

BOARD OF TOWN COMMISSIONERS

WORK SESSION

August 10, 2021 5:15 P.M.

PRESENT: Commissioner Amy G. Chmielewski, Chair
Commissioner Kevin M. Bianca, Vice-Chair
Commissioner Erin S. Hughes
Commissioner Donna L. Kahoe
Commissioner Patrick T. Richards
L. Jesse Bane, Town Administrator
Rachel Deaner, Deputy Director of Finance
Trish Heidenreich, Director of Economic Development
Stephen Kline, Director of Public Works
Michael Krantz, Director of Administration
Charles Moore, Chief of Police
Patti Parker, Community & Public Relations Manager
Kevin Small, Director of Planning
Charles Keenan, Town Counsel

ABSENT: Lisa Moody, Director of Finance

OTHERS: Joan Suitt, Recording Secretary

APPROVAL OF AGENDA:

Chair Chmielewski called for approval of the Agenda.

Commissioner Richards moved and Commissioner Bianca seconded the motion to approve the Agenda as written.

Ayes: Commissioners Bianca, Hughes, Kahoe, Richards and Chmielewski

Nays: None

The motion carried.

PUBLIC COMMENT:

Town Code Amendments Proposed by 212 Archer Street LLC d/b/a Independent Brewing Company for Outdoor Dining and Satellite Parking

Brad Stover, 836 S. Main Street, Suite 102, Bel Air, Md. informed of attending a Commissioner Work Session in June, 2021 with the proposed changes to the Independent Brewing Company (IBC) property that includes:

- Construction of a building at the location of the tent.
- Town Code amendment to remove the 75% cap on outdoor dining area in M-1 District.
- Establishing a definition for satellite parking in the Town Code.

Mr. Stover advised the construction of the new building will improve noise conditions on site. Currently, the bands are outside under the tent and Independent Brewery Company takes decibel readings when bands are playing. Mr. Stover stated the bands stop at 9:00 p.m. and if the decibels get close to the 65 limit, they are instructed to turn it down. Mr. Stover stated the bands will now be inside the building and the noise reduced. The new building will create a buffer between the front of IBC and the back.

Mr. Stover notified the owner intends to pave and stripe the lot currently used on Ellendale and an agreement has been reached for additional parking for IBC use. Mr. Stover looks forward to the introduction of the Resolution.

Harry O'Neill, 655 Rock Spring Church Road, Forest Hill, Md. is part-owner of Independent Brewing Company and understands there are concerns with noise with outside music. Mr. O'Neill stated we take pride in the brewery, that N. Main Street has improved considerably, and believe we are a good neighbor. Mr. O'Neill informed of 18 full-time employees, rotating food trucks, and the

use of local musicians. Mr. O'Neill stated IBC is an economic engine in the Town of Bel Air and will continue this with putting in a new building. Mr. O'Neill feels allowing satellite parking will be an improvement and commented about the Ma & Pa Trail coming through the Town. Mr. O'Neill stated with taking the parking off the property, we alleviate a safety risk with vehicles leaving.

Mr. O'Neill wants to clear up concerns and continue being a good neighbor. IBC is a big supporter of the community and local charities. Mr. O'Neill notified positive feedback has been received for IBC and people want to see us grow.

Commissioner Kahoe wanted clarification that the Ellendale lot is being improved. Mr. O'Neill stated it will be improved with one way flow through the lot, angled parking/stripping and possible lighting. Commissioner Kahoe further inquired about the satellite parking across Main Street. Mr. O'Neill stated there is intent to improve it and details are being worked out.

Commissioner Kahoe asked for capacity of the proposed building. Mr. O'Neill advised our Architect is working on the number and will submit it to the Town. Mr. Stover stated it is 99 and the same capacity as the tent.

Linda Cole, 102 Nicholas Street, Bel Air, Md. advised this information has been helpful and would like to work with the owners for a win-win situation.

