

**Mayor and Council of Federalsburg
Monday, December 5, 2022
Business Meeting @ 6:00 P.M.**

This Meeting is being held at the Mayor and Council Meeting Room located at 118 North Main Street. Citizens who wish to participate by video shall follow directions listed below:

Join Zoom Meeting

<https://us02web.zoom.us/j/81691091151?pwd=TTRkNkpQU0g0QVJ5Yy9YT1F0SU5QZz09>

**Meeting ID: 816 9109 1151
Passcode: TOFBusi**

Agenda

- I. Call to Order**
- II. Welcome and Pledge of Allegiance, Invocation - Pastor Colbourne**
- III. Public Comment**
- IV. Approval of Minutes**
- V. ORDINANCE NO. 2022-09 AN ORDINANCE OF THE MAYOR AND COUNCIL OF FEDERALSBURG TO AUTHORIZE THE FEDERALSBURG POLICE DEPARTMENT TO ISSUE AND ENFORCE CITATIONS BASED ON SPEED MONITORING SYSTEMS**
- VI. ORDINANCE NO. 2022-10 AN ORDINANCE OF THE MAYOR AND COUNCIL OF FEDERALSBURG TO AMEND CHAPTER 239 OF THE FEDERALSBURG TOWN CODE TITLED "WATER SYSTEMS, PRIVATE" TO AMEND THE PROCESS FOR OBTAINING A PRIVATE WELL IN TOWN**
- VII. RESOLUTION NO. 2022-01 A RESOLUTION OF THE MAYOR AND COUNCIL OF FEDERALSBURG AMENDING ARTICLE IV AND ARTICLE V OF THE**

FEDERALSBURG TOWN CHARTER TO AMEND THE PROCESS FOR APPOINTING CERTAIN EMPLOYEES

VIII. Review of Town Charter Article II - Elections

IX. Mayor & Council Action Items

- * Councilmember Windsor
- * Councilmember Sewell
- * Councilmember Phillips
- * Councilmember Willoughby
- * Mayor Abner

X. Executive Session – Legal Advice and Personnel

XI. Adjournment

NOTES:

THE MEETINGS ARE BEING RECORDED, PLEASE TURN OFF ALL CELLULAR DEVICES AND PAGERS DURING THE MEETING, PLEASE REMAIN QUIET, UNLESS ADDRESSING THE COUNCIL.

Please Note: Pursuant to the Annotated Code of Maryland, State Government Article Section 10-508(a), the Council by majority vote may retire to executive or closed session at any time during the meeting. Should the Council retire to executive or closed session; the chair will announce the reasons and a report will be issued at a future meeting disclosing the reasons for such session. Meetings are conducted in Open Session unless otherwise indicated. All or part of Mayor and Council meetings can be held in closed session under the authority of the state open meetings law by vote of the Mayor and Council.

Rules for Public Comment

The Mayor and Council invite and welcome comments at public meetings. The Mayor or presiding officer will recognize you. Please introduce yourself at the podium (spelling your last name, for recording purposes) and give the name of your street and block number (e.g., 100 block of Main Street).

Time limits for speaking are indicated on the meeting agenda. While speaking, please maintain a courteous tone and avoid personal attack.

Mayor & Council of Federalsburg
Monday, November 7, 2022
6:00 pm

The Mayor & Council of Federalsburg held their regular monthly meeting on Monday, November 7, 2022 at 6:00 pm, in the Mayor & Council meeting room located at Town Hall. Those in attendance were Mayor Abner and Councilmembers Sewell, Phillips, Windsor and Willoughby. Lyndsey Ryan, Town Attorney, staff and members of the public were also present.

Mayor Abner called the meeting to order at 6:00 pm, welcomed all guests present and led the group in the pledge of allegiance.

Public Hearing – Ordinance No. 2022-07 – Amendment to Animal Ordinance

Mayor Abner read Ordinance No. 2022-07 of the Mayor and Council of Federalsburg to amend Chapter 17 of the Federalsburg Town Code entitled “Animals” to prohibit the keeping of farm animals in all zoning districts and to prohibit the keeping and maintaining of any exotic animals as described and regulated by State Law.

An Academy Avenue resident raised concern about his goats, which he’s had for about 6 years when he was told they were permitted. With the changes in this ordinance this puts his animals in non-compliance. After lengthy discussion, it was agreed that current/existing animals would be grandfathered for two years. A notice will be sent out to residents advising them to register their animals with the Town. At the end of the two year period, residents will have to remove them from town limits.

Councilmember Windsor made a motion seconded by Councilmember Phillips and unanimously passed by a vote of five to zero to to close the Public Hearing at 6:04 pm.

Public Hearing – Ordinance No. 2022-08 – Repeal and Reenact Ethics Ordinance

Mayor Abner read Ordinance No. 2022-08 of the Mayor and Council of Federalsburg in its entirety and reenact Chapter 65 of the Federalsburg Town Code to provide Ethics provisions applicable to the local elected officials, employees, and appointees to the Boards and Commissions of the Town of Federalsburg.

