

**Mayor and Council Regular Monthly Meeting
Monday, December 5, 2011 @ 6:00 P.M.**

The Regular Monthly Meeting of the Mayor and Council was held on Monday, December 5, 2011 at 6:00 p.m. Those in attendance were Mayor Beall, and Councilmembers Windsor, Abner, Armes, and Bollinger. Also in attendance were Richard Colburn, Town Manager, staff, citizens and media.

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

Historical Moment

Bart Johnson read a brief historical article that was compiled by Richard Polk from the June 1, 1961 County Record and from the May 28, 1986 Times-Record. The article highlighted another article that talks about having to do with laying or repairing sidewalks. The ordinance also talks about a printed pamphlet of ordinances which was published in 1904. Mr. Johnson asked the town for a copy of the pamphlet, if possible, for the Federalsburg Historical Society.

Public Hearing @ 6:00 P.M.

A. Maryland Community Development and Housing Projects Update

Happy Mayer and Richard Colburn gave an update on the following grants that have been completed. A public hearing is required by CDBG when a grant is closed out.

MD-06-ED-70 – Covey Williams Garage/Federalsburg Area Heritage Museum

The total amount of the grant was \$295,000. This grant was provided by the Maryland Department of Business and Economic Development to assist in stabilizing the Covey Williams Garage for use as a museum. This grant included installation of a new roof truss system on the building, new roof decking, membrane roofing, a new block wall in the front of the building, new front windows, doors and a garage door, and painting the entire exterior of the building. This was the first of four grants that assisted with the completion of this project. Other grants that assisted with this project were from Community Legacy Loan/Grant - \$75,000; Maryland Historical Trust - \$18,000 and USDA Community Facility Grant - \$50,000.

MD-09-ED-73 – Railroad Crossing and Connector Road Project

The Railroad Crossing and Connector Road Project included installation of a rail crossing between the Frank M. Adams Industrial Park and the Federalsburg Industrial Park. The total amount of the grant was \$500,000.00. This grant was a DBED Grant and was administered by CDBG. The project was completed in October 2011.

MD-09-CD-21 – Federalsburg Gardens Community Building Project

The Federalsburg Gardens Apartments Community Building Project Grant was a matching grant with Interfaith Housing Development Corporation. Interfaith remodeled the Federalsburg Garden Apartment Complex, which included a Community Center both for the tenants of the apartment complex and as an Outreach Center to the Brooklyn Avenue Community. The grant was in the amount of \$96,000 and it was matched by Interfaith Housing Development Corporation in the amount of \$172,561.

Richard Colburn asked for public comment on each of the projects and there were no comments or questions.

B. Ordinance No. 2011-13 – Erosion and Sediment Control

Bob Rauch gave a brief over view of the ordinance which would allow the Town to monitor erosion and sediment control plans that have been approved by the Caroline County Soil Conservation District.

A property owner is required to prepare a soil erosion and sediment control plan if they are engaged in clearing or grading activities that disturb more than 5,000 square feet of land, or more than 100 cubic yards of earth. The soil erosion and sediment control plan is submitted to the Caroline Soil Conservation District, which reviews and approves the plan. Once a plan is approved, a county or municipality may then issue a grading permit which authorizes the clearing or grading in accordance with the plan.

This proposed ordinance would include the Town in the approval process to ensure that grading and clearing activities do not occur in Town with the Town having no knowledge of the activity.

The proposed ordinance would require the applicant to submit their approved erosion and sediment control plan to the Town, and obtain approval from Caroline Soil Conservation District. Thereafter, the Town can issue a grading permit. The ordinance gives the Town the opportunity to inspect proposed grading projects and/or impose such conditions to a grading permit as may be necessary to prevent the creation of a nuisance or dangerous condition. The proposed ordinance will require an applicant to stake out the proposed area of grading so that it will be noticeable to adjoining property owners prior to any grading.

Bob Rauch stated that as the Town's contract project engineer, his firm would be willing to perform the review and inspection services for the Town on an as needed basis. All expenses for the review would be borne by the developer.

Mayor Beall called for public comment and there were no comments or questions.

C. Ordinance No. 2011-14 – Single Family Residential R-1 Zoning District

This is an ordinance that would repeal and reenact Section 245-17 to clarify the permitted accessory uses in the single family residential R-1 Zoning District. This ordinance would prohibit poultry in an R-1 District.

Mayor Beall called for public comment as follows:

Mrs. Kim Abner presented to the Mayor and Council for their review and consideration information, myths and facts informing the Mayor and Council why chickens should be permitted. Mrs. Abner stated that she has done a lot of research and people are allowed to have chickens in Baltimore City. The information presented also included language to add in the proposed ordinance that would allow chickens in an R-1 District with certain restrictions.