Ms. Cole is asking the Commissioners to deny the parking exceptions or code changes requested by IBC as they seek to expand and have unlimited outdoor dining due to the problems that currently exist. Ms. Cole informed the problems are loud band music, outdoor crowd noise from the tent, parking/traffic issues, the increased foot traffic in a small area, and possible lower property values in the future. Ms. Cole stated the band noise is the biggest issue regardless of the decibel level and crowd noise a second. In the last weeks, Independent Brewery was personally notified of the loud music as well as the police. A certified letter was sent to Mr. Rhudy about the noise last November with no response. Ms. Cole stated in order to not hear the noise her windows at home have to be closed and not use the balcony. Ms.

Cole does not have the option of getting away from what is going on at the brewery. Ms. Cole doesn't want to listen to the band, hear people laughing, talking or shouting up to 10:00 p.m. even if the brewery is acting within the law. IBC has done a good job of drawing patrons to have a successful business and supports good causes in the community. Ms. Cole would like IBC to consider the neighbors and surrounding businesses. Ms. Cole requested to see a site plan because of concern with the back lot, outdoor dining, doors being open and possibility adding a distillery. Ms. Cole submitted a petition to the Commissioners and asked those attending the meeting who have the concerns mentioned to stand up.

Cyndi Stewart, 102 Nicholas Street, Bel Air, Md. stated Independent Brewery has had a negative effect on her life between the noise, parking issues, congestion in the neighborhood and that the area has turned into a carnival atmosphere. Ms. Stewart advised at times the music is so loud she cannot hear the TV, open windows or sit on the patio. Ms. Stewart advised IBC is serving beer with high alcohol levels and when patrons walk to their cars on Williams Street or the Ma & Pa Trail lot they are not in control of their faculties and unsavory actions are taking place. Ms. Stewart asked the Town to remember these are our homes and bought when it was a quiet neighborhood. We should not be subject to this unpleasant atmosphere for the benefit of someone's success. Ms. Stewart asked the Commissioners not approve the expansion of IBC.

Donna Lewis. 545 Cressy Road, Bel Air, Md. advised her home is the fourth house in from Rock Spring Road. Ms. Lewis complemented Mr. Rhudy on his business but stated it is not so good if you are a resident nearby. Ms. Lewis explained the trail connection abuts her property line and knows the feeling of peace and quiet, and that protection/privacy is something she will not have in the near future. Ms. Lewis uses the trail and is a lifetime member and trail monitor but feels vulnerable. Ms. Lewis is also concerned with the asphalt planned behind her home knowing there will be motorized boards and cyclist riding fast. Ms. Lewis expects people will take the trail as a shortcut to Town and if IBC increases, she sees problems with crowds and intoxicated

individuals. Ms. Lewis asked the Commissioners to please take these concerns into consideration.

Frank Gontasz, 130 W. Broadway, Bel Air, Md. is the HOA President of Hearth Stone at Village Square and regularly receives complaints from the community regarding IBC. Mr. Gontasz would like to see a site/building plan of the expansion and information on satellite parking because of the concern with traffic on Ellendale/Maulsby and now on Williams/Broadway. Mr. Gontasz agrees the noise is a big issue and if IBC wants to be a responsible neighbor, they should keep the noise down. Mr. Gontasz advised when the condos were built it was quiet and we enjoyed living there. Mr. Gontasz hopes these issues can be resolved.

Chair Chmielewski asked for the number of units at Hearth Stone. Mr. Gontasz informed six buildings with 72 units.

Peggy Lucas, 516 Robinson Street, Bel Air, Md. has an appreciation for IBC and feels it is a wonderful addition to the Town of Bel Air. Ms. Lucas understands the tent was necessary because of COVID-19 but will expire effective January 15, 2022. Chair Chmielewski agreed and informed the issue of tents will be revisited during the first Work Session in December, 2021.

Ms. Lucas asked if the 75% capacity is removed will IBC have Carte Blanche on capacity and what is the advantage of removing the performance standard. Mr. Small, Director of Planning, informed both the tent and outside area are considered exterior space. IBC is asking for that expanded area to become a building and may be in excess of the 75%. Mr. Small stated this is not a site plan or submission from IBC but a change to the Code and will apply everywhere in the district.

Chair Chmielewski notified this request will come before the Planning Commission and the Board of Appeals then back to the Commissioners.

