

**Baltimore County  
Board of Recreation and Parks  
January 9, 2008 Meeting Minutes**

The regular monthly meeting of the Baltimore County Recreation and Parks Board was held on Wednesday, January 9, 2008, at 5:05pm at the Department of Recreation and Parks administrative offices, Towson, Maryland. In attendance were Chairman Jim Emerick, Vice Chairman Steve Verch; board members Mike Weber, Althea Page, Jacob Smith, Steven Kroll, Dunbar Brooks, and Wayne Definbaugh. Also in attendance: Larry Shackelford, president of Lutherville Timonium Recreation Council, Kris Mervine, community supervisor for LTRC and Judy Murray, LTRC flea market manager. Staff included Bud Chrismer, acting, deputy director.

**Approval of Minutes:**

Wayne Definbaugh motioned to approve the December board meeting minutes, Jacob Smith seconded, and all were in favor.

**Announcements:**

Popsicle Plunge is scheduled for March 3<sup>rd</sup>. Althea Page and Wayne Definbaugh are both going to participate!

**New Business:**

Larry Shackelford, Judy Murray and Kris Mervine attended the meeting to discuss the issues surrounding the LTRC flea market. Because Chairman Jim Emerick was the past president of the LTRC, he excused himself from this portion of the meeting, and turned the meeting over to Wayne Definbaugh. Mr. Shackelford addressed the board, giving board members background information regarding the flea market, stating that the market has been in operation for many, many years now and stated that conflict has arose surrounding this program, for the past 20 years. There have not been any issues regarding this program, in the last 5 years.

Mr. Shackelford supplied board members with a packet of information/correspondence surrounding the ongoing issues of the flea market. Mr. Shackelford received a letter in August 2007 from the self proclaimed spokesperson for all neighboring residents, Dennis Szymaszek, stating several issues the residents had with the flea market, including parking, worn out grass, trash, cigarette butts and noise. Mr. Shackelford responded to the letter stating he would be happy to discuss these concerns further and soon after, received a response stating the residents were not willing to negotiate, they want to be rid of the flea market completely.

Mr. Shackelford stated he as well as Bob Barrett and Ms. Murray have all looked into finding another location for the flea market and none have been successful. The flea market takes place at the front of the school, near the side area, during the spring, summer and fall, and has many things outside as well as in. Residents can't see this activity they only hear it. There has been much correspondence between the recreation council and the community association including an inquiry about re-directing traffic. Mr. Definbaugh stated he has heard talk of renovations to the school. Bud Chrismer responded stating that the school had been re-opened in 1993; it had been surplused for a while. Mr. Mervine stated that the entrance and exit of the school are to be re-done, which will

change parking dramatics. The area will be shut down from the time they begin construction, most of the summer.

Mr. Shackelford, Mr. Mervine and Ms. Murray all attended a meeting with the Lutherville Timonium Community Association and a hand full of families. Mr. Shackelford feels his role is to listen to the community and attempt to work things out for everyone. He has made many attempts to address their concerns including distributing a survey to all who live on the street where the complaints are coming from. Mr. Shackelford also spoke to many residents face to face. Mr. Shackelford received conflicting results/responses. Out of the 34 surveys sent out, 17 never responded. The worst response received was the issue of parking in front of a resident's home and small trash blowing around. Based on the results of the survey, it appears there is only a hand full of people that are unhappy with this program.

Board member Steven Kroll had refereed a game and when returning to his car, found a note that he was parked in front of someone's home. He believed that parking was an issue and inquired into how many other programs were conflicting with the flea market. There had been a soccer tournament on the same day but this is usually not the case. Mr. Mervine stated there are no significant programs/games scheduled on the same day in an attempt to avoid potential issues.

Mr. Shackelford went out 4 consecutive Sunday's at different times of the day and found a couple of houses that did have cars parked in front. He stated that there are only a couple of hours during the day that the flea market is at its peak...10, 11 and 12. Althea Page inquired into the fact that when residents purchased their homes, they should have realized that they would be impacted by activities held at the school. Mr. Shackelford stated the school was built in 1952.

Mr. Shackelford has addressed every issue brought to his attention and because the solution has not been to move the flea market, there are still folks who are not happy. He has made offers to their concerns (including the offer to buy traffic cones) but has received no response. Ms. Murray reported to the board that the hours of the market have been changed from 7:30 am to 9:00 am, and they have hired police with ticket writing ability, to help with traffic control. The vast majority of residents need to park on the street and knowing this, signs are out every weekend discouraging flea market patrons from parking there. Mr. Shackelford has done everything he can and is now requesting assistance/guidance/suggestions.

