

**MAYOR AND COUNCIL OF FEDERALSBURG  
REGULAR MONTHLY MEETING  
MAY 7, 2007  
7:30 P.M.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, May 7, 2007 at 7:30 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Hutson, Phillips, Gasser and Gutkin. Also in attendance were town staff, citizenry and 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 Phillips, seconded by Councilmember Hutson and unanimously passed by a vote of five to zero approving the minutes of the previous meeting as corrected.

**Swearing in of Councilmember's**

Mayor Ballas thanked Councilmembers Phillips and Hutson for their years of service and presented them with an engraved paperweight. Councilmember Hutson thanked Mr. & Mrs. Rowe for the candidate's forum and thanked Happy Mayer for the playground equipment at the Federalsburg Marina.

Mayor Ballas swore in newly elected Councilmembers Michael Fluharty and Eric Willis.

**RESOLUTION NO. 2007-13/CDBG**

A motion by Councilmember Gasser, seconded by Councilmember Fluharty and unanimously passed by a vote of five to zero granting approval to apply for funding to renovate and rehabilitate the former Police Station Building located at 204 South Main Street, to facilitate an activity center.

**MAZEL – REQUEST FOR EXTENSION**

By Ordinance No. 2006-10 passed on May 1, 2006, property owned by Mazel, LLC was rezoned from C-1 to R-3. Since the rezoning, they have submitted site plans to the Federalsburg Planning Commission for review, however, no plans have been approved to date.

Mazel, LLC in the form a letter dated April 25, 2007, requested the Mayor and Council grant a twelve (12) month extension from May 1, 2007 to May 1, 2008 to allow sufficient time to obtain necessary Planning Commission approvals as a pre-requisite to the issuance of necessary building permits and actual ground breaking.

Steve Bollinger stated that Mazel has also requested that the Planning Commission look at amending the townhouse requirements in the Zoning Ordinance. The existing ordinance does not address condominiums, however, it does address townhouses, which was Mazel's original request. Mazel wants to go to condominiums because they can't meet the setback requirements with townhouses. The Planning Commission will review their request at their May 17<sup>th</sup> workshop. Steve Bollinger asked that the Mayor and Council not make their decision regarding the extension until such time that the Planning Commission has had an opportunity to review the requirements.

Councilmember Fluharty stated he would abstain from any vote on this project because his property is next door. Councilmember Willis stated he would like to put a hold on this request. All councilmembers were in agreement to put a hold on this decision. The Mayor and Council agreed to table their vote until such time that the Planning Commission has had an opportunity to meet and make a decision on the condominium request and will report back to the Mayor and Council at their next workshop.

### **PROPOSED ORDINANCES: DISCUSSION**

Mayor Ballas reviewed the requested changes to the ordinances. Ordinances were presented without the changes that have been presented at the last three previous readings.

#### **Ordinance No. 2007-02 –Yard Sale Ordinance**

A motion by Councilmember Gutkin, seconded by Councilmember Fluharty and unanimously passed by a vote of five to zero to reject the Yard Sale Ordinance No. 2007-02 because it would not solve the existing yard sale problem.

#### **Ordinance No. 2007-03 – Skateboard Safety Ordinance**

Councilmember Willis stated he would like to table the passage of this ordinance until the Mayor and Council have had an opportunity to look closer at the ordinance. Councilmember Fluharty questioned the reason for the ordinance. He was advised that it was due to citizen complaints. Councilmember Gutkin questioned who would retain the fines for the ordinance and he was advised that the town would retain the fines imposed on this ordinance. This ordinance would allow the Police to enforce it from a safety standpoint. Chief Nagel has talked to several citizens and there are as many for the ordinance, as there are against the ordinance. The main complaint from citizens is that people don't respect other people's property.

Steve Parks stated that he doesn't agree with eliminating the usage of skateboards on sidewalks. He wanted small children to be allowed to play on the sidewalk in front of their home. He does agree with skateboarders not being allowed in the business district.

#### **Ordinance No. 2007-04 – Bike Safety Ordinance**

Councilmember Willis stated his agreement with the ordinance. Councilmember Fluharty questioned the definition of a scooter. The definition of a scooter would be a small wheel

vehicle. Councilmember Fluharty feels there is redundancy in the skateboard and bike ordinance.

Steve Bollinger questioned whether there was a provision in the ordinance regarding the number of riders permitted on a bike at one time.

Chuck Planner asked for clarification of the location of where bikes could be ridden. The ordinance outlines that bikes can be ridden anywhere except downtown. Mr. Planner feels that the ordinance is picking on people with skateboards and rollerblades. He stated that if the ordinance allows for bikes then it doesn't seem right to eliminate skateboards and rollerblades. Mr. Planner feels that the Mayor and Council should take a harder look at the ordinance prior to passage. Mr. Planner stated that since the skateboard park has been cancelled then the youth should have some considerations.