Mr. Foley questioned whether or not this would apply to homeowners or tenants that rent properties because the code enforcement officer is inundated with things he is currently trying to clean up. His concern was that there are numerous rental properties already in town.

Connie Blanchfield, speaking as a citizen and poultry grower, questioned how the town would know that people are adhering to the requirements of the Maryland Department of Agriculture. She also voiced concerns about diseases that could become a problem with growing chickens in town.

Bart Johnson questioned whether pigeons would be allowed under this ordinance.

Cynthia Seymore questioned how many people in town limits are now raising chickens.

The Mayor and Council agreed to table further conversation on this ordinance until they have had an opportunity to review the information from Mrs. Abner and the concerns that have been addressed at the public hearing.

There being no further discussion the public hearing was closed at 6:25 p.m. with a motion by Councilmember Bollinger seconded by Councilmember Abner and passed by a vote of five to zero.

Mayor Beall convened the Regular Monthly meeting at 6:25 p.m.

Guests:

A. Larry Anderson – Landmark Insurance

Delegate Charles McClenahan and Larry Anderson, from Landmark Insurance were present to request the Mayor and Council to use their firm, at no cost to the town, to become the broker of record with Injured Worker's Insurance Fund, to help bring down the rate for the Town's Workman's Compensation Insurance. By being the Town's Agent/Broker of Record, this would allow their firm to act on the Town's behalf to help reduce the IWIF Workman's Compensation Rates.

Since there was no cost associated with this request, a motion by Councilmember Windsor seconded by Councilmember Armes and passed by a vote of five to zero authorizing Mayor Beall to execute the Agent/Broker of Record Form on behalf of the Town authorizing Landmark Insurance to become the broker/agent of record for IWIF.

Mr. Anderson invited personnel to a Fleet Management Training Session on Thursday, December 15th from 9 a.m. to 11 a.m. at the Hurlock Town Hall. This training seminar will give the Town credit that could be used to help reduce the rates. The Town Manager will notify the Public Works Director and the Police Chief.

B. William Hitt & Jerry Liu – Discussion of Buena Vista Avenue Stormdrain/Erosion Issue

Mr. Jerry Liu and Mr. William Hitt were present requesting assistance from the Mayor and Council with a storm drain located from the street, into an area between their properties located at 314 and 316 Buena Vista Avenue. The stormdrain currently runs into a pipe below grade and situated approximately along the common property line. Deterioration of this drain pipe has allowed surface water to erode soil into the pipe causing substantial settling and multiple tripping hazards were there are soft areas. The unsafe conditions limit use of their property and threaten to worsen if unaddressed. They spoke to a representative of the town who stated that the town has no record of the storm drain or pipe; therefore, could assume no responsibility for repairs without authority from the Mayor and Council. They asked the Mayor and Council to authorize repairs and eliminate a serious safety hazard.

Since the Mayor and Council have not had an opportunity to review this request, it was tabled until the January 3rd meeting. Mr. Hitt and Mr. Liu were invited back to attend the January 3rd meeting.

Approval of Minutes

A motion by Councilmember Abner seconded by Councilmember Windsor and passed by a vote of five to zero to approve the minutes of the previous meeting.

OLD BUSINESS

Ordinance No. 2011-13

The Mayor and Council reviewed Ordinance No. 2011-13, which is an ordinance to adopt Chapter 50 of the Federalsburg Town Code titled “Erosion and Sediment Control” to regulate grading activities in town and to require a permit for such activities.

A public hearing was held at 6 p.m. on December 5, 2011 and there were no comments.

A motion by Councilmember Bollinger seconded by Councilmember Abner and approved by a vote of five to zero approving Ordinance No. 2011-13, which would regulate grading activities in town and require a permit for such activities.

Ordinance No. 2011-14

Ordinance No. 2011-14 is an ordinance that would repeal and reenact Section 245-17 to clarify the permitted accessory uses in the Single Family Residential R-1 Zoning District.

A public hearing was held at 6:00 p.m. on Monday, December 5th and there were several requests that the Mayor and Council were asked to consider. Therefore, this decision was tabled until the January 3rd, 2012 Mayor and Council Meeting.

NEW BUSINESS

Contract Renewal Energy Supply

Councilmember Abner presented the Mayor and Council with bids from eight suppliers for energy supply. Mr. Abner stated that several years ago, Atlantic Energy Resources was contracted by the Town to conduct an auction for power supply. The lowest supplier’s bid came in at a \$0.07740. The savings for a three year fixed price at \$0.07740 would be roughly \$4,012 per month.