The flea market has 35 venues a year. Mr. Shackelford is worried that if a small group of individuals can control a program that meets 35 days a year, compare this to Seminary, which is in use 365 days a year. Mr. Chrismer stated that the board stands behind the recreation council and should be completely aware of the situation. Mr. Kroll responded stating the board owes those on the other side of this issue, a chance to be heard. Mr. Chrismer then stated that he and Mr. Barrett are to meet with those who are in dispute of the program, in a couple of weeks, and as far as he is aware, these folks have not made an attempt to come before the board. Mr. Kroll responded stating that Mr. Barrett should not be placed in such a position and that maybe as a board, this issue can be resolved. Mike Weber inquired into what the volume of complaints was. Mr. Shackelford responded that based on the survey results, it appears to only be a few who are unhappy with the program. Mr. Mervine stated that everyone has been concerned with the issues surrounding the flea market and have made many attempts to address each and every issue that has arose. Mr. Mervine further stated that Mr. Shackelford has handled this wonderfully, making numerous attempts to find a resolution to the issues presented before him but this is not what is wanted. Mr. Mervine believes

those few who are complaining about the program don't want any other solution than to have the program removed from the existing location. Mr. Kroll suggested that the board invite those who are unhappy with this program to come before the board.

When looking at the additional documents provided by Mr. Shackelford, Jacob Smith made mention that the donation page went back 20 years and that assessments were placed in the general fund for the recreation council. Ms. Murray has an accountant to keep track of all monies along with keeping track herself. Mr. Mervine stated that amounts ranging from \$8,000 to \$14,000 are brought into the general fund. This last year, money had been placed in the LTRC capital improvement fund instead. The recreation council gives a lot of money from one 501 (c) (3) to another.

Mr. Emerick handled the rest of the meeting from this point on.

On a different note, Mr. Shackelford brought up alcohol and whether or not the recreation council should refrain from purchasing it. Mr. Shackelford wanted to know where the liability starts and stops. Stephen Verch stated that the Law Office could address the issue of any council liability. Mr. Shackelford inquired as to whether the board feels it is prudent to spend money on alcohol that was raised for recreation programming. The opinion of the Law Office notwithstanding, however, Mr. Verch said there still remains the PR issue, and what example is being set when a council supporting youth programs uses council funds for purchasing alcohol for adults? Mr. Smith stated that this is not the only recreation council that serves alcohol. Mr. Mervine added that alcohol is served at bull roasts and crab feasts for various programs at the end of the season. Mr. Smith stated that he thinks this is justifiable when raising money for the recreation council, i.e. bull roasts, but not to use money that was raised for the council to purchase alcohol.

Mr. Verch informed the board of a proposal, from Keith Roberts, activist on the Back River Neck Peninsula, to re-name Bauernschmidt Manor Park on behalf of the late Jackie Nickel. A copy of the proposal was passed out to board members. Mr. Kroll responded that he does not believe this can be done. Mr. Verch agreed but stated that he said he would pass the info out to board members. When Mr. Kroll was chairman he had been in favor of naming parks after the deceased but former director, John Weber, was against doing so. Mr. Kroll inquired as to whether the board should look into the possibility of allowing this to happen or leaving existing rules as they are. Mr. Smith responded that this is not something that we can allow to happen. There are thousands of wonderful volunteers who have served the community for many years but we cannot name a park after every one of them. This proposal was also submitted to Councilman Bartenfelder. Mr. Smith suggested referring this issue to the County Council. If the council is willing to re-name the field, it can then come back to the board for review. Mr. Verch is to contact Mr. Roberts to let him know the board's decision.

Mr. Smith inquired into where things were with the Baltimore County Sailing Center. Mr. Definbaugh had found missing items in the proposed by-laws and Mr. Chrismer sent this information back to Bill Fannon of the BCSC. Mr. Chrismer reported that the sailing center had not communicated with the Back River Recreation Council about their interest in forming their own recreation council. Apparently all of the assets are part of the recreation council and Mr. Chrismer stated that communication between the two parties must happen first before anything can move forward.

## **Old Business:**

Regarding the Pikesville Recreation Council issue, the Law Office response was included in board member folders. The response states that the Department of Recreation and Parks has no authority but the Board of Recreation and Parks does. These issues can most likely be addressed through the certification process without disrupting programming.

