bricks had been destroyed. The stop sign has also been damaged. Mrs. Galloway stated she has been calling the police for the last 8 years. There have been incidents where kids have gotten hit by vehicles because they dart out into traffic. She is concerned not only for the childrens' safety, but also for the persons that may hit a child. Mrs. Galloway stated that kids are on the corner continuously. Chief Nagel stated that a camera would be installed as soon as possible. Mrs. Galloway asked for assistance with this problem. Chief Nagel stated that he has informed his officers to advise anyone found hanging around this area to move on, because they cannot hang out here. There was question as to whether or not a Neighborhood Watch Block has been established in that area. Councilmember Hutson will contact the Neighborhood Watch Team to see if there is a representative that could work with Mrs. Galloway.

**Buddy Rowe/ 304 Academy Avenue** – Mr. Rowe stated that any day of the week kids can be seen all over Town on skateboards or bikes. He believes that safety gear is a must, and safety gear is a lot less expensive than a life or serious injury.

### **3<sup>RD</sup> READING - ORDINANCE NO. 2007-04 = BIKE SAFETY**

Mayor Ballas advised that the creation of this ordinance was a result of citizen complaints.

#### **PUBLIC TESTIMONY**

**Terry Stoltzman** – Mrs. Stoltzman stated that kids have nothing to do. She feels that kids are constantly given rules, rules, rules, and if children are continuously prohibited from doing things, what is left for them to do. There are helmet laws for bikes, however, she feels parents should advise their children of the laws and safety factors. Mrs. Stoltzman doesn't feel there should be a law that dictates this issue. Her main concern was dictation of what she can and cannot do.

**Eric Willis/108 Park Lane** – Mr. Willis questioned who would be responsible to pay the fines if the tickets are issued to children (the parents)? He feels the child should be required to do community service work instead of a paying a fine. He feels the parents should be made more responsible. Mr. Willis doesn't think that fining the parents will make a difference. The children should have to face some consequences also. Mr. Willis also questioned if there was a warning system defined in the ordinance, that would give a warning first before issuing a fine. There is a warning system in place.

**Xavier Camacho/ Academy Avenue** – Mr. Camacho questioned how this ordinance will be enforced? He thinks in the long run, it will tie up the court system and still not get results. Mr. Camacho stated that he is not against the ordinance, but he feels that before the town begins to fine parents, the town should look at the legal aspect and the end result. Mr. Camacho also questioned whether any other towns have tested this ordinance.

**April Young/Buena Avenue** – Mrs. Young stated that she is totally against mandatory bicycle registration. She said she doesn't want to be stopped for her riding bike. Mrs. Young feels that it is a parents responsibility advise their children of the type of safety equipment to wear and to make sure they wear it.

**Steve Parks/Maple Avenue** – Mr. Parks said that he does believe in mandatory bicycle registration. He stated that more than one arrest is made by stopping and checking a registered bike. Mr. Parks stated that there is nothing for children to do in Federalsburg. He recommended that instead of fining the kids, make them attend a safety course or sponsor an activity to advise them about the safety factors of wearing a helmet. Mayor Ballas advised that they are in the process of sponsoring a bike rodeo and registration.

**Howard Bradley/ 201 East Central** – Mr. Bradley suggested a warning for the first offense, and for the second offence take the bike. This would keep this matter out of the courts and under local jurisdiction.

### **General Comments**

Councilmember Hutson stated that the town has offered to work with various organizations about creating a place for kids to participate in various recreational activities. However, the committees or parents that have been involved have not followed through with presenting the Mayor and Council with any plans of the proposed projects. The Town requested this information and nothing has been received to date.

There was question if monies are available for kids programs? Happy stated that there is a group of individuals working on obtaining funding for use of the old police station. Mayor Ballas advised that there has been a request from the Federalsburg Ministerial Association to use the community building on Tuesday and Thursday nights for activities for the kids. Pastor Buddy Dunn stated that the Federalsburg Ministerial Association actually wanted the Community Building full time. The Association is checking on pricing for pool tables, they have talked to high school kids about mentoring other kids, and they are requesting any assistance from the schools. The intent is to promote kids helping kids. The Federalsburg Ministerial Association is trying to set the positive atmosphere and the kids seem very enthusiastic about their plans. They are also looking for a trailer to move equipment as needed, and the kids are looking at raising funds to do this. The Federalsburg Ministerial Association is also looking for any grant funding for this project.

There is a lot going on that people don't realize and there will be adult supervision. The Federalsburg Ministerial Association will be resuming Saturday night basketball. Sometimes there have been 30 to 60 kids present and there has always been enough adult supervision. One of the remarks from the police was that the streets were clean when this activity was going on. Pastor Dunn stated that the intent is to have a large facility so kids can play basketball, teach drama, music, to start a community building and work toward a place that children can go year round. This program came about through Character Counts in the school system; helping to make kids a part of the solution for other problems. The kids have made it plain what they would like. The Federalsburg Ministerial Association is looking at guidelines and rules.

