

**MINUTES - UTILITY COMMISSION MEETING**

**October 3, 2011**

MAYOR AND COUNCIL  
UTILITIES BOARD MINUTES  
October 3, 2011

The Mayor convened the Mayor and Council Utilities Board meeting on the above date at 7:00 P.M. All Councilmembers were present. The Town Manager was also present.

**APPROVAL OF THE MINUTES:**

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of August 29, 2011 as presented; Councilmember Francis seconded. All in favor, motion carried.

**SEWER ALLOCATION REPORT:**

The Town Manager read the sewer allocation report into the record. The Mayor stated that the budget allotted for two new homes to be constructed, and we already have permits for two homes to be built; anything on top that will be a positive thing.

**THE FOLLOWING ITEMS WERE DISCUSSED:**

With there being no further business, Councilmember Price made a motion to adjourn at 7:03 p.m.; Councilmember Jones seconded. All in favor; motion carried.

**Approved:**

Robert E. Willis, Mayor  
Olin B. Price, Councilmember  
Susan A. Francis, Councilmember  
Brian Nesspor, Councilmember  
Brian Jones, Councilmember

MAYOR AND COUNCIL  
WORKSHOP MINUTES  
October 3, 2011

The Mayor convened the Mayor and Council Workshop meeting on the above date at 7:03 P.M.

All Councilmembers were present. The Town Manager was also present.

#### APPROVAL OF THE MINUTES:

Councilmember Price made a motion to approve the minutes of the Mayor and Council Utilities Board Meeting of August 29, 2011 as presented; Councilmember Nesspor seconded. All in favor, motion carried.

#### THE FOLLOWING ITEMS WERE DISCUSSED:

Mrs. Robin Kurowski is here tonight to present information boards; the county calls them interpretive panels. And she has also been working with the Scenic By-Ways committee. This will be something that will be at Bayside Landing Marina. Carla Gerber from the Planning & Zoning will be at the Mayor and Council's October 13, 2011 meeting to go over a more thorough presentation. We would like to suggest constructing a captain and boat memorial to be put up at Bayside Landing. I apologize for the generalization of the minutes in regards to this topic, but there was so much noise pollution on the tape that I could not hear all the details to allow them to be transcribed. The Mayor stated that the board is very much in support of this project and are willing to help with any contribution that they may be able to make in regards to this project. Please keep us posted with the progress this project continues to make. The Town Manager stated that there is supposed to be a couple of benches put in place at the Landing for people to come and sit and read a little bit about the town. It's like a little overlook or something over the harbor where they can read a little bit about the history of the town. Learn something about the town they are visiting.

The Mayor read into record some additional correspondence letter's the town has received in regards to the Zoning Text Amendment for the Maritime Inn. He also read the definition of a Maritime Inn according to Planning & Zoning, provided by Gail Owings. This will also be included as part of the language of the text amendment. The Mayor stated that this legislation is bullet proof, in the sense that unless this board chooses to undo the current zoning and allow for any other type of condo or that sort of thing on the harbor front, this zoning will not permit for it. I want to make that very clear, first and foremost. Another issue that was raised was whether this was considered spot zoning. We have had our attorney look into this and he has informed us that the text amendment that has been drafted by the Planning & Zoning committee is not considered to be spot zoning. The Mayor then read into record the memo received from the Town Attorney (Funk & Bolton) in regards to the spot zoning issue. An audience member asked if the watermen who currently rent the slips located at the clam house will be displaced as a result of this text amendments approval. The Mayor said that in no way shape or form will the watermen be without a home. We will have to relocate the slips if this project becomes a reality. But by no way at all will this board allow you guys to go out into the harbor without finding a home, or even to go a

