

**MAYOR AND COUNCIL OF FEDERALSBURG  
REGULAR MONTHLY MEETING  
Monday, October 6, 2008  
6:00 PM**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Monday, October 6, 2008 at 6:00 p.m. in the Mayor and Council meeting room. Those in attendance were Mayor Ballas and Councilmembers Gasser, Willis and Fluharty. Councilmember Gutkin was out of town. Also in attendance were local citizenry, staff, guests and media.

The meeting was called to order by Mayor Ballas at 6 p.m. The Mayor then led the group in reciting the Pledge of Allegiance.

**Public Hearing – Outside Storage Ordinance No. 2008-09 @  
7:00 p.m.**

Mayor Ballas advised that this is the third reading of this ordinance. Mayor Ballas read the Ordinance. Councilmember Fluharty questioned the definition of household furniture. Steve Bollinger stated that household furniture would be left to the discretion of the Code Enforcement Officer.

Mayor Ballas asked for public comment as follows:

**Amanda Morris**

Mrs. Morris stated that last January she came before the Mayor and Council to make them aware of various items on different porches in the Liberty Road area. She stated that this ordinance provides a good starting point to get rid of the stuff that should not be on porches and in side yards.

**Howard Bradley**

Mr. Bradley stated that the Planning Commission worked on this ordinance for more than four months. He asked the Mayor and Council to consider how stringent they would like this ordinance. Steve Watson wants to address outside storage on all sides of a yard, and Planning and Zoning would like to address the front yard. Mr. Bradley

asked the Mayor and Council to consider how far the town wants to get involved in people's yard.

### **Open Discussion**

Mayor Ballas stated that there was no penalty addressed in the ordinance if someone were in violation of this amendment. After much discussion, Steve Bollinger stated that this ordinance is an amendment to the Town's Zoning Ordinance, and the penalty section would not need to be included in this amendment.

Councilmember Fluharty stated that he thought this was a self supporting ordinance, and each ordinance that is presented should clarify the penalty information.

The Mayor and Council would like to see a stand alone ordinance for penalties for the outside storage ordinance, along with the amendment to the Zoning Ordinance. Steve Watson was asked to work on a stand alone ordinance which will include a penalty for violation of the outside storage ordinance.

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero approving Ordinance Number 2008-09 amending the requirements for outside storage.

### **Public Hearing – Sewer Rate Increase Ordinance No. 2008-10 @ 6:00 p.m.**

The Mayor and Council reviewed and discussed Resolution No. 2008-10 regarding a commitment to increase sewer rates for the Town of Federalsburg. The rate increase is a result of the Wastewater Treatment Plant Upgrade, which is mandated by the State of Maryland.

The State conducted a study, which determined that 66 towns across Maryland are currently depositing too many chemicals into bodies of water that join the Chesapeake Bay. If Federalsburg chose not to participate with this project, the Town would lose the ability to operate its own Wastewater Treatment Plant and could be fined \$2,500.00 per day. A State mandated organization would operate the facility and it would not be as efficient or cost effective for the residents of Federalsburg.

The Mayor and Council had two options to pay for the \$3.3 million dollar project: (1) to seek private funding, and add approximately

\$20,000 per year in interest; or (2) obtain a State loan at an interest rate of 1.1%.

The water and sewer enterprise fund must pay for itself; however, no additional debt can be added to this fund without increasing the rates. The total amount of the increase is \$35.80 per quarter, and the Mayor and Council discussed phasing-in the rate increase over a three year period, or increasing the rate by the entire amount.

A motion was made by Councilmember Gasser seconded by Councilmember Willis and passed by vote of four to zero to phase-in the sewer rate increase over the next three years. The votes were as follows: Mayor Ballas – Yea, Councilmember Gasser – Yea, Councilmember Fluharty – Yea and Councilmember Willis – Yea. The rate increases shall begin as follows: January 1, 2009, July 1, 2009 and January 1, 2010. Councilmember Gutkin was unable to attend this Hearing. The Public Hearing was adjourned at 6:40 p.m.

