

MINUTES - MAYOR AND COUNCIL MEETING

July 14, 2011

MAYOR AND COUNCIL
REGULAR MEETING MINUTES
July 14, 2011

The Mayor convened the Mayor and Council Regular meeting on the above date at 7:35 p.m. All Councilmembers were present. The Town Manager, Town Attorney, and Captain Dempsey were also present.

All recited the Pledge of Allegiance and the Lord's Prayer. The Mayor asked to change the order in which the Pledge of Allegiance and Lord's Prayer were recited in due to the fact that they Mayor and Councilmember's may no longer be permitted to recite the Lord's Prayer at any of the following town meetings. The Mayor asked for a moment of silence in respect for our troops who have served and continue to serve our country.

APPROVAL OF THE MINUTES:

Councilmember Francis made a motion to approve the Public Hearing minutes from the June 9, 2011 meeting. Councilmember Price seconded. All in favor, motion carried. Councilmember Price made a motion to approve the Special Meeting Minutes from the June 9, 2011 meeting. Councilmember Nesspor seconded. All in favor, motion carried. Councilmember Price made a motion to approve the Regular Meeting minutes from the June 9, 2011 meeting. Councilmember Francis seconded. All in favor, motion carried.

GUEST SPEAKERS/INVITED GUESTS:

None

FINANCIAL REPORT:

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

General Fund Investment Account: \$221,272.65

Utilities Fund Investment Account: \$155,653.84

Total Available Funds: \$376,926.49

Property Taxes Outstanding: \$ 60,271.21

Utilities Fund Outstanding: \$152,819.77

Services Rendered Outstanding: \$ 1,776.00

Total Outstanding: \$214,866.98

CORRESPONDENCE:

The town received a thank you card from Lacey Cox, our Assistant Clerk-Treasurer, for the gift they gave to her newborn daughter Tessa Lyne Cox.

The Town Council received a letter from the President of the Kent County Board of Trustees of the Public Library. It states that the Board of Trustees has hired a new director. Mrs. Jacqueline Adams will assume the role of the Library's new director effective August 15, 2011.

POLICE REPORT:

Captain Dempsey read the report into record. The Mayor wanted it noted that the police department did a very nice job keeping things under control in a mannerly fashion during the 4th of July celebration activities. The Mayor also mentioned the new police car that was just recently purchased.

STREETS/SANITATION:

Councilmember Jones reported that the cross walk lines in front of Rock Hall Landing Marina have been painted. He asked about fixing Beach road. The Town Manager said that they intend on fixing the potholes on Beach road. Councilmember Jones mentioned North Point Marina, and the Mayor informed him that he has spoken to Mrs. Lori Campbell and would like to hold that discussion for the next workshop meeting. Councilmember Jones also mentioned two drains down at North Point Marina on Walnut Street that are hazardous. The Town Manager stated that he was going to have the gentleman that is fixing our steps do some repair work to that grate, and that they were having some ditch work done down there that would help the situation as well. Councilmember Nesspor asked if the pilings on Route 20 were going to be fixed. The Town Manager stated that he had contacted our town officer's and asked them to contact the State Police because it was an accident that the State Police should have handled. It has been brought to the attention of the State Police and will be taken care of.

SEWER/WATER:

Councilmember Nesspor stated that he had gone to the Waste Water Treatment Plant to see how things were going and found that Mr. Denny Dalrymple is doing a fine job with the plant. Councilmember Nesspor mentioned an issue that he and Councilmember Jones had with the gate to the plant being left unlocked. He spoke to Mr. Denny about locking the gate behind him

