

Town Commissioners' Meeting Minutes
July 26, 2011, 6:30 pm

Public Comment (while waiting for a third Commissioner to arrive and not recorded)

Gophrey Richardson spoke about the dumpster and that it is too small. Mr. Richardson felt the Town Dumpster seems suitable for a situation where a resident is moving and needs a place to dispose of last-minute refuse. Previously, Mr. Richardson was informed by Commissioner Letts that unauthorized use of this dumpster is considered theft of service. Mr. Richardson would like a larger dumpster for extra trash and larger (bulk) waste.

Rosalynn Bott spoke regarding the dumpster which the fire company uses especially if they have fire hall rentals. She mentioned that often it is overflowing and frequently other people are seen using it to dump trash. It was explained that the cost of the dumpsters are built into the cost per resident charge; there would be a charge for a larger dumpster. Ms. Bott was asked for her opinion on eliminating the dumpster in lieu of large, rolling trash can; she felt this would increase trash and litter on the streets. (Beginning of recording)

Meeting was called to order at 6:45 PM by President Gell. Also in attendance were Commissioner Mary Carol Durange and Commissioner Donna Sheets. Commissioners Michael Doss and Joseph Letts were absent.

The Pledge of Allegiance was led by Judy Calvert.

The Accounts Payable report was reviewed and Commissioner Sheets motioned for approval; this passed 3-0.

The minutes from the July 12, 2011 meeting were reviewed with Commissioner Sheets making the motion for approval with the addition of "Civil War" added to Prosper Bodart's reference to the cemetery during his public comment. This motion passed 3-0.

President Gell explained the process of organizing the Zoning Committee Review Board which was tasked to revise Chapters 175 and 150 of the Charlestown's Code. Christopher Rogers, URS Corporation, was hired, with a grant from WILMAPCO, to help the Planning & Zoning Commission and the Board of Appeals with the process, was present to explain the functions of the Subdivision of Land Code (Chapter 150) and the Zoning Code (Chapter 175). He explained that the Subdivision of Land chapter relates more to new developments; regulating the infrastructure, land management and utilities. The Zoning Ordinance regulates use in established areas in Town. A change was recommended regarding multi-family dwellings in R3 zoning where the language was unclear. There were no standards for lot sizes, setbacks, parking lots, landscaping and so forth. It clarifies that multiple family dwellings are permitted in R3 zoning as a special exception although they are not allowed in the Historic District. Exceptions would have to be approved by the Board of Appeals. This would allow the community an opportunity to participate in the decision to allow special exceptions.

Next was clarification of the existing language relating to non-conforming lots. It would now be permitted to build on non-conforming lots, meeting the setback requirements as much as possible and working with the Planning Board. There would be minimum setbacks which must be met, however. The existing requirement to combine lots would be eliminated and the change would not discourage major rebuilding or renovation efforts provided there is no change in the non-conformity. Any variance in the non-conformity would need approval through the Board of Appeals.

Another change would allow hospitals and health care only in R1 zoning as a special exception.

The enforcement section of the Zoning Ordinance was “beefed up” using much of the language from Cecil County’s Ordinance. It had been recommended to have the same enforcement language within the land use code.

The draft language would permit apartments above existing commercial dwellings in C1 zone including the Historic District. Definitions were clarified and some other definitions were added especially relating to town houses, duplex houses, semi-detached and other multi-family dwellings. Family day-care facilities were added as a permitted use in all zones with special exceptions granted by prior permission. Individual mobile homes and mobile home parks are no longer permitted unless grandfathered.

There were no substantial changes made to the subdivision regulations. There were language changes regarding the requirements for road widths, rights-of-way, drainage and curvatures. It was noted that Charlestown deferrers to the County road code for the technical specifications but the Town could regulate other issues. Considerable changes were made to what actually must be shown on subdivision plans and plats with language again borrowed from Cecil County. A discussion ensued concerning storm water ordinances as they relate to subdivisions and developments.

Rogers Clements noted that the committee has been working on the revisions for a year and he further explained other items such as driveways and sidewalks are no longer being considered as structures.

Mr. Rogers explained the next steps required by the Town would include holding a public hearing. The Commissioners must decide whether they want to take action at the public hearing or at a later meeting. Drafts should be available for viewing. An ordinance would need to be adopted to institute the changes. President Gell asked for a motion to accept this report from the Planning & Zoning Commission and the Board of Appeals and to schedule a Public Hearing. Commissioner Sheets made this motion and it was approved 3-0.

Dr. Richard Price explained that the Charter Review Commission consisted of ten people who began meeting in May of 2010. He presented their recommended changes in a summary format.

Section 301 - Change the annual Town Election date from January to the first Tuesday in April. In the event of a tie vote, Commission member, Ken Confalone, suggested a coin toss as the tie-breaker and this was recommended. Commissioner terms would begin on the second Tuesday in April; with the regular Commissioner meeting in April.

Section 302 - Language was added to require that Commissioners remain residents of the Town during office.

Section 304 - The Town Clerk’s ability to call meetings was changed to the Town Administrator’s capability. Special meetings may be called by Town Administrator or majority vote of the Commissioners.

Section 305 - Describes the election of the President; this would be expanded to include the election of all Charlestown officers.

Section 306 - Correction of the spelling of quorum. Also clarify that a majority of the commissioners – three- (3) can transact business but all three must vote for approval of any ordinance.

Article IV, Role of the President
Section 401 - Would be deleted.

Section 402 – a. No change. b. through f. - The Commission did an extensive re-write of these sections reviewing the powers and duties of the President regarding meetings, personnel actions, dissemination of information regarding municipal affairs and recommendations deemed proper for the public good, having the budget prepared by May first for consideration and have other powers that are prescribed by the Charter.

