

**BOARD OF TOWN COMMISSIONERS**

**WORK SESSION**

**September 14, 2021 5:15 P.M.**

**PRESENT:** Commissioner Amy G. Chmielewski, Chair  
Commissioner Kevin M. Bianca  
Commissioner Erin S. Hughes  
Commissioner Donna L. Kahoe - via telephone  
L. Jesse Bane, Town Administrator  
Rachel Deaner, Deputy Director of Finance  
Sergeant Matthew Gullion, BAPD Acting Deputy Chief  
Trish Heidenreich, Director of Economic Development  
Stephen Kline, Director of Public Works  
Michael Krantz, Director of Administration  
Patti Parker, Community & Public Relations Coordinator  
Kevin Small, Director of Planning

**ABSENT:** Commissioner Patrick T. Richards  
Lisa Moody, Director of Finance  
Charles Moore, Chief of Police

**OTHERS:** Joan Suitt, Recording Secretary

**APPROVAL OF AGENDA:**

The Agenda was approved by the Commissioners as written.

**TOWN ADMINISTRATOR'S REPORT:**

COVID-19 Protocols Discussion

The Town Administrator advised of discussions regarding the possible severity of COVID during this fall/winter when people are more indoors. President Biden has mandated vaccinations and the Town of Bel Air is waiting to hear from OSHA.

The Director of Administration recommends waiting for guidance from OSHA on how to facilitate:

- Testing unvaccinated employees
- Type of testing
- Proof of vaccinated employees

The Director of Administration stated if the testing is a work requirement, the Town would pay for the test and hours used for testing.

The Town Administrator sees two issues:

- Vaccinations
- Conducting meetings - social distancing and/or going back to virtual meetings

Commissioner Bianca advised the Judiciary is moving toward mandatory vaccination/testing on September 27<sup>th</sup>. The Director of Administration advised any resource/guidance from other jurisdictions would be helpful.

Chair Chmielewski is recommending not to require employees be vaccinated. The Director of Administration agrees and weekly testing will protect everyone.

The Community & Public Relations Coordinator stated it is important to check with other jurisdictions for everyone to be the same.

Chair Chmielewski inquired about employee requirement for masks.

The Town Administrator has heard both sides regarding masks. The policy put in place for employees last year was accepted. The Town Administrator asked for feedback from the Police Department and Department of Public Works.

The Director of Public Works notified employees wore masks inside, were social distancing and had separate lunch shifts.

Sgt. Gullion informed most everyone in the Police Department has their own workspace and were social distancing. Masks were worn in common areas and Police Officers completed most paperwork in their vehicles.

The Town Administrator mentioned hanging over our head is the fines/penalties for violations as mandated by the President.

#### **TENATIVE AGENDA FOR TOWN MEETING (September 20, 2021 at 7:30 p.m.)**

##### **New Business:**

##### Ordinance 804-21 Amending Town Code Chapter 272 Itinerant Dealers, Peddlers, Solicitors

1. Section 272-3 Exceptions to License Requirement in Designated Areas on Itinerant Dealers and Peddlers Map

The Director of Administration advised amendments were discussed during a previous Work Session and reviewed the following:

- Itinerant Dealers, Peddlers, Solicitors (includes Food Trucks) may operate on private property without a Town of Bel Air license.

Written permission is needed from the owner and all other applicable State licenses apply.

- Housekeeping changes on permits.

Ordinance 804-21 will come before the Commissioners for introduction and a Public Hearing scheduled October 4<sup>th</sup>.

Ordinance 805-21 Amending Bel Air Town Code Chapter 420 Tattooing

1. Eliminating Written Notarized Consent Requirement for Minors

The Director of Administration advised the new law for Tattooing was recently approved but a change is needed regarding notarized consent for minors.

The Ordinance is being amended for parent/guardian to:

- Present photo identification of themselves plus identification for the child under 18 years.
- Service provider to keep copies of the ID on file.

Commissioner Bianca asked if the establishment is good with this change. The Director of Administration stated it agrees.

Commissioner Hughes recommends finding out the Harford County requirement.

