

**COUNCIL AND UTILITY COMMISSION MINUTES FOR THE TOWN OF ROCK HALL****TOWN OF ROCK HALL**

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**MINUTES - MAYOR AND COUNCIL MEETING  
May 9, 2013**

MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
May 9, 2013

The Mayor convened the Mayor and Council Regular meeting on the above date at 7:30 p.m. All Councilmembers were present. The Town Manager and Chief Moore were also present.

**APPROVAL OF THE MINUTES:**

The recording of this meeting did not start until Councilmember Jones seconded the motion to approve the Regular Meeting Minutes from April 11, 2013. With that said, Councilmember Jones seconded the motion of approval of the meeting minutes from April 11, 2013. All in favor, motion carried.

Councilmember Francis made a motion to approve the Organizational Meeting Minutes from May 6, 2013. Councilmember Nesspor seconded. All in favor, motion carried.

Councilmember Nesspor made a motion to approve the Budget Workshop Meeting minutes from May 7, 2013. Councilmember Jones seconded. All in favor, motion carried.

The Mayor stated that the April 28, 2013 and the April 30, 2013 meeting minutes have not yet been prepared, therefore we will not be able to approve them tonight. I have not had a chance to provide them to the Council to allow them to proof them. They will be read at the next meeting. Councilmember Jones asked if there was any other reason why. The Mayor stated they are not ready. I feel because of the actions taken place on Monday and we had a meeting to be reconvened as a result of Sunday night's meeting which turned into an Executive Session, I don't feel as if procedurally the minutes are in order nor the actions in turn drafted which again I would like to put before the board to proof them. Councilmember Jones made a motion to have the Town's Attorney look into the previous meetings that we've had to make sure we are compliant with the open meetings act. Councilmember Price seconded. Councilmember Price stated that we need to make sure we're in compliance with everything. Councilmember Jones said that we've had a number of meetings here recently and I just want to make sure that we've got everything. The

Mayor read a letter from the Town Attorney, Patrick W. Thomas; he had received prior to the meeting. After reading the letter into record the Mayor stated that if we could wait until the next meeting we'll go ahead and have the minutes in order. Councilmember Jones stated that I don't think we have to proof them I think they should be done and provided to us. The Mayor said I think so too, but again at this point they're not prepared, they are not ready. Councilmember Jones said that the open meeting act states that there should be a statement made at the next public meeting and we had a closed session last Tuesday. This is the open session here. The Mayor said the minutes are not ready. As you heard from the Attorney the communication was not there, there was a misunderstanding that he states on his part, and again that I want to make certain that as we proceed that the minutes that are put forth are accurate and they're accountable. Councilmember Jones said and so do I, I want to make sure the Town Attorney sees that we are compliant. The Mayor stated that's why you guys will get the meeting minutes so you can proof them. Councilmember Price stated that there was nothing wrong with them looking through them to make sure we are compliant. We're not asking to have them approved tonight, we're just asking him to make sure that we are in compliance. The Mayor stated that the Town Attorney certainly intends to work with the Mayor and Council to in turn over the past two weeks to basically make sure that everything is in order. The Mayor asked for any further discussion. Councilmember Jones, Price, voted in favor of the motion. Councilmember Nesspor stated that he agreed that he wanted Chip to look into it. Councilmember Francis did not vote. It was then agreed among everyone that they all wanted the Town Attorney to look into the meeting minutes and to make sure the Town was in compliance with the Open Meetings Act.

#### GUEST SPEAKERS/INVITED GUESTS:

The Town Manager stated that we don't have an invited guest, but in several meetings in the past we've had discussions in regards to that vacant lot on Main Street. So, I invited Amy Moredock the Planning & Zoning Director and Rick Meyers Planning & Zoning Enforcement Officer to be here so they could answer any questions and put an end to this conversation and get some real facts in here that they can rely on. Mrs. Amy Moredock gave a brief summary in regards to the actions that have been taken in regards to that property. Mr. Rick Meyers added to some of Amy's summary of the actions taken in regards to the stairway that is attached to the neighboring property. After Amy and Rick's summary of the events taken, the Mayor and Council, and audience members had questions asked and answered in regards to the vacant Main Street lot. The Mayor and Council agreed that a letter needs to be sent to Mr. Maloney stating that he needs to put a fence that has some height to it that will enclose the property for safety purposes, and the letter should also state that we would like his presence at the next Utilities/Workshop meeting. A response is required a week prior to Memorial Day weekend by Mr. Maloney upon receiving the letter, being sent certified.

Councilmember Francis read a statement into record in regards to her action of abstaining from the vote to retain Ronnie Fithian's services as Town Manager.

#### FINANCIAL REPORT:

The Town Manager read the Financial Report into the record as follows:

General Fund Investment Account: \$184,864.08

Utilities Fund Investment Account: \$128,591.40

Total Available Funds: \$313,455.48

Property Taxes Outstanding: \$109,942.74  
Utilities Fund Outstanding: \$ 39,565.68  
Services Rendered Outstanding: \$ 2,200.00  
Total Outstanding: \$151,708.42

The Mayor stated that there has been a budget workshop scheduled for May 22, 2013. The Mayor asked if the Town Manager had anything to report on the request of auditors. The Town Manager stated that we have received bids from five companies. The Mayor asked to have copies of the bids given to each of the Councilmembers and himself to be able to look over.

