

**Mayor and Council of Smithsburg, MD**  
**Regular Meeting Minutes**  
**Tuesday, September 3, 2019**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, September 3, 2019 at 7:00 PM with Council Members Nathaniel Smith, Dennis Wenthe, Donald Souders, Cassandra Weaver and Richard Hetherington present. Mayor Kesselring was absent. Also in attendance was Clerk/Treasurer Justine Keadle, Town Manager Debra Smith and Chief DeGrange. The meeting was opened with the Pledge of Allegiance Council Member Hetherington.

Jesse Miller from Troop 14 was in attendance to work on his Citizenship in the Community badge.

**Agenda Approval:** On a motion by Council Member Wenthe, Council unanimously approved the agenda.

**Consent Approval of Minutes:** On a motion by Council Member Hetherington, to approve the minutes of the August 13, 2019 Public Hearing, August 13, 2019 Mayor and Council meeting, and the August 27, 2019 Work Session as submitted. Motion carried by a unanimous vote of Council. On a motion by Council Member Wenthe, to approve the minutes of the July 9, 2019 Joint Meeting of the Planning Commission as submitted. Motion carried by a majority vote of Council with Council Member Hetherington abstaining.

**Approval of Executive Minutes:** On a motion by Council Member Hetherington to approve the minutes of the August 13, 2019 Executive Minutes and leave them closed. Motion carried by a majority vote of Council with Council Member Niel abstaining. On a motion by Council Member Hetherington to approve the minutes of the August 27, 2019 Executive Minutes with the revision of excluding Council Member Weaver as present and leave them open. Motion carried by a majority vote of Council with Council Members Smith and Weaver abstaining

**Approval of Treasurers Report:** On a motion by Council Member Wenthe to approve the Treasurer's report as presented. Motion passed by a unanimous vote of Council.

**MAYOR'S REPORT:** Mayor Kesselring reported the following: no report

**TOWN MANAGER'S REPORT:** Debra Smith reported the following: (1) Submitted the FY21 CP&P Grant application to enclose the Lions Park Pavilion for year round use in the amount of \$157,640.00. (2) Still working with the engineer and contractors to obtain various methods of installation to correct the storm drain failure on Emily Way. Should have sufficient details for the September work session. (3) Worked with Stacy Doak, SMS Counselor to create a program to earn Student Service Learning hours with the town. Students needing SSL hours are asked to contact me for various ideas including trash clean up, clearing storm drains, painting curbs, etc. (4) Worked with staff, Washington County and the community to provide clean up after the storm on 8/23. W. C. also provided street cleaning services to the town after the storm. (5) Reminder that the Fall Curbside collection is scheduled for Saturday, October 19<sup>th</sup>.

#### **DEPARTMENTAL REPORTS**

**Police Chief Report:** Karen Parks submitted the following report: (1) There were 82 calls for service during the month of August with 1 juvenile arrests. (2) A total of 0 premise checks were conducted. (3) The Department patrolled a total of 12 hours and 30 minutes on foot. (4) The Department assisted Washington County Sheriff's Dept. 5 times, Maryland State Police 1 time and Smithsburg Fire Department 2 times.

Council Member Souders thanked Chief DeGrange for going to My Favorite Place and talking to the owner and employees.

**Public Works Report:** Jeff Long submitted the following report: (1) Completed quarterly water samples for testing of haloacetic acids and thihalomethanes, Samples were sent to the lab for analysis. (2) Replaced defective mixer in tank #2 at the reservoir, mixer was under warranty. (3) Renewed and upgraded two water services on Bradbury Ave. (4) Sprayed all town properties for weeds. (5) Assisted as needed with National Night Out. (6) Cleaned up down trees and brush from the storm. (7) Drained all underground storage tanks at the reservoir for repairs, valve installation and new access doors.

(8) Replaced the tires on the 2008 F-150. (9) Worked with Mid-Atlantic Utilities on pressure testing of the new 8 and 12 inch transmission mains. (10) Attended the progress meeting on the new transmission water line upgrades.

