

**MAYOR AND COUNCIL OF FEDERALSBURG
REGULAR MONTHLY MEETING
Tuesday, July 6, 2010 @ 6:00 P.M.**

The regular monthly meeting of the Mayor and Council of Federalsburg was held on Tuesday, July 6, 2010 at 6 p.m. in the Mayor and Council Meeting Room. The meeting was held on Tuesday because the offices were closed on Monday, due to the Independence Day Holiday. Those in attendance were Mayor Fluharty and Councilmembers Bollinger, Windsor, and Willis. Also in attendance were guests, local media, and staff.

Richard Colburn advised Councilmember Armes was excused due to family business.

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

PUBLIC HEARING

Mayor Fluharty gave a brief summary of Ordinance No. 2010-07, which is an ordinance to repeal Sections 1-8 through 1-10 of the Town Code relating to municipal infractions and to adopt a revised Section 1-8 of the Town code to ensure consistency with the municipal infraction provisions of any town ordinance that has been or may be adopted from time to time.

Councilmember Willis, who had some concerns about the ordinance when it was introduced, said that he was satisfied with answers to his concerns.

There were no public comments.

Mayor Fluharty adjourned the public hearing at 6:05 p.m.

MINUTES

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero approving the minutes of previous meeting as corrected. The correction was in Introduction of Ordinance No. 2010-07 Municipal Infraction – Third paragraph second line change word from “money” to “wording”.

OLD BUSINESS

Appointment of Parks and Recreation Board

The Mayor and Council by unanimous consensus appointed the following persons to serve on the Parks and Recreation Committee:

John Phillips, Jr.

Keith Christopher
Chris Parks
June Truitt
Jay Covey
Bruce Hancock
James T. "Bud" Lewis

The committee will serve as an advisory board to the Mayor and Council. The members will serve for a term of three years or until their successors are appointed.

The town attorney will be forwarded a question in regard to the use of motorized wheel chairs in the park areas.

The Mayor and Council instructed the Town Manager to schedule a meeting with the newly appointed committee to review the guidelines and duties of the park committee.

Introduction of Ordinance No. 2010-08 – Comcast Franchise Agreement

The Mayor and Council introduced Ordinance No. 2010-08, which is an ordinance of the Mayor and Council authorizing the Mayor to execute a Franchise Agreement between the Town of Federalsburg and Comcast of Delmarva, Inc. for the construction, operation and maintenance of a cable system within the Town of Federalsburg.

A public hearing will be held on Monday, August 2, 2010 to hear public comment about this ordinance.

Adoption of Ordinance No. 2010-07 – Municipal Infractions

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero passing Ordinance No. 2010-07, which is an ordinance of the Mayor and Council of Federalsburg to repeal Sections 1-8 through 1-10 of the Town Code relating to municipal infractions and to adopt a revised Section 1-8 of the Town Code to ensure consistency with the municipal infraction provisions of any town ordinance that has been or may be adopted from time to time.

NEW BUSINESS

Introduction of Ordinances:

Ordinance No. 2010-09 – Fencing around Stormwater Management Ponds

This is an ordinance of the Mayor and Council of Federalsburg amending the Town of Federalsburg Zoning Ordinance to require fencing around all stormwater management ponds.

There were concerns addressed about the stormwater management pond near the Food Lion Shopping Center. The concern was about the trash around and in the pond. Currently, the town does not review stormwater management plans; however, the town is in the process of adopting an ordinance that would allow the town to review stormwater management plans in house.

Mayor Fluharty expressed the following concerns about this ordinance:

1. Can the ordinance be included in the overall stormwater management plan?
2. Under Section 1A – Mayor Fluharty questioned why the ordinance limits the fencing to a chain link fence. Mayor Fluharty stated that he has seen others that have fencing that is more aesthetically suited for the area. Mr. Howard Bradley, Planning and Zoning Member stated that the Commission looked at chain link fencing because you would be able to view the pond clearly.

There were also concerns that Section 1 E should coincide with the municipal infractions ordinance fines.

There was a question of who is responsible for maintenance of the stormwater management ponds and whether or not language should be added to this ordinance or the stormwater management ordinance.

This ordinance was tabled and the concerns will be taken back to the Planning and Zoning Commission for their review and recommendations to be brought back to the Mayor and Council.

