

MINUTES

BOARD OF TOWN COMMISSIONERS

August 16, 2021

The regular meeting of the Board of Town Commissioners was called to order on Monday, August 16, 2021 at 7:30 p.m. at Town Hall, 39 Hickory Avenue, Bel Air, Maryland.

MEMBERS PRESENT: Amy G. Chmielewski, Chair
Erin S. Hughes
Donna L. Kahoe
Patrick T. Richards

ABSENT: Kevin M. Bianca, Vice-Chair

STAFF PRESENT: L. Jesse Bane, Town Administrator
Trish Heidenreich, Director of Economic Development
Stephen Kline, Director of Public Works
Michael Krantz, Director of Administration
Patti Parker, Community & Public Relations Manager
Kevin Small, Director of Planning
Joan Suitt, Recording Secretary

ABSENT: Lisa Moody, Director of Finance
Charles Moore, Chief of Police
Charles Keenan, Town Counsel

APPROVAL OF AGENDA:

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

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

PUBLIC COMMENTS:

Timothy Stielper, 435 Choice Street, Bel Air, Md. is a Town resident and employee at Independent Brewing Company. Mr. Stielper has seen many changes with Main Street growing, Tower Restaurant adding an enclosed second floor space to accommodate live music/open-air dining, MaGerk's expanded outside dining capacity/renovated patio, Looney's doubled in size and added outside dining/bar seating on renovated patio, fine dining at 111 Main, great shops/boutiques/coffee houses and now a brewery. Mr. Stielper advised the downtown area has a unique role in economic and social development. It creates a critical mass of activities that facilitates cultural/civic exchanges, businesses growing, and provides jobs. Mr. Stielper informed Independent Brewing employs over 15 people and has allowed these employees to purchase homes, extend education, and contribute to family financial stability. Mr. Stielper personally made extensive renovations to his home using local contractors.

Mr. Stielper stated when allowing additional spaces for our guests who also patronize local businesses, they are giving money directly back to

the local community. Small businesses generate high levels of revenue which in turn means higher taxes that can be used for the local police department, Town improvements and things that we benefit from by living in the Town of Bel Air. Independent Brewing donates to local charities, supports/sponsors local events and sports teams. As part of being a good neighbor, Independent Brewing walks the perimeters looking for trash, monitors loud music, allows over-flow parking for Ma & Pa Trail, stops music at 9:00 p.m. and closes before the liquor license allows. Mr. Stielper asked the Commissioners to vote yes and support the growth of local businesses.

Shelby Stange, 140 Maulsby Avenue, Bel Air, Md. is a Town resident, an employee at Independent Brewing, and of equal distance from the brewery as the Hearthstone community. Ms. Stange believes noise pollution exists in all towns especially in small ones like Bel Air. Ms. Stange moved to the Town because of having the ability to grow and hopes one day to own a business here. Ms. Stange mentioned the noise pollution of mowing lawns, trash trucks, and business deliveries that comes as part of the package deal living in a Town. Ms. Stange acknowledged what the Town of Bel Air has done with parking issues on Ellendale, Williams Street, Ma & Pa lot, and overflow at the Liriodendron lot. Ms. Stange knows these improvements have not been fully taken advantage of and is a give and take for the community.

Ms. Stange is happy to see outdoor expansions throughout Town that were incredibly helpful especially during COVID and hopes to see more as it creates jobs.

Linda Cole, 102 Nicholas Street, Bel Air, Md. is speaking for residents in the condos concerned about Independent Brewing (IBC) expansion plan. During last week's presentation, Mr. O'Neill's presentation indicated wanting to be a good neighbor and mitigate problems. Ms. Cole advised if that is the case, we don't understand why Independent Brewing is still asking for changes to the parking code so they don't have to comply with current standards. Mr. Stover and Mr. O'Neill have stated the parking lot will be paved and striped giving the impression this would be brought up to code. Ms. Cole advised the Site Plan for the lot shows paving, striping, and curbs but no lighting plus the continued use of a rope fence. Ms. Cole also has issues of ingress and egress of the lot into the alley way. This indicates continued use of the narrow alley way as a street or driveway for IBC patrons and creates traffic/safety issues at the intersections especially with the plan to double capacity. Ms. Cole stated if IBC is truly interested in being a good neighbor and wants to use M & J lot for parking, they should withdraw the request for an exception of the code and follow the same parking requirements every business in Town has to follow. We do not think IBC should be granted an exception and the word unlimited is particularly concerning.

