

Bel Air Board of Town Commissioners
Town Hall Meeting Agenda
June 5, 2023, at 5:30 PM
McFaul Activities Center, Room #4
525 W. MacPhail Rd., Bel Air, MD 21014

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
5. PRESENTATIONS
 - a. Introduction of Miss Bel Air Independence Day 2023, Giovanna Ward
6. PUBLIC HEARING
 - a. [Ordinance 812-23](#) Amending Chapter 165. Comprehensive Plan and Development Regulations, Part 3. Signs, Article XV. Sign Regulations and Part 4. Subdivision of Land, Article XVI. Subdivision and Site Development
7. UNFINISHED BUSINESS
 - a. [Ordinance 812-23](#) Amending Chapter 165. Comprehensive Plan and Development Regulations, Part 3. Signs, Article XV. Sign Regulations and Part 4. Subdivision of Land, Article XVI. Subdivision and Site Development
8. PUBLIC COMMENTS ON NEW BUSINESS ITEMS
9. NEW BUSINESS
 - a. [Ordinance 813-23](#) Amending Chapter 165. Comprehensive Plan and Development Regulations, Part 2 Zoning, Article III. Establishment and Regulation of Zoning Districts, Article VII. Development and Performance Standards, Article XIV. Definitions, and Attachment 1, Permitted Use Chart
 - b. [Resolution 1203-23](#) Town Fee Schedule Amendments
 - c. [Resolution 1204-23](#) Amending Resolution 1097-17 Fines and Penalties for Violation of Regulations in the Bel Air Town Code
 - d. [Resolution 1205-23](#) Adoption of Referendum Petition Form
 - e. Heating, Ventilation, and Air Conditioning (HVAC) Contract
 - f. Howard Street Resurfacing Contract
 - g. Courtland Street Courthouse Phase II Contract
 - h. Addendum to Harford County – Town of Bel Air Sewer Service Agreement

- i. Appointment to the Board of Appeals
 - i. Charmian Hess

10. PUBLIC ANNOUNCEMENTS

11. PUBLIC COMMENTS

12. COMMISSIONER'S COMMENTS AND LIAISON REPORTS

13. ADJOURNMENT

Bel Air Board of Town Commissioners

Agenda

June 5, 2023

Ordinance No. 813-23

Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 813-23, amending Article III (Zoning Districts), Article VII (Performance Standards), Article XIV (Definitions), and attachment 1, Permitted Use Tables be received by the Bel Air Board of Town Commissioners."

I. BACKGROUND

In 2022, Bel Air adopted an updated Comprehensive Plan which called for several new initiatives and adjustments to Town Development Regulations. The Town held several public meetings through 2021 and early 2022 associated with the Comprehensive Plan and the Development Regulation amendments. Descriptions of the changes are available to the public through digital media.

II. PRIMARY ISSUES

The Town Comprehensive Plan emphasized the need for flexible and equitable Regulations that include objective and clear requirements for proposed development. The proposed revisions to Chapter 165 are based upon review and recommendation from the Planning Commission, public input, clarification of text by staff and comment from the Town Board during work sessions. The major changes are reflected below:

Article III Establishment and Regulation of Zoning Districts

- Section 165-24.A(8) – discourage split zoned parcels and apply the more restrictive when there is a conflict
- Section 165-25.B(2), 165-26.B(2) and 165-27.B(2) – Cottage Housing reclassified as Accessory Dwelling Unit as Special Development in R1, R2 & R3 and permitted in all other districts
- Section 165-28.E – limit individual use to 7,500 square feet
- Section 165-29.C – apply RO architecture and site design requirements to B1 district
- Section 165-30.C(3)(e) – allow for solid walls to substitute for building façade if approved by the Planning Commission
- Section 165-30.C(5)(d), 165-31.C(4)(d) and 165-33.C(5)(e) – require a minimum of three-foot screen for parking B2, B2A & B3A
- Section 165-30.E(1)(a), 165-31.C(6)(b) and 165-33.C(7)(b) – clarify the materials and type of fences and walls in the B2, B2A & B3A
- Section 165-32.C – create separate design requirements for the B3 district