Resolution 1175-21 Issuance and Sale of Bonds through the State of Maryland's Local Government Infrastructure Financing Program to Provide for the Financing of the Town Hall/Police Department Renovation/Expansion

The Deputy Director of Finance advised the financing for the Town Hall/Police Department expansion will be a 30 year loan but interest rates have not been established. The final Resolution will be reviewed by Mr. Keenan before coming before the Commissioners.

Tentative Timeline to follow for loan:

September 20<sup>th</sup> - Resolution introduced

September 22<sup>nd</sup> - Resolution Notice published in the Aegis

October 4<sup>th</sup> - Public Hearing and approval of Resolution.

The Town Administrator stated there will be issues if the Town does not stick with this timeline.

Commissioner Bianca asked when the Town will know the interest rate. The Deputy Director of Finance expects to know within the next few days.

Reappointment to Economic and Community Development Commission

The Director of Economic and Community Development informed Tucker McNulty has been a member of ECDC for three years and is excited to be reappointed. Mr. McNulty understands the issues and has been an asset to the Commission. The Director of Economic and Community Development recommends Mr. McNulty's reappointment.

**STAFFING UPDATE:**

The Director of Administration reported:

- Police Dispatcher, part-time - posted today.
- Equipment Operator, Construction Worker, Laborer - posted
- Recording Secretary - interviews scheduled
- Deputy Chief of Police - posted internally
- Police Department Administrative Secretary - posted internally
- Police Department Executive Coordinator - posted, grant funded

**CALENDAR:**

The September/October/November calendar was distributed:

Additions/Corrections:

- September 23<sup>rd</sup> - no submission for Historic Preservation Commission
- September 25<sup>th</sup> - LASOS Bingo Fundraiser - 6:30 p.m.
- October 21<sup>st</sup> - Cecil-Harford MML - meeting in Havre de Grace

The Director of Planning informed the Historic Preservation meeting in November falls on Thanksgiving. Depending on submission, the Commission may meet on another date.

**MISCELLANEOUS:**

Discussion regarding Town Code Text Amendment Petition by 212 Archer Street LLC d/b/a Independent Brewing Company for Outdoor Dining and Satellite Parking

The Director of Planning advised the plan is to place the Ordinance on the Town Board meeting scheduled for October 4<sup>th</sup> to be received by the Commissioners. There will be no presentation or public comments. The Public Hearing will be scheduled for October 18<sup>th</sup>.

The Commissioners will receive the minutes from the Planning Commission meeting, the Staff Report, the Petition, Agenda items, and Supplementary Memo that summarizes the Planning Commission discussion.

The Director of Planning informed there were several things brought up during the Planning Commission meeting that were not discussed in the Staff Report:

- Capacity calculations - if seating is an accurate idea of the operator's capacity? It may be under calculated because people bring their own seats or stand.
- What happens when parking area capacity is full?
- 75% - how did the number come about?
- Enforcement - how to keep the capacity to a certain number?

Commissioner Bianca asked if the request has changed. The Director of Planning stated the Commissioners will have the original request with the recommendations by the Planning Commission. If there is a desire to change the request, there will have to be an amended motion.

The Director of Planning informed there was one pushback by the applicant regarding the definition of satellite parking. They wanted to include easement or agreement. The Director of Planning advised staff does not have any problem with this and this will be part of the considered recommendations.

Chair Chmielewski stated there is a lot to talk about the request and it would be beneficial to push this back when all Commissioners are present.

Commissioner Bianca wanted clarification that initially this change would only affect the M-1 District. The Director of Planning informed the initial request was to isolate the unlimited expansion of outdoor dining to M-1 only. Staff said it should not be limited to the M-1 District but applicable to the entire Town. The Planning Commission rejected all changes.

The Director of Planning stated there would be no problem to continue discussion at the next Work Session and to pull the item from the Town Board agenda.

The Town Commissioners agreed to continue discussion during the next Work Session and remove the item from the September 20<sup>th</sup> meeting.

Mr. Stover asked if it would be helpful for the applicant to have a presentation during the Work Session. The Commissioners agreed it would not be necessary because of already having the information needed.

