

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING @ 6:00 P.M.
JUNE 1, 2009**

The Regular Monthly Meeting of the Mayor and Council was held on Monday, June 1, 2009 at 6:00 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Fluharty and Councilmembers Armes, Bollinger, Willis and Windsor. Also in attendance were local citizens, media and staff.

The meeting was called to order by Mayor Fluharty who led the group in reciting the Pledge of Allegiance. Mayor Fluharty asked for a moment of silence to pay respect to PFC Michael Yates.

PUBLIC HEARING @ 6:00 P.M.

Introduction of FY 2010 Operating Budget

Mayor Fluharty read Ordinance No. 2009-07, which adopts the budget for fiscal year beginning July 1, 2009 and ending June 30, 2010; and also establishes a tax rate of \$0.64 per \$100 of assessed real property value and a tax rate of \$1.60 per \$100 on all commercial business personal property; and to appropriate funds and estimate income in accordance with the budget for fiscal year ending June 30, 2010.

The Mayor and Council are looking at maintaining \$0.64 tax rate which is the same as last year. Mayor Fluharty gave a general synopsis of the overall budget.

This is the first year that Caroline County will be charging municipalities a fee to collect real estate taxes; therefore, this is a new budget item.

Introduction of Water Debt Service Fee Increase

Mayor Fluharty read Ordinance No. 2009-08, which adopts the new water debt service rates. This fee will increase from \$16.65 to \$19.39 for in Town residents, Commercial and Industrial users; and increase from \$16.65 to \$29.09 for out of Town water users.

A spreadsheet which showed how the new water debt service fees were calculated was issued for public review.

The floor was opened for questions on both ordinances and there were none.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero to close the public hearing at 6:18 p.m.

GUESTS

Chesapeake Utilities

Mr. Darrell Wilson and Mr. Greg Denston of Chesapeake Utilities were present to discuss renewal of the Town's franchise agreement with their company. Mr. Wilson gave a brief presentation outlining the company. They have 450 employees and hope to merge with Florida Public Utilities. They serve about 65,000 customers in Maryland, Delaware, and Florida.

Mr. Wilson and Mr. Denston issued a copy of the current annual report and a power point presentation with information on some of the initiatives that have taken place. The current Franchise Agreement has expired and they encouraged the Town to renew it in the future. They also provided a map which outlined the Eastern Shore Natural Gas pipeline. They discussed their currently served business district areas and expressed their desire for future growth.

There was discussion regarding holding a session to invite the public to determine the interest level from residents and establish the need to make these services available to residents.

The Chesapeake Utilities Franchise Agreement expired in 1995. The Mayor and Council agreed to forward the draft to Brynja Booth for changes and recommendations.

Questions/Comments

Councilmember Bollinger questioned whether they would expand their service base to include residential customers. Mr. Wilson stated that they would proceed based on economic feasibility and growth.

Mayor Fluharty said that availability of natural gas service was discussed for the Frank M. Adams Industrial Park to encourage potential buyers; also consider development opportunities for new development.

Bay Country Communications – Cable

Mr. Scott Shilling of Bay Country Communications gave a brief presentation on the cable service for Federalsburg and an update on his trip to Ohio regarding new digital technology.

Mr. Shilling stated that he was very pleased with the technology that he saw in Ohio and he is looking forward to applying the same technology here.

Mr. Shilling was asked to attend the June 15th Mayor and Council Workshop at 6:00 p.m. to discuss the Franchise Agreement between the town and Bay Country Communications.

Alwinta Lake – Discussion of New Neighborhood Youth Program

Ms. Alwinta Lake gave a brief presentation regarding a new program called The Federalsburg Neighborhood & Youth Center. This program will be affiliated with The Church of God Of Prophecy on Austin Avenue in Federalsburg. Some of the visions for this program include a Thrift Shop, financial assistance, a food pantry, holiday food baskets, youth enrichment, training and employment programs for local teens. Ms. Lake requested the support of the Mayor and Council and any assistance as volunteers or advisors would be much appreciated.

They hope to utilize the former Bishop's Florist Building as a location for the Thrift Shop. The primary focus is youth between the ages of 14-17 and at-risk children. The church is currently conducting fundraisers to raise the startup money of \$5,000.00.

Ms. Lake advised that she has gone before the Planning and Zoning Commission and there are no problems with using the Bishop Florist location for the Thrift Shop, because it is currently zoned for commercial use. Mayor Fluharty said that one of his concerns is that the Federalsburg Ministerial Association already has a Food Pantry and he recommended that the two get together so that there is no duplication of services.

Ms. Lake was advised that the town could not offer any financial support to the program, however, the town maybe able to assist with their fundraisers in the form of advertising on the town sign.

