

BOARD OF TOWN COMMISSIONERS

WORK SESSION

July 11, 2023 5:15 P.M.

PRESENT: Commissioner Kevin M. Bianca, Chair - via telephone
Commissioner Donna L. Kahoe, Vice Chair
Commissioner Mary F. Chance
Commissioner Paula S. Etting
Commissioner Erin S. Hughes
Edward Hopkins, Town Administrator
Charles Dawson, Deputy Director of Public Works
Michael Krantz, Director of Administration
Lisa Moody, Director of Finance
Charles Moore, Chief of Police
Angela Robertson, Director of Economic Development
Kevin Small, Director of Planning
David Anderson, Media & Public Relations Specialist
Elizabeth Thompson, Town Attorney

ABSENT: Stephen Kline, Director of Public Works

OTHERS: Joan Suitt, Recording Secretary

APPROVAL OF AGENDA:

Vice Chair Kahoe called for approval of the agenda.

Commissioner Hughes moved and Commissioner Chance seconded the motion to approve the agenda as written. The agenda was approved by the Commissioners.

TOWN ADMINISTRATOR'S REPORT:

The Town Administrator notified the funeral service for Charles Keenan is Friday, July 14th, 1:30 p.m. at St. John's Episcopal Church in Kingsville.

The Town Administrator advised two surveys were completed by the Director of Administration and Director of Finance for Law Enforcement Training credit and Primary Liability Loss Control credit. The Town will receive \$4,200 insurance credit.

A staff member in the Department of Public Works will be using Extended Family Leave. As there are several projects to complete, a temporary employee will be hired for approximately 12 weeks.

The Town Administrator advised a group email is being established for committee volunteers where Town citizens can contact them.

The Director of Public Works received a letter from Kelly Avenue residents praising the excellent customer service skills received from DPW staff on mediating the sewer issue.

Please RSVP if attending the Maryland American Containment Tour.

The Town Administrator advised a press release was posted regarding street tree placement and how to contact the Planning Department if residents are interested.

The Town Administrator, Chief of Police and Director of Administration met with Department of Emergency Services concerning the transition of the Town's Dispatchers to the County 911 Center in Hickory. There are many items to be worked out and will not go into effect until 2024.

The Town Administrator notified there was a significant water leak at the Police Department. The contractor has corrected the problem but there is concern about mold, damage to drywall, the carpet and parking lot. The Town Administrator stated the contractor has been amazing and is confident the damage will be corrected and the mold monitored. The area of the parking lot will be repaired. The Town Administrator and Liz Thompson, Town Attorney, are working on an agreement if the parking lot fails within the next 5 years.

Shamrock Park ribbon cutting is Thursday, July 13th at 1:00 p.m.

TENTATIVE AGENDA FOR TOWN MEETING (July 17, 2023, 5:30 p.m., Town Hall)

Public Hearings:

Public Hearing on Ordinance 813-23 Amending Articles III, VII, and XIV and Permitted Use Tables of Chapter 165

The Director of Planning distributed information on one item being added to Open Space that gives a detailed description of passive open space.

The Director of Planning advised of receiving inquiries concerning a house of worship (temporary structure) in a residential area. Currently, most institutional uses in the R zone are permitted but there are no substantial design criteria. The Director of Planning is recommending to add "any institutional use located in a residential zone must adhere to architecture and site design standards in Section 165-28 D."

The Director of Planning stated the Short Term Rental was removed and will be addressed separately.

There is a project coming before the Board of Appeals after these codes are being approved, relative to mixed use. Contact the Director of Planning with any concerns.

Public Hearing on Resolution 1206-23 Amending the 2023 Fiscal Year Budget

The Director of Finance advised the introduction of the Resolution still stands.

The Director of Finance informed of the following amendments:

- Town Hall/Police Department project - trying to capture all of the billing in FY23 and will include furniture cost.
- Armory security upgrade contract. Some funds were previously set aside.
- Special Revenue Grants - to clean things up for the audit.

Unfinished Business:

Ordinance 813-23 Amending Articles III, VII, and XIV and Permitted Use Tables of Chapter 165

Commissioners will vote to approve Ordinance 813-23.