**Zoning Administrators Report:** Randy Dick, Zoning Administrator submitted the following: (1) Planning meeting was held on August 13, 2019. (2) Assisted Public Works with Miss Utility notifications and Town Manager with architectural building plans for pavilion. (3) Had 37 phone calls, 9 text messages and 47 emails concerning a mixture of building, zoning and planning questions and request for inspections and information.

**On a Motion** by Council Member Hetherington to approve all departmental reports. Motion carried by a unanimous vote of Council.

## **COMMISSION REPORTS**

**Smithsburg Community Activities Committee**-Laura Hendrix reported the following: (1) Halloween party will be October 19, 2019 from 4PM – 8PM and Trunk or Treat at 7PM (2) Next meeting will be on September 16<sup>th</sup>.

**Parks Commission**-Have not had a meeting due to lack of a quorum. Council Member Wenthe will begin working on the Veterans Day ceremony.

**Planning Commission** –no additional report.

**On a Motion** by Council Member Smith to approve all commission reports. Motion carried by a unanimous vote of Council.

## **COMMUNITY ORGANIZATION REPORTS:**

**SEMS Report** -The following report was submitted by Ward Fleger (1) 148 Calls for August 2019. Of these there were: 38 Sick Person/Diabetic Emergency/Abdominal Pain, 21 Ground level falls and traumatic injuries, 10 Chest Pain/Cardiac events, 15 Motor Vehicle Crashes, 14 Respiratory Distress, 11 Unconscious/Fainting/Syncope, 9 Overdose/Psychiatric, 8 Strokes, 7 Event Standby, 9 Seizure/Convulsions, 0 Cardiac Arrest, 6 Life Line Alarms (2) Of the 148 calls, there were 129 calls in Smithsburg, Leitersburg, Mount Aetna, Hagerstown and Cascade/Pen Mar, 12 calls in Franklin County and 7 calls in Frederick County. (3) Attended Fort Richie Triathlon, National Night Out, Leitersburg Peach Festival and had SEMS Ice Cream Social. Mr. Fleger stated the support from the community has been incredible.

## **CITIZENS COMMENTS/CONCERNS:**

Thomas Kissner, 128 Geiser Way-Expressed his concerns over a neighbor who moved and left chicken waste behind that was not cleaned up and has now caused a rodent issue for him. Inquired if the town had a number for safety incidents and how many emails the town received regarding the basketball hoop issue.

Woodrow Mills, 107 Patrick's Court-Expressed his concerns with his camper being shown on the local news network along with his street. Stated that none of the hoops shown on the video were safety issues.

David Dan, 23 W. Water Street-Thanked the Town Manager and staff for the storm clean up and providing materials available prior to the meetings. Thanked Council for making comments available during the Work Session. Inquired if the email between the town attorney and the Mayor and Council be released regarding the Nuisance Abatement.

Steve Fierros, 103 Bachtell Circle-Thanked the Police department and SEMS. Stated he felt that we need to be more concerned about speeding in the developments. Was for citing people for impeding traffic and felt there would be more benefit in that. There are no statistics showing injuries and talked to the previous Chief and he only recalled one incident and did not provide details. We want to encourage kids to be outside. Thanked everyone for their time.

Eric Reed, 108 Patrick's Court-Expressed his concern over the foreclosed house next store. It has been vacant for several years and no clean-up has been done after the storm that went through.

**CONSENT AGENDA:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**MOU between Smithsburg & W.C. for Next Generation 911 Addressing and Road Naming-** All municipalities in the County will working to make sure all maps and addresses are accurate. **On a motion** by Council Member Weaver to approve the Memorandum of Understanding to address road naming. Motion carried by a unanimous vote of Council. Council Member Souders stated that Chief DeGrange will be including information in the Town's newsletter regarding house numbers. This will be mailed out with the next water bill.

**Proposed Amendment to the Nuisance Abatement Code-**Council Member Hetherington stated that basketball hoops have taken front and center but it's not just about that. The Town's right-of-way is from the sidewalk to the street and we are legally responsible. We are trying to make things even across the board and we feel the amendment covers the interest of the town.

Council Member Weaver stated we are addressing this issue due to concerns addressed to the previous Chief and citizen concerns we have received. We would rather be proactive then reactive.