when he leaves, and Mr. Denny said that he would start doing that, and that he did not have a problem with doing that for them. Councilmember Nesspor also stopped into the water plant to see how things were going there, and things seem to be going well. There was a gate that was unlocked at the water plant as well that needs to be locked. Taylor was there at the time and locked the gate and it will continue to be locked from here on out. Councilmember Nesspor asked if there was a schedule of when the fire hydrants are flushed out. The Town Manager stated that Timmy is in charge of keeping the schedule for the flushing of the hydrants. It's not a hard fast schedule, they do it by routine and do it 2 – 3 times a year. The problem the Town is facing on Catholic Avenue was discussed. The Town Manager informed the Mayor and Council that the water line is a dead end line at the end of Catholic Avenue and Boundary Avenue. There is currently only one fire hydrant on Catholic Avenue, the further away from that hydrant you go the worse the water problem gets. Because the fire hydrant is connected to Main Street, it only flushes out the water coming from there. It does not flush out the rest of Catholic Avenue down towards the Boundary Avenue end of it. There used to be a fire hydrant on the corner of Boundary Avenue and Catholic Avenue, but a car came along and tore it down. It was never replaced and they never looped the water pipe to connect to Boundary Avenue after the hydrant was torn down, it then became a dead end line. Instead of replacing the entire line, like it has been discussed the past years, we can put a fire hydrant at the end of Catholic Avenue and Boundary Avenue and while the road is open we can find out for sure if there is a connection to Boundary Avenue, and if there is in fact a connection then we have a valve that is not working that no one has known about. We should have an estimate no later than Monday from Brambles on the cost of putting in a new hydrant at the end of Catholic Avenue and Boundary Avenue, as well as checking on the connection of the pipe line from Catholic Avenue to Boundary Avenue to see if it is indeed connected or not. If the pipe line is not connected to Boundary Avenue we will have them connect the line while they have the road open and hope that this fixes the problems the home owners have been having with water on Catholic Avenue for quite some time now.

The Town Manager also stated that there are two blowers at the Sewage Treatment Plant that blows air in those digesters that helps with this biological process that treats the sewage. The plant is 18 years old and one of the two blowers has run nonstop 24 hours a day, 7 days a week for 18 years. A few months ago we talked to some people who stated that they don't have to run all the time. We had Nilo Electrical come out and put timers on these two blowers so that they would come on and run for an hour and off for an hour and back on. In June 2010 the electric bill was \$5,049.00, this year the electric bill for June is \$3,084.00. So, we've been able to save money with the electric bill by having these blowers run on a timing device.

PARKS/RECREATION:

Councilmember Francis reported that July 4th was a wonderful success, from the baby contest to the parade, to waterman's day, everything was just a great success. The Parks & Rec. are

looking into getting a piece of equipment, maybe a swing set, to put up near the beach, as well as working on the equipment at the lagoon. The Carnival came into town during the 4th of July festivities. We issued over 500 coupons to the Town of Rock Hall which was \$5.00 the wrist bands that the carnival issues when you arrive. We would like to see the proceeds of the carnival go to the cleaning up and repairing of our local beach (Ferry Park). We've been told that the boardwalk needs to be repaired, it has splinters coming from it, and nails that are coming up. The carnival generated \$1,360.00. To repair or replace the boardwalk is going to cost upward of \$3,500.00. The American Legion had place a call not too long ago asking if the Town was currently working on any projects that they could help contribute to. We mentioned the boardwalk at the beach and they in return sent us a check for \$2,800.00. Along with funding the cost to redeck the boardwalk at the beach, I would like to take \$400.00 of the carnival and American Legion money and purchase a one year subscription for the Rock Hall Volunteer Fire Dept. for a software program that will allow them quicker access to their members. Councilmember Price made a motion to apply the money that was donated from the American Legion and earned from the carnival to put down a new boardwalk at the beach and donate the remaining balance to the Rock Hall Volunteer Fire Dept. for their one year software program subscription. Councilmember Francis and Nessor seconded the motion. All in favor, motion carried.

PLANNING/ZONING:

Councilmember Price reported that the Planning & Zoning met last night. Applications for review were David G. Waugh with a lot line adjustment. The application was approved. We had a public hearing on Maritime Inns and Maritime Water Dependant District. The council had asked the Planning & Zoning board to approve some amendments to our harbor area that would allow Maritime Inns. Everyone who attended the meeting was very concerned with the possibility of new hotels going up. When in all actuality this only applied to preexisting buildings. They had great questions on what purpose this was for, who was doing this, and what specific building they were talking about. The Planning & Zoning board recommended that it be denied and sent back to the Mayor and Councilmembers for additional information. The Town Manager spoke in regards to this issue and stated that the building was a clam house many, many years ago. When the clam house went out of business they sold it to the Maryland Food Center Authority (MFCA). They purchased it with the idea of making it a coop, to ensure that the seafood industry always had some where to do business. It just never panned out. Later on the Town of Rock Hall entered into an agreement with the MFCA to see if the town could help find a business to locate in that building to use. The town has not had any success in finding anyone who has wanted to use the building. Then not too long ago I received a phone call from a gentleman asking about purchasing the clam house, and if I thought the MFCA would be willing to sell the clam house. I made a phone call to MFCA and they said that they really don't want to sell it. I then called this developer back and relayed the message to him that the MFCA wasn't interested in selling the property. He then stated that he really didn't want to buy the property but was more interested in