Resolution 1206-23 Amending the 2023 Fiscal Year Budget

Commissioners will vote to approve Resolution 1206-23.

New Business

Ordinance 814-23 Bel Air Town Code Chapter 43 Code of Ethics Amendments

The Director of Administration received a letter from the Maryland State Ethics Commission regarding amendments to local laws that were passed. Ordinance 814-23 represents the amendments to adopt. The Director of Administration reviewed the additions/changes and were discussed by the Commissioners.

Resolution 1208-23 Sustainable Community Application Endorsement

The Director of Economic Development advised in order to submit our Sustainable Community application to the Department of Housing and Community Development, a Resolution needs to be approved by the Commissioners.

Armory Security Upgrades Contract

The Deputy Director of Public Works advised the Armory security upgrades began in 2021 and will continue upgrading to a card entrance for all doors. The contract will complete the project.

McCormick Street Drainage Improvements Engineering Project

The Deputy Director of Public Works notified the company contracted for the McCormick Street improvement project went out of business. The Town has a copy of their design and will enter into another contract for completion.

The Director of Finance stated this is in the first design stage and the funding for the project is not in the budget. Funding would have to come from Capital Reserve or grants.

STAFFING UPDATE:

The Director of Administration reported:

- Accounting Clerk - interviews being completed.
- Economic Development Coordinator - interviews occurred - recommendation to hire is pending.
- Police - position posted.
- Laborer - position posted.

The Director of Finance informed Amy Buell was promoted to AR Accountant.

The Director of Administration advised Donna Driver has retired and the part-time staff are working extra hours. There may be a need for temporary assistance.

CALENDAR:

The July/August/September, 2023 calendars were distributed.

The Town Administrator requested the Commissioners make the decision on a start time for the Town Board meetings. The Commissioners decided 6:00 p.m. and begin on August 21, 2023.

MISCELLANEOUS:

Election Code Candidate Campaign Finance Discussion

The Director of Administration received feedback from the State Ethics Board and their recommendation is using a \$1,000 contribution cap. The Director of Administration has added the \$1,000 contribution cap and candidates may self-fund without limitation. The State suggested to address non-candidate spending. The Director of Administration did create

a regulation with the wording "non-candidate shall maintain their record of all contributions and expenditures in support of a candidate and to disclose all contributions and expenditures to the candidate for inclusion on the candidates financial report."

Commissioner Etting feels there needs to be more writing to clarify.

After discussion, the Commissioners decided to eliminate non-candidate spending and the giving away candidate surplus campaign funds.

The Director of Administration will do more research on leftover campaign funds.

Chair Bianca left the meeting at 6:35 p.m.

Town of Bel Air and Armory Marketplace - Economic Development Videos

The Director of Economic Development advised new videos for the Town have been a priority for some time. The two new videos were previewed. They will be used to promote the Town and placed on the website.

Bel Air Town Code Chapter 165 Comprehensive Plan and Development Regulations Amendments: Article VIII (Landscape), Article IX (Special Provisions) and Article X (Accessory and Temporary Uses)

The Director of Planning reported not many changes were made to the three Articles. The Articles will be introduced during the August Town Board meeting.

The Director of Planning reviewed the changes.

Article VIII (Landscape)

Landscaping standards being clarified - **landscape to be reviewed by the Zoning Administrator or designee.**

Screening shall provide a year-round visual shield in order to minimize adverse impacts. **All required screening must be located within the project area. All off-site screening must be encumbered within a recorded easement to insure proper maintenance and retention.**

The Director of Planning advised in 2017 a portion of the chart was removed. Adding - **whenever commercial is related to residential it should be a 10' setback.**

(3) Planning Commission can currently allow a lesser landscape buffer but only in the B-2, B-2A and B-3A. ~~The B-2, B-2A and B-3A being eliminated.~~
Adding - ~~any district.~~

Screening

(4) Screening shall provide a year-round visual shield in order to minimize adverse impacts. Adding: ~~All required screening must be located within the project area. All off-site screening must be encumbered within a recorded easement to insure proper maintenance and retention.~~