### **Guests**

#### **John Phillips – Skateboard Park**

John Phillips, local businessman, member of the Federalsburg Economic Development Committee and the Federalsburg Revolving Loan Committee, asked the Mayor and Council for their support for a skateboard park in Federalsburg. Mr. Phillips said he wants to see more activities for kids in Federalsburg. There are no safe places for skateboarders in the town. They currently use the local business parking lots or sidewalks where they are not permitted for safety reasons. Mr. Phillips stated he thinks that Federalsburg can benefit from a safe skateboard park. Mr. Phillips said he has looked at a few different skateboard parks in Easton and Ridgely, and also in Akron and Cleveland, Ohio. He has met with Happy Mayer and Councilmember Fluharty and shared his ideas about this project. He requested that the town allow one of the tennis courts be used for a skateboard park because there is minimal activity on the tennis courts, mainly due to the deteriorating condition of the courts.

Mr. Phillips stated that before he proceeds with this project, he wanted to get the blessings of the Mayor and Council. He plans to get the community involved in this project as well as local businesses and organizations. He hopes to use open space monies and local community contributions for this project. He is also looking into

working with local Eagle Scouts and an organization called Community Build.

It was the consensus of the Mayor and Council to allow Mr. Phillips to move forward on this project. However, Councilmember Gasser stated that she was not in agreement with using one of the tennis courts as a skateboard park. A recommendation was made to look at renovating the handball court for use as a skateboard park because it is not used.

Mr. Phillips stated that in the last three years skateboarding activities have increased by 10%, while other sports have decreased in popularity. Mr. Phillips said one of the things he wants to do is to make sure that the kids are interested and hold a couple of meetings to gauge the interest.

Councilmember Willis recommended that Mr. Phillips contact the Tony Hawk Foundation for possible assistance.

### **Cathy Knott – ABC Child Development Center**

Ms. Cathy Knott, parent of a special needs child at ABC Child Development Center advised the Mayor and Council that Federalsburg is at risk of losing the daycare center. She has worked with Mrs. Pearl Lofland, to try and find money to sustain the daycare and not lose it. Mrs. Knott is dedicated to helping find something to keep the daycare center afloat.

### **Minutes**

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of four to zero approving the minutes of the previous month's meeting as corrected. The corrections were typographical and grammatical.

### **Announcement of Closed Session**

Mayor Ballas reported as allowed under State Government Article, Section 10-508(a)8 that the Mayor and Council held a Closed Session on Friday, October 3, 2008 at 9 a.m. in the Mayor and Council Meeting Room to discuss loan funding for the WWTP.

### **Ordinance & Resolution Approvals**

**Ordinance No. 2008-11 – Authorization to Borrow – MDE WWTP Project**

A motion by Councilmember Gasser, seconded by Councilmember Willis and passed by a vote of four to zero approving Ordinance No.2008-11, which authorizes the issuance and sale, upon its full faith and credit, of a general obligation installment bond in the principal amount of up to Three Million Three Hundred Thousand Dollars (\$3,300,000) pursuant to the authority of the Maryland Water Quality Financing Administration Act.

**Resolution No. 2008-14 – Habitat for Humanity – Support for Building Hope**

A motion by Councilmember Fluharty, seconded by Councilmember Gasser and passed by a vote of four to zero approving Ordinance No. 2008-14 in support of Habitat for Humanity to conduct a land acquisition campaign to acquire sufficient buildable land within the Town of Federalsburg, identified as Priority Funding Area, for the construction of Building Hope, a five home community of affordable homes.

**Committee Reports**

**Federalsburg Historical Society**

Bart Johnson reported that the Federalsburg Historical Society celebrated their annual Heritage Day on Saturday, September 20, 2008. He thanked the Mayor and Council and Public Works Department for their help. He also thanked the town for the C-Safe donation which went toward the food. Mr. Johnson also thanked Senator Colburn and Sarah Pierce for their attendance.