There were no questions or comments.

Councilmember Sewell made a motion seconded by Councilmember Windsor and unanimously passed by a vote of five to zero to closed the Public Hearing at 6:06 pm.

Prayer of Invocation

Pastor Passion Tilghman offered the prayer of invocation.

Sarah Rich – Choptank Community Health

In October at the Mayor and Council Workshop, they reviewed the Quit Claim Deed from Two Farms, LLC (Royal Farms) facilitating the transfer of the right-of-way parcel for Hayman Drive to the Town. This parcel is essential to providing safe and effective access to the new Federalsburg Health Center between the existing sections of Hayman Drive and Hargreaves Drive. Choptank will be responsible for completing the additional section of Hayman Drive which will traverse the parcel within the Quit Claim Deed. Choptank agrees to work very closely with the Town to ensure the new street meets all guidelines and regulations, as well as, State and Federal regulations for new construction, sidewalks, and critical infrastructure.

Sarah also shared a sneak peek of the new preliminary design of the 21,000 square foot facility, where they will offer medical, dental, mental health and pediatric services to the community.

Public Comment

Jim Thomas, University Avneue - thank you for hosting the fishing tournament – it was a great event.

Mr. Thomas expressed concern regarding Code Enforcement, and why the Town contracted with a DE firm for permitting. Mr. Thomas was advised that the Mayor and Council bid out these services and the DE firm was the only bidder. They are a reputable company and have been working very well for the Town. Mr. Thomas questioned why the current Code Enforcement was not doing the inspections and he was advised that he was not hired for that service. The previous Code Enforcement Officer was certified in several areas and was able to perform different services. The job description has since changed.

Approval of Minutes

Councilmember Windsor made a motion seconded by Councilmember Phillips and unanimously passed by a vote of five to zero approving the previous months minutes as presented.

Action on Ordinance No. 2022-07 – Animals

Ordinance No. 2022-07, an ordinance of the Mayor and Council of Federalsburg to amend Chapter 17 of the Federalsburg Town Code entitled “Animals” to prohibit the keeping of farm animals in all zoning districts and to prohibit the keeping and maintaining of any exotic animals as described and regulated by State Law.

There were no comments or questions.

Councilmember Windsor made a motion seconded by Councilmember Phillips and unanimously passed by a vote of five to zero approving Ordinance No. 2022-07 entitled Animals.

Action on Ordinance No. 2022-08 – Ethics

Ordinance No. 2022-08, an ordinance of the Mayor and Council of Federalsburg in its entirety and reenact Chapter 65 of the Federalsburg Town Code to provide Ethics provisions applicable to the local elected officials, employees, and appointees to the Boards and Commissions of the Town of Federalsburg.

There were no comments or questions.

Councilmember Willoughby made a motion seconded by Councilmember Phillips and unanimously passed by a vote of five to zero approving Ordinance No. 2022-08 entitled Ethics.

Presentation – Town Comprehensive Financial Review by Ms. Jennifer Diercksen, Davenport & Company

Jennifer Diercksen, Davenport & Company was present on zoom and shared a presentation which the Town Manager shared on tv screen regarding their proposal. Ms. Diercksen stated that this report would provide an overview of where the Town is financially and look at historic trends. It will give the Mayor and Council an idea of where they stand and provide recommendations to make sure the Town maintains a healthy financial future.

Davenport will compose an analysis of historical trends, upcoming capital needs and look at revenue and expense trends. They will put together a presentation, including any recommendations and present their findings to the Mayor and Council with an included timeline. The final version should be submitted to staff by the end of the year, with presentation to the Mayor and Council in January.

Ms. Diercksen will work with the Town Manager to keep things moving on comprehensive financial review. All Mayor and Councilmembers were in agreement to proceed. The cost for the work by Davenport was approved under ARPA funding up to the amount of \$20,000.

Follow-up Discussion – Quit Claim Deed Request for Hayman Drive

Lyndsey Ryan, Town Attorney, stated that Choptank Community Health requested the town take quit claim deed behind Food Lion for Choptank to improve the roadway. Royal Farms is giving the Town this property under this agreement.

Councilmember Windsor made a motion seconded by Councilmember Sewell and unanimously passed by a vote of five to zero approving the Quit Claim Deed agreement with Two Farms, LLC

Review of Town Code of Ordinance Sections 239-8 and 239-12 (Private Well for Use)

Larry DiRe, Town Manager presented possible amendments for Sections 239-8 and 239-12 to the Town Code. While current language is descriptive, it remains somewhat procedurally ambiguous. Specifics such as a pre-application hearing, or hearing at the completion of the application process are absent and could make for a process which treats different applicants differently simply due to ambiguity of language. The interested and impacted public should have clarity on the documentation available for review and comment, the duration of the comment period, the process(es) to file comments as part of the public record, and information on what constitutes standing to appeal any decision. In fact, the ordinance would benefit from language defining an appeal process and standing to request appeal of the Mayor and Council's decision. The town's ordinance does not include timing on the application, review and decision within the context of State permitting processes.

