

**Mayor and Council of Federalsburg
Regular Monthly Meeting
Monday, November 3, 2008 @ 6:00 p.m.**

The regular meeting of the Mayor and Council of Federalsburg was held on Monday, November 3, 2008 at 6:00 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Ballas and Councilmembers Gasser, Fluharty, Willis, and Gutkin. Also in attendance were local citizenry, staff, and the media.

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

PUBLIC HEARING – 6:00 p.m. – Hometown Veterans Memorial

Mayor Ballas read the legal advertisement which outlined the purpose of the public hearing. The purpose of the public hearing was to hear public comment regarding the proposed location of the Hometown Veterans Memorial at the corner of Veterans Drive and Route 313.

Mayor Ballas called for public and Council comments and there were none.

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed to close the public hearing at 6:03 p.m.

HOMETOWN MEMORIAL SITE

Happy Mayer advised that after the public hearing the next step is to obtain a survey of the property. He said that he has had communication with the County and they have given permission to proceed with the location. Now the Mayor and Council need to give their approval for the location site of the memorial.

A motion by Councilmember Gasser seconded by Councilmember Willis and unanimously passed by a vote of five to zero to allow the Hometown Veterans Memorial Committee to proceed with the location of the memorial to be placed at Route 318 and Veterans Drive by a vote of five to zero.

GUESTS

Timothy Goodger, Jr. – Request Waiver of Water/Sewer Policy

Mr. Timothy Goodger, Jr. was present and he requested relief from the Town's policy for an old water bill on the property that was owned by his father, where he has built a new home. Mr. Goodger was previously granted permission to connect the water service for his new home to the Town's water system using the connection from his father's former chicken house. The Mayor and Council waived the \$2,500 tap-in fee required because Mr. Goodger is utilizing an existing hook-up. The Mayor and Council advised Mr. Goodger that he may want to reconsider his request to waive the fee for the existing water and sewer bill because if the fee were waived then

he would be required to pay the \$2,500 tap in fee. Mr. Goodger rescinded his request and advised that he would pay the old bill.

John Phillips – Skateboard Park Update

At the October Mayor and Council meeting, John Phillips was granted permission to proceed with a study for a skateboard park in the Chambers Park using one of the existing tennis courts. Mr. Phillips gave an update to the Mayor and Council of his current findings.

Mr. Phillips presented a proposed budget for Phase I of the Proposed Skate Park Budget and Schedule as follows:

Proposed Budget

Grants =	\$25,000	45%
Town =	\$15,000	27%
Private (Business, Individual & Civic)	<u>\$15,000</u>	<u>27%</u>
Total	\$55,000	100%

Proposed Schedule

1. Organizational Meetings/use Assessment – Nov 2008 – January 2009
2. Skate park Design & firm Budget – Jan-Feb 2009
3. Grants Awards – Spring 2009
4. Private Fundraising Efforts – late Winter/Spring 2009
5. Town Contribution – July 2009
6. Construction – Summer 2009

1st Organization Meeting – Thursday, November 20th @ 7 p.m. at the Federalsburg Town hall.

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by vote of three to two, to allow the northern most tennis court in Chamber Park closest to Chambers Street to be utilized as Skateboard Park. It was agreed that if the skateboard park is not established by December, 2009 it would remain a tennis court. The vote took place as follows: Mayor Ballas – Yea; Councilmember Willis – Yea; Councilmember Fluharty – Yea; Councilmember Gasser – Nay and Councilmember Gutkin – Nay.

Mr. Phillips stated that he wants to involve the youth who would be using the park in the development stages of the park. He said he hopes to report back in February with an update on the organization meetings. The town has applied for Project Open Space funding to resurface the three existing tennis courts in Chambers Park. A response on the request is likely in the next few months. Mr. Phillips said that they have looked at possibly using the handball court in Chambers Park as a possible location for the skateboard park. However, it has been determined that it would not be cost effective to convert the handball court to a skateboard park.

Chief Nagel asked Mr. Phillips if he had spoken to any of the adjoining neighbors about the proposed project. Some of the neighbors present at the meeting voiced the support of the project. Mr. Bart Johnson stated that he did not have any objection to the project but requested frequent and more police patrols in the area.

MINUTES

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of five to zero approving the minutes as corrected.