The next meeting of the Federalsburg Historical Society will be held on Tuesday, October 14<sup>th</sup> at 7 p.m. At this meeting they will be making some important decisions about the planning for the next phase of renovations. Mr. Johnson requested a meeting after the 14<sup>th</sup> of October with the Mayor and Council and Planning Committee to discuss the next phase of renovations. He also invited the Mayor and Council to attend their regular monthly meeting on the 14<sup>th</sup> of October.

**Federalsburg Volunteer Fire Company**

Councilmember Fluharty reported the following activities for the Federalsburg Volunteer Fire Department for the month of October:

- Chicken Barbeque on Saturday, October 11<sup>th</sup> at the Fire House.
- Teen Dance on Friday, October 10<sup>th</sup>, 2008.
- Breakfast should resume on Sunday, October 26<sup>th</sup> provided the renovations to the kitchen are completed.
- The week of October 6th, 2008 is Fire Prevention Week.

Councilmember Fluharty stated that the Fire Company has applied for a building permit to conduct much needed renovations to the kitchen facilities at the Fire House. The cost for this permit is \$462.00. Councilmember Fluharty requested that the Mayor and Council waive the building permit fee for the renovations to the kitchen. The fire house was built in 1964 but they have never done any renovations to the kitchen.

A motion by Mayor Ballas seconded by Councilmember Willis and passed by a vote of four to zero to waive the permit fee of \$462.00 for the Federalsburg Volunteer Fire House kitchen renovations.

### **Public Concerns**

#### **David Morean**

David Morean, who resides at 407 Academy Avenue, stated that the property located at 301 Buena Vista Avenue has been sold. He stated that it was his understanding that the building in the back of the property is not to be used for living purposes and the current owners are living there while they are doing renovations to the main structure. He said his concern is that whoever has purchased the property is fixing it up to live in it so they can fix up the main house. Mr. Morean said that it is his understanding that Planning and Zoning granted approval for the owners to live in the structure while they are fixing up the main house.

Mayor Ballas questioned whether Planning and Zoning was aware that that house had never been inspected. Steve Watson, Codes/Inspection Officer stated that he was not aware of this, however, the owners did ask permission from the Planning and Zoning Commission to live in the apartment above the garage while they

planned to substantially renovate the single family main house. After much discussion on whether or not the structure was inspected and whether or not a temporary certificate of occupancy should be issued the Mayor and Council advised Mr. Watson not to sign the "Temporary Certificate of Occupancy" with the property owners.

Mr. Watson was also instructed by the Mayor and Council to contact the property owners immediately and schedule an inspection of the property and to move forward from that inspection. The Mayor and Council stated that the property owners must do what is necessary to facilitate the inspection and make the needed corrections before they can continue to live in the structure. Mr. Howard Bradley, Co-Chairperson of Planning and Zoning stated that the Planning Commission did not give permission to do this, but they didn't have any objection to the proposal as long as they meet all necessary requirements. The property owners must also obtain a building permit for the main structure. The Temporary Certificate of Occupancy should include a start and ending date to have the project completed. There must be an approved inspection of the apartment before any actions take place.

### **Lions Club**

David Morean reported that a total of 24 Christmas lights and Christmas banners have been ordered and will be installed at a later date. On behalf of the Lions Club Mr. Morean expressed appreciation to the citizens and businesses for their support in the purchase of the lights, hardware and banners.

### **Rev. Buddy Dunn**

Rev. Buddy Dunn advised and asked the Mayor and Council of the following:

1. The next Business and Professional Appreciation Breakfast has been scheduled for Wednesday, October 15, 2008 at Park Lane Church of God.
2. Rev. Dunn asked permission to pursue the installation of a skateboard park in Federalsburg.
3. Rev. Dunn also requested the Mayor and Council consider waiving the permit fee for construction of handicapped ramps. He said he felt that a permit should be required and the

structure should be inspected, however, the fee should be waived. He also requested that the Mayor and Council look at the fee structure for a ramp because it is included in the porch/deck category. The Mayor and Council advised that at the last meeting it was agreed that each individual person can request a waiver of their permit fee.