A draft of possible changes/upgrade to these sections was presented and reviewed by Mayor and Council. More information was requested regarding existing wells within town limits.

Proclamation – November is Municipal Government Works Month

Mayor Abner read a Proclamation declaring November as Municipal Government Works month, and stated that it will be posted on FB, with an explanation on how government works and highlight what happens in town.

Mayor & Council Action Items

Councilmember Windsor – Veterans Parade – Nov 12 at 1 pm lineup at 12 – Mayor and Councilmembers will meet at town hall and walk in the parade

Councilmember Windsor asked if there was any info available on the Thanksgiving day meals/delivery. Mayor Abner stated that she was waiting for more details.

P&Z – Bob Rauch requested a lot line revision to shift the placement on on of the structures at the Riverwalk Terrace development because it was located too close to the drop off. Councilmember Windsor reported that the P&Z Commission agreed to start over on the Comprehensive Plan because it needs a total overhaul. They would like to start fresh and submit to Mayor and Council for approval and have a joint meeting to discuss this plan further.

Councilmember Sewell – Lots of events taken place in the past couple of weeks; Hayday, Trunk or Treat at the VFW, sandwich sale, Trunk or Treat at FES, movie night, candlelight dinner at Exeter, and the Madness on Marshyhope tournament.

Councilmember Sewell reported that the CCAM meeting will be held in Denton on Wednesday, November 9th at 6 pm – Delegate Ghrist and other delegates will be attending.

Saturday, November 19th there will be a cleanup day in Chambers Park.

Councilmember Sewell asked about the status of a ribbon cutting ceremony the for Solar Project. Town Manager DiRe is working on this project.

She also reported that she has tickets for the Lions Club cash bash, they are \$5 and will be drawn on Dec 2nd at tree lighting.

Councilmember Phillips – Councilmember Phillips has concerns regarding the zoning ordinance and would like to have some of the zones updated. He would like to have the ordinance updated to not allow any more duplexes or triplexes, and consider parking regulations. He also stated that he does not agree and does not agree with updating the Comp Plan. He would like to meet with the Commission to see what areas they are having trouble with.

Councilmember Phillips reported that there will be a playoff football game at CRHS Friday night at 6 pm.

Councilmember Willoughby – Nothing at this time.

Mayor Abner – Mayor Abner reported that the Madness on the Marshyhope fishing tournament went very well. They had approximately 70 anglers and 193 fish were caught weighing in at 294.54 lbs. The youth fishing derby also went well and there were fames and lots of good food. DNR was also there and provided lots of information about the damage that the catfish are doing to the Marshyhope.

Mayor Abner thanked the PW Department for help with setup and use of gater.

The Veterans Day parade will be on November 12th at 1 pm.

Request for Executive Session – Personnel

Councilmember Willoughby made a motion seconded by Councilmember Sewell and unanimously approved by a vote of five to zero requesting an executive session to discuss a personnel matter at 7:17 pm

The meeting reconvened at 7:48 pm and Mayor Abner reported that a closed session was held from 7:18 pm to 7:46 pm to discuss a personnel matter. No action was taken.

Adjournment

There being no further business, Councilmember Willoughby made a motion seconded by Councilmember Sewell and unanimously passed by a vote of five to zero to adjourn the meeting at 7:47 pm.

Respectfully submitted,

Kristy L. Marshall

Clerk - Treasurer

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: December 5, 2022
RE: Ordinance 2022-09

The proposed draft ordinance provides for the town, working with a local company, Red Speed, to utilize speed ticketing cameras in town. These radar systems can be located within one-half mile of any public school and will automatically issue payable tickets once a violator is detected going over the posted speed limit. With students walking to school from all over the west side of town, it is advisable to designate as much area as possible for potential enforcement. If approved one stationary device would be located on University Avenue, along with one mobile device that we could move around to differing locations as needed. The revenue stream could assist with the police department budget moving forward. Citations have a fine of \$40 set by the Maryland General Assembly and the town would divide proceeds with the vendor minus expenses.

Staff recommends mayor and town council approve the draft ordinance and set a public hearing date. Pending further discussion, provide direction to staff.

ORDINANCE NO. 2022-09

Introduced by: _____

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF
FEDERALSBURG TO AUTHORIZE THE FEDERALSBURG POLICE
DEPARTMENT TO ISSUE AND ENFORCE CITATIONS BASED ON
SPEED MONITORING SYSTEMS**

WHEREAS, pursuant to the Town of Federalsburg Charter, Section C3-7, the Mayor and Council of Federalsburg have the power to pass ordinances for the purpose of securing persons and property from violence, danger or destruction, and for the protection and promotion of health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann. Transportation Article § 21-809, the Federalsburg Police Department has the authority to use and enforce citations issued from speed monitoring systems within one-half mile of any school; and

WHEREAS, in accordance with Md. Code Ann. Transportation Article § 21-809, the Mayor and Council conducted an advertised public hearing on _____, 202__; and

WHEREAS, the Mayor and Council have determined that it is desirable and in the public interest to authorize the Federalsburg Police Department to utilize speed monitoring systems within one-half mile of the Federalsburg Elementary School.