Article VII Development and Performance Standards

- Section 165-51.B(2) – add institutional uses to the list exempt from parking requirements in the B2 district

- Sections 165-51.C(1) – require Town to be a party to agreement for Satellite Parking and clarify signage required at both the use and parking locations.
- Section 165-51.F(1)(k) – require bicycle storage at all proposed development
- Section 165-51.F(1)(l) – allow for a space designated as pick-up/delivery to count as two required spaces
- Section 165-51.F(1)(m) – require that all parking areas be brought up to minimum standards
- Section 165-51.H – parking minimums
 - Reduce requirements for affordable and 55 & over housing by ½ space in all units
 - Reduce parking for salon uses by ½ space per station or 1 per 200 square feet
 - Allow for mixed use to be parked at 3.5 per 1000 square feet of gross floor area
 - Require outside dining/bar to be parked at 1 per 3 seats or 1 per 150 square feet when area exceeds 75% of the interior space
 - Reduce retail area to 1 space per 250 square feet
- Section 165-52 – clarify open space details
- Section 165-53.B(1) – require all parking not dedicated to structure/parking/access be landscaped
- Section 165-53.C(2)(c) – add Banquet Facility with appropriate safeguards for neighboring properties
- Section 165-53.C(2)(f) – require taverns to insure entertainment does not impact neighboring properties by adding proper insulation and require doors/windows close after 9pm
- Section 165-51.E(3)(b) – add requirements for entertainment at civic/country clubs similar to banquet facilities
- Section 165-53.E(3)(m) – require schools provide adequate transportation facilities
- Section 165-53.G(2)(b) – add standards for bed and breakfast uses for parking and buffering
- Section 165-53.G(2)(a) – rename Cottage Housing to Accessory Dwelling Unit and provide for adequate parking, buffering, capacity and operating information
- Section 165-53.G(2)(i) – reduce requirements for Home Occupations
- Section 165-53.H(2)(a) – provide for establishment of a Cannabis Business with setbacks consistent with State law, requiring 500 feet from any residential use and prohibiting on-site consumption
- Section 165-53.H(2)(d) – require an agreement with all property owners and the Town to abide by and insure code is enforced
- Section 165-53.I(2)(b) – remove sections related to Communications Towers which federal law now controls
- Section 165-53.I(2)(c) – clarify drive-thru service requirements by addressing buffering and vehicle queuing
- Section 165-53.I(2)(g) – expand the requirements from a Mixed Use Center to include shopping center standards
- Section 165-53.I(2)(i) – limit entertainment and amplified music for Outdoor Dining/Bar use to between 9am and 9pm and allow for administrative review when located in a shopping center

Article XIV Definitions

- Section 165-104 Terms Defined
 - Clarify Forest Conservation terms
 - Clarify building Height
 - Establish definition for Cannabis Business
 - Establish definition for Country Club / Civic Organization
 - Establish Accessory Dwelling definition
 - Clarify immediate and extended family terms
 - Establish definition for Flag
 - Clarify difference between Medical Services and Professional Services
 - Establish definition for Project Area
 - Establish definition for Short Term rental (additional standards and limits will be addressed separately)
 - Establish terms for Feather/Windsail Sign and Window Sign
 - Create term for Spa
 - Establish differences between General Merchandise vs Specialty Retail and Supermarket vs Specialty Food
 - Establish term for Temporary Use

Attachment 1 Permitted Use Tables

- Table 3-1 – create Banquet Facility as a use requiring Special Exception approval in all districts
- Table 3-3 – establish Country Club & Civic Organization as Special Exception in all districts
- Table 3-5 – create Accessory Dwelling Unit as Special Development in R1, R2 & R3 districts and permitted in all other zones except M1
- Table 3-6 – adjust Mixed Use Center to be Special Development in B1, B2, B2A, B3 & B3A
- Table 3-7 – consolidate several similar uses where appropriate
- Table 3-7 – establish Cannabis Business as a Special Exception in the B3/B3A district

III. DISCUSSION

The Town Board of Commissioners through the work session review process adjusted the regulations with respect to Cannabis Business, Accessory Dwelling Units and parking needs. The proposed document incorporates recommended modifications from the Planning Commission with minor adjustments from the Town Board.