Councilmember Abner recommended that the Town secure their energy for a three year period of time at a fixed rate. Councilmember Bollinger questioned how much the prices fluxuate. He replied natural gas prices shift every hour. Councilmember Bollinger questioned how long the bids that were submitted would hold that price. Councilmember Abner stated that they would be good through today (December 5th). The auction would have to be re-run tomorrow; however, the Council would need to give approval for the Mayor to sign off on a contract providing it met the requirements of the Town.

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of four to zero with Councilmember Abner abstaining, to grant Mayor Beall approval to execute the documents provided the price is capped at eight cents.

THANKSGIVING DINNER GIVE-A-WAYS

Mayor Beall thanked the Federalsburg Police Department and several local citizens who help to deliver 201 Thanksgiving Dinners to people who where identified by a Church in Denton. He thanked everyone for their help and support.

RENTAL HOUSING CRIME LISTINGS

Mayor Beall stated that Chief Nagel and Jeff Beever will be working together to come up with a report listing the crimes that have occurred at rental properties in Federalsburg. The goal is to see how many police calls are being made at each one of the addresses. This listing should be published in the newspaper with the name of the landlord and the address of the property.

NO BIKE RIDING SIGNS

Mayor Beall requested approval to have Public Works install stenciled signs on the sidewalk that would help the police to enforce the “No Bikes on Sidewalks” ordinance. The signs would be facing the way traffic goes so that kids riding bikes on the sidewalk can read it. Councilmember Bollinger questioned the cost for the stencil. Mayor Beall said that Steve Dyott has informed him that the cost is minimal. Councilmember Bollinger had some concerns that he would like to address before installation. The Mayor and Council agreed to work with Councilmember Bollinger, Mayor Beall, Chief Nagel and Steve Dyott to layout the placement of the signs and then bring this back to the Mayor and Council for approval.

CODE ENFORCEMENT SPREADSHEETS

Councilmember Abner requested that the spreadsheets that are sent to the Mayor and Councilmembers weekly by Mr. Beever also be forwarded to the Planning and Zoning and Board of Appeals Members; so that they are made aware of the permits that have been approved and the violations. Richard Colburn was instructed to inform the Code Enforcement Officer to forward the documents to both boards.

SWIMMING MARSHYHOPE CREEK

Mayor Beall questioned who owns Marshyhope Creek. He was informed that the Creek is owned by the State of Maryland. Mayor Beall questioned how the town can have an ordinance preventing swimming in a State owned body of water because it can not be enforced. Councilmember Windsor questioned the liability issue. Mayor Beall said that he has checked with the Town Attorney and there is no liability on behalf of the Town. This topic will be brought up at the January 3, 2012 meeting.

MARSHYHOPE CREEK BOATING

Mayor Beall asked Richard Colburn to see if the State would install a buoy/sandbar in the middle of the Marsyhope Creek just south of East Central Avenue Bridge because large boats are unable to navigate in the creek.

Appointment of Board of Appeals Members

Mayor Beall stated that he has talked to Scott Phillips and he has agreed to serve on the Board of Appeals.

A motion by Councilmember Armes seconded by Councilmember Abner and passed by a vote of five to zero to appoint Scott Phillips as a regular member to the Board of Appeals completing the term that was vacated by Mayor Beall, when he was elected as Mayor. There was discussion about appointing Eric Padgett, owner of Marshyhope Hardware, as an alternate member to the Board of Appeals. Mr. Tim Foley questioned if a board member is required to reside in the corporate limits of Federalsburg in order to serve. He questioned whether or not Mr. Padgett lived in the corporate limits of Federalsburg.

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of five to zero to table this decision until a legal opinion can be received from the Town Attorney about the board members having to live in corporate limits of Federalsburg to be appointed to serve on a board.

Committee Reports

Federalsburg Historical Society

Bart Johnson reported the museum is now open on a regular basis by appointment, however, it will be closed briefly after the New Year for a period of time and then will they will reopen. The Federalsburg Historical Society will be open on Monday, December 12th before and after the Christmas Parade and they will host visits with Santa and Mrs. Claus. The FHS Annual Meeting will be held on Tuesday, December 6th.

Federalsburg Volunteer Fire Department

David Morean reported the following activities for the month of December 2011 for the Federalsburg Volunteer Fire Department:

December 16th – 7 p.m. to 10 p.m. - Teen Dance

December 18th - Breakfast with Santa from 7 a.m. to 10 a.m.

The Federalsburg Volunteer Fire Company Annual Fund Drive is still going on.

Federalsburg Lions Club

David Morean reported the following activities for the Federalsburg Lion's Club for the month of December 2011:

The Annual Christmas Parade will be held on Monday, December 12th at 7 p.m. The Rain Date for the parade will be on December 14th. The line up for the parade will begin at 6 p.m.

