

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
MONDAY, APRIL 5, 2010 @ 6:00 P.M.**

The Mayor and Council of Federalsburg held their regular monthly meeting on Monday, April 5, 2010 at 6 p.m. in the Mayor and Council Meeting Room. Those in attendance were Mayor Fluharty and Councilmembers Windsor, Willis, and Bollinger. Councilmember Armes was unable to attend due to work. Also in attendance were staff, guest, citizens and local media.

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

PUBLIC HEARING

Mayor Fluharty called to order the Public Ordinance for Ordinance No. 2010-02, which is an ordinance that would authorize a Line of Credit Promissory note with Provident State Bank in the Principal Amount of \$500,000. The Line of Credit would only be used if needed and would not be used without prior approval from the Mayor and Council. The monies would be used to pay general debts or expenses of the municipality which are included within the town's fiscal year 2010 budget or the town's fiscal year 2011 budget.

Mayor Fluharty asked if there were any public comments or questions.

Sarah Pierce asked if the town expected a budget shortfall and was advised that at the present time a shortfall was not expected.

Bart Johnson questioned what the interest rate is on the line of credit and was advised that it was 3.25%.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero to adjourn the public hearing at 6 p.m.

APPROVAL OF MINUTES

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero approving the minutes of the previous meeting as corrected. The correction was on page five, second paragraph first sentence – change Councilmember Willis to Councilmember Armes.

OLD BUSINESS

A. Ordinance No. 2010-02 – Approval of Line of Credit

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of four to zero approving Ordinance No. 2010-02, which authorizes a line of credit promissory note with Provident State Bank in the principal amount of \$500,000.00, which will be used for public interim financing, from time to time, to pay general debts or expenses of the municipality which are included within the town's Fiscal Year 2010 budget or the town's Fiscal Year 2011 budget.

B. Introduction of Ordinance for Franchise Agreement with Bay Country Communications – Ordinance No. 2010-01

The Mayor and Council introduced the first reading of Ordinance No. 2010-01, which is an ordinance authorizing the Mayor to execute a Franchise Agreement between the Town of Federalsburg and Bay Country Communications for the construction, operation and maintenance of a Cable System within the Town of Federalsburg.

A public hearing was scheduled for Monday, May 3, 2010 at 6 p.m. The clerk was authorized to advertise for the public hearing.

Scott and Todd Shilling, owners of Bay Country Communications, were present and thanked the Mayor and Council for the opportunity to bring their services to Federalsburg.

C. Veterans Memorial Update

Mr. Rick Vanblargen, on behalf of the Veterans Memorial Committee, advised that the committee has found a company to engrave the memorial bricks for the Veterans Memorial. The Committee has started fundraising efforts for the project.

The committee has a goal of \$80,000 and they asked the Mayor and Council if they must have the \$80,000 to break ground, or can they begin the project in stages. The \$80,000 goal is not entirely cash; this would include the donations, etc. Public Works has additional work that they are doing there and general upkeep of the area, and they are working with Choptank Electric to run the electric to the site at a cost of \$3,000 and an abatement of \$2,000.00. Councilmember Willis has agreed to donate the goal sign to be placed on the site.

The 4 x 8 brick pavers will be clay colored and will be placed inside the names of each of branch of service. The 8x8 brick will be the same except for the size, which will allow more words to be printed on the brick. Five flags will be placed including one for each branch of service. Sale of the bricks will be used for the operational budget and for upkeep and grading the site, etc. They will need to determine the number of bricks needed to fill the site. The turn-around time for the bricks is three to four weeks.

The committee will host a Poker Run on June 26th to help raise monies for the project. The American Legion is also in support of this project.

A motion by Councilmember Bollinger seconded by Ed Windsor with a vote of four to zero to allow the committee to proceed with the construction of the memorial. The Committee was advised that arrangements should be made prior to pouring any concrete for the foundation/footer to have it inspected. The committee was also advised to keep the Mayor and Council informed of their progress.

D. Park Commission Ordinance Introduction

The Mayor and Council introduced Ordinance No. 2010-03, which would establish a Parks and Recreation Committee and to repeal and re-enact Chapter 132 of the Federalsburg Town Code entitled Parks and Recreation Areas.

Mayor Fluharty stated that one thing the attorney pointed out, is that one way of addressing the parks rules is through signage, which is contemplated by Section 132-4(A).

The Mayor and Council authorized the Clerk to advertise a public hearing on the ordinance for May 3, 2010 at 6 p.m.

NEW BUSINESS

A. Approval of Industrial Park Connector Road Plans

Happy Mayer presented the Mayor and Council with the plans for the Industrial Park Connector Road for approval, so that they can be sent to the appropriate agencies for final approval.

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero authorizing the Mayor to execute the plans for the Industrial Park Connector Road.

The road will be constructed between H&M Bay and Val Pac. Tim Foley asked if this would be a town owned road. Once completed, the town will own the road and will have to name the road immediately upon completion; therefore, the Mayor and Council were asked to think about a name for the road.

NEW BUSINESS

Retention Pond/Quality Stone Company

Mr. Tim Foley asked who designed the plans for the stormwater management pond on the property owned by Quality Stone Company. Mayor Fluharty advised that stormwater management issues are currently handled by Caroline County. Mr. Foley was advised that the plans for this project are available for review at the town office. Mr. Foley said that he would come in the office and review the plans.

