

**Mayor and Council of Federalsburg  
Regular Monthly Meeting  
Monday, February 1, 2010 @ 6 p.m.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, February 1, 2010 at 6 p.m. in the Mayor and Council Meeting Room, 118 North Main Street, Federalsburg, Maryland. Those in attendance were Mayor Fluharty and Councilmember's Windsor, Willis, Armes, and Bollinger. Also in attendance were staff, citizenry, and local media.

The meeting was called to order by Mayor Fluharty who welcomed everyone and asked the members of Boy Scout Troop 137 to lead the group in reciting the Pledge of Allegiance.

**PUBLIC HEARING**

Mayor Fluharty called the meeting to order for the Public Hearing at 6:01 P.M. The public hearing was held in order to hear public comment in reference to the authorization of the quit claim deed for the new portion of Charlotte Avenue in Rifkin Village.

There was no public comment from those in attendance.

Mayor Fluharty questioned if this project was considered a PUD Project. Mr. Bollinger advised it was not because in order for it to be considered a PUD it would have to include a commercial element and it does not.

Mayor Fluharty stated that another one of his concerns was that the street lights have not been on. The streetlights are in the developer's name and he has chosen to quit paying the bill. In a development of this sort, Mayor Fluharty questioned how the town would be assured that those items would get taken care of.

He questioned how the town would ensure that the property owners would get the town benefits since they are paying town taxes, i.e. snow removal, street lights, etc. Mayor Fluharty also questioned what the town would have to do to ensure a right of way for the electric service.

The Mayor and Council questioned when the lights and streets will be completed and dedicated to the town.

There was also a question as to whether or not a DRRA was signed for this property.

Mayor Fluharty stated that he has no problem with the quit claim deed but there are issues with the development of the property that need to be addressed prior to signing the deed.

Steve Watson is looking into the street light issue.

There being no further questions, a motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero to adjourn at 6:14 p.m.

### **The Mayor and Council convened the Regular Monthly Meeting at 6:14 P.M.**

#### **Approval of Minutes**

A motion by Councilmember Willis and seconded by Councilmember Bollinger and passed by a vote of five to zero approving the January 4, 2010 minutes as printed.

#### **OLD BUSINESS**

##### **Ordinance No. 2010-01 – Authorization of Quit Claim Deed**

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero to table the signing of Ordinance No. 2010-01 until they obtain clarification to some questions. The questions are as follows:

1. The Mayor and Council would like a time line as to when the road would be dedicated to the town and what will happen when the road is dedicated to the town?
2. The Mayor and Council would like to know who is responsible for the streetlighting now until the street and utilities are dedicated back to the town?
3. The Mayor and Council want to know if a bond was posted for any part of this project?
4. The Mayor and Council want to know what mechanism needs to take place for development of the project?

5. The Mayor and Council requested checking with the permitting department to determine the process for permits that were issued?
6. Mayor and Council would like to evaluate the permitting process for projects such as these.

Bart questioned whether or not the town was aware that they maybe opening themselves up to a lawsuit if they don't sign the quit claim deed. The Mayor and Council advised that they were aware of this concern; however, they are concerned for the residents.

### **New Business**

#### **Presentation of Proclamation for Boy Scouts of America and Local Troop 137**

Mayor Fluharty read and presented to Danny Phillips on behalf of Boy Scout Troop 137, a Proclamation in recognition of the Boy Scouts of America for 100 years of service and Troop 137 for 92 years of service.

Danny Phillips gave some facts and an outline of the activities of the Troop 137 since its inception. The Honorable Judge Marvin Smith is their oldest living active eagle scout.

Mr. Phillips advised the town that the Scouts could assist with community projects should they have any that are age appropriate.

During the month of February Troup 137 will be selling mulch as a fundraiser.

#### **Planning and Zoning Commission Appointment**

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero appointing Charles Planner to the Planning and Zoning Commission. Mr. Planner will replace Ed Windsor and his term will be from February 1, 2010 to December 31, 2011.

With addition of Chuck Planner the commission still has a vacant position. They are trying to contact an existing member to determine whether or not they are still able to serve. This will be brought up at the February 8<sup>th</sup> Planning and Zoning Workshop.

## **COMMITTEE REPORTS**

### **Federalsburg Historical Society**

Mr. Bart Johnson, President of the Federalsburg Historical Society, stated they had nothing to report; however, David Morean would be presenting a request to install Christmas Decorations on the museum building next year.

### **Federalsburg Volunteer Fire Department**

David Morean reported the following upcoming events for the FVFC for the month of February:

**Monthly Breakfast** – is cancelled due to Appreciation Banquet being held the day prior the normally scheduled monthly breakfast.