Ordinance No. 2010-10 – Amend Definition of Garage and Accessory Structures

Ordinance No. 2010-10 was introduced, which is an ordinance to amend Chapter 245, Section 245-17 to clarify the permitted accessory uses in the R-1 Zoning District and to amend the definition of garage and accessory structure to clarify that such structures are not intended to be habitable. This ordinance clears up definitions and adds language to make it clearer.

Mayor Fluharty questioned if a person had a piece of property that had a garage on it would it restrict them from putting any type of apartment above it? He also questioned why the town wants to take that much control. Councilmember Bollinger explained that part of the Commissioners reasoning was due to the changing of the definition of accessory building. Mayor Fluharty stated that he is not in favor of the ordinance as it is written because it takes away the citizens ability to have a family member live in an apartment above a garage.

There was also discussion about the language in the ordinance that addresses the number of vehicles allowed in a garage, as stated under Section 1 – Garage, Private.

The Mayor and Council agreed to send the ordinance back to Planning and Zoning for further review and to also discuss it at their next regular workshop.

COMMITTEE REPORTS

Federalsburg Historical Society

Mr. Bart Johnson reported that representatives from the Historical Society along with Happy Mayer, Grants Administrator, would be attending an advisory committee meeting for the Michener's Chesapeake Country Scenic Byways scheduled to be held on July 15, 2010.

The Federalsburg Historical Society will be participating in the Thresherman's Show this year by having a yard sale and they are accepting donations.

Mr. Johnson questioned whether or not there were any updates on the USDA Grant for the waterline for the Historical Society Building. Mayor Fluharty advised that he had been informed that the paperwork for the grant is on the way to the town. There was one bid for the job and once the paperwork is received then an award will be made. Steve Dyott and the town consultant will review the bid and give their recommendation.

The town attorney is still working with the appropriate parties in regard to the leaks and paint problems.

Mr. Johnson thanked Mayor Fluharty and public works for the cleanup done in the Covey Williams Alley.

Federalsburg Volunteer Fire Department

David Morean advised of the following activities for the FVFC for the month of July:

Chicken Barbeque – Saturday, July 10, 2010 from 10 a.m. until sold out
Saturday, August 14, 2010 from 10 a.m. until sold out

Teen Dance – Friday, July 23, 2010

Breakfast – Sunday, July 25, 2010

Federalsburg Lion's Club

David Morean reported the following activities for the Lion's Club:

1. Pit Beef and Pork Sandwich sale will be held on September 24th and October 22nd on Veterans Drive and By-pass.

2. Christmas Parade will be held on Monday, December 13, 2010.
3. The Lion's Club is also selling Cookbooks at a cost of \$15.00 each. Cookbooks can be found in several locations throughout town.

Mr. Morean stated that several years ago the Lions Club decided to take on a community project and redo the Christmas Decorations throughout town. Mr. Morean presented Mayor Fluharty and the Council with a plaque with the names of the people that assisted with sponsoring the Christmas decorations. Along with the fundraisers and the donations this project has become a reality.

Mr. Morean stated that Wayne Cole and he attended the MML Conference for one day to meet with the vendors during the month of June. They met with a company that deals with Christmas decorations and they discussed the Christmas decorations for the water tower. Mr. Morean said this would not be a cheap project. He said the company is working with him to obtain pricing for the lights and wiring of the water tower. The cost for the electric for this project will cost somewhere between \$5,000 to \$7,000 to reach the top of the water tower.

PUBLIC CONCERNS

DOROTHY BAILEY

Ms. Dorothy Bailey who is a resident of the town voiced her concerns about the condition of the vacant storefronts in the downtown area of Main Street and the general appearance of the Town. She made several suggestions to help bring people into town, plus to assist the appearance of the town. Some of the suggestions included a Farmer's Market, a bicycle giveaway (to clean and repair the bikes found by police), and encouraging the Town and residents to take part in a community wide cleanup. The Mayor and Council agreed to designate two Community Cleanup days November 6, 2010 and May 7, 2011. These days will be continual each year until further notice and will be schedule on the 1st Saturday's in November and May. Mayor Fluharty stated that he has talked to Happy Mayer about encouraging the Business and Civic Association to utilize the display area at the Public Safety Building to display their wares.