Article IX - Special Provisions and Modifications

Height requirements

Adding: ~~(4) The height of any proposed building within 150 feet of abutting residentially zoned properties cannot extend more than ten feet above the permitted height of the abutting properties. If more than one zoning district is abutting the proposed development, the most restrictive building height applies.~~

Special Provisions

(3) Decks, balconies, porches, ~~awnings~~ and canopies. Decks, balconies, unenclosed porches and canopies may project into the front yard a distance of 25% of the minimum required setback for the district or the established front yard setback for the subdivision or neighborhood, as applicable. Canopies/~~awnings~~ ~~may extend a maximum of four-feet~~ and must maintain an eight-foot clearance above the sidewalk ~~in the public right-of-way.~~

Board of Appeals

6) In the case of an extension or enlargement of a structure, the following shall apply: ~~The Zoning Administrator may authorize the extension or enlargement of a non-conformity of a single-family detached dwelling or the Board of Appeals may authorize the extension or enlargement of the nonconformity of any other building or structure, with or without conditions, provided that: [Amended 4-3-2017 by Ord. No. 780-17]~~

Article X - Accessory and Temporary Uses

Residential District

(6) Pens and runs for domestic animals shall not be located within 50 feet of an adjacent residential primary structure. Kennels ~~as defined in Article XIV~~ are not permitted ~~in residential districts~~. Honeybee hives may be permitted on parcels with a minimum size of ~~10,000 square feet~~ and ~~located 50 feet from an adjacent residential primary structure~~ provided

honey is not produced for commercial purposes. On properties consisting of a minimum of 10,000 square feet, a coop for chickens having no more than two hens may be located no less than 50 feet from the adjacent residential primary structure. One additional hen may be added for every 5,000 square feet of lot area. On properties of two acres or more, pens, barns or stalls for farm animals shall be permitted, provided that the number of animals shall not exceed one per acre, the animals are contained within a fenced area, and the following minimum setbacks for principal and accessory uses are met: [Amended 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17]

(11) Temporary refuse dumpsters, storage containers or trailers shall not be placed on grass or pervious surface. No such storage may be located on a residential parcel for more than 30 days unless extended by the Zoning Administrator based on hardship or practical difficulty not caused the by property owner. [Added 4-2-2018 by Ord. No. 783-18]

C. Business and industrial districts

(6) Temporary refuse dumpsters, storage trailers or containers shall not be placed on grass or pervious surface. No such storage may be located on an area visible to a public road for more than 30 days unless extended by the Zoning Administrator based on hardship or practical difficulty not caused by the property owner.

Fences and Walls

E. Single family residential through lots as defined in this Part 2 may increase the height of a fence located along the rear right-of-way line to a maximum of six feet. Single family residential corner lots may increase the height of a fence to a maximum of six feet provided the fence is setback a minimum of six feet from right-of-way and is located behind the rear façade of the residence. The Zoning Administrator may require a survey to determine if visibility at the intersection is impeded by the increase in fence height.

Temporary Use

- A. Temporary uses shall be permitted as specified in Articles III, VII and XI of this Part 2 and shall not exceed 30 days unless otherwise specified. A permit may be issued by the Zoning Administrator or designee if all the specific requirements as stated below are satisfied:

Performance standards

(h) Signs may be posted during the duration of the temporary use with a maximum total area of 72 square feet unless otherwise specified by the Zoning Administrator provided the operator meets all other applicable temporary sign restrictions for the district.

[2] Sales/construction/office trailers

[a] No office or sales trailer may be permitted on a property longer than thirty days. A trailer associated with construction may be permitted for no longer than 18 months. The applicant shall fully describe the proposed use/activity to the satisfaction of the reviewing agency, including the operation, appearance, means to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation.

[d] If longer duration than 30 days is required, the Zoning Administrator may approve the use for no more than six months for good cause shown.

[e] Construction trailers shall be removed within 15 days of completion of construction or within 18 months of installation, whichever is less unless an extension is approved by the Director of Public Works.

C. Outdoor promotional event/sales event/yard sale

The Director of Planning advised there are several changes because of repetition.

3. Outdoor sale event

[a] The number and type of sales from a vehicle or trailer is regulated by the provisions in Chapter 272, Itinerant Dealers, Peddlers and Solicitors.