Ms. Cole stated along with the unlimited outdoor dining comes a new building which IBC indicated would mitigate the band noise. Ms. Cole does not know the material of the walls, but there will be roll-up garage doors on three sides that can be opened any time. Obviously, any band performing inside would still be heard outside just like now under the tent. IBC has heard about band noise for over a year but the site plan clearly does not address or mitigate it. Ms. Cole is reminded of the phrase "actions speak

louder than words". These two requests have nothing to do with being a good neighbor and everything to do with increasing the business of IBC.

Megan Mahoney, 144 Maulsby Avenue, Bel Air, Md. is in favor of the expansion and the parking situation as an employee of Independent Brewing. Ms. Mahoney feels it is easy for people to walk to the brewery and decreases the need for capacity parking. Ms. Mahoney does not feel the music has been intrusive in any way and can barely hear it at her home. Ms. Mahoney feels safe to walk around the Town because of the amount of people who are in proximity to the brewery. The people coming into Town increases the business for Independent and all the local establishments. Ms. Mahoney stated a sturdy building will decrease the noise pollution from the bands.

Harry O'Neill, 655 Rock Spring Church Road, Forest Hill, Md. and part-owner of Independent Brewing stated this request will allow us to construct a building on-site that will continue for us to provide a place of community for the Town. Mr. O'Neill stated during the pandemic we found it is important to be outside and have a place to gather, spread out and feel comfortable. Mr. O'Neill stated without the building and additional capacity, we would have to move back where we were. Independent Brewing is a popular place to gather and people will continue to come. By allowing the expansion, we will be able to accommodate the community and provide a safe environment. Mr. O'Neill stated the code change will provide not being required to have parking on-site. When having parking on-site, it limits people to spread out and without the parking it improves the egress and ingress for pedestrians.

Mr. O'Neill informed of paving/stripping the Ellendale lot and the intention of lighting in which the owner of the lot has expressed an interest. Mr. O'Neill advised the building will have solid walls that will control the sound in the M-1 District and our goal is to be a good neighbor.

Mr. O'Neill stated the building is a significant investment and wants to have the opportunity to grow in the Town. Mr. O'Neill stated Independent Brewing is a driver for people to come to the Town and helps with economics. Mr. O'Neill notified of taking great strides in maintaining an attractive business and submitted a letter from a resident of the Hearthstone community who is in favor of the increase.

Mr. O'Neill hopes the Town will embrace the project to allow for satellite parking and not have a restriction on outdoor seating capacity. This will allow people to spread out on the grounds, allow them to gather and feel safe with others.

Mr. O'Neill informed of 18 full-time employees, food trucks that expanded to brick and mortar businesses and musicians employed throughout the pandemic. Mr. O'Neill asked the Commissioners to consider the positives of the request that is specific to the M-1 area. It is important to keep the economic driver going to benefit the community and Town. Mr. O'Neill asked the Commissioners to approve sending the request to the Planning Commission for review.

Phil Rhudy, 2309 Franklin Chance Court, Fallston, Md. is part-owner of Independent Brewing and commented a Town has bigger problems when they

don't have parking issues. Mr. Rhudy advised of trying to increase our parking not just for customers but for the trail and the north end of Town. Mr. Rhudy feels this is important to solve the parking dilemma that comes with development.

Cyndi Stewart, 102 Nicholas Street, Bel Air, Md. advised the residents surrounding Independent Brewing understand many of the regulations for businesses were relaxed based on the COVID pandemic and does want continued success for all businesses. It is understandable the tents and outside dining helped to provide the much needed space for social distancing but bands and outdoor living do nothing to help the issues of COVID. Ms. Stewart stated Independent Brewing has never been approved to have bands inside or outside their establishment. However, with the onset of COVID, they made the decision to add bands and placed them in the front of the business along Main Street. In this location, there was minimal impact from the noise. Ms. Stewart informed when the tent was erected the bands moved to the rear of the property and became a great impact. The only purpose of the music in the rear was the continued increase in Independent Brewing revenue but to the detriment to the surrounding residents. We understand taverns have been allowed to have one or two people playing music that generally does not impact but even a single person singing if amplified enough can have a negative effect. Ms. Stewart respectfully asked for the next six months that Independent Brewing be required to move the bands to the front of the establishment. Please grant the residents some peace and quiet for the remaining summer and fall season. Ms. Stewart asked everyone present who are against the expansion to please stand.