Mr. Foley expressed concern that the connector road project was handled similar to how he anticipated this stormwater management project should have been handled. He questioned how the town might differently handle these type situations in the future.

COMMITTEE REPORTS

Federalsburg Historical Society

Bart Johnson reported that the Federalsburg Historical Society held their 2nd Annual Historical Walk on Saturday, April 3, 2010. The ABC Day Care Center provided food for the participants of the walk. The FHS Annual Hobby Fair is scheduled for Saturday, April 24, 2010 at the Federalsburg Elementary School from 10 a.m. to 5 p.m. The Hobby Fair will be

held in conjunction with the Federalsburg School Safety Fair. Mr. Johnson encouraged residents to attend and share their own hobbies with participants of the Hobby Fair.

Mr. Johnson asked for an update on the sprinkler system for the museum. Happy Mayer advised that the sprinkler system was complete and waiting to be inspected. There are two major components to complete the project; these components are the installation of the water line and the bathroom system. Mr. Mayer advised that RDA is anxious to fund the water main project for the museum, as soon as funding is available.

A representative from the Caroline County Planning Office has met with the Planning and Zoning Commission to request participation in a free study to see if TDR's (Transferable Development Rights) will work in the county. They would like to use the town as part of the study. After much discussion the Mayor and Council agreed to table this decision. They authorized the Clerk to contact Bob Rauch to obtain his recommendation in regard to this request.

Federalsburg Volunteer Fire Department

Mayor Fluharty reported the following activities for the FVFD for the month of April:

April 10th – Chicken Barbeque
April 17th - Steak Dinner @ 5 p.m.
April 23rd – Teen Dance
April 25th – Breakfast @ 7 a.m. to 10 a.m.

Federalsburg Lions Club

No report

PUBLIC CONCERNS

Bart Johnson

Mr. Johnson reported that the *Times-Record* is still advertising the Mayor and Council Meetings at 7 p.m. Sarah Pierce from the *Times-Record* was asked to notify the paper to change the time of the meeting from 7 p.m. to 6 p.m.

Tim Foley

Mr. Foley questioned who would be the inspection authority for the War Memorial. He was advised that it would be either First State or MDIA.

Burning

The Mayor and Council questioned the definition of campfires at the previous meeting and asked for an opinion from the Town Attorney. According to the town attorney the term campfire is defined as ***“the controlled burning of wood in a limited circle at camp or other types of organized social gatherings”***. The phrase exempts campfires from the regulations set forth in Chapter 32. In other words, the regulations and prohibitions set forth

in Chapter 32 do not apply to campfires as long as the campfire in questions fits within the definition.

ACTION ITEMS

Councilmember Windsor

Councilmember Windsor reported that he has received reports of kids jumping off the East Central Avenue Bridge and the pedestrian bridge. After some discussion, the Mayor and Council requested that Public Works look into obtaining signs with pictures and lettering that say No Diving off the bridges and No Swimming.

Councilmember Windsor stated that there was a concern regarding the method in which tenants were not bagging their garbage in the cans. The Mayor and Council agreed to send a letter to the property owner to advise their tenant of the garbage collection policy. If the situation is not resolved then it will be forward to the code department.

Councilmember Willis

Councilmember Willis questioned the status of the garage at 301 Buena Vista Avenue that has a temporary living area on the second floor. Councilmember Bollinger advised that the owners met with Planning and Zoning last month and advised them that they are still living in the garage until they are finished with the renovations. Councilmember Willis said he recalled that the property owners were given six months to make the repairs to the primary residence and it is past the six month period. The Mayor and Council instructed the clerk to review the files and obtain a timeline of the details on this project; and to review previous minutes to determine the amount of time the Mayor and Council gave the property owners to complete the project.

Parking

Councilmember Willis questioned whether or not the no parking area was being enforced on Bloomingdale Avenue. He also questioned whether or not the police are ticketing cars that are parked on the wrong side of road. It was stated that the police need additional signage to be posted in order to write tickets. The clerk was instructed to contact Public Works to determine when "No Parking, No Stopping, No Standing" signs would be installed on Bloomingdale Avenue. The Police Department will be advised to be more aggressive on drivers that park the wrong way.

Morris Avenue/Park Lane

Due to increased traffic all hours of the night including bikes and cars at the property located at 207-211 Morris Avenue, the police will be asked to increase patrols on that street. There was also discussion about the same types of concerns at the property located 206-208 North Park Lane. Police will be asked to increase the patrols on the two streets.

Road Repairs

Councilmember Willis questioned since town residents pay county taxes could the county assist the town with fixing roads within the municipality. The town attorney will be asked to determine what the legal ramifications of this request would be.

Mayor Fluharty

The Mayor and Council were issued a spreadsheet of the code violations that have been addressed by Cary Malkus. Mr. Malkus has also sent letters to those that have not followed through with the Rental Licensing Applications. Mr. Malkus is in the office on Monday's.

ADJOURNMENT

A motion by Councilmember Willis seconded by Councilmember Bollinger and passed by a vote of four to zero to adjourn at 7:52 p.m.

Submitted by,

**Shirley A. Greene
Clerk/Treasurer**