NOW, THEREFORE, be it ordained by the Mayor and Council of Federalsburg as follows:

Section 1. Designation of School Zones. A school zone, as defined in Md. Code Ann. Transportation Article § 21-809 (hereinafter the “Statute”) is hereby designated within one-half mile of the property improved by the Federalsburg Elementary School situate and lying within the corporate boundary of the Town.

Section 2. Establishment of Speed Monitoring System. A speed monitoring system, as defined by the Statute, is hereby authorized and established in the school zone designated in this Ordinance. The Federalsburg Police Department is authorized to implement and enforce citations issued by the speed monitoring system.

Section 3. Contracts with Speed Monitoring System Contractors. The Mayor and Council may, by resolution, enter into one or more contracts from time to time with one or more qualified speed monitoring system contractors, as provided in the Statute, upon such terms and conditions as deemed desirable by the Mayor and Council; provided however, that no such contract may include a provision under which the contractor’s fee is contingent on a per-ticket

Speed Monitoring System
Ordinance 2022-09

basis on the number of citations issued or paid. The Contractor designated pursuant to this Section shall be the speed monitoring system operator, as defined in the Statute, shall operate the speed monitoring system in accordance with the Statute, and shall administer and process warnings and civil citations as provided in the Statute.

Section 4. Penalty. The driver of a motor vehicle is subject to a civil penalty in the amount of \$40 if the motor vehicle is recorded by a speed monitoring system as being operated in a school zone in excess of the posted speed limit.

Section 5. Administrative Fees. The Town of Federalsburg hereby imposes and may collect the following administrative fees related to the implementation of a speed enforcement using speed monitoring systems in school zones within Town:

- a. MVA flagging fee for unpaid citation: \$35;
- b. Returned check fee: \$25 per returned check;
- c. If a speed camera or red-light camera citation has not been paid in 30 days, the fee shall double, and if not paid in 60 days, the fee shall double again for each speed and red-light camera citation;
- d. Any citations for speed or red-light camera that are unpaid after 60 days risk the suspension of their tags.

Section 6. Notice. If the Town moves or places a mobile or stationary speed system to or at a location where a speed monitoring system had not previously been moved or placed, the Town may not issue a citation for a violation recorded by that speed monitoring system:

- a. Until signage is installed in accordance with Transportation Article, § 21-809(B)(1)(VII), of the Maryland Annotated Code, as amended from time to time; and
- b. For at least the first 15 calendar days after the signage is installed.

Section 7. Warning. Within first 30 days after the first speed monitoring system is placed in the jurisdiction, a violation recorded by any speed monitoring system may be enforced only by the issuance of a warning.

Section 8. Severability. In case any one or more of the provisions of this Ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceable shall not affect any other provision hereof; and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Speed Monitoring System
Ordinance 2022-09

Section 9. Effect. In accordance with Section C3-10, of the Federalsburg Town Charter, this Ordinance shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

	Yea/Nay
Kimberly Abner	_____
Debra Sewell	_____
Edward H. Windsor	_____
Robert Willoughby	_____
Scott Phillips	_____

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2022.

Kimberly Abner, Mayor

Delivered by the Mayor and recorded by me in the Minute Books of the Mayor and Council of Federalsburg this ____ day of _____, 2022.

Kristy Marshall, Town Clerk

Date Introduced: _____
Date Amendments Introduced: _____
Date Passed: _____
Effective Date: _____

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: December 5, 2022
RE: Ordinance 2022-10

The proposed draft ordinance provides for amendments to the Town Code of Ordinance sections cited. This matter was brought forward by staff and discussed by the mayor and town council at the November 7, 2022 meeting and November 21, 2022 workshop. The draft ordinance language reflects those discussions. At this time staff has nothing additional for this draft ordinance.

Staff recommends mayor and town council approve the draft ordinance and set a public hearing date. Pending further discussion, provide direction to staff.

ORDINANCE NO. 2022-10

Introduced by: _____

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF
FEDERALSBURG TO AMEND CHAPTER 239 OF THE
FEDERALSBURG TOWN CODE TITLED “WATER SYSTEMS,
PRIVATE” TO AMEND THE PROCESS FOR OBTAINING A PRIVATE
WELL IN TOWN**

WHEREAS, pursuant to Md. Code Ann. Local Government Article § 5-202, and Federalsburg Town Charter Section C3-7, the Mayor and Council have the authority to adopt ordinances to protect the health, safety, comfort and convenience of the residents of the Town; and

WHEREAS, the Mayor and Council are concerned about the risk of water wells running dry and groundwater depletion; and

WHEREAS, the Mayor and Council have a process for approving private wells within the Town of Federalsburg that they believe is inadequate to address their concerns and ensure the protection of the public health and welfare; and

WHEREAS, the Mayor and Council have determined that it is desirable and in the public interest to amend the Town Code to further define the process for seeking a permit for a private well and increase the fees for doing so within the corporate limits of the Town.