Eric McLauchlin is attending on behalf of Independent Brewing and advised this is more of a technical issue before the Commissioners. The item on the agenda is a potential amendment of code provisions that relate to outdoor dining and satellite parking. Mr. McLauchlin stated Section 165-53 relates to performance standards for outdoor dining or bar services in the M-1 Industrial District specifically, not the entire Town. The amendment proposed would remove the 75% cap on outdoor dining areas and is necessary because of the proposed expansion. The proposed expansion includes outdoor paved areas where there are food trucks, tables and outdoor recreation which in total exceeds the 75% cap on the outdoor dining area.

Mr. McLauchlin stated Independent Brewing currently exceeds the 75% percent cap because of the outdoor tent, which is a temporary use and never intended to stay. When looking at this, it would be no increase of the outdoor area when a building is swapped for the tent. The project is a model shift because people want to be outside not just because of COVID but because of the type of business, entertainment, and activities provided. Mr. McLauchlin believes the building will act as a buffer to activities particularly in the paved areas. The satellite parking is more adjacent to that area. Mr. McLauchlin stated when hearing the phrase, the parking is not up to code, please be mindful the reason the code amendment is being introduced is because there is no code or definition for what satellite parking is going to be. Mr. McLauchlin notified if it was standalone parking, which is permitted in the code, it would have to be an entire Use & Occupancy permit process and not what is intended for satellite parking. The owner intends to pave, stripe, and light the parking lot. There will also be directional flow and pedestrian

crosswalks. Mr. McLauchlin informed being in the M-1 Industrial District this could be a more intensive use. The property owner not only wants to cooperate with the neighborhood but attempt to cooperate with the Town's code by making sure the code is modified in a way to accommodate what is intended for the project and comply with those modifications.

Nicki Jergensen, 122 W. Gordon Street, Bel Air, Md. is in support of the growth of Independent Brewing. Ms. Jergensen is a teacher, artist and has been contracted by Independent Brewing. Ms. Jergensen stated everyone wants to have a place to go and people love Independent Brewing. It is a great place where you can walk/bike to and feel safe. Independent Brewing has a partnership with Harford Artists where their work is being sold. Ms. Jergensen feels if there is a building for the music it can be structurally worked out for all to benefit. Ms. Jergensen lives near the Liriodendron and also hears music from there. The bands perform quality music and Ms. Jergensen likes living in an active community. Ms. Jergensen asked the Commissioners to think about COVID and what was needed to get through it. We need to learn to support one another and allow Independent Brewing to grow.

Bill Kelly, 582 Ridgewood Road, Bel Air, Md. informed of living in an old residential neighborhood where people take care of their homes. Mr. Kelly is not in disagreement with business but Independent Brewing is on the fringe of many residential properties unlike businesses on Main Street. Mr. Kelly stated residents have a stake and the Commissioners' responsibility is to make decisions for the 10,000 residents in the Town of Bel Air. They may not all live near the brewery, but you are representing us. Mr. Kelly remarked residents have as much right as a business because our money is also invested and do not want the investments disrupted by the expansion of an enterprise that is a lot different from when Independent Brewing first came to Town. Mr. Kelly stated we are now in for a major expansion of that business coupled with the Ma & Pa Trail extension which will bring more people into this area. Mr. Kelly's residence is two blocks from Independent Brewing, and he does not want to have people who are intoxicated walking his street or to the neighbors near the Ma & Pa Trail. Mr. Kelly advised the Town of Bel Air is near and dear to him and he is not in favor of the expansion.

Peggy Lucas, 516 Robinson Street, Bel Air, Md. appreciates what Bel Air has been and what it has become. It is a vibrant community and has become that way because we encourage new businesses and went along with improvements made. Ms. Lucas attended the Work Session where the representatives of the property requesting the modification stated it was their intent to improve the necessary satellite parking area to satisfy the commercial parking lot standards. If so, Ms. Lucas asked why should this modification to exempt anything at this time be enacted. There would be no actual restraints or requirements of them if this was modified in the way they ask. Perhaps there are other requirements that a commercial parking lot requires but they may choose not to do. Ms. Lucas stated there are commercial lot requirements for everyone else and sees no reason to modify it.