step further and secure future slips for the watermen of Rock Hall. This is my word as Mayor. Councilmember Nesspor spoke up and said that there has been nothing presented to the watermen in writing that is going to support the watermen. I am a waterman, and I have a slip down there. As far as I'm concerned it's not a popular decision in Rock Hall. The citizens I have talked to are against the proposal of the text amendment, for various reasons. The issue is the future of the harbor. For one, the face of the harbor, I can bring the comp. plan out and you can look at the view of the harbor. Bobby says that this is only going to pertain to this one individual sight, but there are two other properties that could also benefit from this change in the zoning amendment. And who's not to say the Bill Weldon could have a bad year and decides to sell out, and whoever could come in and put up hotels there. And then there are the Leary's, and not that they would, and I can't speak on their behalf, but if they decide to sell their property, then there's the opportunity for someone to come in and put in hotels there. Twenty years from now you would be able to go from the Clam house all the way around to the Railway and have nothing but hotels. And that is what is completely against the comprehensive plan that has been made up. It is supposed to be a working harbor. If Weldon sells his place there is going to be even more slips lost, this would include some charter boats. We haven't heard one word from that industry, but that would be more slips the town would have to find so they would have somewhere to go if they were to lose their slips. It's not a popular decision; I have numerous phone calls in regards to how this deal got started. When I came on board this was already in the works and no one seems to know how. It deeply troubles me on what could happen to the future of the harbor. I'm not just speaking on my own behalf; I'm speaking on behalf of the other slip holders, and residents. No one has said if property taxes would go up because of this if it were to happen. We have the Town Manager's wife who is employed by Mr. Flynn. I would like to request that the State Ethics Committee take a look into this matter. This whole thing just doesn't sit right with me. If everything turns out good, and status quo, then let's move on with the show. At this time I cannot support this. The Mayor stated that it would be six months before you would have to move your boat to a new home. The one thing we need to be mindful of is that we have a letter from the MFCA that states that tomorrow this building could endure a complete shutdown. I think when we talk about working together that we're talking about making sure we find new homes for these slip holders. Chucky White spoke up from the audience and said that the concern still lies in the fact that we need to be sure that there is going to be somewhere these slip holders are going to be able to move to when the time comes. Councilmember Price said he has spoken to Ronnie about adding slips and having the town paying for some of the pilings to be put in, with the condition that they be reserved strictly for the Rock Hall Watermen. And Ronnie has given me his assurance that there will be somewhere for the slip holders to go when the time comes for it. It was brought to the Mayor and Council's attention that if the slips were made available at the Sailing Emporium to be utilized, would there be an issue with the watermen starting their noisy boats up at the wee hours of the morning? There was a county "Right to Fish" bill passed to protect seafood dealers, that is already established, from being closed because of someone deciding to build a home next to it and then trying to shut it down because of the undesirable aspects of the business. Would this

help us maintain our slips at the Sailing Emporium if there became an issue with the noise factor? The Town Manager said he wasn't sure if the noise issue would be covered under this bill or not, but we could check into it and find out. Councilmember Price asked if this was something that could be added to the bill to help at the county level for the town, or something that maybe we can implement ourselves through the town to make sure the watermen are protected in regards to the noise pollution issue. The Town Manager stated that is something we could have added. The Town Manager also wanted to add that his wife does not work for Kevin Flynn. My wife is a self-employed real estate broker, and she can work in any company in town. She is not paid a salary by Kevin Flynn; she is a self-employed real estate broker. Councilmember Francis spoke and said that when she ran for election I promised that I would take care of the Watermen, and I'm going to do whatever needs to be done to make sure you have a proper place for you to go, and that you're not displaced. Mrs. Mary Sue Willis said that in the 35 years that Art and I have owned the Sailing Emporium we have never turned a waterman away from the usage of a slip. I have something to say to Brian and Mr. Nesspor as well, I don't know why George Jones left, because he was at our marina for 25 years and he was most respected. We never asked him to leave, he left on his own. We were very sorry that he left. So, please don't make it sound like we asked him to leave because we certainly did not. Councilmember Nesspor said he never said that's how it happened. Liz Smith wanted to know how the Mayor and Council and the County were going to guarantee that the watermen, if asked to leave, would have somewhere else to go. The Town Manager stated that he as a County Commissioner has never guaranteed anything. If there is a problem with a shortage of slips in Rock Hall, and the waterman want to sit down with the County and the Mayor and Council then we will be more than happy to sit down and figure something out. A gentleman from the audience asked why the Council hasn't come up with a written agreement to propose to the watermen, instead of making it a promise of word. I think that would make everyone happy here. The Mayor stated that the Mayor and Council have been looking into what other slips may be available and looking at we can do so we can in turn provide for a transition when and if this decision occurs. Kate Johnson asked why the Mayor and Council have made the language in this text amendment specifically geared towards certain areas of the harbor. Why does it eliminate other properties along the harbor the possibility to build a maritime inn? I still think this is considered spot zoning and I think that there should be something put in writing to protect the watermen. The Town Attorney commented on the issue and said that at this point the Mayor and Council have to vote on whether this is how they want to proceed with this issue, and at the next scheduled meeting there will be a vote on the approval of the actual text amendment as it is written. The Town Attorney also stated that other than a tax or budget ordinance or a resolution to change the charter, all other ordinances or resolutions are subject to referendum. The Mayor and Council voted on whether to move forward with the proposal of the zoning text amendment. Councilmember Jones voted yes, Councilmember Francis voted yes, Councilmember Price voted yes, and Councilmember Nesspor voted no. At this time there is a majority vote to move forward with proposed zoning text amendment. Councilmember Price spoke up and said that he would like to see something in writing to assure the protection of the