NOW, THEREFORE, be it ordained by the Mayor and Council of Federalsburg as follows:

Section 1.: Chapter 239-8 of the Federalsburg Town Code is hereby amended as follows:

§ 239-8 Application; fee; drawings and specifications.

Any person contemplating the construction of a private well for domestic use, outside irrigation purposes, refrigeration cooling purposes or the filling of swimming pools shall, ~~previous~~ *prior* to the beginning of any construction, make a formal application *to the Town Office*. The permit fee shall be *paid at the time of submitting the application and the fee shall be set by resolution by the Mayor and Council* ~~\$25 for each well~~. *Applications shall not be considered by the Town until all necessary state, county, and federal approvals have been obtained.* Applications for such permit, except wells referred to in Subsection C of this section, shall be in a form provided by the Codes Inspector. Whenever in the opinion of the Codes Inspector, *or Town Engineer*, complete plans and

specifications are needed to show ~~definitely~~ the desired installation for which the application is made, the applicant shall furnish such drawings and specifications. These drawings and specifications shall be drawn to scale and submitted in duplicate. If approved, one set shall be returned to the applicant marked approved, and one set shall be retained and filed as a permanent record in the office of the Codes Inspector.

Section 2.: Chapter 239-12 of the Federalsburg Town Code is hereby amended as follows:

§ 239-12 Use of private wells for industrial purposes.

A. Notwithstanding any of the provisions of this chapter, the use or replacement of existing private wells for industrial purposes may be permitted only upon specific prior approval of the Mayor and Council after formal application thereto and hearing thereon *the content of said application and the findings of the Town's Engineer* at one or more regular meetings of the Mayor and Council. *Applications shall not be considered by the Town until all necessary state, county, and federal approvals have been obtained. The Mayor and Council may extend the public review and comment period for an additional fifteen (15) days past the hearing date. The applicant is responsible for all costs incurred by the Town and any of its agents in reviewing the application, conducting necessary site visits, and advertising for the public hearing.* ~~Such~~ Mayor and Council approval shall be evidenced by a resolution adopted by the Mayor and Council ~~and spread upon its minutes.~~ Such resolution shall set forth in precise terms the exact size, location, depth, use or uses and all other pertinent details with respect to the particular private well approved.

B. It shall be the intent of this section to permit the use of an existing well or to replace an existing well with one of equal depth, size and capacity but not to permit increased well capacity, except for uses permitted by this section. In the Mayor and Council's sole discretion, such resolution also may specify initial permit fees and annual permit renewal fees greater than those provided in § ~~239-8,~~ ~~but such fees in no event shall exceed five times the amounts specified in such section.~~

C. No well shall be permitted nor used, if in the judgment of the Mayor and Council based upon the advice of its engineering firm, the use of the well shall adversely affect the public water supply and operation of the water system of the

Mayor and Council of Federalsburg, *or the water supply of properties within a close proximity to the location of the well requested.*

Section 3. In case any one or more of the provisions of this Ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceable shall not affect any other provision hereof; and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 4. In accordance with Section C3-10, of the Federalsburg Town Charter, this Ordinance shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

	Yea/Nay
Kimberly Abner	_____
Debra Sewell	_____
Edward H. Windsor	_____
Robert Willoughby	_____
Scott Phillips	_____

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2023.

Kimberly Abner, Mayor

Delivered by the Mayor and recorded by me in the Minute Books of the Mayor and Council of Federalsburg this ____ day of _____, 2023.

Kristy Marshall, Town Clerk

Date Introduced: _____
Date Amendments Introduced: _____
Date Passed: _____
Effective Date: _____

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: December 5, 2022
RE: Resolution 2022-01

The proposed draft ordinance provides for amendments to the Town Charter sections cited. This matter was brought forward by staff and discussed by the mayor and town council at the November 21, 2022 workshop. The draft resolution language reflects those discussions. Staff recognizes the corresponding need to amend the personnel manual, job descriptions, and other stand-alone policies such as bonding requirements for certain staff positions. As a practical principle, anyone who touches money should be bonded.

Staff recommends mayor and town council approve the draft resolution and set a public hearing date. Pending further discussion, provide direction to staff.

RESOLUTION NO. 2022-01

**A RESOLUTION OF THE MAYOR AND COUNCIL OF
FEDERALSBURG AMENDING ARTICLE IV AND ARTICLE V OF THE
FEDERALSBURG TOWN CHARTER TO AMEND THE PROCESS FOR
APPOINTING CERTAIN EMPLOYEES**

WHEREAS, Md. Code Ann. Local Gov't Article § 4-304 confers upon the Mayor and Council of Federalsburg the authority to initiate proposed amendments the Charter for the Town of Federalsburg; and

WHEREAS, the Mayor and Council have determined that specific department heads shall be appointed and removed by the Town Manager; and

WHEREAS, the Mayor and Council have determined that subordinate employees shall be appointment and removed by their Department Head, with approval by the Town Manager; and

WHEREAS, the Mayor and Council believe it is detrimental to the operation of town affairs to require a newly elected Mayor to appoint specific department heads at his or her first meeting after he or she was elected into office; and

WHEREAS, the Mayor and Council of Federalsburg have determined that it is desirable and in the best interest of the town to amend Articles IV and V of the Charter for the Town of Federalsburg to allow the newly elected Mayor to appoint specific department heads within 60 days following a Mayoral election, and removing the requirement that certain department heads and subordinate employees must be appointed by the Mayor.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF FEDERALSBURG AS FOLLOWS:

Section 1. Article IV, Section C4-1 of the Charter for the Town of Federalsburg is hereby amended as follows:

**ARTICLE IV
Officers and Employees**

. . . .