IV. RECOMMENDATION

The Planning Commission and staff recommend the Board of Town Commissioners receive Ordinance No. 813-23.

Bel Air Board of Town Commissioners
Agenda
June 5, 2023

Resolution No. 1203-23
Town's Fee Schedule

RECOMMENDED MOTION: "...that Resolution No. 1203-23, amending the Town's Fee Schedule, be received by the Board of Town Commissioners."

1. BACKGROUND

- a. Chapter 192 of the Bel Air Town Code authorizes the Board of Town Commissioners to establish fees for certain Town services, publications, documents, licenses, and petitions.

2. ISSUES

- a. The Town's Fee Schedule was last amended on June 6, 2022.
- b. The following sections have recommended amendments:
 - i. Miscellaneous Fees
 1. Remove Parking Meter Smartcard Fee (service discontinued)
 - ii. Stormwater Management and Erosion Sedimentation Control Fees
 1. Fee in Lieu
 - iii. Sewer Fees
 1. County System Development Fee collected by the Town of Bel Air on behalf of Harford County

3. DISCUSSION

- a. The following changes are recommended see attached Resolution 1203-23.

4. RECOMMENDATION

- a. The staff recommends receipt of Resolution No. 1203-23. A public hearing will be held on Tuesday, June 20, 2023, at 5:30 p.m. at the McFaul Activities Center.

Commissioners of Bel Air
Agenda
June 5, 2023

Resolution No. 1204-23

Fines and Penalties for Violations of Regulations in the Bel Air Town Code

RECOMMENDED MOTION: "...that proposed Resolution No. 1204-23, amending Resolution 1097-17 providing for fines and penalties for violation of regulations in the Bel Air Town Code, be received by the Board of Town Commissioners."

BACKGROUND

Article IV, Section 450-39 of the Bel Air Town Code authorizes the Board of Town Commissioners to establish by Resolution appropriate fines and penalties based on regulations set forth in the Bel Air Town Code.

ISSUES

Over the last year, the parking fund committee discussed the need to review the Town's fines and penalties as it relates to parking. The decline in parking revenues to fund the expenses in the parking fund along with the fines/penalties not significantly changing since June, 2001 were the two main reasons for conducting the analysis.

DISCUSSION/EXPLANATION

The Finance staff did an extensive review of comparable fines/penalties with twenty-four other Maryland jurisdictions and found that in most cases, the Town's fees were lower. In determining the fine/penalty to recommend, an average was calculated using the amounts from each violation from each municipality where applicable. The following are recommended changes:

- | | |
|--|---------------------|
| 1. Parking at red curb/fire lane/fire hydrant | \$60.00 to \$100.00 |
| 2. Parking meter violation | \$15.00 to \$30.00 |
| 3. Garage lease/preferential residential/permit parking lot restrictions | \$25.00 to \$40.00 |
| 4. Parking at yellow curb/no parking zone/vehicle obstruction at crosswalk | \$50.00 to \$100.00 |
| 5. Parking within eight feet of a driveway entrance | \$30.00 to \$50.00 |
| 6. All other improper parking violations | \$35.00 to \$50.00 |

Based on the violations issued through mid-April, we estimate that the recommended changes increase parking fine revenues by approximately \$34,000 for fiscal year 2024. The effective date of the resolution will be July 1, 2023.

RECOMMENDATION

The staff recommends the Board of Town Commissioners receive Resolution No. 1204-23. A public hearing will be held on Tuesday, June 20, 2023 at 5:30pm at the McFaul Activity Center, 525 W. McPhail Road, Room #4.