Mr. Definbaugh reported there was no recreation council meeting in December. Mr. Definbaugh stated he would like to meet with Mr. Weber and John Eubank to go over financial records. Mr. Definbaugh also stated the terms of office have been exceeded and therefore prohibit these officers from running again.

Mr. Emerick stated the process of certification is in development. Mr. Smith inquired as to how the board would enforce this. Mr. Verch stated the board should figure out the next step. Dunbar Brooks stated the board could de-certify. Once this happens the recreation council would have to have another election. Mr. Kroll responded with the possibility of the board conducting the next election. Mr. Kroll suggested soliciting the Office of Law, asking whether the board has the authority to conduct an election in an event the by-laws have not been met, and the recreation council is de-certified.

Mr. Emerick stated the board would draft a letter regarding the 1993 by-laws and the issues surrounding them. The letter should include, upon the election of new officers, the recreation council must inform the board of this ruling. Aaron Max should be copied on this letter as well. If the board then needs to take things further, the request for a more precise ruling from the Law Office is what is anticipated.

Regarding certification of recreation councils, Mr. Emerick stated that it is very important to assess each recreation council so that the board is treating all equally and not appearing to be focusing in on certain ones. Mr. Smith inquired as to whether all recreation councils are on the same time frame for certification. Mr. Chrismer responded that the councils are not on the same time frame but that it would be a good idea to start over so that they are. Mr. Kroll replied that it would be great to make this a unified date for all to follow. Mr. Weber inquired into what the repercussions are for being uncertified. Mr. Definbaugh stated that it would be a liability issue for the recreation councils. Mr. Verch inquired as to whether there is any financial dimension to de-certified councils and whether the councils are still active with their checkbooks, fully functioning. Mr. Chrismer stated that if another group comes in certified, they would then become the new recreation council. The ideal plan is to create an easy form and make sure all councils are certified at the same time. A letter would need to go out July 1<sup>st</sup> giving the recreation councils three months to complete this process. An audit is required but not an independent audit, according to the board's by-laws. Mr. Weber stated this should be done every year. The committee needs to get together to discuss this issue.

## **Action:**

Jim Emerick stated a letter would go out to Mike Snitzer enforcing the 1993 Pikesville Recreation Council Constitution and By-Laws.

Steven Kroll motioned to invite those who have complaints about this program, to come before the board. This will then allow the board to affirm or re-affirm. Mike Weber seconded and all were in favor.

Wayne Definbaugh motioned to refer the issue regarding the proposal to re-name Bauernschmidt Manor Park to the County Council. Jacob Smith seconded and all were in favor.

**Board Member Activities:**

Mr. Verch attended a Christmas party at the former Parkville Elementary School facility and was approached by many who stated that the renovations to the facility had not been properly completed. Mr. Verch stated that he has forwarded the information to Mr. Emerick so that it would make its way to the appropriate individual.

Mr. Kroll inquired about having an upcoming board meeting at the Ravens facility.

**Reports:**

- A. Information Technology – Dunbar Brooks, David Smylie and Jacob Smith – no report
- B. Budget and Enterprise – Jacob Smith, Jim Emerick and Emmet Davitt – no report
- C. Incorporation and Liability – Wayne Definbaugh, David Smylie and Dunbar Brooks –no report
- D. Land Acquisition and Capital Projects – Steven Verch, Emmet Davitt and Wayne Definbaugh – no report
- E. Programs – Althea Page and Dunbar Brooks– no report
- F. Legislation – Wayne Definbaugh, Steven Verch and Emmet Davitt –no report
- G. Policy –Jim Emerick and Jacob Smith – no report
- H. Facilities –David Smylie and Althea Page –no report

The Nominating Committee Report is as follows: Dunbar Brooks, Althea Page and Steven Kroll called members of the board to find out where each stood regarding the election of a new chairman and vice chairman. Jim Emerick does not wish to serve another term as chairman. The committee has agreed to nominate Stephen Verch as Chairman and Wayne Definbaugh as Vice Chairman. The election and installation of officers will be held at the next meeting scheduled February 13<sup>th</sup>. Jim Emerick stated that he considered his role to serve as Chairman, an honor.

**Adjournment:**

There being no further business, Wayne Definbaugh moved to adjourn the meeting, Jacob Smith seconded the motion, and all were in favor. The meeting adjourned at 6:37pm.

Respectfully Submitted,

Lisa Liupaeter