Council Member Souders addressed Mr. Mills concern over his camper being filmed and that was done by WDVM after his interview and was not involved in the filming of his location. This issue is not just about basketball hoops and this body supported the previous Chief who had concerns brought to him. The email that Mr. Dan inquired is privileged client/attorney information and can't be released. The town is liable for the town's rights-of-ways. We have worked on this issue for a period of time and I care about this community.

Tracey Knight-Simane, 44 Byron Drive-Inquired about cars parked along the street. Council Member Hetherington stated that is a separate street ordinance.

David Dan, 23 W. Water Street-Inquired about the current loitering ordinance working for the town right-of-way issue. Council Member Hetherington stated that would not apply as only a person can loiter not an object.

Council Member Souders stated that if we are made aware of pothole and then your vehicle is damaged from that pothole we are liable.

Council Member Weaver stated we have thoroughly discussed the topic.

**On a motion** by Council Member Hetherington to adopt the proposed Nuisance Abatement code amendment Article III. Motion carried by a unanimous vote of Council.

**Approval of Zoning Text Amendment to add new floating zone called Mixed Use Development-**Town Manager Debra Smith stated the prosed text amendment was discussed in a public hearing last month and is said to provide for a desirable living and working environment. **On a motion** by Council Member Hetherington to approve the Zoning Text Amendment to add a new floating zone called Mixed Use Development. Motion carried by a unanimous vote of Council.

**Approval of Veteran's Park Gazebo Construction Bid-** The Town receive two bids to construct a gazebo in Veterans Park under a \$70,000 POS Grant. Two bids were received; one from ALC Companies for a total of \$92,489 and a second from Brian Semler for a total of \$69,176. Recommendation to award the bid to Brian Semler. **On a motion** by Council Member Wenthe to award the gazebo bid to Brian Semler. Motion carried by a unanimous vote of Council.

**Appointment of Director of Public Works-** The town received four applications for the Director of Public Works. One applicant, Austen McCarter was qualified for the position and interviewed and can begin employment on September

9<sup>th</sup>. **On a motion** by Council Member Weaver to proceed with the appointment of Austen McCarter. Motion carried by a unanimous vote of Council.

**Park Commission Member Appointments**-Recommendation to appoint Terri Callamari and Margie Gyurisin to the Parks Commission. **On a motion** by Council Member Smith to appointment both applicants to the Parks Commission. Motion carried by a unanimous vote of Council.

**W.C. Commissioners meeting in (Smithsburg agenda items)**-Meeting will be on September 17<sup>th</sup> at 6PM upstairs at Town Hall. Citizens were encourage to attend with any concerns or issues.

**Smithsburg Citizen to be Honored at Smithsburg Commissioner Meeting**-Council Member Souders recommended Kevin Jeter to be honored at the Washington County Commissioners meeting due to his years of service to the town on the Parks Commission and the Appeals Board.

**Council Members Remarks/Comments:**

**Council Member Wenthe**-no comments.

**Council Member Smith**-Thanked everyone for taking the time to come out and provide their input. Thanked the Fire Company, SEMS and the Police Department. Stated in response to Mr. Fierros comment that the towns is unable to transfer legal obligation of a right away.

**Council Member Weaver**-Welcomed the two new Parks Commission members. Thanked all commission and committee members for volunteering their time. Thanked everyone for their comments and we do what we feel is best. Welcomed Austen McCarter as the new Public Works Director.

**Council Member Hetherington**-Thanked employees, residents, the schools and Troy Jernigan for all the help with the storm clean-up. School is back in session make sure to watch for school buses and stop for red flashing lights. Steam and Craft Show is the end of this month. Come out and support youth athletics biggest fundraiser.

**Council Member Souders**-Thanked everyone for attending the meetings. Reminded everyone to call town hall with concerns such as trash pick-up issues.

**Proposed August work session items:**

Proposed Coordination of SCAC with Town Manager  
Use of Town Hall 2<sup>nd</sup> Floor  
Recording of Town Meetings Police

The meeting was adjourned at 8:10 PM

Respectfully submitted,

Justine Keadle Clerk/Treasurer