4. Rev. Dunn asked if one of the sections of the tennis courts could be used as a basketball court which would then cut the tennis courts back from three to two. Mayor Ballas said that this is something that the Mayor and Council need to put some time and effort into the planning in this area. Rev. Dunn gave a brief update highlighting the youth program that is in the building.

Councilmember Fluharty stated that he had a couple of questions that he wanted to ask to Rev. Dunn and Chief Nagel. He said he knew that the park closes at certain hours, and that the youth services are held at certain hours; however, he has received complaints that there are people using the basketball courts at other times. The people that have addressed these concerns feel that there is a basketball court set up in Chambers Park, and they don't see the need for a second court in the marina. Most of the activities at the park are supervised except for the basketball scratch games. Councilmember Fluharty stated that he has been told that the basketball scratch games take place at all hours of the night. He suggested that the Police monitor the park after the hours that the park is closed.

Mayor Ballas asked if there have been any complaints to the Police Department about people that are using the courts other than on Tuesday and Thursday evenings. Chief Nagel advised there are complaints not just about the courts, but about the park area in general. He stated that the police currently patrol the area and will continue to patrol the area. He said that there are lighting problems in the area and he hopes that the cameras will help in the future.

## **Departmental Concerns**

### **Police Department**

Chief Nagel read the monthly police report and reported the following items:

- Chief Nagel expressed concern regarding the safety of the participants and spectators at the Pop Warner Football field in

Chambers Park. He is concerned that any softballs that may be hit out of the park toward the Pop Warner Field might hit or injure someone. It was recommended that representatives from both leagues come together to resolve this concern.

- Federalsburg Outreach Group requested and was granted permission by Chief Nagel to park their vehicles in the municipal parking lot off Morris Avenue from October 12<sup>th</sup> through October 18<sup>th</sup>, 2008, while they are away on their trip. They are to park in the back of the parking lot away from the recycling bins.
- Chief Nagel reported that he has hired a new certified police officer by the name of Matthew Lauck. Councilmember Willis questioned how this position would be funded since it was a non-budgeted item. Since this is personnel matter, Mayor Ballas suggested Councilmember Willis meet with the Town Manager and Chief Nagel to discuss this issue.
- Chief Nagel requested approval from the Mayor and Council to hire Sheila Durant, an attorney that works for the Housing Authority of Baltimore City, to assist him with the proper housing ordinances that may be used in town in regard to Crime Free Housing.

A motion by Mayor Ballas seconded by Councilmember Gasser and passed by a vote of four to zero to hire Ms. Sheila Durant to assist with the Crime Free Housing regulations.

### **Public Works Department**

Steve Dyott, Public Works Director, reported the following:

- A sketch was presented of the Morris Avenue parking lot striping. The Mayor and Council reviewed and accepted the proposed layout. Councilmember Fluharty suggested that a sign be placed at the entrance near the fire hydrant to point out the new traffic patterns in the parking lot. Councilmember Willis requested Steve Dyott contact a representative at the Koski Warehouse on Bloomingdale Avenue about their recycling methods. Mr. Eddie James has a trailer that he keeps on location for recycling of cardboard and that may assist the town with the existing cardboard bins.

### **Codes/Inspections Department**

Steve Watson, Code Enforcement Officer, reported the following:

- A drawing was given to the Mayor and Council showing the setback requirements for the Super Soda Center sign.

Councilmember Willis stated that Eric Padgett was told that he could not place a sign of that type on his property at all and the council questioned what the difference was. Mr. Watson stated without looking at the zoning ordinance he felt it was because Mr. Padgett's property is located in a different zoning district.

- Mr. Watson questioned whether or not there were any regulations for off premise signs. He feels that these signs should require a permit. He said he has looked at the zoning ordinance but it is vague about this type of sign. Steve Watson stated that S & S has a couple of signs on their property that are not related to their business. It was the consensus of the Mayor and Council that a permit would be required for off premise signs. Mr. Watson was asked to put the current regulations in the Mayor and Council's packets and they will give Mr. Watson an interpretation of the ordinance in regard to off-premise signs.