Section C4-1. Officers and Employees.

The Mayor, ~~on the first Monday of October after a~~ *within sixty (60) days of the* Mayoral election, may appoint, subject to confirmation by a majority of the Council, a Town Manager, Town Attorney, ~~Building Inspector, Public Works Director, Main Street Manager, Grants Administrator,~~ *the Clerk pursuant to Section C5-1 of the Charter,* and Chief of Police, ~~and a Code Enforcement Officer,~~ who shall serve at the pleasure of the Mayor and Council, subject to

removal for cause. The Mayor and Council may provide for the appointment of such other officers or employees of said Town as ~~it may be deemed necessary for the interests of said Town from time to time and to prescribe the terms, compensation and duties of such other additional officers and employees.~~

Section 2. Article IV, Section C4-2 of the Charter for the Town of Federalsburg is hereby amended as follows:

ARTICLE IV
Officers and Employees

. . . .

Section C4-2. Filling of Vacancies.

In the event that a vacancy shall occur in any office created under this Charter or which shall be created by the Mayor and Council of Federalsburg pursuant to the power conferred in this Charter by death removal, resignation, failure to qualify or otherwise, the Mayor, ***within sixty (60) days*** shall ~~as soon as convenient thereafter~~ appoint another person to fill said office so vacated ~~for the unexpired term, which appointment shall be submitted to the Council for confirmation and when confirmed the new appointee shall take office in the same manner as is heretofore provided, and shall have the same powers and duties as if he/she or she had been appointed in the first place and serve out the balance of said term.~~

Section 3. Article V, Section C5-1 of the Charter for the Town of Federalsburg is hereby amended as follows:

ARTICLE V
Clerk

. . . .

Section C5-1. Appointment; term; salary.

~~At~~ ***Within sixty (60) days of*** the first regular meeting of ~~the~~ ***a newly elected*** Mayor and Council ~~on the first Monday of October 2019, and at the same time every second year thereafter,~~ the Mayor shall appoint, subject to confirmation by a majority of the Council, one person who shall not be a member of the Council, to act as Clerk to the Council, collector of Town taxes and Treasurer, who shall be the same person ***who shall serve at the pleasure of the Mayor and Council*** ~~and whose term of office shall be two years, subject to removal for cause, and until his/her successor is duly qualified. The said officer shall receive such salary and compensation as may be fixed by the Mayor and Council, and he/she shall perform all the duties imposed on him/her by ordinance of the Mayor and Council and by law, and shall be called the "Clerk of Federalsburg."~~ ***The Compensation of the Town Clerk shall be established in the annual budget of the Town.***

Section 4. This Resolution shall be posted and published in accordance with the requirements set forth in Md. Code Ann. Local Government Article § 4-304.

Section 5. The Mayor and Council of Federalsburg held a public hearing on this Resolution on _____, 2023 at 6:00 p.m.

Section 6. This Resolution shall become effective 40 days after final enactment unless a petition for referendum has been filed prior thereto in accordance with Section 4-304 of the Local Government Article of the Code of Maryland. This Resolution shall be deemed “finally enacted” on the date on which the Mayor and Council of Federalsburg indicate their approval of this Resolution by affixing their signatures hereto.

Section 7. As soon as this Resolution becomes effective, the Town Clerk shall cause to be delivered to the Department of Legislative Reference all the information regarding the Charter Amendment, this Resolution, and any referendum held thereon as may be required by the Local Government Article of the Annotated Code of Maryland.

BE IT FURTHER RESOLVED, this _____ day of _____, 2023.

Yea/Nay

Kimberly M. Abner, Mayor	_____
Robert Willoughby, Councilmember	_____
Edward Windsor, Councilmember	_____
Debra V. Sewell, Councilmember	_____
D. Scott Phillips, Councilmember	_____

ATTEST:

MAYOR & COUNCIL OF FEDERALSBURG

Kristy L. Marshall, Clerk-Treasurer

Kimberly M. Abner, Mayor

Language ~~stricken~~ indicates language deleted from the Charter for the Town of Federalsburg. Language in ***bold and italicized*** indicates language added to the Charter for the Town of Federalsburg.

Introduced:
Public Hearing:
Adopted:

Chapter C. Charter

Article V. Clerk

§ C5-1. Appointment; term; salary.