ACTION ITEMS

Mayor and Council Workshop for July

The Mayor and Council decided not to have a workshop in July due to conflicting schedules of the Council and Town Manager. The next workshop will be held on August 16th. The next regular Monthly Meeting will be held on August 2, 2010.

Councilmember Windsor

Councilmember Windsor advised that on the east side of the East Central Avenue Bridge there are trees that have been planted and the grass has grown up around them. He questioned whether or not it was supposed to be this way; and if not could the area be cut. Richard Colburn, Town Manager, was asked to address this matter at the supervisors meeting.

Councilmember Windsor asked if there was an update in regard to whether or not a tag is required for the gator. Richard Colburn advised that this was discussed at the last supervisors meeting and it they are hoping that the trooper who questioned the tag would contact Chief Nagel to resolve the matter, because they do not know what they are doing that is illegal. Mr. Colburn requested that Councilmember Windsor ask the person that had questions about the tag to contact Chief Nagel at his office.

Councilmember Windsor questioned whether or not the town was utilizing the police dog at it's full potential or it could just be listed on the monthly report that would show how it is being utilized.

Councilmember Windsor also questioned why it was shown that 27 E-Tickets where issued in 2009 and none are shown listed for 2010. Mayor Fluharty stated that the note at the bottom of the report reflects that the motor vehicle stats will show a decrease due to the fact that they are participating in the E-Ticket Program. All E-Ticket citations are sent electronically to M.V.A. and are not captured on the police data base. However, Richard Colburn, Town Manager will get clarification on this item at the supervisors meeting.

Councilmember Willis

Councilmember Willis questioned whether or not there was a price for the flag pole for the triangle. The Town Manager will check with Steve Dyott, Public Works Director.

Councilmember Willis commended the police department for their more frequent patrols throughout the community.

Councilmember Bollinger

Councilmember Bollinger requested the Town Manager to check with the Chief of Police about the police policy for traffic stops.

Mayor Fluharty

Mayor Fluharty advised that he attended a number of classes at the MML Conference and one of particular interest talked about towns coping with diminishing revenues. There were a lot of ideas shared by other jurisdictions. Budgeting is a matter of prioritization. One of the things that the City of Bowie, MD wanted to retain as a source of pride for the city is the landscaping so they kept that in the budget.

Mayor Fluharty stated that he would like to see some flowers in the islands in the downtown area and would be looking for some volunteers to do some plantings. Another budgetary matter to consider is looking at municipal bonds. The town should look at consolidation of loans and projects. One such project would be the South Main Street pumping station that will soon need renovation. This is a project that could be done using municipal bonds.

Mayor Fluharty learned at the conference that the City of Aberdeen used CDBG monies to replace their streets. He was always under the impression that CDBG monies could not be used for replacement of streets. He said he has passed this information on to Happy Mayer, Grants Administrator to investigate further.

Town Manager Report

Since the Town now has two signs Richard Colburn presented a revised sign policy for review by the Mayor and Council. The applicant would choose which sign they would like their announcement advertised on. There would be no duplication on the signs; it would be on one or the other. The Reliance Avenue sign order of priority would be as follows: (1) Town, (2) Federalsburg Volunteer Fire Company, (3) Federalsburg Lions Club and (4) Other Local Events and Organizations. Notices must be submitted one week prior to the event. Mr. Bart Johnson requested the Federalsburg Historical Society also be placed on the priority list for the Reliance Avenue Sign. The Mayor and Council agreed to Mr. Colburn's recommendations for the signs.

Mr. Colburn reported that the Business and Civic Organization has received over \$2,000 in donations toward the Frank M. Adams Retirement Party.

Public Works will be spraying the weeds this week.

The Small Business Loan Review Committee has reviewed the requirements and made their recommendations.

CLOSED SESSION

A motion by Councilmember Bollinger seconded by Councilmember Willis and passed by a vote of four to zero to adjourn into closed session immediately following the regular monthly meeting to discuss a personnel issue.

Adjournment

A motion by Councilmember Willis seconded by Councilmember Windsor and passed by a vote of four to zero to adjourn at 7:32 p.m.

Submitted by,

Shirley A. Greene
Clerk/Treasurer