Celeste Foley questioned why no permit was issued for 104 North University Avenue. Mr. Watson stated that a roofing permit has been issued for that property. There was also some question regarding the number of layers of shingles allowed by Code.

Celeste Foley questioned who enforces the garbage can ordinance. She was advised that Public Works would issue a citation for violations to the garbage can ordinance. Steve Dyott stated that if a violation is noted, a written warning is issued and followed up on within 24 hours. Mrs. Foley stated that there are garbage cans that are left out beyond the 24 hour time limit. Mrs. Foley stated that she could provide him addresses and pictures of the violations. Mr. Dyott advised that he would observe the addresses provided to him for violations, however, he has to actually see the violation in order to enforce the ordinance.

Councilmember Fluharty questioned if the town is going to give citations for residents who leave their garbage out, will citations also be given to those that put their cans out early. He stated that the Town can't just pick and choose who to cite, you have to enforce the entire ordinance. He said there are some elderly resident that put their garbage out early, is the town going to give them a citation. Mrs.

Foley said she wasn't worried about the elderly residents, she was only concerned with the residents who leave their cans out for five or six days. Councilmember Fluharty reiterated that the town can't just pick and choose who to cite, the Ordinance would have to be followed by everyone.

If the procedures look excessive the Mayor and Council will need to re-examine the ordinance. Councilmember Willis stated that there is no need to have an ordinance if you are not going to enforce it. It was agreed that the ordinance should be enforced without discrimination. There was a question as to who would enforce the ordinance Public Works or the Police Department. Councilmember Gasser stated that there are trash bags that have been sitting out for several days on University Avenue. It was assumed that they were set out thinking that was extra trash day. Public Works will look into this matter.

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

Happy Mayer, Grants Administrator, reported the following:

- Mr. Mayer reported that he has been appointed to the Hometown Veterans Memorial Committee. There was a public meeting held on October 1<sup>st</sup> and there were 10 people in attendance. The proposed new site for the Hometown Veterans Memorial was discussed. The site off Route 318 and the corner of Veterans Drive is the proposed site. He asked if the site was agreeable with the Mayor and Council and requested a public hearing by the Mayor and Council before the committee begins to move forward with the project. Councilmember Gasser said that even though the Mayor and Council are in agreement with the proposed location, there would have to be one public hearing. The Committee feels that it would not make sense for them to move forward with the planning until the site has been approved by the Mayor and Council. Steve Dyott recommended that wherever the final location is, a survey should be completed before the design is finalized. Happy Mayer stated that he has talked to representatives from the county, state and the county roads board requesting their approval of the site. The approval by the Mayor and Council is contingent upon a public hearing and survey of the proposed property before they make a formal vote.

It was the consensus of the Mayor and Council to approve the recommended site of the Hometown Veterans Memorial. The

proposed site is at the corner of Veterans Drive and Route 318, which is currently owned by the Town of Federalsburg. A public hearing will follow this approval with all state, county, and town ordinances being followed. The Mayor and Council specifically will require a survey of the property. An official vote will be taken at some period after the public hearing. The consensus was agreed upon by those present: Mayor Ballas (Yea), Councilmember Willis (Yea), Councilmember Gasser (Yea), and Councilmember Fluharty (Yea).

Bart Johnson questioned the ownership of the property and whether or not there would be a lease of the property. He questioned whether or not the organization was a non-profit organization. He was advised that all improvements have to be approved by the town. The Mayor and Council will have final approval over what takes place on the property.

### **Resolution No. 2008-12 – Community Legacy**

Happy Mayer requested the Mayor and Council approve Resolution Number 2008-12, which gives the Grants Administrator approval to submit an application to the Department of Housing and Community Development for community legacy funding in the amount of \$30,000. This funding would endorse the designation of the Community Legacy Area and the Project Area, which is located on the trail off Veterans Drive as a Hometown Veterans Memorial Site.