watermen before this is passed.

Moving on to the next topic on the agenda, the Mayor mentioned a substantial yacht club group that comes into town wrote a letter in favor of the proposed museum project due to the effect it will have on the improvement of transportation. The Mayor asked Doug Francis to speak on the subject of grant funding. Doug is a member of the museum board and has attended a few grant seminars and has learned quite a bit from them. I'd like him to come up and let us know what he has found out from these seminars and how it can apply to this project. The Governors Grant seminar is the largest seminar held. I learned that there are computers available through colleges that allow you access to the many different grants available. I now have access to one through the Chesapeake College. This gives me access to over 3 billion dollar's worth of grants. Grants want to give you money unlike most people and places. Especially privately funded grants, because it's less money they have to pay in taxes. All you have to do is meet the criteria, and go through the process of writing the grant and the money is there. So, the money is out there, I don't think we will have a problem finding the grants to help fund this project, especially based on the nature and location of the project. Another grant available is the Maryland Historic Trust. Under them are grants from Humanities Council, Preservation, Museum Advancement Grant, African American Grants, The Maryland Department of Housing Community of Development, Education K-12 that will help put a curriculum together to allow classes to take field trips to participate in curriculum at the museum, which will be very educational for the kids and help bring more people into town. One of the best things that I found from all of this, which doesn't even apply to grants, under the Department of Housing and Community Development there is a program called Community Investment Tax Credit. We qualify for this because the museum is considered a C3 organization. It started out applying just to businesses, but this year they have included individuals in with that. This is how it works, for any business or individual that has to pay out Maryland State taxes at the end of the year; they can take half of that amount owed and give it to an organization within the community without having to pay it directly to their taxes. So, if you owe a thousand dollars in taxes at the end of the year you can take \$500.00 of that and write a check to the museum board, the museum board will then give a voucher (receipt) of the money given, you take that voucher (receipt) to your tax preparer and they deduct that from the taxes owed. There is a process to get approved for this, but what I have seen and the people I have spoken to we fit into these qualifications to get this approved. The State of Maryland offers grant writing classes for free, I have already attended a couple of them. And I am willing to do the grant writing for the museum. Most of the grants though want a project to have already been started and initiated before they will give out any money for it, but once the project has been started they have no problem giving out funds to help aide the project along. There is a possibility of receiving more money if the structure of the building stays intact because of the historical value of it. There were many questions raised in regards to the financing, the location of, and the benefits of the proposal of the museum project. These questions were addressed and responded to by the Mayor and Council accordingly.