Bel Air Board of Town Commissioners
Agenda
June 5, 2023

Resolution No. 1205-23
Adoption of Referendum Petition Form

RECOMMENDED MOTION: "...that Resolution No. 1205-23, adopting an official Town of Bel Air Referendum Petition Form, be approved by the Board of Town Commissioners."

1. BACKGROUND

- a. Section 504. Referendum of Article V. Registration, Nominations, and Elections of the Charter of the Town of Bel Air outlines the petition for referendum requirements.

2. TOPICS

- a. The Bel Air Board of Town Commissioners wish to adopt an official Town of Bel Air Referendum Petition Form to facilitate the process for any Town of Bel Air citizen that wishes to initiate and circulate a petition for referendum.

3. DISCUSSION

- a. The Referendum Petition Form is attached to Resolution 1205-23 as Exhibit A.

4. RECOMMENDATION

- a. The staff recommends approval of Resolution No. 1205-23 adopting an official Town of Bel Air Referendum Petition Form.

COMMISSIONERS OF BEL AIR
AGENDA
June 5, 2023

AWARD OF AIR CONDITIONING INSTALLATION CONTRACT

RECOMMENDED MOTION: "...that the Proposal of Vigil Contracting, Inc., 2140 Priest Bridge Court, Crofton, Maryland 21114, to replace a 5-ton roof top air conditioning unit above the Planning and Public Works Facility, install a new air conditioning unit in the Public Works Maintenance Shop, and install two new mini split units at the Armory for \$52,147 be accepted by the Bel Air Board of Town Commissioners."

1. **BACKGROUND**

The Department of Planning and Department of Public Works Facility located at 705 Churchville Road is cooled during the warmer months by two Roof Top Air Conditioning Units. One unit was replaced in 2018 and the other unit now needs replacing. The Shop area at Public Works has never been air conditioned and becomes very uncomfortable for Staff to work during the summer months. A new Air Conditioning Unit will be installed in the Shop to cool the area. Lastly, two mini split units will be installed in the lower-level classrooms at the Armory.

2. **PRIMARY ISSUES**

Funding for these projects was budgeted in the FY 2023 Town Buildings Budget and Armory Budget.

3. **DISCUSSION / EXPLANATION**

A Proposal was solicited through a Job Order Contract with Sourcewell Purchasing Cooperative MD-R5-GC04-052621-CCE with the Gordian Group utilizing Vigil Contracting, Inc.

4. **RECOMMENDATION**

Staff recommends that the Proposal of Vigil Contracting, Inc., to replace a 5-ton roof top air conditioning unit above the Planning and Public Works Facility, install a new air conditioning unit in the Public Works Maintenance Shop, and install two new mini split units at the Armory for \$52,147 be accepted by the Bel Air Board of Town Commissioners.

COMMISSIONERS OF BEL AIR
AGENDA
June 5, 2023

AWARD OF CONTRACT DPW-23008
BITUMINOUS CONCRETE STREET RESURFACING OF HOWARD STREET

RECOMMENDED MOTION: "...that the proposal of Goode Design Contracting, Inc., 3000 Scenic View Drive, Forest Hill, MD., to resurface Howard Street in accordance with contract specifications for \$41,350.00 be accepted by the Board of Town Commissioners."

1. BACKGROUND

This contract will include the resurfacing of Howard Street from Ridgewood Road to Rock Spring Avenue.

2. PRIMARY ISSUES

A Community Development Block Grant (CDBG) in the amount of \$40,359 will help fund this street resurfacing project. The remaining funds necessary to complete the Contract are accounted for in the FY 2023 Streets Budget.

3. DISCUSSION/EXPLANATION

The Procurement Department advertised Contract DPW-23008 on the Town's Website. Only the Bid of Goode Design was received.

4. RECOMMENDATION

Staff recommends the proposal of Goode Design Contracting, Inc, to resurface Howard Street in accordance with contract specifications for \$41,350.00 be accepted by the Board of Town Commissioners.

