

**The TOWN OF SMITHSBURG, MD
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
July 6, 2021**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, July 6, 2021, at 7:00 PM with Mayor Richard Hetherington, Councilmembers Donald Souders, James Fritsch, Tracey Knight-Simane, and David Dan present. Also in attendance was Town Manager Chad Rooney, Clerk/Treasurer Jenni House, and Sergeant Brian Munson. Councilmember Cassandra Weaver arrived at 7:15 PM. The meeting was opened with the Pledge of Allegiance led by Councilmember James Fritsch.

Approval of Agenda: On a motion by Councilmember Souders, second by Councilmember Dan to approve the agenda as presented. **Motion carried.** Councilmember Weaver was not present.

Approval of Minutes:

Public Hearing (Mayor's Ability to Break a Tie) – June 8, 2021

Public Hearing (FY 2022 Budget) – June 8, 2021

Mayor & Council Meeting – June 8, 2021

Special Session – June 14, 2021

Work Session – June 22, 2021

On a motion by Councilmember Dan, second by Councilmember Souders to approve the minutes as presented.

Motion carried. Councilmember Weaver was not present.

Approval of Treasurers Reports: On a motion by Councilmember Souders, second by Councilmember Knight-Simane to approve the Treasurer's Report. Councilmember Dan ask if the sidewalk on Grove Creek Circle was extended, as the previous mayor stated he would pay to have that done when the sidewalks on Geiser Way were done. Public Works Supervisor, John Renard stated that the sidewalk on Grove Creek Circle was not done, he spoke to the previous mayor and was told that the sidewalk would be done at a later time. Councilmember Souders ask if the town would be involved when the sidewalks on Grove Creek was done and Mr. Renard stated that this would not be a town project. **Motion carried.** Councilmember Weaver was not present.

COMMUNITY ORGANIZATION REPORTS:

SEMS Report: Dale Fishack submitted the following report: Total calls for service during the month of June was 124 calls with 12 calls in Frederick County and 15 calls in Franklin County.

Smithsburg Fire Co- No Report Submitted.

MAYOR'S REPORT: Mayor Hetherington thanks everyone who reached out to him and his family on the passing of his father-in-law. Mayor Hetherington stated that although he has not been in the office much in the past 2 weeks the Town Manager Chad Rooney is getting thing accomplished. The mayor congratulated the Smithsburg Lacrosse team in going to the State Championship. The Mayor also congratulated Cameron Rejonis in winning the 400 and 800 meter at the Maryland State Track & Field Championships.

TOWN MANAGER'S REPORT: The Town Manager stated the Consumer Confidence Report has been submitted to MDE. The Town Manager stated that he has been working with the accountant and the auditor for the upcoming audit. Mr. Rooney is continuing to work with Constant Contact to create a Town Newsletter, he would like to get a newsletter out quarterly. Mr. Rooney stated that he, along with Randy Dick, John Renard, Greg White and Mike Hicks, attended a meeting with Cloverly Developers and McCrone Engineering to work through the list of questions presented by Cloverly Developers regarding the Sewer Study. The Town Manager

stated he would be forwarding an email to Mayor and Council regarding the upcoming MML dinner in Williamsport at the Barn. Mr. Rooney met with Senator Corderman and his staff and will continue to work with them on taking over West Water St.

CONSENT AGENDA (Departmental and Commission Reports)

Police Department

Public Works Department

Planning & Zoning Department

Smithsburg Community Activities Commission

Parks Commission

Planning Commission

Library Advisory Board

Economic Development Commission

On a motion by Councilmember Dan, second by Councilmember Souders to approve the reports as presented.

Motion carried.

Councilmember Dan ask who was in charge of contacting the members on the Commission that were coming due for renewal. Councilmember Weaver stated that she believes the Chairperson on each Commission should ask the members if they would like to renew. Mayor Hetherington stated that although this had to be done in the month of July, there is no set date.

Councilmember Knight-Simane acknowledged the recommendations of the Parks Commission. Town Manager, Chad Rooney, stated that he was working with Jeanette Dan on this and that the commission did not have all of the paperwork they needed so they will be added to a later Work Session.

EDC Chairperson Yvonne Ford talked about the success of the Smithsburg Farmers Market. Ms. Ford stated the EDC Commission sold 90 t-shirts and several of the vendors sold out of product and ran home to get more and sold out before the end of the Farmers Market. Ms. Ford stated the commission purchased signs for each of the Farmers Markets and this will be a monthly event. Ms. Ford stated that the EDC Commission is working on getting their website up and running. Thanked Councilmember Dan for the donation of the domain name.