Heather stated that the skateboard park did not get cancelled, it was left in the hands of the committee to follow through with plans and guidelines and to date nothing has been submitted to the Mayor and Council. The town has not cancelled the skateboard park it is in the hands of the prospective committee. Mrs. Hutson stated the reason for the ordinance goes back to the issues of respect and parents making the kids have respect. The burden should be put back on the parents because it all starts at home.

Ty Harris stated he hates to see all the people punished for the misconduct of a few. Mr. Harris questioned why the town couldn't deal with those that are causing the damage and problems.

Mayor Ballas stated she would like to see foot patrol reinstated on Main Street and she thinks it would deal with the issues of skateboarders and bicycles on Main Street.

It was the consensus of the Mayor and Council to table this ordinance and look at it a little closer. There was a recommendation of possibly combining the bike and the skateboard ordinance into one.

### **Ordinance No. 2007-06 – Municipal Infraction**

Mayor Ballas said she thinks the fines are too high, however, the fines are created to define the cost for a Police Officer going to court.

### **FEDERALSBURG HISTORICAL SOCIETY UPDATE**

Joe Glime gave a monthly report on the Federalsburg Historical Society. On behalf of the Federalsburg Historical Society, Joe Glime presented the newly elected Councilmembers with a bouquet of flowers. Mr. Glime stated that the FHS is still waiting on the plans from the engineer for the stabilization of the E & J Building. The Society requested a meeting with the Mayor and Council at the next workshop scheduled for Monday, May 21, 2007 at 7 p.m. for approximately 30 minutes. Happy Mayer was instructed to make sure that the engineer has all the information provided by May 21<sup>st</sup>. There is also a meeting scheduled for Monday, May 14<sup>th</sup> at 12 Noon with members of the Federalsburg Historical Society, Mayor and Council that can attend, town staff, and the engineer to hopefully review the plans of the building from the engineer.

## **FEDERALSBURG VOLUNTEER FIRE DEPARTMENT UPDATE**

No one was present representing the FVFC.

### **PUBLIC CONCERNS**

#### **Darlene Dotson**

Darlene Dotson requested and was granted approval to use the Senior Citizen Center for a Home Ownership Workshop on Saturday, June 9, 2006. The guest speaker for the workshop will be Helen Curry. The workshop will address guidelines for homeownership.

Ms. Dotson also questioned whether or not the Mayor and Council have received a response from PBH in regard to the clean up of the vacant lot on Holland Drive. The area needs to be cut back and the debris and tires need to be cleaned off the lot. Once this is completed, the Mayor and Council stated they would make a determination whether or not a streetlight needs to be installed. To date there has been no word from PBH. Steve Watson, Code Enforcement Officer will be advised to contact PBH in writing and give them a date to respond.

Ms. Dotson stated that this has been an ongoing issue since October 2006, and she feels that the Town should be more persistent with People for Better Housing to rectify this situation so that the Town can make a determination whether or not more lighting is needed in this area. Mayor Ballas apologized and assured Ms. Dotson that she would ensure this matter is taken care of immediately. Richard Colburn asked Ms. Dotson if she would consider having a solar light placed in the area, and she said she would.

#### **STEVE BOLLINGER**

Mr. Bollinger requested additional Police presence at the beginning of Liberty Road. The reason for the request was due to safety reasons. Mr. Bollinger offered his driveway to the Police Department.

#### **Mrs. Clara Barth**

Mrs. Clara Barth addressed some concerns with grass cutting on Maple Avenue. There are some areas that have grass that is two feet high. There are also locations with untagged vehicles in their backyards that should be addressed. Mrs. Barth was asked to contact the Code Enforcement Officer and address her concerns so that he can follow-up.

Mrs. Barth also questioned who would be liable if someone was hurt on a sidewalk. It was thought that since the property owner owns the sidewalk it would be their liability.

#### **Milton Barth**

Mr. Barth questioned what the burning laws are within the town limits? He said he was advised that you cannot burn within the town limits. Mr. Barth said he has a neighbor that burns leaves

and tree limbs, and the smell goes into their houses. The neighbor is also burning wet leaves. The burning occurs nightly. Councilmember Fluharty thinks that the town needs to look at the ordinance and how it was written. Councilmember Fluharty feels that the original ordinance was an attempt to prohibit burning trash within town limits. The ordinance will have to be reviewed to see the difference between the state and the county laws on burning. The Mayor and Council agreed to look at the existing ordinance and take appropriate action.