Ms. Lucas appreciates the concerns of the residents nearby as they were there before IBC. Ms. Lucas further wanted clarification that the satellite parking is being improved and why it is necessary for them to be exempted. Ms. Lucas stated if

it is their intention to do what they should do, she is requesting the clause be considered not necessary.

Jared Marmen, 162 Williams Street, Bel Air, Md. stated when seeing the agenda, it seemed to be a hypocrisy. Mr. Marmen wants to make sure everyone looks at this because other businesses have rules to be followed. Mr. Marmen requested this be above board, a fair playing field and not give people special treatment.

John McVale, 102 Nicholas Street, Bel Air, Md. is concerned about the noise level and questioned where IBC is taking the readings. Mr. McVale stated the noise is going from the tent to their building and resonating off. Chief Moore notified the police also take readings in the neighborhood.

Mr. Stover can provide a copy of the site plan to the Town for placement on the website or provide his business card to anyone who wants to see it.

There were no further comments. Chair Chmielewski thanked everyone for their comments.

TOWN ADMINISTRATOR'S REPORT:

The Town Administrator is concerned with the COVID variant numbers rising in Harford County and mentioned new restrictions being placed in other locations. The Town Administrator is waiting on directives from the CDC and the Governor before discussing any recommendations. The Town Administrator does have concern with cooler weather approaching and people back inside.

TENATIVE AGENDA FOR TOWN MEETING TELECONFERENCE (August 16, 2021 at 7:30 pm)

Public Hearing:

Ordinance 803-21 Amending Bel Air Town Code Chapter 420 Tattooing

A Public Hearing will be held on amending the Bel Air Code regarding tattooing.

Unfinished Business:

Ordinance 803-21 Amending Bel Air Town Code Chapter 420 Tattooing

The Town Commissioners will vote on Ordinance 803-21.

New Business:

Town Code Amendments Proposed by 212 Archer Street LLC d/b/a Independent Brewing Company for Outdoor Dining and Satellite Parking

Chair Chmielewski notified the Commissioners will vote on sending this proposal to the Planning Commission for review.

Commissioner Kahoe asked if the proposal will be rewritten after what was discussed this evening. The Director of Planning will reach out to Mr. Stover to see if there will be any revision.

Commissioner Kahoe wants clarification if the 75% issue on the exterior space would just be applicable to Independent Brewery. The Director of Planning advised it applies to all properties in the M-1 district.

The Director of Planning advised the Planning Commission will hold a public hearing and make a recommendation to the Commissioners. Commissioner Richards inquired if the Planning Commission recommendation would include parking. The Director of Planning stated the Planning Commission recommendation will include all.

Resolution 1172-21 Harford County 2020 Growth Report

The Director of Planning advised the last time the Growth Report was approved there were several schools restricted or over capacity. One was Homestead/Wakefield Elementary and there is now a proposal to reconstruct the buildings.

The Director of Planning noted the counts are lower because of the COVID issues and enrollment.

Contract - CRA for Procurement and Construction Phase of Town Hall and Police Department Expansion

The Director of Planning advised the contract was sent out with more detailed drawings and specifications. The representative from CRA is here tonight for questions on the process.

Commissioner Hughes asked if the process is staying on schedule. The Director of Planning stated we are still on track and the RFP will be issued Thursday with a six week bid process. The Director of Planning will keep the Commissioners informed.

Award of Bid for Patrol Vehicle Accessories

The Chief of Police advised this is for approval on accessory packages for the three patrol cars in the amount of \$45,000.

Rockfield Playground Improvements

The Director of Public Works advised the Rockfield Creative Playground is 25 years old and components to the playground need replacing.

The funding provided for the project:

- State of Maryland grant - \$75,000
- Harford County - \$25,000
- Town of Bel Air - \$50,000

Chair Chmielewski asked if items will be recycled. The Director of Public Works will look at that.

STAFFING UPDATE:

The Director of Administration informed of:

- 2 Construction Worker and 2 Equipment Operator vacancies - possibility a Laborer will be hired and trained within.
- Posting for Deputy Chief, Police Department Administrative Secretary and File Clerk.
- Recording Secretary - looking for another candidate.