Section 502 – Revising the wording regarding the powers of the Town Commissioners to approve ordinances, municipal planning, budgets and personnel actions.

Section 503 – Revising the wording of this “Enforcement” section.

Section 605 – Revised to change the notices required regarding election candidates to the Board of Elections.

Section 606 - In the past, Voter Registration List was administered by the Town Commissioners; the proposed change would have Charlestown’s Election Board maintain the list.

Section 701 - The Treasurer’s role has been defined and made more specific.

Section 710 – The wording of this section has been refined.

Sections 713 thru 715 – Eliminated since Charlestown no longer collects its own taxes.

Section 801 – Mention of “Town Clerk” to be deleted and Town Administrator duties have been added.

Language concerning a Town Commissioner’s removal from office has been added.

The State of Maryland requires this Board is to pass a resolution for each change that is to be made. Public notification is to be made within 40 days of passing the resolution(s) and not less than 4 times in the general circulation publications. Public hearings are not required. If there are objections to any of the resolutions which have been passed, petition signatures from 20% of the registered voters are required to force a referendum. Items that are not appealed can be approved. President Gell noted that the Commission’s report must first be accepted and then, to move forward, resolutions must be prepared. Commissioner Durange made the motion to accept the report; to have resolutions prepared and to move forward with accepting the Charter revisions. This was approved 3-0. President Gell thanked the Commission for their work.

Town Administrator’s Report

Old Business

- ADA Parking at Town Boat Ramp is required by Department of Environment and will require quite a bit of work. Work plans were supplied by the MDE detailing the estimated \$9,033 project which will be paid from the balance (\$10,360.86) of funds from a previous grant. The Board was asked their approval to move forward. This handicap parking spot at the boat ramp would be for long-term parking. Commissioner Durange motioned to move forward with installation of the parking spot and this was approved 3-0.

New Business

- Emily Fletcher reviewed budget amendments and corrections. Also discussed was the boat docking and storage user fee which was included in the original budget but now shows a reduction of \$29,440 and it was questioned how to address this monetary shortfall. Commissioner Sheets asked for further review opportunity and it was agreed to devise a future budget amendment. Commissioner Durange motioned to approve amending Budget Amendment 1 and 2 and to approve new Budget Amendment 3. This was approved 3-0.
- A billing error in Charlestown Marina’s sewer charges revealed that the Town has overcharged them for 22 quarters for 30.12 EDU’s when it should have been 25.63 EDU’s. Charlestown Marina has agreed to accept the repayment (\$6,173.75) as a credit to the water/sewer billings. President Gell asked if a motion was required to approve the repayment with credit. Commissioner Sheets moved to refund Charlestown Marina’s money as a credit with all approving 3-0.

- Applications for Waterway Improvement Fund Grants are due by August 5th. Last year Charlestown received \$50,000 which was used to re-deck the piers and will be installing the ADA parking at the boat ramp. There are 11 specific areas that can be funded. Reinforcing the shoreline area by flag pole is not an approved use. A proposal to analyze the dredging spoils at the Town DMP site is an acceptable use. If the spoils tests are acceptable, the Town could either sell or give away the soil so the DMP site, which is now filled to capacity, can be emptied for future use. A decision would be needed before Friday, July 29, 2011.
- Any applications for Community Parks & Playgrounds Grants must be submitted by August 18th. Charlestown has received grant funds over the years for various projects. The Commissioners were asked for suggestions for grant funded projects. Resurfacing the tennis and basketball courts was suggested. It was noted that this would cost \$86,545 and would be far more than the grant would cover. A local construction company can resurface the basketball court for \$11,600 not including the striping. It was indicated that Charlestown would have little chance of getting the \$85,000 for both projects.

Resolution 2011-07 regarding salaries and evaluations was presented with the notation that if there is any discussion, it must be done in an executive session. The resolution approves the salary adjustments and review of the personnel appraisals and evaluations. It was announced that Linda Jackson has tendered her resignation and that advertising for a replacement will be done. Commissioner Sheets moved to accept Resolution 2011-07 and all approved 3-0.

Period of Public Comment

Judy Calvert commented on the dumpster issue and wonders if the dumpster is overflowing, couldn't it be emptied more often. President Gell noted that the dumpster in the center of Town seemed to be the issue. Ms. Calvert feels it is so petty that every little item that occurs in Town is reported. Commissioner Sheets proposed a bigger dumpster; another proposal would be to enclose it. The Town would have to pay for a larger dumpster and/or extra pick-ups. The Board will take these suggestions under advisement.

Dennis Taylor spoke regarding the Charter revisions and noted that the Board has held public hearings on different subjects so he was wondering why a public hearing for the Charter changes would not be considered, unless the State prohibits this. He also questioned the monetary discrepancies caused by the change in the slip fee income and the lawn contractor versus a full-time position.

Jamie Hollenbaugh of Cecil Street spoke about a driver who flipped his truck, boat trailer and boat into the creek by her house where her children often play. She would like a guard rail, speed bump or a light in this area so she doesn't have to be worried about her children playing in the front yard and someone coming around the corner (Market & Cecil Streets) too fast. State highway will be contacted regarding a guard rail.

Rosalyn Bott noted that since Nile Garrison left, unsightly weeds are growing up on the bank behind the flag pole at Long Point and she asked that they be cut. Also, the end of Caroline Street entering Bladen Street is still in need of repair and she was informed that it is on the schedule of streets to be repaired.

Rebecca Phillips and Ronald Edwards asked about the donations from the Town. President Gell mentioned that a decision on this has been postponed until the next meeting so the Board can have time to decide on allocations.

Commissioner Sheets motioned for adjournment. Meeting adjourned at 8:21 pm.

Respectfully submitted by Linda Jackson