### **ELENA TELMANOSKI**

Elena Telmanoski stated her concern that there is only one police officer on duty after 2:30 a.m. She said she thinks there should be more than one officer on duty especially now that the summer months are coming. Several businesses have been broken into after 2:30 a.m. Citizens were asked to attend the budget hearings to voice their concerns in support of the Police Department budget.

### **DEPARTMENTAL REPORTS**

#### **Police Report – Chief Nagel**

Chief Nagel read the monthly Police report. Chief Nagel introduced newly hired Officers Ricardo Alberto and April Hays. Officer Alberto graduated from the Police academy in December 2006. Officer Hays received her training from Baltimore City and she is currently working part-time. Chief Nagel is in the process of working on a Crime Free Nuisance Ordinance. Chief Nagel stated that prior to passing the ordinance, the Town would need to pass an ordinance that would require businesses to be licensed.

Ty Harris questioned whether or not he could have an individual banned from loitering in front of his business. He stated he wants to be able to keep them away because he concerned about liability issues if someone is injured on his property because of people loitering. Mr. Harris was advised that the individual must be warned at least once and the individual be served, then the property owner can press charges and the Police can arrest on the spot. Chief Nagel stated that technically the front lip (the second curb) of his property is considered a legal thoroughfare. Chief Nagel said he would take a picture of the property and talk to the State's Attorney to get his opinion. Joe Glime, owner of The Hub, also requested that a picture of his property be sent to the State's Attorney. There was discussion that the Town of Easton does not allow standing, stopping or parking of vehicles. This includes even standing in a parking lot.

Howard Bradley questioned the status of the video cameras. Chief Nagel advised that the cameras should be in working order very soon. There should be three cameras that will be placed in different locations in Town. Councilmember Fluharty asked if the cameras were proven to be of any use. Chief Nagel advised that the Town of Denton Police Department relies on the cameras that they have set up.

Darlene Dotson questioned what could be done with those that loiter at the entrance of Super Soda. She stated that she really feels uncomfortable because of so many people just sitting there.

Chief Nagel stated he would talk to the owner and it was suggested that Mrs. Dotson also express her concerns to the owner.

Steve Parks voiced his concerns about a nuisance house on Maple Avenue. He said the foot traffic to and from this property is heavy and they use vulgar language. He also stated that the house is in bad shape.

### **Public Works Department – Steve Dyott**

Steve Dyott, Public Works Director reported the following:

1. The Water Main Project on University Avenue should be completed by the end of the week. The contractor has made the tie in under the railroad tracks.
2. The Water Tower Project - the piles are in and the foundation and the pile caps will be completed in the next couple of weeks.
3. The first phase of the Public Safety Building should be completed within the next month.

### **Main Street/Grants Report – Happy Mayer**

Happy Mayer, Main Street Manager and Grants Administrator gave the following report:

1. The VFW Boat Ramp Project is approximately 98% complete. The next step will be to award the bids for the two solar power streetlights that will be controlled by electric eyes with an on/off activation.
2. The final phase of the Davis Meadows Stone Revetment Project has been completed. A group of James M. Bennett High School Seniors, as a project for their class in Environment, have planted marsh grasses.
3. The Town's second Open Space program request for continuing the new playground equipment installation at Marina Park, has been granted thru DNR for FY 2008. This is a three-part grant request and the Town has received two of the three at this point. The first part of this project is play equipment for 2-5 year olds. The next phase is will be equipment for 5 – 12 year olds.
4. In December 2006, the Grants Department for the Town wrote a grant request to the Maryland Energy Administration of Solar Energy looking for a grant for a solar streetlight. The town has received notification from MEA that they would fund this project. An award will be made of \$5,000 for a solar light.
5. On May 2<sup>nd</sup>, the Town received the Phase Two Funds for the Federalsburg Public Safety Building. The contractor will stay and finish thru all of Phase Two Projects to complete the project.

6. The stone revetments to ensure the bridge supports for the bridges on the Marshyhope Creek Greenway Trail will start shortly. This is a grant from DNR thru RC & D of the Eastern Shore. These funds will go directly to RC & D for use for this project in Federalsburg only. The bridges have to be done so their underpinning does not disappear.
7. Happy Mayer advised that two bids were received for the rewiring of the Federalsburg Industrial Park streetlights. The bids have been reviewed by Steve Dyott, Public Works Director, Happy Mayer, Grants Administrator and the Mayor. The bids were received from Barnes Electric (\$58,166.77) and Lywood Electric (\$40,110.00). Mr. Mayer advised that after review of the bids Lywood's bid did not include the cost of installing the new wiring in conduit. Mr. Mayer advised that Lywood Electric was contacted and requested to give a cost for the missing part. It has been 60 days since the initial request to Lywood and there was no a response. Therefore, Mr. Mayer recommended the Mayor and Council to award the bid to Barnes Electric. The total amount of the CDBG Grant to complete this project is \$75,000. Happy Mayer advised that the project was properly advertised and the bids were opened at the same time.