OLD BUSINESS FOLLOW-UP

Update on Outside Storage Stand Alone Ordinance

The Mayor and Council tabled discussion until they had an opportunity to review ordinances from other areas that were distributed by Steve Watson, Code Enforcement Officer.

NEW BUSINESS

Small Business Loan Program Request for Funding

Ms. LaKesha Fletcher – Salon Express

Mrs. Lakesha Fletcher has requested a Small Business Revolving Loan in the amount of \$15,600. Mrs. Fletcher is starting a new business “Salon Express” on North Main Street. She has completed the loan process and the loan committee’s written recommendation states that she qualifies for \$4,775 for a start up loan, which is the highest that they can recommend. Mrs. Fletcher said that she wants this to be a full service salon. Her salon will create five new jobs. After much discussion the Mayor and Council agreed to the following:

A motion by Councilmember Fluharty seconded by Councilmember Willis and passed by a vote of five to zero approving a Small Business Revolving Loan to Mrs. LaKesha Fletcher, for a new Salon Business in the amount of \$5,000, which is based on the loan committee recommendation.

Mr. Stephen Holloway – Trenton Pipe and Nipple Company

Trenton Pipe and Nipple has requested approval for a Small Business Revolving Loan in the amount of \$100,000, to assist the business in addressing their MOSA violations. The loan committee has reviewed their request and has recommended that the Mayor and Council award the \$100,000 requested by Trenton Pipe. The loan committee advised that the request does not exactly match the loan criteria, but considering the longevity and the economic impact of this business on the community they feel that this request should be granted.

The funding request would allow Trenton Pipe to the installation of safety guards around their production equipment to protect their employees from injury.

Councilmember Fluharty asked what guarantee the town has with this loan. The town would have a second mortgage on the building.

A motion by Councilmember Gasser seconded by Councilmember Willis and passed by a vote of five to zero approving a Small Business Loan in the amount of \$100,000 to Trenton Pipe and Nipple with the town taking a second mortgage on the building.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Joe Glime reported the following for the Federalsburg Historical Society monthly activities:

The Historical Society requested and was granted approval to solicit bids to build bathrooms in the Federalsburg Area Heritage Museum. The plans have been reviewed by the Federalsburg Historical Society and Steve Dyott, Public Works Director. Steve Dyott, Public Works Director is in charge of this project. Happy Mayer advised that the project will cost approximately \$18,000 and will be funded with the remaining monies from the Community Legacy Grant/Loan. Community Legacy stresses using local businesses for the projects, if possible. As long as three bids are received the town will not have to advertise the bidding process.

A motion by Councilmember Fluharty seconded by Councilmember Willis and approved by a vote of five to zero to move forward with solicitation of the plans for the plumbing for the public safety building.

The Federalsburg Historical Society hopes to have activities that will dovetail with the activities from the Christmas Parade that is scheduled for Monday, December 8, 2008.

Federalsburg Volunteer Fire Department

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

- Teen Dance on November 28th
- Soup Luncheon on December 12th
- Spaghetti Dinner Fundraiser on November 21st at the fire hall for John Ruark Jr., whose wife has cancer and the fundraiser is for the family.
- Mayor Ballas presented Councilmember Fluharty with a check for \$20,000 for the Federalsburg Fire Department, which is the budget annual donation.

PUBLIC CONCERNS

Ken Abner – 210 South Main Street

Mr. and Mrs. Ken Abner who reside at 210 South Main Street, voiced their concerns in regard to the number of trees that were displaced off the lot behind Subway. They said they would like to

see the buffer restored and they don't want to see 2" samplings placed where there were once 75 year old trees.

Happy Mayer stated that the owner is in an IDA which is part of the Critical Area Program and must create a buffer area and the owner has to restore what he took out and must give a plan on the plantings that must be approved by the Town and Critical Area Commission. Mr. Mayer said the owner is adhering to the Critical Area guidelines.

Mr. Mayer advised that last year the town had the assistance of a circuit rider who assisted with this part of program, however, now the town has to see that the Critical Area Guidelines are adhered to, which is an addition to the other municipal requirements.

Mr. Abner said his main concern was that no one went down to count how many trees were removed. Mrs. Abner said that she would have like to have seen the plan before the trees were removed.