Ms. Lucas further asked why the 75% has to be entirely exempted from the M-1 District. Temporary exemption with the tents has been allowed because of the COVID emergency and temporary measures can be extended. Ms. Lucas

hopes the pandemic does not go on forever but most likely will have to be extended. Ms. Lucas is in favor of a temporary exemption with some restraints. The noise is the major problem as stated by nearby residents plus the serious concerns about the extended use. Ms. Lucas stated this is real.

Ms. Lucas enjoys Main Street and Independent Brewery has been a wonderful addition to Town but is reluctant to go along with the expansion. Ms. Lucas urged the Commissioners to halt this right now and do not modify because there are true dangers if there are no restraints whatsoever. Ms. Lucas hopes Independent Brewing continues their business and continues to be an asset to the Town.

Frank Gontasz, 130 W. Broadway, Bel Air, Md. is the HOA President at Hearthstone and is most concerned with parking. During any given night, it is hard to maneuver Williams Street because of parking on both sides of the street. As the President of the HOA, Mr. Gontasz informed there are 72 units in 6 buildings, and he makes sure everything is up to code and maintained. Mr. Gontasz stated during the first years Independent Brewing was acceptable but now the elderly residents in 101 & 102 who want to live comfortably and quietly in their neighborhood cannot. Mr. Gontasz stated this expansion will bring in more people and does not see how this will work. Mr. Gontasz suggested the owners look at another place for this type of business because the disruption will not benefit the residents at Hearthstone.

Donna Dickey, 30 Tolchester Lane, Bel Air, Md. volunteers with organizations and businesses striving to bring people into the Town to support them. Ms. Dickey reminded tonight is not to discuss the expansion of Independent Brewing but about the satellite parking. Ms. Dickey stated whether it is the tent or a building it will be the same amount of people.

There were no further public comments.

APPROVAL OF MINUTES:

Commissioner Hughes moved and Commissioner Richards seconded the motion that the minutes of the Bel Air Board of Town Commissioners' meetings held on July 19, 2021 and August 10, 2021, be approved as corrected.

Correction: change decimals to decibels

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

NEW BUSINESS:

Referral of Code Text Amendment Petition to the Planning Commission

Commissioner Kahoe moved and Commissioner Richards seconded the motion that the petition by 212 Archer Street LLC to amend Sections 165-51, 165-53 & 165-59 of the Town Development Regulations be referred to the Bel Air Planning Commission for review and recommendations.

Commissioner Hughes has spoken with residents of the Hearthstone community and current owners of Independent Brewing. Commissioner Hughes reminded the vote tonight is whether or not to pass this to the Planning Commission for its recommendation as Mr. Small stated. The Planning Commission can come back with recommendations to not approve or approve with conditions. Commissioner Hughes is interested in hearing the Planning Commission ideas and feedback.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

PUBLIC HEARING:

Ordinance No. 803-21 Chapter 420-1 through 420-12 Amendments to Tattooing

Mr. Krantz, Director of Administration, reported Chapter 420 of the Town of Bel Air code establishes regulations concerning Tattooing in the Town of Bel Air. A recent review of the code revealed inadequacies and the need for amendments.

The amended Chapter 420 (Tattooing) will involve the revision of §420-1 through §420-13. Much of the process in Town Code Chapter 420 (Tattooing), last adopted by the Town of Bel Air Commissioners in 1980, involved oversight of the Bel Air Police Department for businesses applying for a tattooing permit in addition to other mandates and practices for those businesses. That process, from a local perspective, is outdated, to include: not including body piercing requirements or definition; requiring an application with the police department and permit fee; permit approval through the police department; reviewing criminal histories of business owners prior to approval; disclosure of criminal histories; obtaining fingerprints of owners; examination by licensed physician prior to permit approval by the police department; and confirmation by the police department of truthfulness in the application process. Additionally, there will no longer be refusals, revocation or a suspension of a permit as previously outlined in §420-12, if the amendments are accepted.