[P.L.L., 1930, Art. 6, sec. 189. 1929, ch. 21, sec. 12; Res. No. 2004-03, 3-1-2004; 1-6-2020 by Res. No. 2019-07]

At the first regular meeting of the Mayor and Council on the first Monday of October 2019, and at the same time every second year thereafter, the Mayor shall appoint, subject to confirmation by a majority of the Council, one person who shall not be a member of the Council, to act as Clerk to the Council, collector of Town taxes and Treasurer, who shall be the same person and whose term of office shall be two years, subject to removal for cause, and until his/her successor is duly qualified. The said officer shall receive such salary and compensation as may be fixed by the Mayor and Council, and he/she shall perform all the duties imposed on him/her by ordinance of the Mayor and Council and by law, and shall be called the "Clerk of Federalsburg."

§ C5-2. Duties.

[P.L.L., 1930, Art. 6, sec. 190. 1929, ch. 21, sec. 13; Res. No. 2004-03, 3-1-2004]

The Clerk of Federalsburg shall keep a full and accurate account of the proceedings of the Mayor and Council in suitable book or books, and he/she shall keep the tax rolls of said Town with the names of the owners of property arranged alphabetically, and he/she shall keep a full and fair account of all money received by him/her and of all money paid out showing from whom or what source it was received and for what and to whom it was paid out, and he/she shall keep on deposit in some bank or banks of Federalsburg to be designated by the Mayor and Council to the credit of the Mayor and Council of Federalsburg all money received or collected by him/her for taxes or from any other source belonging to the said corporation, and said money to be paid out on checks signed by the Clerk and countersigned by the Mayor or the President Pro Tempore of the Council, and shall be drawn only for such debts or purposes as may have been authorized or designated by the Council, and the said Clerk of Federalsburg shall make a full and complete report to the Mayor and Council of Federalsburg by the 15th of each and every month containing a full and complete statement of the financial condition of said Town.

§ C5-3. Bond.

[P.L.L., 1930, Art. 6, sec. 191. 1929, ch. 21, sec. 14; Res. No. 2004-03, 3-1-2004]

The Clerk of Federalsburg shall provide a bond with such corporate surety and in such amount as the Mayor and Council may by ordinance require, and the Town shall pay for such bond. Such bond shall be conditioned on the faithful performance of the duties of the Clerk of Federalsburg, and that he/she will well and faithfully receive, account for and disburse all moneys placed in his/her hands or received by him/her for the use of the said Town, and shall well and truly pay over to his/her successor in office or to the order of the Mayor and Council of Federalsburg all said moneys and shall perform all other duties of his/her office according to law and the ordinances of the Mayor and Council of Federalsburg.

§ C5-4. Appointment of deputy.

[P.L.L., 1930, Art. 6, sec. 192. 1929, ch. 21, sec 15; Res. No. 2004-03, 3-1-2004]

The said Clerk of Federalsburg may appoint, together with the advice and consent of the Mayor of Federalsburg, a deputy to perform, together with himself/herself, the duties of said office, and whose term of office and compensation shall be fixed by the Mayor and Council of Federalsburg.

TO: Mayor & Council Members
FR: Larry DiRe, Town Manager
DT: December 5, 2022
RE: Review of Town Charter Chapter C Article II - Elections

Reviewing and when necessary, amending an organization's governing documents is an essential part of having an organization current on its requirements and obligations to the public. It is also an important exercise in aligning the governing documents with the contemporary operations, policies, practices, and procedures of the organization. To that end, staff is bringing this Town Charter Chapter Article to the mayor and council for review. Three specific sections are highlighted: mayoral term\election day (C2-1); absentee ballot voting (C2-3); and elections with respect to election judges (C2-6). Staff notes those three specific sections, in italic print, deserving review and discussion. One specific text amendment is shown as current language struck in red print and replaced with proposed language in italic print.

[P.L.L., 1930, Art. 6, sec. 181. 1929, ch. 21, sec. 4; 1947, ch. 337, sec. 181; Res., 1-18-1965, sec. 181; Res., 1-27-1984; Res. No. 2004-03, 3-1-2004; Res. No. 2009-02, 2-2-2009]

§ C2-1 Elections

A. Date; time; terms. On the fourth Monday in April 1965, and upon the fourth Monday in April every two years thereafter, an election shall be held between the hours of 7:00 a.m. and 7:00 p.m. under this Charter, for the election of the Mayor and Council of Federalsburg, and after notice printed in some newspaper of general circulation, published in Caroline County, or posted in three conspicuous places in the Town of Federalsburg for at least 10 days before the election. At this election, the two candidates for Council member receiving the highest number of votes shall be elected for a four-year term as Council member. The candidate for Mayor at this election receiving the highest number of votes shall be elected Mayor of Federalsburg for a *two-year term. The term of the Mayor of Federalsburg shall hereafter be for two years. In the year 2011, the election shall not be held in April, but shall be held on the fourth Tuesday in September. The terms of the sitting Mayor and Council members whose terms expire in April 2011 shall be extended until the fourth Tuesday in September 2011. On and after the fourth Tuesday in September 2011, and on the same date every two years thereafter, an election shall be held for Mayor for a two-year term and for two Council members for a four-year term; and all persons deciding to become a candidate for Mayor or Council member shall file with the Clerk of Federalsburg by the first Friday in September prior to any election a written statement of such candidacy, accompanied by a petition signed by at least 10 duly qualified voters nominating such candidate, which written statement of candidacy and the voters' nominating petition shall be substantially in the following form:* (form deleted from this report)

Election. Immediately upon the expiration of the time of filing of petitions by the respective candidates, the Clerk of Federalsburg shall cause to be published in one or more newspapers published in Caroline County or posted in three conspicuous places in the

Town of Federalsburg the names of all the candidates as they are to appear upon the official ballot.