CALENDAR:

Calendars were distributed. Please advise of any updates or corrections.

MISCELLANEOUS:

Comprehensive Plan

The Director of Planning distributed another list regarding the Comprehensive Plan to the Commissioners for review and requested comments be emailed.

The Director of Planning will bring more information to the Planning Commission and Commissioners before the final version. The approval of the Comp Plan may be the end of this year or January, 2022. The Director of Planning informed the Census data has not been received and is necessary for the final version.

Commissioner Bianca asked if the Town is receiving completed surveys. The Director of Planning advised the system is working well and received more than in the past. The Director of Planning encouraged residents to attend the next Comprehensive Plan meeting on October 27th at the Armory from 6:00 - 8:00 p.m.

Proposed Amendments to Town Code Chapter 272 Itinerant Dealers, Peddlers, and Solicitors Re: § 272-3 Exemptions

The Director of Administration reported receiving a request to amend legislation regarding food trucks and Itinerant Dealers, Peddlers, and Solicitors. The current code restricts food trucks significantly which is good for citizens and brick and mortar businesses. The allowed locations for a food truck were reviewed. The Director of Administration advised the food truck operators are currently required to have a license from the State, County, Health Department and then they must come to the Town of Bel Air for a Town license.

The Director of Administration drafted a proposed exception to the food truck licensing that property owners authorize the location (on the map) and may apply to the Town of Bel Air for a permit allowing the Itinerant Dealer to operate on their private property without a Town license as long as the Itinerant Dealer

maintains all State and County licenses. The Director of Administration stated a decision would have to be made about a fee.

The Director of Administration feels the amendment will serve the Town and private property owners better by taking away some of the red tape the food truck operator goes through. A food truck operator wanting to be on the designated public road would continue to come to the Town for a license.

Commissioner Richards asked for the time spent on this process. The Director of Administration advised it has increased but not a tremendous amount of time. The process has become cumbersome and more time is needed for enforcement.

Commissioner Kahoe asked if there is a limit on the number of food trucks on private property. The Director of Administration advised normally there are not more than two at a time because of competition.

The Chief of Police inquired about possible traffic issues for a public street. The Director of Administration stated the map restricts locations and does not feel there would be a problem.

The Director of Planning informed there was some housekeeping done on the proposed amendment.

Commissioner Richards recommends keeping the restrictions and take the Town out of the business for a license/fee. Commissioner Richards wants the code to read that the property owner is responsible to check for proper licenses.

Commissioner Bianca wanted clarification that the food truck operator would not need a Town license and no fee charged. The Director of Administration informed the proposed legislation would require the property owner to come to the Town for a temporary permit.

After further discussion, the Director of Administration will prepare a final draft to be reviewed at the next Work Session.

The Chief of Police and Community and Public Relations Manager left the meeting at 6:40 p.m.

COMMISSIONER' S REPORT:

Commissioner Bianca inquired about the timeline for the Rockfield Playground grant. The Director of Public Works expects the grant from the State to be approved tomorrow. The project should begin September/October and last approximately 8-10 days.

Commissioner Hughes reported:

- Historic Preservation Commission did not have a quorum for their meeting and the agenda was deferred to next meeting.
- Planning Commission approved Harford Chabad for:
 1. Combining two parcels on Broadway and remove existing structures
 2. Satellite parking agreement with ShopRite
 3. Site Plan for 5,300 sf House of Worship
 4. Landscape Plan

Commissioner Kahoe asked if the Site Plan can be reviewed. The Director of Planning will check to see if the plan is still on-line and if not will send a copy.

Commissioner Hughes advised the next Planning Commission meeting has been rescheduled to September 9th due to the Labor Day holiday.

Commissioner Kahoe appreciates those who attended and commented on the issues during the meeting.

ADJOURNMENT:

With no further comments, the meeting was adjourned at 6:50 p.m.

Approved: August 16, 2021

Signature on file
Amy G. Chmielewski, Chair
Board of Town Commissioners

Signature on file
Michael L. Krantz, Town Clerk