**Annual Appreciation Banquet** – Saturday, February 27, 2010

**Monthly Teen Dance** – Friday, February 19<sup>th</sup>

**Soup and Sandwich** – The FVFC will sponsor a soup and sandwich luncheon on February 19<sup>th</sup> from 10 a.m. - until

**Toy Show** – FVFC will sponsor a Toy Show on February 6<sup>th</sup> from 9 a.m. until - Admission is \$2.00

**Oyster and Ham Buffet Dinner** – FVFC will sponsor an Oyster and Ham Buffet Dinner on February 20<sup>th</sup> from 4 p.m. to 7 p.m.

### **Federalsburg Lions Club**

Mr. David Morean requested permission from the Mayor and Council to install Christmas lights on the front of the Federalsburg Historical Museum Building next year. Since the town owns the building, Mr. Morean wanted to request permission prior to any installation. The Mayor and Council granted permission to decorate the museum and advised him to contact Steve Dyott for approval as to how the lights should be installed on the Federalsburg Museum Building.

David Morean will meet with representatives from DPL in February to find out the cost and what would need to be done to install electric service to three poles on three different streets for Christmas Decorations. The lights would be fed individually and on a timer.

Mr. Morean also advised that the Christmas Decorations are on sale and can be purchased for \$5,000. He asked the Mayor and Council to consider including a donation in the fiscal year 2011 budget, toward the cost of the Christmas lights.

He asked permission to use the town's tax exempt number to purchase the Christmas lights. The company would bill the town and the Lion's Club would pay the Town for the lighting.

A motion by Councilmember Willis seconded by Councilmember Windsor and passed by a vote by five to zero to allow the Lion's Club to purchase the Christmas lights through the town using the town's tax identification number.

The Federalsburg Lions Club will have an Emmings Dinner Fundraiser on February 26, 2010. The cost will be \$8.00 per dinner and pre-orders can be made through Wayne Cole or David Morean. Dinners have to be ordered in advance. Dinners can be picked up at after 10 a.m.

## **PUBLIC CONCERNS**

### **CELESTE FOLEY – Sidewalk Snow Removal**

Mrs. Foley questioned how people can get away with not shoveling their sidewalks after the recent snow fall. She said that children have to walk in the road when sidewalks are not cleared and that creates a safety issue.

Mrs. Foley advised that the property at the corner of Greenridge Road and University Avenue has not been shoveled.

Mrs. Foley was advised that the Police Department has been going door to door to advise residents who are in violation that they need to shovel their sidewalks.

### **Tim Foley**

Mr. Foley questioned whether or not the town has a moratorium in regard to converting single family homes into duplexes. He asked if someone purchases a single family home, can they turn it into a duplex if it is in an R-1/R-2 Zone.

Mr. Foley stated that there are a lot of properties that are up for foreclosure and being purchased by people who are doing improper repairs and renting the houses out. He said there are continuous problems with rental properties. He said there should be certain areas where rentals are not allowed because rental properties are bringing down the area.

Mr. Foley was advised that at the August 4, 2008 Regular Monthly Meeting, the Mayor and Council approved a Moratorium to restrict renovation of single family homes into duplexes in an R-2 zone.

Mr. Foley questioned whether certain properties for sale are buildable lots. Mr. Foley also questioned whether or not a house could be built on the property that is owned by the town on the corner of Morris Avenue and Vernon Avenue, where the water tower was formally located. Councilmember Bollinger explained that any vacant lot that currently exists within the Town would be considered a non-confirming lot of record. In order to be buildable, these lots are required to meet the current setbacks and the minimum square footage requirements.

## **ACTIONS ITEMS**

### **Councilmember Bollinger**

The Planning and Zoning Commission at their February 8<sup>th</sup> workshop will be discussing adult oriented and gaming businesses and fire arm sales.

### **Councilmember Willis and Councilmember Windsor**

Councilmembers Willis and Windsor thanked the Public Works Department for doing a great job in snow removal and cleaning the streets during the last snow storm.

### **Mayor Fluharty**

Mayor Fluharty stated that at the last meeting there was discussion regarding a trailer being parked on Holt Street. The Mayor and Council were given copies of regulations from the Town of Easton for review to

see what, if anything they may want to change in the town's ordinance. Currently there is nothing in the town's codes or charter that addresses this issue. The Town of Easton also had a section in their Planning and Zoning Ordinance which was forwarded to the Planning and Zoning Commission for their review on this issue.

**ADJOURNMENT**

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of five to zero to adjourn at 7 p.m.

Submitted by,

Shirley A. Greene  
Clerk/Treasurer