§ C2-2 Qualifications for voting; registration; precincts.

[Res., 1-18-1965, sec. 181A; Res., 1-27-1984; Res. No. 2004-03, 3-1-2004]

A. Voters. Every citizen of the Town of Federalsburg who has been a resident therein for 30 consecutive days next preceding any Town election and who was a qualified voter at the last preceding state or congressional election, or who may reach the age of 18 years between the first Tuesday after the first Monday of November and the date of any Town election as hereinbefore provided, shall be a duly qualified voter of the Town, and every duly qualified voter of the Town who is duly registered in accordance with the provisions of this Charter shall be entitled to vote at any and all Town elections.

B. Registration. The Town shall use the voter registration list prepared by Caroline County.

C. Precincts. The Mayor and Council of Federalsburg may, from time to time, divide the said Town of Federalsburg into such precincts as they may deem advisable from time to time. They may require all persons living within said precincts to vote in the place or places so provided. Until such time as said Mayor and Council may so divide said Town, all persons living within said Town shall vote at the place provided by said Mayor and Council.

§ C2-3 Absentee ballots; voter assistance.

[Unnumbered Res. No. 1, 7-26-1994; Res. No. 2004-03, 3-1-2004]

A. Qualification: *The following persons may vote as absentee voters in Town elections:*

(1) *Any qualified voter in the Town who may be unavoidably absent from the Town for any reason on any Town election day.*

(2) *Any qualified voter of the Town whose physical disability confines him/her to his/her home or will otherwise prevent him/her from being present and personally voting at the polls on any Town election day.*

B. Application for ballot.

(1) *A qualified voter of the Town desiring to vote at any Town election as an absentee voter shall make application in writing to the Town Clerk for an absentee ballot, which application must be received not later than five calendar days before the election.*

(2) *Upon receipt of said application the Town Clerk shall promptly mail or deliver a ballot to the qualified applicant which shall be marked at the top "Absentee Ballot." Underneath these words shall be printed the following instruction: "Mark ballot by placing an X in the proper blank after each candidate or question that you wish to vote for."*

§ C2-5 Voting Machines

[Res., 1-18-1965, sec. 181B; Res. No. 2004-03, 3-1-2004]

Voting machines shall be used in the conduct of municipal elections in the Town of Federalsburg. The Clerk of Federalsburg shall cause to be printed such ballot labels for said voting machines in connection with any Town election as will comply with the provisions of Article 33 of the Annotated Code of Maryland. In the event for any reason voting machines may not be available, then said Clerk shall cause to be printed such paper ballots as will comply with the provisions of said Article 33.

§ C2-6 Elections

[Res., 1-18-1965, sec. 181C; Res. No. 2004-03, 3-1-2004; 1-6-2020 by Res. No. 2019-08]

~~At the first Mayor and Council meeting in the month of September preceding an election~~

No less than sixty days preceding an election, the Mayor and Council shall appoint such number of qualified voters of the Town of Federalsburg as to him/her may appear necessary to serve as Judges at said election, said election to be conducted in all respects as elections are conducted under the provisions of the State Election Law Article of the Annotated Code of Maryland. Prior to conducting each such election, said Judges shall take the oath required of Judges by the State Election Law Article of the Annotated Code of Maryland. Immediately after each such election the Judges appointed hereunder shall announce to all persons present the results of the election and shall return to the Clerk of Federalsburg under their hands the number of votes cast and for whom. Said Clerk shall file the same at once.

§ C2-7 Failure to make nomination.

[P.L.L., 1930, Art. 6, sec. 182. 1929, ch. 21, sec. 5; Res. No. 2004-03, 3-1-2004]

In the event that there shall be a failure to make any nomination for any one or more of the offices to be elected hereunder, then it shall be lawful to nominate a candidate or candidates, as the case may be, for such office or offices at any time prior to the holding of said election, provided a written statement of candidacy and nominating petition is filed.

§ C2-8 Special election in case of tie vote.

[P.L.L., 1930, Art. 6, sec. 183. 1929, ch. 21, sec. 6; Res. No. 2004-03, 3-1-2004]

If at any election for Mayor or Council member there shall be a tie vote between any candidate or candidates for the same office, a special election shall be called by the Mayor

and Council and shall be conducted in the same manner as is provided for in § C2-1 of this article.

Provided for review and discussion only at this time. Pending further discussion, provide direction to staff.