**Terry Stoltzman** – Mrs. Stoltzman stated that the regular kids are on the streets. They need a place that they can feel responsible. She has had the street kids in her area and has had no problems with behavior. The age range for these kids is in the upper teens.

**Councilmember Phillips – Yard Sale Ordinance** – Councilmember Phillips stated that the town needs the yard sale ordinance, however, the town needs to work with Planning and Zoning to govern where a person can put a business to keep this from happening again.

**Councilmember Phillips – Skateboard Ordinance** – Councilmember Phillips stated that he feels that the town should pass the ordinance as written because he has witnessed children in the streets going in different directions and this creates a safety issue.

**Councilmember Phillips – Bike Ordinance** – Councilmember Phillips stated that he likes the ordinance as written. He feels that this will get the kids attention, perhaps with a bike rodeo or some other activity. The problem is that parents that don't care and hopefully this ordinance will get their attention also.

**Councilmember Gasser** – Councilmember Gasser stated that she agrees with Councilmember Phillips' synopsis. She also feels that skateboards should be allowed in the same areas that bikes are allowed. She doesn't feel that the Police Department has the time to chase skateboarders. She feels the town has to be proactive and not reactive.

**Terry Stoltzman** – Mrs. Stoltzman suggested a designated bicycle route to help the downtown businesses. Councilmember Hutson advised that the Hike and Bike Trail is a designated bike route.

**Mayor Ballas** stated that she sees the merit of community service because it works. Mayor Ballas stated that she feels that there are several opportunities in town that allow the kids an outlet with sports and other activities. Mayor Ballas stated that she also feels that you can get too organized with kids, and sometimes all they want is just a place to hang out and sit and talk to each other.

**Pastor Buddy Dunn** – Pastor Dunn said he has invited the kids to say what they want and he wants them to be the focus.

### **3<sup>RD</sup> READING - ORDINANCE NO. 2007-06 - MUNICIPAL INFRACTION**

This ordinance works with the other three ordinances and sets the penalties for a municipal infraction.

### **PUBLIC TESTIMONY**

No comments

### **FEDERALSBURG HISTORICAL SOCIETY**

Mr. Glime stated that the Board did not have anything to report this month.

### **Appointment of Election Judges**

The following persons have agreed to serve as judges for the municipal election on Monday, April 23, 2007:

Kathleen Windsor

Janie Eskow

Virginia Liddell

A motion by Councilmember Phillips, seconded by Councilmember Hutson and unanimously passed by a vote of five to zero appointing Kathleen Windsor, Janie Eskow and Virginia Liddell as election judges for Monday, April 23, 2007.

### **Public Concerns**

#### **COMPREHENSIVE PLAN**

Mr. Joe Glime questioned whether or not the public would get an opportunity to review the Comprehensive Plan once completed. Mr. Glime was advised that once the plan is complete public hearings will be scheduled for public comment.

#### **CODE VIOLATION CONCERNS**

Xavier Camacho expressed concerns about the condition of properties in the town. He said he has spent a lot of money in repairs to his home and properties in his area have made his property value decrease. Mr. Camacho was advised that the town has a new code enforcement officer and he was asked to contact him with his concerns.

Darlene Dotson stated that over the last few years the code enforcement officers have worked with her to address several code violation concerns. She stated each time she had a concern, it was addressed in a timely manner.

#### **REPRESENTATIVES AT THE TOWN MEETINGS**

Bart Johnson expressed concern that he felt the Code Enforcement Officer should attend the regular Mayor and Council Meetings. He said the citizens should be able to address any complaints with the Code Enforcement Officer, as with any other department at the regular meeting. Mr. Johnson was advised that the Code Enforcement Officer attends two meetings a month, the workshops and the Planning and Zoning regular monthly meetings. Mayor Ballas will bring this up at the next Mayor and Council workshop to make a decision about switching the Code Enforcement Officers attendance to the regular Mayor and Council monthly meeting and the Planning commission meeting.

#### **CANDIDATES FORUM**

Buddy Rowe questioned whether or not the candidates would be willing to participate in a Candidates Forum. Since most of the candidates were present, it was the consensus that they would be willing to participate. Mr. Rowe will set up the forum, possibly at the Fire Hall and get back with each candidate with the details. He will contact the Federalsburg Volunteer Fire Department to see if they would be willing to sponsor the forum.

## **CODE VIOLATIONS**

Darlene Dotson questioned whether or not the Mayor and Council had heard from PBH regarding trimming the trees on Holland Drive. To date, they have not heard anything except the verbal confirmation that they would trim back the trees. It was recommended that PBH be pushed and a time frame be set for the work to be completed. The area needs to be cut back because it is full of tires and trash.

## **FEDERALSBURG FIRE COMPANY**

Kevin Mowbray gave a report for the fire company for the month of March 2007. He also handed out a listing of activities for the month of April.

## **DEPARTMENTAL REPORTS**

### **Police Department**

Chief Nagel read the police report for the month of March. The apartment complex calls are still running high.

There was a concern raised about a scuffle in the back of the school, and Chief Nagel advised if the party would talk to him later he would be glad to address her concerns.