The Town Attorney went over Resolution No. 2011-03 (Public Meeting Invocations). Councilmember Price stated that he definitely thinks that it's a good idea to have different clergy come in to give an invocation at the beginning of the meetings. However I do not agree with #'s 5, 6, and 7 as they are listed in the resolution, and I cannot bring myself to agree to or vote in favor of this resolution the way it is currently written. I do not believe in censorship, but I do believe in the freedom of religion as well as freedom of speech. I would not have a problem having a Jewish Rabbi come in for 7 months out of the year to say an invocation for us. But I cannot restrict his prayer in any way shape or form. And I don't think that should be any objection to any other religion/clergy that may come in to say an invocation for us. I think they should be free to say and pray how they wish to. The Mayor stated that we talked about inviting the clergy, and I think we are going to use the county as our boundaries as our point here. We would in turn in our packet that we put together as to letting all the religions of the county know that this is a method that the Town of Rock Hall is going to be implementing. The Town Attorney stated that the adopted resolution is what would be sent to the clergy along with the invitation to speak. The important thing to keep in mind is that this in no way trying to regulate individual religious rights. The collision occurs in a public meeting of the Mayor and Council and then there's a prayer. That's why there's a discussion, it's not prayer anywhere else, and the town has no involvement what so ever in telling the religion what to do and vice versa. The collision occurs with a prayer at the beginning of a Mayor and Council meeting. If there is a consensus that you want to have some invocation at the beginning of your meetings for whatever reason, then if there isn't some guidance to the people giving the invocation we're open to being sued. If it's important to continue then you do with your eyes wide open. You also have to remember that everyone took an oath of office, to uphold the constitution, laws of the State of Maryland, and ordinances of the Town of Rock Hall. There are legal ramifications, there are personal ramifications, but you have to keep it in context. We are debating it because it's happening in a public meeting. Due to the unwillingness of some of the audience to allow this discussion to go further without consideration for those trying to speak the Mayor decided to move this discussion into an Executive Session at the end of the meeting.

Councilmember Price made a motion to bypass the entire reading of Ordinance 2011-05 and simply introduce it as it is by the title. Councilmember Nesspor seconded the motion. All in favor, motion carried. The Mayor read Ordinance 2011-05 by title as written into record. Councilmember Francis asked if there could be a possibility of restraining the colonies to commercial areas of town and simply eliminating anyone in a residential area of having a feral cat colony. It was also mentioned that people may have issues with the existing colonies in the commercial areas, but just haven't stepped forward to make a formal complaint about them. The Mayor said it's inhumane to the cats, it's a health risk to the neighbors, and there is property damage being done to the neighboring residents homes and vehicles. There were concerns raised in regards to the diseases that feral cats pick up and carry, and the multiplying of cats from not being neutered.

The Mayor and Council will vote on this ordinance at the Utilities and Workshop meeting on November 2, 2011.

The Mayor asked if the Councilmembers were interested in holding a Christmas party this year for the town employees. The Councilmembers agreed that they would like to hold a Christmas party and they would like to have Stephanie gather a few bids from local restaurants to see where we may like to have it held at.

Councilmember Price made a motion to recess the regular workshop meeting and enter into and Executive Session under the Maryland Open Meeting's Law, Section 10-508, Subsection A; Paragraph 7 in order to consult with the Town Attorney to obtain legal advice in regards to the policy of having Invocation of Prayer and discuss the current arrangement with the narcotics task force. Councilmember Jones seconded. All in favor, motion carried.

The Mayor and Council reconvened the regular workshop meeting at 11:20 p.m. The Executive Session was to discuss legal issues and threats of litigation, we also discussed a safety issue that involves the Mayor and Council's participation with the Maryland State Police Task Force, in which the Mayor and Council have decided to withdrawal their participation with the Maryland State Police Task Force and involve themselves now with the Sheriff's Department Narcotics Enforcement Team. Councilmember Price made a motion to approve the decisions made during the Executive Session. Councilmember Jones seconded the motion. All in favor, motion carried.

The Mayor and Council decided to take Resolution No. 2011-03 and make a few changes to the wording, we will have a revised version from the Town Attorney in a couple of days and will be able to take action on the matter at our next meeting.

With there being no further business, Councilmember Price made a motion to adjourn at 11:27 p.m.; Councilmember Francis seconded. All in favor; motion carried.

Approved:

Robert E. Willis, Mayor

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian Nesspor, Councilmember