CITIZENS COMMENTS/CONCERNS:

No Citizens Comments

OLD BUSINESS:

Consider Proposed Charter Language Regarding the Definition of a Quorum – Resolution 2021-01

Mayor Hetherington read the proposed resolution for the Charter change. The change would remove the word “elected” and have it changed to “Currently serving on”. **On a motion** by Councilmember Sounders, second by Councilmember Weaver to approve Resolution 2021-01. Councilmember Dan stated that the purpose for revising Sections 31-8 and 31-9 was to make things clearer, if the verbiage is changed he thinks it will make things more confusing. Mayor Hetherington stated that he disagreed and the only way to get on council was to be elected or voted on. Councilmember Souders stated, council has met on this subject 5 times, held a Public Hearing, with no public comment. Mayor Hetherington stated the Charter is not consistent and we can either vote or continue as things are. Councilmember Dan stated that they could vote on it. Motion carried with a 3-2 Councilmembers Dan and Knight-Simane voting against the change.

Consider Proposed Charter Language Regarding the Mayor’s Ability to Break a Tie Vote – Resolution 2021-02 – Mayor Hetherington read the proposed resolution for the Charter change. The change would be that the mayor can break a tie vote, except in the passage of ordinances and the filling of council vacancies. **On a motion** by Councilmember Dan second by Councilmember Weaver to approve Resolution 2021-02.

Councilmember Souders questioned the fact that there was another option for the charter change, however it

covered the Mayor breaking a tie for Charter Amendments and Councilmember Dan stated that the State guidelines already covers the fact that the mayor can't break a tie for charter amendments, therefore the other option is not needed. **Motion carried.**

Consider Proposed Charter Language Regarding the Mayor's Ability to Break a Tie Vote – Resolution 2021-03 – Mayor Hetherington read parts of the Charter change that were different from Resolution 2021-02. The change would be that the mayor can break a tie vote, except in the passage of Ordinances and the adoption of Charter Amendments. **On a motion** by Councilmember Sounders to approve Resolution 2021-02. **Motion died** for lack of a second.

Re-Introduction of Illicit Discharge Detection and Elimination Ordinance

Town Manager, Chad Rooney stated that Council voted last month to pass the adoption of the IDDE as a policy. Per the County this needs to be passed as an ordinance. Mr. Rooney stated that a Public Hearing will need to be held before the Ordinance can be passed. On a motion by Councilmember Souders, second by Councilmember Knight-Simane to introduce Ordinance 2021-03: Illicit Discharge Detection and Elimination Ordinance. **Motion Carried.**

Public Hearing will be held on August 10, 2021.

NEW BUSINESS:

Consider Request from Washington County Department of Health for National Night Out – Town Manager, Chad Rooney stated the Washington County Department of Health would like to hold a COVID-19 vaccination clinic at National Night Out. The clinic will be offering both the Johnson & Johnson vaccine and the Pfizer vaccine. The Health Department will need to come back on August 24, 2021 for the 2nd vaccine for those that chose to get the Pfizer vaccine. **On a motion** by Councilmember Souders, second by Councilmember Weaver to approve the request of the Health Department to hold the vaccination clinic the night of National Night Out. **Motion Carried.**

Councilmember Remarks:

Councilmember Fritsch- Stated the EDC Farmers Market was a great success. Stated he feels that going forward there will be opportunity for more Charter review.

Councilmember Weaver- Thanked the volunteers that work on the Commissions. Thanked fellow councilmembers for their continued diligent and respect as we move forward with all of the business we have to conduct.

Councilmember Souders- Stated this will be Sergeant Munson's first National Night Out and it will be interesting to see what he does. Thanked the EDC for what they have done for the town so far.

Councilmember Knight-Simane- Thanked the EDC for what they have done. Thanked John Renard for the tour of the water and sewer stations. Councilmember Knight-Simane stated that she thinks National Night Out will be a great night, People are coming out in droves because they can.

Councilmember Dan – Thanked everyone for coming to the meeting, stated it was nice seeing new faces. Councilmember Dan also stated that if people spent more time reading the Charter, they would realize it isn't as conflicting as people think. Attended the MML meeting, was a great opportunity to learn, would like to see attendance as part of the budget, it's worth every penny.

Proposed July Work Session Items:

Recommendation for use of Front Load Containers by Commercial Customers

Recommendation for Mountain Shadow Sidewalks

Joint Meeting with Economic Development Commission

MOTION TO ADJOURN

On a motion by Councilmember Souders, second by Councilmember Fritsch to adjourn the meeting at 8:30 PM, **motion carried.**

Respectfully submitted,
Jenni House

Clerk/Treasurer