#### CORRESPONDENCE:

None

#### POLICE REPORT:

Chief Moore read the report into record. Chief Moore gave an overview of the steps they have taken to make sure the Clam House is now secure.

#### STREETS/SANITATION:

Councilmember Jones reported that we've ordered another pallet of cold patch to patch some bad spots around town. We have some areas on Haven Road that need addressing. With the next fiscal year getting ready to come around we'll schedule Pot Hole Pro's to come in again to fix some areas. We'll be moving into the second phase of replacing the street signs to meet the federal requirements that are mandated to be changed by 2018. We have two other projects in regards to drainage that we will be looking into.

#### SEWER/WATER:

Councilmember Nesspor read the reports into record. Councilmember Nesspor read a letter into record from Mr. Denny Dalrymple, operator of the wastewater treatment plant in regards to the pumping stations. There was a discussion in regards to having pumping station #4 fixed and the bids that were received from the companies inquiring to do the job. The Mayor and Council asked the Town Manager to find out some more information from the companies who placed the bids and get back to them as soon as he had the information, so they could try to move on with this project.

#### PARKS/RECREATION:

Councilmember Francis is still waiting for final approval for the grant. The Parks & Recreation are going to start making plans and arrangements for summer events. They are working on a beach night and a movie night, due to it being such a success from last year.

#### PLANNING/ZONING:

Councilmember Price stated that Planning & Zoning met last night. Councilmember Price gave an overview and read

into record what was discussed and voted on during that meeting. Family Dollar will be back with their corrected/changed preliminary site plan for approval in July. There was a question raised in regards to who is responsible for enforcing the Comprehensive Plan. The Mayor asked the Town Manager to look into that and have some feedback for us at the next meeting. It was brought to the Mayor and Council's attention that the Zoning Plan is not in conformance with the Comprehensive Plan. The Zoning Plan needs to be updated to reflect the changes that need to be made in compliance with the Comprehensive Plan. This also is to be looked into by the Town Manager and given feedback to the Mayor and Council on this issue. The Mayor and Council would like to review applicants at the next Workshop meeting to try and fill the empty Planning and Zoning Commission seat that is currently vacant. The Mayor and Council asked the Town Manager to contact Mr. Peter Metcalf, who is currently an alternate on the Planning and Zoning Board, and ask if he would be interested in becoming a full time member of the Planning and Zoning board.

#### MUSEUM BOARD:

The Museum Board Chairman, Mr. Doug Francis gave an update and report in regards to the museum.

#### ORDINANCES/RESOLUTIONS:

None

#### NEW BUSINESS:

Mr. Mark Einstein gave an update and progress report on the Clam House. There were some questions from the audience members in regards to the Clam House, these questions were answered by the Mayor and Council accordingly.

Mr. Mike Wooton was in attendance to give an overview of the service his company, Chesapeake Bay Internet Associates, provides for the Town in regards to the Town's website. There were questions raised and asked of Mike Wooton in regards to the website and the services his company provides. He answered everyone's questions accordingly. There was discussion among the audience and the Mayor and Council in regards to this issue. The Mayor and Council decided that they needed more time to think about the issue(s) in regards to the website before they could come to any further decisions.

Chesapeake College will be at the Fire House on May 11, 2013 from 10 – 2 to allow people to sign up for credited and non-credited courses.

#### OLD BUSINESS:

The Town Manager asked if Mrs. Mary-Etta Reedy was going to take care of the LMB (Local Management Board) Grant. He stated that the letter of intent has been sent in for the grant, and that the GED classes would be a real good candidate for the grant funding.

The Town Manager gave an overview of the CDBG grant that the town is going to apply for to help with the funding of the water clarifier project.

The fishing tournament is on June 7, 8, and 9th.

The Town Manager gave an overview of the energy grant the Town had sent a letter of intent in for.

A hydrant is going to be put on the corner lot of Route 20 and Judefind Avenue.

The Solar people are going to give a presentation on June 3, 2013. There was a brief discussion in regards to the solar panel project.

#### TOWN MANAGER'S REPORT:

The Town Manager didn't have anything else to discuss that hasn't already been discussed.

#### GOOD OF THE TOWN:

Councilmember Jones asked the Mayor for an Apology for the trouble he's caused the board and the town these past couple of weeks. The Mayor stated that he didn't feel like he needed to give an apology. There was a debate in regards to the previous situations and circumstances going on in the town. Councilmember Jones made a motion to release the tapes of the April 29, 2013 meeting. Councilmember Price seconded the motion. Councilmember Jones and Price voted in favor of the motion. Councilmember Francis and Nesspor abstained from voting. The Mayor voted against the motion, motion was denied.

With there being no further business, Councilmember Francis made a motion to adjourn. Councilmember Price seconded. All in favor; motion carried.

Approved:

Olin B. Price, Councilmember  
Susan A. Francis, Councilmember  
Brian Nesspor, Councilmember  
Brian Jones, Councilmember