Councilmember Fluharty raised the question of how close the project was being monitored. There should also be an answer as to why the trees were removed without the submittal of a plan. The Abners expressed their concern that paving in the area was about to take place. The owner should also be made aware that blacktop can not be done in the area without a plan.

PASTOR PETER SMITH – Halloween Activities

Pastor Peter Smith advised that three churches offered Halloween night activities. All activities were different but were simultaneous.

Pastor Smith also invited the public to the lighting of the water tower on Sunday, December 7th. There would be a lighting of the Water Tower and Christmas carols sung. Pastor Smith was advised that there are no lights on the water tower. There was discussion about having the ceremonies at a different location. There has been discussion of trying to get a star on top the water tower but that has not transpired to date.

The Lions Club is upgrading the downtown decorations and they are also placing decorative holiday banners. Mayor Ballas advised that the town must be careful about what events are advertised on the municipal sign. A Halloween event was held at the marina by an out of town church and the event was advertised on the town sign. The Federalsburg Police, Maryland State Police and Caroline County Sheriff's Department were called to the site for a fight that broke out.

Mayor Ballas stated that public events are the only events that should be advertised on the sign. She said her concern was liability for someone getting hurt at a function that is advertised on the town sign.

The Mayor and Council agreed to place on the current application to use public property to include a space that shows whether the event is public or private. The Mayor and Council also

requested that the rental agreement be reviewed by LGIT and request their input on the agreement since LGIT would represent the Town in any liability lawsuits.

DEPARTMENTAL REPORTS

Police Department

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

1. He reported the statistical information for crime for the month.
2. He reported that anytime an event is held on Halloween night, it taxes the police department because they have to be spread out throughout the town. He asked if the churches would consider combining their efforts next year to have one activity in one location. Chief Nagel also asked the Mayor and Council to revisit the existing burning ordinance due to the fact that one of the Halloween activities had a bonfire. Chief Nagel advised that the problems at the Halloween activities at the marina were not due to lack of supervision. It was a hate crime that started a fight.

Chief Nagel advised that he is working with the Grants Administrator to obtain grant funding for a speed trailer. Chief Nagel advised that they are trying to patrol more on Liberty Road.

Public Works Department

Mayor and Council praised the Public Works Department for the fantastic job they did on striping the municipal parking lot on Morris Avenue. Due to the new traffic pattern there was a recommendation to post a notice on the marquee of the new traffic pattern in the parking lot. Public Works also received a letter of appreciation from Park Lane Church of God for the job that they did on striping the lot.

Councilmember Gasser asked if Mr. Dyott has had an opportunity to contact Mr. Eddie James about the cardboard recycling. Mr. Dyott will get with Councilmember Willis and obtain a telephone number for Mr. James and he will contact him.

Councilmember Gasser said that she is getting a strong chlorine taste back in her water at her residence. Mr. Dyott advised that Public Works is aware of her concern and will be taking samples and make adjustments as needed.

Councilmember Willis said that the municipal streets look nice since they have been swept by the street sweeper.

Codes/Inspection Department

Steve Watson, Code Enforcement Officer, reported the following:

- The garage at 301 Buena Vista Avenue did obtain a permit. Mr. Watson was advised to look at the plans that were submitted to Planning and Zoning to make sure that the renovations to the garage were originally submitted as a living unit. Steve was advised to make sure that the former code enforcement officer inspected the structure as a living unit. The current property owners did have an electrical inspection completed. Mr. Watson informed the owners that before the renovation process to the structure they should obtain a permit and agree to a time frame of completion prior issuance of a permit on the main structure. Mr. Watson advised that the property owners are not living in the accessory structure at the present time.
- Mr. Watson advised that he has sent a letter to the owners of the property at 322 Greenridge in regard to trimming the bush at the corner of University and Greenridge Avenue.

Main Street/Grants Department

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

- Two grants have been submitted as follows:
 1. Community Legacy – for funding for the Hometown Memorial
 2. GOCCP – for funding for E-Ticket for all the police vehicles
- He is also looking for new cameras for the police vehicles.

Planning and Zoning Department

Steve Bollinger, Planning and Zoning Chairperson, reported the Commission did not have their regular monthly meeting last month because there was no new business. They have scheduled a workshop for November 10th at 6 p.m. Mr. Bollinger invited the Mayor and Council to attend.