A motion by Councilmember Gasser seconded by Councilmember Fluharty and passed by a vote of four to zero approving Ordinance No. 2008-12 which approves the designation of a Community Legacy Area and has a Community Legacy Plan and application and receipt of financing for a Community Legacy Project in Federalsburg to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through other departments or agencies of the State of Maryland.

Councilmember Fluharty questioned if the town could leverage these monies. It was the consensus of the Mayor and Council that if all or part of the funding comes back as a loan the town will not commit to financing the loan. It was the consensus of the Mayor and Council that the town is not in any position to assume any further debt.

### **Resolution No. 2008-13 – Geocache Trail**

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by a vote of four to zero approving Resolution No. 2008-13, which states that the Town of Federalsburg will participate in the Maryland Municipal League Geocache Trail and work with MML and the Maryland Geocache Society to locate an appropriate place for our municipality's geocache. The Town will also maintain the geocache and adhere to geocaching standards and procedures.

One of the recommended sites for the Geocache Trail would be at the foot of the bridge on the trail.

Mr. Mayer reported that work has begun at the new dock, which is a DNR project that is grant funded and completely handled by the State.

Mr. Mayer reported that the town received a grant from DNR to compose a brochure on the hike and bike trail. The grant will fund the creation of 5,000 brochures and the cost for printing by a local printer. The brochure will show highlights of the trail.

### **Planning & Zoning Department**

Mr. Howard Bradley, Planning & Zoning Co-Chairperson reported the following:

The Commission did not have a meeting during the month of September. A workshop has been scheduled for October 20<sup>th</sup>. They will discuss off premise signs at the workshop. Happy Mayer introduced Mr. Joshua Gliptis. With Davis, Bowen, and Friedel, who from time to time will be attending municipal meetings to gain some prospective as to how their firm can best meet the needs of the town. Mr. Gliptis also stated that they have a qualified individual on staff that could assist with the necessary ordinances needed for the Crime Free Housing.

### **Action Items**

#### **Diagnostic Center Update**

The Mayor and Council received correspondence from Shore Health Systems in regard to their request for a diagnostic center in Federalsburg. The letter advised that it has been part of their vision for their future since they have begun their planning process in 2006. Shore Health System is very interested in expanding their network of diagnostic treatment and primary care centers, as well as, specialty

services, in areas not presently served by their community based facilities. A copy of the letter was distributed to Mr. Bart Johnson who made the original request to ask that a diagnostic center be placed in Federalsburg.

### **Water & Sewer Adjustments**

The Mayor and Council have received a request to waive the debt service fees and tap in fees for a property that was acquired at 405 N. University Avenue. Since the building has been divided into three units without the Town's knowledge. The owner requested that the two additional water/sewer/flush tax debt service fees not be imposed. The owner also requested that he not have to pay for two additional tap-in fees. In a letter dated October 1, 2008, the property owner stated that if he had to pay for tap in fees and connection fees it would pose an undue burden for the following reasons:

- The current owner purchased the property in good faith with the understanding that it was in compliance with all of the town's requirements.
- No further renovations or reconfigurations of the building have been implemented by the current owner since he purchased the property in April 2006.
- The current owner stated that the effect of the recent downturn in the economy over the past several months has resulted in the loss of at least two tenants. Should he have to incur unexpected additional costs he will have to pass them on to the current tenants.

It was the consensus of the Mayor and Council to charge debt service fees for three units and two tap-in fees.

Councilmember Fluharty stated that when renovations were completed on this building the ordinance was already in place and essentially the building was intended for a single occupant.

### **Halloween**

The Mayor and Council requested that Halloween trick or treat hours and ages are posted on the town's website.

### **Adjournment**

A motion by Councilmember Gasser seconded by Councilmember Willis and unanimously passed by a vote of four to zero to adjourn the meeting at 10:48 p.m.

Submitted,

Shirley A. Greene  
Clerk-Treasurer