forming a partnership with the MFCA. What I'd like to do, he said, is to turn it into an 18 room motel overlooking the water. I'll invest \$750,000.00 turning this place into an 18 room motel. From the income from renting these rooms out at the end of the year I would receive 75% of the income and the MFCA would receive 25% until I receive the original amount I invested of \$750,000 back. When I have received my return on the project then the MFCA will earn 75% of the income and I will only receive 25% of it for as long as the building is there. They have tentatively agreed to further talk about this possibility, but none of this has been put down in writing. The town would not have anything to do with this arrangement. The Town would benefit from this project in regards to receiving annual property tax and motel (tourist) tax on every room that is rented there. Whatever happens in this building is suppose to be related to the Chesapeake Bay. In order to make sure that we were doing things by the book, the Mayor and Council signed a letter requesting the Planning Board to change the wording to allow this Marine type motel to be legal to go there. When they had their meeting last night they had a lot of questions and wanted to make the changes site specific to this project. Whatever you do in that water marine dependent zoning, it will affect every water marine dependent zoning in the town. They want to make sure that they cover all their basis with this and they didn't have all the answers that were being asked of them so, the planning & zoning board have scheduled a special meeting on July 27, 2011 to discuss this in further detail and hopefully with answers to the questions that were raised in last nights meeting. They'll take a look at the language in this text amendment and see what they can come up with. The approval of the Comprehensive Plan was discussed. Councilmember Price made a motion to adopt Resolution 2011-02 (Comprehensive Plan) for the Town of Rock Hall as presented. Councilmember Nesspor seconded the motion. All in favor, motion carried.

MUSEUM BOARD:

Councilmember Francis reported that the Museum Board met today. The board discussed putting together some fundraisers. They had discussed a photo contest, museum beads for the bracelets, boat donation program, and buy a piece of the rock. Jack Heffner presented the board with information for the National Trust for Historic Preservation for Rock Hall's Main Street. He's going to be gathering more information to bring to our next Mayor and Council meeting in August in reference to designating Rock Hall's Main Street. The Museum Board has been discussing the relocation of the Museum to Main Street. With the move of the Rock Hall Museum, the Waterman's Museum and the Tolchester Museum will also be moving to share the same location on Main Street. We're hoping to bring back some life to Main Street that will bring more people to visit the new Museum at its new central location on Main Street. We're looking to finance the funds to purchase the Main Street property, if we can come up with the right numbers to proceed with. Mrs. Patsy Reihl spoke out about the property on Chesapeake Avenue being sold to use as proceeds to help purchase the property on Main Street. She does not want the property on Chesapeake Avenue sold, and she does not want the museum to be relocated to Main Street.

Nick Watson and Doug Francis were approved as new board members of the museum. Nick couldn't make it tonight, but we are going to swear in Doug Francis tonight as a new museum board member.

ORDINANCES/RESOLUTIONS:

The Mayor and Council introduced Ordinance 2011-01 (Stormwater Management). We will have a public meeting prior to the start of our next regularly scheduled Mayor and Council meeting, August 11, 2011, to vote on this ordinance.

The Mayor and Council introduced Ordinance 2011-02 (Amend Chapters 184 (Sewers & 220 (Water)). As it stands the Mayor and Council will vote on this ordinance as well at the next regularly scheduled Mayor and Council meeting, August 11, 2011.

NEW BUSINESS:

The Mayor mentioned that they needed to make a decision on whether the town was going to enter into a coop lease agreement with the Rock Hall Business Association, to finance half (\$1,350.00 per year) of the new Visitor Center that is going to be one of the buildings at the Brawner Main Street project. The Visitor Center will be manned and operated by the Business Association. Councilmember Price made a motion to enter into a lease agreement with the Rock Hall Business Association and pay \$1,350.00 per year toward the building rental of the new Visitor Center. Councilmember Jones seconded the motion. Councilmember Francis asked where the funds were going to come from to pay for this annual cost. Mayor Willis stated that the funds would come from the general fund account, with funds generated from our tourism income. With no further discussion on the matter, all those in favor, motion carried.