The Mayor and Council advised Ms. Lake that they supported the program and wished them good luck.

APPROVAL OF PREVIOUS MONTH'S MINUTES

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero approving the minutes of the May 4, 2009 meeting as corrected.

OLD BUSINESS

Introduction of Ordinance No. 2009-09 – Introduction of Rental License/Inspection Ordinance

Mayor Fluharty read proposed Ordinance No. 2009-09 entitled Rental License/Inspection Ordinance. This ordinance would establish a licensing and inspection program for residential rental dwelling units within the Town of Federalsburg.

Councilmember Windsor said he has some problems with the ordinance and he thinks that it is a duplication of current services. He said he feels the town is getting too involved in people's lives. Mayor Fluharty said there are codes in place that would handle some of the complaints that he has received; however, this ordinance would give the code enforcement officer the right to conduct periodic inspections.

Mrs. Katherine Lewis questioned why the Town needed this ordinance if the Code Enforcement Officer can go onto a property if there is a complaint. Mrs. Lewis also questioned how many times the Code Enforcement Officer has been unable to get into a property, how many complaints has he received and was denied access to a property?

There was some question about the word "periodic" under Section 158-4 - Inspections. It was recommended to change the wording to "as deemed necessary".

The fee for the license should be enough to cover the cost for the rental license.

A public hearing for this ordinance was scheduled for Monday, July 6, 2009 at 6:00 p.m. and will be so advertised.

Introduction of Ordinance No. 2009-10 – Administrative Search Warrant Ordinance

Ordinance No. 2009-10, which would amend Chapter 1 of the Federalsburg Town Code to add Section 2-1 titled "Administrative Search Warrants; Right of Entry" to establish the standards and requirements for obtaining an Administrative Search Warrant to enter any premises located within the

Town of Federalsburg to conduct an inspection as required or authorized by applicable law. The Mayor and Council scheduled a public hearing for public comment on this ordinance for Monday, July 6, 2009 at 6 PM.

The ordinance was read by Mayor Fluharty.

Kitten Lewis questioned the reason for this ordinance. She was advised that one ordinance is to license and the other is to gain entry.

Councilmember Windsor questioned whether or not this ordinance would apply to both private and rental housing and was advised that it would apply to both.

NEW BUSINESS

Ordinance No. 2009-07 – FY10 Operating Budget Adoption

A motion by Councilmember Windsor seconded by Councilmember Armes and passed by a vote of five to zero to adopt Ordinance No. 2009-07, which approves the Fiscal Year budget beginning July 1, 2009 and ending June 30, 2010; and establishes a tax rate of \$.064 per \$100 of assessed real property value and a tax rate of \$1.60 per \$100 on all business personal property.

Ordinance No. 2009-08 – Water Debt Service Fee Increase

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of five to zero adopting Ordinance Number 2009-08, which will increase the water debt service fee from \$16.65 to \$19.39 for residential, commercial and industrial users within town limits, and increase from \$16.65 to \$29.09 for users located outside town limits, effective July 1, 2009.

Friends of Linchester – Request Donation of Tree

Ms. Maggie Rogers on behalf of the Friends of Linchester Mill sent in a letter requesting a donation of a four foot tree as a living reminder of our veterans' proud service for many years. The trees will be planted and dedicated during a ceremony in honor of the 65th Anniversary of D-Day and the Linchester Mill Arts & Music Festival scheduled for Saturday, June 6th.

The Mayor and Council authorized Richard Colburn to check with Happy Mayer to determine whether or not he could get a tree that from their list of requested trees, to plant on behalf of the town.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Bart Johnson, President of the Federalsburg Historical Society requested that the Heritage Museum be included on the list of Town buildings to be considered for cable service. The Federalsburg Historical Society will be represented at the Friends of Linchester Day Festivities at the Linchester Mill.

Mr. Johnson requested an update on the water problem at the museum. Mayor Fluharty said that he talked with staff and they determined that the same type of paint was used in Sharptown and they experienced a problem also. Now they are trying to decide whether the problem came from the power washing prior to the paint application. The contractor has been contacted by Steve Dyott and they are working with him to get the problem resolved.

DBF sent a letter to the town assessing the situation. Bart Johnson was given a copy of the letter from DBF for his records. Steve Dyott has been in touch with the contractor about checking some of the spots on the lentil and to determine whether or not there was flashing installed; and other issues that are of concern in regard to the museum building.

Bart Johnson stated that the Federalsburg Museum Committee has contacted an outside masonry expert to give them an opinion. The expert determined that you don't have to seal or paint a block building in order for it to be water proof. His opinion was that part of the problem was that the joints were not struck properly. Mr. Johnson stated that their expert was asked to bid on the job, however, he did not because there were specs in the plans that he was not comfortable with and he felt that if he bid on the job and it would reflect badly on him.