#### Employee Crab and BBQ Feast

The Deputy Director of Finance reminded everyone to RSVP to the Employee Crab & BBQ Feast by Friday, September 17<sup>th</sup>.

## Town Hall and Police Department Expansion

The Director of Planning reported several Contractors have asked to extend the deadline for submitting bids from September 22<sup>nd</sup> to September 29<sup>th</sup>. There are several people from Crabtree & Rohrbaugh not available the week prior and questions will be left unanswered.

The Director of Planning explained there would be a problem with the Work Session being on September 28<sup>th</sup> and questioned if it could be moved to Thursday, September 30<sup>th</sup>.

After further discussion, the Commissioners made the decision to keep the Work Session September 28<sup>th</sup> at 5:15 p.m. for normal business and a Special Session on September 30<sup>th</sup> at 6:15 p.m. for the bid.

The Director of Planning advised a Staff meeting will need to be scheduled September 29<sup>th</sup> or earlier in the day September 30<sup>th</sup>.

## Comprehensive Plan Update

The Director of Planning informed maps are not available for review but they will be presented at the September 28<sup>th</sup> Work Session.

## Signs

The Town Administrator advised the Director of Planning is addressing the issue regarding illegal signs placed at businesses during COVID. These signs are to be removed by October 1<sup>st</sup>. Per the Code, businesses will have to apply for a permit for signage. The Community and Public Relations Coordinator will contact businesses who are in violation.

## Noise Complaints

The Town Administrator stated the Town is receiving noise complaints. When the Town relaxed restrictions on outdoor tents, it was for the purpose of outdoor dining and some businesses expanded that to include bands. As a result, noise complaints have been made by the community about the bands and are now asking why we are not enforcing the Code if this is a violation of the Code.

The Town Administrator stated there is nothing that prevents a business from having a band but there is a permitting process if a business wants a band. The Town Administrator will be putting out a directive that if a complaint is received, the business will be notified and the Code enforced.

Commissioner Bianca inquired if the businesses have been warned about the directive.

Sgt. Gullion stated the Police Department is the unofficial mediator between the business and the community. Most times the community loses because the music is turned down but the volume still can be an annoyance in the home.

The Town Administrator will be meeting with the Chief of Police to discuss working with businesses and also satisfying the Code.

#### Town of Bel Air Municipal Election November 2, 2021 Update

The Director of Administration advised the Municipal Election is November 2, 2021 and the deadline for candidate filing is September 17<sup>th</sup>. The ballot will be generated the next week and the absentee voting application deadline is October 26<sup>th</sup>. The absentee ballot needs to be turned in or postmarked no later than November 2<sup>nd</sup>.

The Director of Administration notified there is a contingency plan to use the Armory if social distancing is needed on election day.

Sgt. Gullion left the meeting at 6:20 p.m.

#### **COMMISSIONERS' COMMENTS:**

Chair Chmielewski informed of receiving a letter from Mr. Keenan regarding a change in zoning of a Broadway property and she will forward it to the Commissioners and Planning Department.

Commissioner Hughes attended the November 9<sup>th</sup> meeting of the Planning Commission and asked the Commissioners to refer to the summary she provided by way of email.

Commissioner Hughes advised Chick-fil-A on Baltimore Pike submitted an application for covered awnings for workers who will be outside in different types of weather. The submission was approved but identified the property owner was not in compliance with some planting issues and stormwater management.

Commissioner Bianca was not able to attend the Tree Committee meeting because of another event but understands it went well.

Commissioner Bianca attended the Native Plant sale at Rockfield and it was a great success. Plans are to continue the event each year.

The Town Administrator inquired if Commissioners and staff are comfortable with the new seating arrangement for this meeting or if they prefer to go back into meeting in the conference room. The new seating arrangement will continue for Work Sessions and Town Board meetings. If more space is needed, the Armory will be used.

**ADJOURNMENT:**

With no further comments, the meeting was adjourned at 6:30 p.m.

Approved: September 20, 2021

Signature on file

Amy G. Chmielewski, Chair  
Board of Town Commissioners

Signature on file

Michael L. Krantz, Town Clerk