BEL AIR BOARD OF TOWN
COMMISSIONERS
AGENDA
June 5, 2023

Award of Contract – Court House Square – Phase II

RECOMMENDED MOTION: "...that the contracted price from Centennial Contractors Enterprises, Inc. in the amount of \$348,107.20 to improve Courtland Street be approved by the Bel Air Board of Town Commissioners."

I. BACKGROUND

Over the last several years, Bel Air has allocated monies and acquired grants to address the condition of the area around the Harford County Court House in the downtown area. As part of this process, the Town Board approved a contract with Brudis Associates, Inc. in 2019 to engineer improvements to Office Street, Courtland Street, and the front of the Court House at Main Street (collectively called Court House Square).

II. PRIMARY ISSUES

The Town received a \$100,000 grant from the Department of Housing & Community Development (DHCD) through the Strategic Demolition Fund. The Town is providing \$124,739 through encumbered monies allocated in the Town budget from several years ago. The fiscal year 2023 budget also includes the remaining funds (\$123,368.20) from salary/benefit savings due to funds from the American Rescue Plan Act (ARPA) funding. The proposed scope of work includes new paving, sidewalk rehabilitation, concrete curbs, handicapped accessibility, addition of landscape and new lighting.

III. DISCUSSION/EXPLANATION

A Proposal was solicited through a Job Order Contract with Sourcewell/NJPA Purchasing Cooperative MD-R5-GC04-052621-CCE with the Gordian Group utilizing Centennial Contractors Enterprises, Inc. to keep the cost in line with the budgeted amount of \$400,000. The final cost (excluding possible change orders) came in as \$348,107. Work is expected to begin in early June depending on weather and contractor schedule. Harford County and the Court Administrator have been updated throughout the development process. The Town has also informed the property owners and business operators along Courtland Street and will continue to provide updates as necessary.

IV. RECOMMENDATION

Town staff recommends the Bel Air Board of Town Commissioners approve a \$348,107.20 contract with Centennial Contractors Enterprises, Inc. for construction of improvements to Courtland Street.

Commissioners of Bel Air
Agenda
June 5, 2023

Addendum to Harford County – Town of Bel Air Sewer Service Agreement

RECOMMENDED MOTION: ...“that the attached Addendum to the Harford County-Town of Bel Air Sewer Service Agreement pertaining to a revision in the sewer user charge, ENR fee, and system development fee be approved by the Board of Town Commissioners.”

BACKGROUND

In December 2022, the Town received a proposed revision in the sewage user charge from Harford County. This is the charge which the County levies on the Town as a bulk customer and user of its sewage transmission and treatment facilities. Changes in the user charge are provided for in the County-Town 1988 Sewer Service Agreement. The Agreement requires that each annual change in the user charge be adopted by both the County and the Town in a contractual addendum. Even though the ENR fee and the system development fee are not included in the Agreement, the County and Town agreed that both should be included in each Addendum.

PRIMARY ISSUES

The Town received a proposed Addendum to the Agreement from the Harford County Law Department for the new (FY23) user charge of \$4.85 and ENR fee of \$.18 for each 1,000 gallons of sewage treated as well as the system development fee of \$9,893 per 5/8” equivalent area connection charge. The previous (FY22) user charge and ENR fee were \$3.77 and \$.16 for each 1,000 gallons of sewage treated, respectively, while the system development fee was \$9,467. The main reason for the \$1.08 user charge increase was due to an increase in the applicable Harford County expenses, but it was also due to a decrease in the flows. This increase was the largest in the 30 years staff has tracked the changes in the bulk rate.

DISCUSSION/EXPLANATION

The Public Works Department and the Finance Department reviewed the supporting data provided with the proposed user charge. The charges were found to be calculated accurately and in accordance with the method set forth in the 1988 agreement. The ENR fee was added in fiscal year 2016 and will continue until the debt service has been paid off to fund the project.

RECOMMENDATION

The staff recommends approval of the annual Addendum to the Harford County-Town of Bel Air Sewer Service Agreement.