Councilmember Fluharty reported that he would like to see a link to the Comprehensive Plan placed on the town website.

ACTION ITEMS

Water and Sewer Adjustment Requests

The Mayor and Council reviewed the water and sewer adjustment requests as follows:

1. A resident on Vesper Avenue requested an adjustment due to a water leak in an outside spigot/water hose.

The Mayor and Council unanimously denied the request and the entire bill will have to be paid. The Mayor and Council's reasoning for denying the request was due to the fact that someone should have noticed that much water lost.

2. A resident on South Main Street requested permission to eliminate small commercial unit, by combining it with an adjoining unit.

The Mayor and Council unanimously agreed to grant the request to eliminate the unit. Councilmember Fluharty noted that there should be some documentation that there will only be three units and instead of four in this building.

3. A resident on East Central requested an adjustment due to a water leak that was located in the ground under the house. The leak was noticed while reading meters by the dramatic increase in gallonage.

The Mayor and Council unanimously approved the request for adjustment.

4. A resident on South Main Street requested an adjustment due to a water leak that was repaired immediately when found.

The Mayor and Council unanimously approved the request for adjustment.

5. A resident on Old Denton Road requested an adjustment due to a water leak that was repaired immediately when found.

The Mayor and Council unanimously approved the request for adjustment.

MML FALL CONFERENCE

Councilmember Willis voiced his appreciation for his attendance at the MML Fall Conference that was held in Cambridge, Maryland at the Hyatt.

COMMUNITY BUILDING RENTALS

Councilmember Fluharty advised that he has had an inquiry from a citizen about the use of the Community Building. The citizens asked Councilmember Fluharty if he voted for a full time function to have sole use of the community building. Councilmember Fluharty advised that this happened prior to his becoming a Councilmember. The citizen feels that the community building has been taken away from the citizens for their use and by allowing one organization to use the building for youth activities. He said he was only able to find one section in the April 2, 2007 minutes where it was discussed that there was a request from the Ministerial Association to use the Community Building on Tuesday and Thursday nights for activities for the kids and the minutes reflected that they wanted the facility full time. The question has been raised that the community in part has been taken away from the community by this group because no one else is able to use it. Councilmember Fluharty stated that without written verification that the Ministerial Association has sole use of the building he can not see how the town can not allow others to use the community building. Mayor Ballas asked Councilmember Fluharty if he had reviewed the policy for use of the community building, because the previous council approved a policy that made the community building no longer available to private individuals for private

functions. It made the community building available for use by certified non-profit organizations. The policy came first before the Ministerial Association's request. Councilmember Fluharty said he was not aware of the policy and would review that policy.

MUNICIPAL CHARTER

Councilmember Fluharty stated that a request was raised in March 2008 about adding language in the municipal charter in reference to referendum and recall vote regulations. Currently the existing charter does not address either. Councilmember Fluharty presented the Council with copies of other municipality's guidelines for recall and referendum. Councilmember Fluharty recommended the Mayor and Council move forward to check into these charter amendments.

Richard Colburn, Town Manager advised that at one time there was discussion from the Mayor and Council about changing the election date to coincide with the general elections or to have it during the month of September. This change would allow new Mayor and/or Councilmembers to be included on the budget in the early process and not at the end. The Mayor and Council agreed to look into making this a charter amendment change to begin in the year 2010 and 2012.

CHRISTMAS AND NEW YEAR'S HOLIDAY

The Mayor and Council (Mayor Ballas – Yea; Councilmember Gasser – Yea; Councilmember Willis – Yea, Councilmember Fluharty – Yea and Councilmember Gutkin – abstained from voting on a religious issue) agreed to the following holiday schedule for Christmas and New Year's.

- The Town Offices will close at 12 Noon on December 24th (Christmas Eve)
- The Town Offices will be closed on December 25th (Christmas Day)
- The Town Offices will be closed on December 26th
- The Town Offices will be closed on January 1st 2009 (New Year's Holiday)

ADJOURNMENT

A motion by Councilmember Willis seconded by Councilmember Fluharty and passed by a vote of five to zero to adjourn at 9:25 p.m.

Submitted by,

Shirley A. Greene
Clerk