[c] Temporary outdoor sales events or tent sales may not be conducted for no more than 30 days per calendar year. This temporary use is permitted through a process outlined in Article XI of this Part 2.

3. Outdoor sale event

[c] Temporary outdoor sales events or tent sales may not be conducted for no more than 30 days per calendar year. This temporary use is permitted through a process outlined in Article XI of this Part 2.

4. Snowball stands or other seasonal uses.

[a] Temporary seasonal uses are subject to a temporary use permit and cannot exceed six months per calendar year.

[d] Signage is limited to a total of 24 square feet.

D. Sidewalk café or retail sales.

[k] Waste from dining or sales operations shall be located inside the establishment and the sidewalk shall be cleaned by the user a minimum of once per six months.

[l] Sidewalk café or sales are subject to a seasonal temporary use permit as outlined Section 165-87. Advertising is limited to one sandwich board sign.

Electronic LED Touchscreen Window Displays/Signage

The Director of Planning distributed information regarding an interactive touchscreen that is not in the Town Code. In the Town, a sign is something you read from the road when driving by and if you have to walk up to the display to read, it is not considered a sign.

The Director of Planning advised there is someone who wants a touchscreen display for real estate sale with the bottom third for advertising, similar to a billboard. The Director of Planning has concerns about the advertising portion and that this type of sign could be a distraction.

The Director of Planning stated there is a way this could work if placed inside behind glass and still be used as a touchscreen.

The Commissioners made the decision to not allow the LED touchscreen.

Discussion on 2022 Maryland Question 4 Legalization of Cannabis for Adult Use in Maryland

Commissioner Etting feels this legislation cannot be interpreted in any other way than the maximum setback of 1,000 ft. Commissioner Etting found out this is the minimum and the Town could have a greater amount. The Legislature is supposed to go back to fix this.

Ms. Thompson, Town Attorney, has joined the Maryland Municipal Attorney's Association and sent a memo to all the members regarding the issue. Ms. Thompson received a response from one member saying that the law on setbacks is clear and can only reduce them. Other responses received were on the difference of setbacks and use.

The Director of Planning advised the code is being amended saying anything use to use is now property line to property line, unless otherwise noted.

Commissioner Etting informed Ocean City has passed a Moratorium for nine months and Carroll County is setting up a study. Commissioner Etting

recommends the Town pass a Moratorium for nine months to see what may happen.

Commissioner Hughes stated in past discussions most agreed on the setbacks that were established and feels being more restrictive may not be in our best interest.

The Commissioners made the decision to pass a Moratorium on Cannabis for nine months to learn more. Ms. Thompson advised the Moratorium would begin the date passed.

Discussion on the Legislative Action Request (LAR) to repeal the State's requirements relating to publication of notices in a newspaper of general circulation

The Town Administrator received an email from MML about removing the legislation on having to publicize legal notices in the paper. The Town Administrator notified someone in the Town is on the petition to push this through. The Town Administrator stated if this does pass, the Town needs to be diligent with up to date website postings.

Election Judge

The Director of Administration advised Alissa Wallace expressed interest in being an Election Judge. There was no opposition and the item will be placed on the agenda at the Town Board meeting on July 17th.

Business of the Year Award

The Director of Economic Development reported ECDC will meet in July once the nomination process is closed for Business of the Year. The recommendations will come before the Commissioners in August to have more time to prepare for the event.

Contract Amendment for Central Services

The Director of Finance informed this contract amendment will be placed on the agenda for the Town Board meeting on July 17th. During the budget, it was agreed not to hire an additional custodian and to outsource the parking garage and comfort station.

Market Study

The Director of Economic Development picked up the copy of the Market Study today.

COMMISSIONER'S COMMENTS:

Commissioner Etting informed the app being used during the MML Conference was difficult and the decision was made not to use it again.

Commissioner Kahoe advised the ABC Committee will be replacing some Christmas decorations for the new building. Commissioner Kahoe spoke with a vendor during the MML conference about leasing decorations and brought back catalogues.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 7:45 p.m.

APPROVED: August 21, 2023

Signature on file
Kevin M. Bianca, Chair
Board of Town Commissioners

Signature on file
Michael L. Krantz, Town Clerk