Councilmember Fluharty questioned the need for high powered lights in the Industrial Park since there is no pedestrian traffic in the area. Steve Parks stated that it gets very dark in that area at night. One of the reasons the town was able to get the grant was because Solo Cup is open 24 hours and it becomes a safety issue. Steve Bollinger questioned whether or not this lighting system would help the businesses in the Frank M. Adams Industrial Park. Mr. Bollinger was advised that there are two different electric companies involved; one is Delmarva and the other uses Choptank.

A motion by Councilmember Willis, seconded by Councilmember Gasser and unanimously passed by a vote of five to zero to award the bid for the Federalsburg Industrial Park Streetlight Project to Barnes Electric in the amount of \$58,166.77.

Councilmember Fluharty questioned if the Town had looked into the cost of solar lighting versus regular streetlights. Steve Dyott stated that he has compared the two types, and the expense for maintenance of solar lighting is much more expensive. Steve also stated with Delmarva Power lights, they will maintain them. However, if the Town were to install solar lighting, we do not have the equipment or the personnel to maintain them.

### **Planning and Zoning Report**

Steve Bollinger, Planning and Zoning Chairperson reported that the Commission has a workshop scheduled for May 17, 2007.

### **ACTION ITEMS**

### **PUBLIC WORKS**

There was a question when the fence in Chambers Park would be repaired. The fence was damaged when someone ran into it. Steve Dyott, Public Works Director advised that he will

have to bid out the repair of the fence at Chambers Park on the Liberty Road. He stated he needed to figure out where the money would be coming from, however, Chief Nagel advised him that if he gets a bid, it could be faxed to the insurance company of the claimant.

### **COUNTY COMMISSIONER JEFFREY GHRIST**

Commissioner Ghrist stated that this was his first time visiting Federalsburg. He stated his reason for attending was to congratulate the two new Councilmembers on behalf of the Caroline County Commissioners. He stated that everyone was well prepared and the interaction between the public and Mayor and Council was nice. Councilmember Ghrist stated that he would like to see a waterways trail. Phil Faravo thinks the Marshyshope would be a better place for a waterways trail. Sue Simmons is the contact person to work on this grant.

Councilmember Fluharty stated that the Mayor and Council set aside funds toward Parks and Recreation each year, however, there has been feedback that the citizens from the southern end are not getting that much response from the county parks and recreation. Mr. Ghrist also advised that funds are needed to repair the tennis courts and racketball court in Chambers Park. Commissioner Ghrist will try to have Sue Simmons attend a Mayor and Council meeting to address the concerns.

### **FEDERALSBURG MINISTERIAL ASSOCIATION**

Pastor Buddy Dunn invited the Mayor and Council to the Professional Business Leaders Breakfast scheduled for Wednesday, May 16<sup>th</sup> at Park Lane Church from 7 a.m. to 8 a.m. Mr. Robert Burris will be the guest speaker from 7 a.m. to 8 a.m. The breakfast will be a family style sitdown breakfast.

### **APPOINTMENTS**

A motion by Councilmember Fluharty, seconded by Councilmember Gasser and unanimously passed by a vote of five to zero making the following appointments:

Hattie Gasser – Council President  
Steve Dyott – Public Works Director  
Richard Colburn, Town Manager  
Donald Nagel – Chief of Police

Mayor Ballas said she would reserve other appointments until the June meeting.

### **TOWN MANAGER REPORT**

Richard Colburn, Town Manager reviewed the dates for the Constant Yield and Budget hearings, which have tentatively been scheduled for Monday, June 4, 2007. A budget workshop has been scheduled for Monday, May 21, 2007 at 7 p.m.

The Memorial Day Observance is scheduled to be celebrated on May 28<sup>th</sup> and May 30<sup>th</sup> for veterans. The March of Dimes Walk-a-Thon is scheduled for Sunday, May 20, 2007.

Richard Colburn advised that he has been negotiating with Cingular Wireless for tower rental space. The new negotiating figure is \$10,500 to 11,000, which is still less than what is being paid to date. He is now negotiating with a new person that has offered \$11,685 per year for tower rental for a period of 30 years. It was recommended that the negotiation period should be every 5 years. Mr. Steve Bollinger recommended that the Mayor and Council negotiate for a shorter period of time such as every five years because of technology and equipment changes.

### **ADJOURNMENT**

A motion by Councilmember Fluharty, seconded by Councilmember Willis and unanimously passed by a vote of five to zero to adjourn at 10:15 p.m.

Submitted by,

Shirley A. Greene  
Clerk/Treasurer