Buddy Rowe questioned whether or not the individual had been apprehended that was approaching kids. Chief Nagel advised that the suspect had been apprehended, however, he could only be charged with money fraud. The case will be going to court.

Steve Parks questioned why an officer has to obtain information from a complainant before attending to a concern from a citizen. He stated there was a situation recently, wherein the time it took the officer to take information from the complainant, the kids could have gotten away. Chief Nagel said he takes responsibility for that because he stresses to his officer to get the information which is needed in case they have to go to court. Wendy Garner advised that the same thing happened to one of her neighbors.

The police were also complimented on their increased visibility in town.

### **Public Works Department**

Steve Dyott, Public Works Director, reported the following:

1. Caldwell Tank has resumed work on the water tower.
2. There was a concern that the incorrect date of the meeting was on the town sign. Mr. Dyott apologized for not having the correct date on the sign, but with all the projects that have been going on they are very busy.

3. Steve Dyott reported that the fencing near the fire house (silt fence) will be removed when the town installs the next section of pipe. The fencing was left up until the ground is stabilized.

### **Main Street/Grants Department**

1. The marsh grasses will be planted along the Davis Meadow Site within two weeks. Salisbury State University Students and James M. Bennett students from environmental classes will do the plantings. The silt fence will stay in place during this project and all persons have been instructed to stay on Town Property. This is the final phase of the project.
2. The paving of the VFW Boat Ramp will be first on Bramble's priority list when the asphalt plants open. The completion of this project is behind schedule, but the job will be done in a few weeks.
3. Bids were accepted for the drainage project at the Marina Park basketball courts and the rewiring of the streetlights at the Federalsburg Industrial Park. These bids will be reviewed and awarded within two weeks. Both need to be completed as soon as possible. The bids will be reviewed by Steve Dyott and Happy Mayer to make sure that they are accurate and complete bids.
4. The Water Tower Replacement Project is under away again in the Caroline Industrial Park. The problem with the footers has been resolved. The boring under the tracks is in the last permit/license stage and American Paving is ready to start.
4. The Public Safety Building is moving along with very few changes at this point. The project was well conceived so lots of changes have not been necessary. Completion for Phase I is expected near the end of May '07. Phase II should begin soon after that.

Mr. Mayer stated it was a pleasure working with the Councilmembers Hutson and Phillips who will not be running for reelection.

### **Planning & Zoning Department**

The Planning & Zoning Commission met on Tuesday, March 27<sup>th</sup>, 2007 at 7 PM. The following items were discussed:

1. A minor lot line revision plat was presented by a resident. This revision does not create any new building lots. The Commission reviewed and approved this request.
2. The Commission received a request from Mazel, LLC to amend a portion of

the Zoning Ordinance pertaining to current language regarding minimum lot area requirements for townhomes. The Commission tabled discussion on this topic until their next workshop.

3. The Commission scheduled a workshop for Thursday, April 19, 2007 at 6 PM.
4. Habitat for Humanity sent a letter requesting three hardships variance hearings for their development off of Brooklyn Avenue for the following: reduction of the road width, waiver of sidewalks and to allow an area of approximately 6,100 sq. ft. which is currently designated for open space to be a building lot. The Commission declined all three requests.
5. Steve Watson, the new Code Enforcement Officer was introduced to the Commission.

## **ACTION ITEMS**

### **Election**

Councilmember Hutson thanked everyone for allowing her to serve as Councilmember for the past four years. She stated that she withdrew because of an illness of a family member. She congratulated all the candidates that are running for office and asked that they stay strong and stay positive.

Councilmember Phillips thanked everyone who has come to the meetings during his four years in office to voice their opinion. He stated that he does care what is going on in Federalsburg or he would not have run for office. He hopes to attend Planning and Zoning Meetings to work with them on some issues.

Mayor Ballas stated she has been very involved with the workings of the government before she became Mayor. She is very proud that this council has the reputation of being very involved with citizens input. She said that you can't run fairly when citizens don't voice their opinions. She wished all the candidates good luck and asked that each run a clean campaign.

### **Chicken Festival**

Mayor Ballas presented the brochure that has been created for the Chicken Festival. She stated that they have again used the drawing done by Mark Gadow in the 1995 festival. There were a total of 10,000 brochures printed.

### **Council of Government Meeting**

The next Council of Government meeting will be held on Tuesday, April 10, 2007 at 7 p.m. at the HAP's building in Denton.

## **1<sup>st</sup> Annual Mayor's Prayer Breakfast**

The 1<sup>st</sup> Annual Mayor's Prayer Breakfast will be held on Wednesday, April 11, 2007 at the Federalsburg Town Hall. Tickets will be \$7.00 per person. The guest speaker will be Ron Nordan, who is Chaplain in the US Navy. All were encouraged to attend.

## **Adjournment**

A motion by Councilmember Phillips, seconded by Councilmember Hutson and unanimously passed by a vote of 5 to 0 to adjourn at 9:30 p.m.

Submitted by,

*Shirley A. Greene*

Shirley A. Greene  
Clerk/Treasurer