The amended Chapter 420 (Tattooing) will involve complete revisions of §420-2 (Permits Required); §420-3 (Application for Tattoo Business Permit); §420-4 (Application for Permit to Perform Tattooing); §420-7 (Applicability); §420-8 (Permit Display, Transfer, and Renewal; fees); §420-12 (Refusal, Revocation or Suspension of Permit. Certain chapters will remain mildly revised, to include: §420-1 (Definitions); §420-5 (Investigation of Premises) which will become §420-2 and require the business to comply with local, State and Federal sanitation requirements; §420-6 (Use and Occupancy) which will become §420-3 and require a use and occupancy permit and associated fees and provide an opportunity for inspection by the Town of Bel Air and Harford County Health Department prior to opening; §420-9 (Sanitation and Safety Requirements) which will become §420-4 and allow for periodic inspection by the Town's Building official or representative, sanitary requirement specifications;

§420-10 (Supervision) which will become §420-5 and entails compliance with local, State and Federal standards regarding skin penetrating body adornment procedures and methods of enforcement for violations; §420-11 (Unlawful Acts) which will become §420-6 and prohibits alcoholic and/or controlled dangerous substances, provides for times of operation of business, and age restrictions; §420-13 (Violations and Penalties) which will become §420-7 and defines the penalties of local, State and Federal authorities for violations.

Chapter 420 contained redundancies and conflicts with Federal - OSHA (Occupational Safety and Health Administration) and State - COMAR (Code of Maryland) concerning tattooing and body piercing regulations. The new process will involve recognizing and incorporating State and Federal mandates and practices for tattooing and body piercing businesses within the Town of Bel Air.

Mr. Small, Director of Planning reported he and Chief Moore have been working with the establishment on Gateway.

Chair Chmielewski called for public comment. There was none. Chair Chmielewski called for Commissioner comment. As there was none, the Public Hearing was closed.

UNFINISHED BUSINESS:

Ordinance No. 803-21 Amending Bel Air Town Code Chapter 420 Tattooing

Commissioner Kahoe moved and Commissioner Richards seconded the motion that Ordinance No. 803-21 amending Bel Air Town Code Chapter 420 Tattooing be approved by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

NEW BUSINESS:

Resolution 1172-21 Harford County 2020 Growth Report

Commissioner Hughes moved and Commissioner Richards seconded the motion that Resolution No. 1172-21 outlining the 2020 Harford County Annual Growth Report be accepted by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

Contract for Procurement and Construction Services - Police Station and Town Hall Facility

Commissioner Kahoe moved and Commissioner Richards seconded the motion that the Bel Air Board of Town Commissioners approve the contract of \$153,567.40 with Crabtree Rohrbaugh & Associates for Procurement and Construction services related to the expansion of the Police Department and Town Hall.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

Award of Bid for Patrol Vehicle Accessories

Commissioner Hughes moved and Commissioner Richards seconded the motion that the bid from the Global Public Safety Corporation(GPS) for the purchase of patrol/utility vehicle accessories and installs for three (3) 2021 Ford Explorer SUV AWD interceptors, in the amount of \$45,552.54, be accepted by the Bel Air Board of Commissioners.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

Rockfield Creative Playground Renovations

Commissioner Kahoe moved and Commissioner Richards seconded the motion that the proposal of Leathers & Associates, 727 N. AIA, Suite C201, Jupiter, Florida 33477, for design and construction services to make renovations to the Rockfield Creative Playground in accordance with contract specifications for the amount \$148,397.18 be accepted by the Bel Air Board of Town Commissioners.

Ayes: Commissioners Hughes, Kahoe, Richards and Chmielewski

Nays: None

Absent: Commissioner Bianca

The motion carried.

PUBLIC ANNOUNCEMENTS:

Chair Chmielewski informed:

- Saturday, August 21st - Music on Main concert at the Armory to benefit Parkinson's - ticket information is on-line
- Saturday, August 21st - Farmers Market - 7:00 - 11:00 a.m.
- Friday, September 3rd - First Friday - 5:00 - 8:00 p.m.
- Sunday, September 5th - Community Clean-up - 9:00 a.m. - 12:00 noon - meet at the Armory - supplies provided
- Wednesday, September 8th - Native Plant Sale - 5:00 - 8:00 p.m. at Rockfield Manor

COMMISSIONER COMMENTS:

None.

ADJOURNMENT:

The meeting was adjourned at 8:50 p.m.

Approved: September 7, 2021

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

Signature on file
Michael L. Krantz, Town Clerk