We have old street lights that were removed from Main Street. They are still in good, working condition. The town decided to donate these lights to different venues, with the stipulation that they had to pay the cost to have them installed on their property. Some of the lights went to Chesapeake Villa, Councilmember Jones took some of the lights to use at the Fire Department, and Councilmember took some of the lights to use at the American Legion.

Mayor Willis read a letter received from Gren Whitman asking the town to remove the reciting of the Lord's Prayer as part of the opening process to the regular Mayor and Council meetings. The Mayor stated that this was something that the town would have to look at carefully and with the advice and council of our town attorney. The Mayor also stated that he thinks that the town should take in all the considerations and the legal advice before making a decision on this matter and may be best further discussed at the next workshop meeting. Councilmember Price stated that this is small town Rock Hall, with 300 years of history, with neighbor's helping neighbors.

Live and let live. I do not know of any time that this town has said that you have to attend a certain church. It's beyond me that somebody in this little town has to come in and upset the apple cart that's been working fine for 300 years. I am not giving up on this matter, I am going to pursue it, and argue with it. I do invoke my right and freedom of speech and freedom of religion. I think a lot of Liberals do not read through the entire first amendment. They read the first line and don't continue on to read the rest of it. The second line states "you cannot prohibit either". This is going to be up for a lot of debate between us. It's a shame that it offends someone to hear about the word of God. We'll have to change our town sign to read nice people live here and one other person. Councilmember Francis said in response to this issue, that she took it upon herself to contact the American Center for Law and Justice. Jay Secular who is the chief council sent a letter to me that addresses the constitutionality of opening government sponsored meetings with prayer. He also says I can use this letter to educate my fellow local government leaders and other citizens about the right to include prayer as part of these meetings to solemnize the occasion. She continued to read from this letter stating facts of the law in regard to this issue. You can contact Councilmember Francis for a copy of this letter and any questions you may have in regards to this letter. Councilmember Price then read a letter/printout that he added to the discussion, you can contact him for any copies or questions you may have in regards to his letter/printout. The Mayor stated that clearly the board is very passionate about the opportunity to express their faith prior to the meeting. It doesn't appear that this is going to be dismissed lightly. I know in your (Mr. Gren Whitman) e-mail that you stated you have contacted the ACLU and are probably going to have their resources at your disposal to move forward with what you intend to request. Yet as Butch has indicated, we are a small very unique town. A town that recognizes our faith and is something we practice very often. This can become quite an issue; I would like ask you if you would like to rescind your request to the council? My (Gren Whitman) request to the council is that it refrain from publicly expressing a denominational prayer, which is the Lord's Prayer. There are many other ways of having prayer in a public meeting. I think the Mayor and Council should consider these alternatives seriously. I feel very strongly that recitation of the Lord's Prayer at a public meeting is unconstitutional under the establishment of laws. I also would like to say that I have defended the Constitution of the United States in places that are a lot rougher than Rock Hall. I feel very strongly about this and will pursue it. The Mayor again asked that we continue this matter at our next workshop meeting so that everyone has a chance to do their research and have our legal advice given to us to think on and also to have time to think of how we are going to proceed with your request. Mrs. Edna Marie Sutton, from the audience, spoke up and said that we have to feel sorry for anyone who feels like Gren Whitman apparently feels. We of Rock Hall are going to put up a big fight before they take prayer out of our council meetings. We are Christian people and we love our God and we feel sorry for those who live without. I feel like the reason this issue has been brought up is because Mr. Whitman is sitting where he is, instead of sitting where you are up there in a council seat. Mr. David Jones stood up and said that he is very upset about this.

OLD BUSINESS:

None

TOWN MANAGER'S REPORT:

We've already discussed everything that needed to be brought up in the Manager's report.

GOOD OF THE TOWN:

Councilmember Francis mentioned that we had a lot of old cars and car owners and we've contacted some of them to join us on Cruise Night on Main Street. We're trying to get a lot more cars here for Cruise Night.

With there being no further business, Councilmember Price made a motion to adjourn at 10:47 p.m.; Councilmember Nesspor seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian Nesspor, Councilmember