The Historical Society would like to have someone conduct a free inspection and give an estimate and outside opinion as to what their opinion would be on how to resolve the concerns with the building.

After much discussion on how to resolve the problem, it was agreed to give Davis, Bowen & Friedel until June 9th to resolve the matter in regard to the mortar as stated in their letter to the town dated May 8, 2009.

Federalsburg Volunteer Fire Department

Mayor Fluharty reported the following activities for the month of June:

1. Soap Box Derby – June 6th – Mayor Fluharty encouraged the public to support the kids of the Soap Box Derby. The race begins at 9 a.m. West Central Avenue will be closed from Vernon Avenue to the traffic light on Main Street. Public Works was asked to sweep West Central Avenue for the Soap Box Derby.
2. FVFC Breakfast – June 28th from 7 a.m. to 10 a.m.
3. Youth Dance – June 19th - Chief Nagel and one of his officers met with the youth prior to the dance and explained the concerns from the neighbors. Chief Nagel said there were no problems after the dance. The Committee has discussed not holding dances during the summer months because attendance is down.
4. FVFC Chicken Barbeque – June 13th 10 a.m. until

The Skateboard Committee is ready to start work on the skateboard park. The existing fence around the tennis courts is 10 feet high. They plan to lower the outside perimeter to 6 feet, and there will be a 10 foot fence between the tennis court and the skateboard park. They will also begin to do some patching to the surface within the next few weeks.

The Skateboard Committee has received \$5,000 from the Tony Hawk Foundation and \$7,661 from Caroline County to fund this project.

PUBLIC CONCERNS

Little League

Councilmember Armes said the Little League Teams are not playing in Federalsburg. The games are mostly being played in Preston and he is concerned because there are a lot of Federalsburg kids that play on the League. Mr. Armes said that he will contact the President of SCUBA to voice his concerns. Councilmember Armes said he was told the problem is that they can schedule more teams to play at one time in Preston, which would bring in more money from the concession stands.

Housing Concerns

Mr. Steve Parks expressed concerns regarding code violations at two properties located at 204 Maple Avenue and 202 South Main Street.

There was also concern regarding kids playing in the street, because they have no backyards or play area and they have to use the street.

Fireworks

Councilmember Willis said that he was not aware the town was not doing the fireworks display this year and that he may look into doing them next year.

ACTION ITEMS

WATER DEPARTMENT VEHICLE PURCHASE

Due to the fact, that the Mayor and Council requested additional information regarding the body of the truck, Richard Colburn will ask Steve Dyott, Public Works Director to attend the June 15th Mayor and Council Workshop at 5:45 p.m. to address these concerns.

TOWN MANAGER'S REPORT

1. The Town will be utilizing four pre-release inmates (two days per week) from Church Hill Pre-Release Center to cut grass, pickup trash, and assist with abatement of minor clean and lien violations.
2. On May 15, 2009, he attended the Mid-Shore Council on Family Violence Annual Community Awards presentation and dinner in Easton, Maryland. The Federalsburg Police Department was one of ten 2009 Community Award Recipients. They received an award for their outstanding response to victims of domestic violence, implementation of the Lethality Assessment Program and for training initiatives.
3. Veterans Memorial Meeting – Wednesday, June 10th at 6:00 p.m.

Town Hall Entrance

Mayor Fluharty requested Richard Colburn ask Steve Dyott to obtain pricing for the floor covering for the entrance of the town hall.

Newsletter

Mayor Fluharty said he is looking into publishing a town newsletter again. It would be done quarterly and the Town would be selling ads in the newsletter. Councilmember Bollinger said he would assist with the publication of the newsletter. He also requested Mayor Fluharty find out

what type of program is needed and in what format the document would need to be printed.

CONSTITUENT SERVICE

Mayor Fluharty reported that one of the things that have been expressed to the Department Heads is Constituent Service. The Mayor and Council are looking to improve Constituent Service. Mayor Fluharty said that if anyone makes contact with the office and they don't feel they are getting a timely response the Mayor and Council want to be made aware. Their goal is to get responses with 48 hours. The Mayor and Council want to gain the confidence and trust back of the public.

The Department Heads will not be required to attend the Mayor and Council meetings at this time for a trial basis. Any information or requests will be relayed to them at the supervisors meetings.

ADJOURNMENT

A motion by Councilmember Armes and seconded by Councilmember Willis and passed by a vote of five to zero to adjourn at 8:55 p.m.

Submitted by,

Shirley A. Greene
Clerk/Treasurer