The Mayor and Council were asked to participate in the parade; however, they would have to provide their own transportation.

Santa and Mrs. Claus will be at the Federalsburg Historical Museum after the Christmas Parade. To date they have 65 to 70 units that have agreed to participate in the parade.

The Lions Club extended the Christmas lights on Bloomingdale Avenue and they added two and hopefully a third down to the marina. They have experienced a few problems with the electric in the triangle; however, everything seems to be corrected now. Mr. Morean on behalf of the Federalsburg Lions Club thanked everyone for their support during the last four years that they have raised funds for the Christmas decorations and banners. They have raised \$65,000 and they have expended \$65,000 on the lights and banners.

Mr. Morean also reported that prior to the Christmas Parade on December 12th Christ United Methodist Church would have their Nativity Scene Showings beginning at 5 p.m. until after the parade.

Public Concerns

Bart Johnson

Mr. Bart Johnson voiced his concerns in regard notifying reporting police notifying the landlord when a police call has been made to their resident. It should be standard practice to notify the landlord when a crime has been reported at their residence. Mayor Beall stated it would be looked into.

Yard Sales

Gail Austin, 318 East Central Avenue

Ms. Gail Austin stated that she has concerns with the Town's newly adopted Yard Sale Ordinance. She said that she has yard sales to help pay the bills. The ordinance now prevents her from having numerous yard sales and only allows her to have four per year. She questioned why the Mayor and Council would limit yard sales and she felt that her right to make a living is being taken away from her family.

She asked the Mayor and Council to consider charging more for the permit with no limit on the number of yard sales.

She also stated that she had to get a traders license with the State of Maryland and they have no limit on the number of yard sales that she can. However, the town limits the number yard sales and she questioned how the Town can override the State's trader's license.

Mayor and Council Action Items

Councilmember Bollinger

Councilmember Bollinger questioned whether or not the speed limit signs on Chambers Street have been changed. Mr. Colburn advised that the sign was changed today.

Richard Colburn, Town Manager

Richard Colburn reported the following:

1. Mayor Beall, Councilmember Abner, Happy Mayer and he met with Elizabeth Beckley (Eastern Shore Field Director for Preservation Maryland). The discussion revolved around getting grant monies, etc. to help preserve some of Federalsburg's older buildings. They discussed the old Western Auto building, the BB&T/Denton Trust Building, and the old Masonic Temple Building as possible buildings to refurbish.

The Mayor and Council approved continuing with the discussions as long as there was no financial expense.

2. Richard Colburn has sent a letter to Mrs. Nicole Katsikides, Director, Office of Freight and Multimodelism, Maryland Department of Transportation, in regard to a small piece of side rail owned by the Town of Federalsburg. He asked the State to take over ownership/purchase of the rail. The town does not wish to maintain or be responsible for the side track any longer.
3. Richard Colburn sent a letter to The Honorable Earl Hance, Secretary, Maryland Department of Agriculture soliciting their help and knowledge on how to start and develop a Farmer's Market in the downtown area of Federalsburg. He also asked for help to manage the project as well as how to get the local farmers involved.
4. The Mayor and Council approved crosswalks at Morris Avenue and North Main Street. Public Works will install the crosswalks.
5. The Mayor and Council gave Richard Colburn approval to negotiate the best deal for rental of the water tower for placement of cellular equipment. This would include the water tower located at the Caroline Industrial Park.
6. Calendar of events:

December 19th – Monday @ 5 p.m. Federalsburg Town Council will meet for a closed session to discuss a legal matter.

December 22nd @ 12 Noon – Employee Christmas Luncheon

December 22nd @ 6 p.m. – Town Christmas Party at Councilmember Abner's Home.

December 23rd – Mayor and Council approved Town Offices closing at 12 Noon for Christmas Holiday.

December 26th – Town Offices Closed in observance of Christmas Holiday.

January 2nd – Town Offices Closed in observance of New Year's Holiday

January 3rd, 2012 – Mayor and Council Regular Monthly Meeting at 6 p.m.

7. Happy Mayer at the request of Mayor Beall has developed a sign for advertising the industrial lots for sale in the Frank M. Adams Industrial Park. The sign will advertise the five vacant lots in the Industrial Park and the cost for the sign is \$715.00.

A motion by Councilmember Bollinger seconded by Councilmember Windsor and passed by a vote of five to zero approving the For Sale Sign as presented for the Frank M. Adams Industrial Park Vacant Lots.

Adjournment

A motion by Councilmember Bollinger seconded by Councilmember Armes and passed by a vote of five to zero to adjourn at 7:47 p.m.

Submitted by,

Shirley A. Greene
Clerk-Treasurer