

**BOARD OF TOWN COMMISSIONERS**

**WORK SESSION**

**August 29, 2023 - 5:15 P.M.**

**PRESENT:** Commissioner Kevin M. Bianca, Chair  
Commissioner Mary F. Chance  
Commissioner Paula S. Etting  
Commissioner Erin S. Hughes  
Commissioner Donna L. Kahoe  
Edward Hopkins, Town Administrator  
Stephen Kline, 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

**ABSENT:** Elizabeth Thompson, Town Attorney

**OTHERS:** Joan Suitt, Recording Secretary

**APPROVAL OF AGENDA:**

Chair Bianca called for approval of the agenda.

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

**TOWN ADMINISTRATOR'S REPORT:**

The Police Department ribbon cutting is September 22<sup>nd</sup> at 11:00 a.m. Invitations are in the process of going out.

The Volunteer Appreciation Dinner is October 4<sup>th</sup>, 5:30 - 8:00 p.m. at the Armory. The Town Administrator requested reaching out to the volunteer committees.

The candidacy filing deadline is September 22<sup>nd</sup> and currently have 5 candidates. Information will be posted on the Town's website regarding the requirements for displaying campaign signs.

The Town Administrator has accepted a position with the Maryland Municipal League as a committee member on the Emergency Operations Board. The Town Administrator will teach municipal preparedness on disastrous events.

**TENTATIVE AGENDA FOR TOWN MEETING (September 5, 2023, at 6:00 p.m., Bel Air Town Hall)**

**Presentation:**

Arts Across Harford Proclamation

The Director of Economic Development reported Harford County is celebrating Arts Across Harford County from September 15<sup>th</sup> - 30<sup>th</sup>. Visit Harford has partnered with various organizations throughout the County to promote the arts. The kickoff event is Friday, September 15<sup>th</sup>, 6:30 - 9:00 p.m. at the Armory. A Proclamation will be presented during the Town Board meeting on September 5<sup>th</sup>.

**Public Hearing:**

Ordinance 815-23 Amendments to Town Code Chapter 37 Elections Regarding New Campaign Finance Regulations

The Director of Administration distributed and reviewed the changes to Ordinance 815-23 that were commented on during the Town Board meeting August 21, 2023. The draft of the Town's Campaign Finance Report was also distributed.

Changes:

- Campaign Finance Reporting - (A) The candidate shall file a report with the Town Clerk thirty (30) days and seven (7) days before the scheduled election and file a final report seven (7) days after the scheduled election.
- Limitation and Use of Campaign Contributions - (A) A limitation of no more than two thousand dollars (\$2,000) in contributions, including cash, gifts or in-kind services may be contributed by one person or organization to each individual candidate.  
(E) Expenditures may not be for the personal use of the candidate or any other individual. Expenditures should be supported by receipts, statements, bills, or vouchers, which are not required to be reported with the campaign finance reports.
- The Ordinance shall become effective on January 1, 2025.

Chair Bianca has concern with the \$2,000 contribution and recommends keeping \$1,000. Commissioner Chance stated our Town is small and agrees with keeping the \$1,000. Commissioners Hughes and Kahoe concurred.

The Director of Administration will post the changes to Ordinance 815-23 on the website.

**Unfinished Business:**

Ordinance 815-23 Amendments to Town Code Chapter 37 Elections Regarding New Campaign Finance Regulations

The Town Commissioners will vote to approve Ordinance 815-23.

**New Business:**

Policy Amendments I.E.20 General Fund Capital Reserve

The Director of Finance notified the General Fund Capital Reserve policy is being recommended for an update. In item #2, there is a need for more flexibility on how much can be deposited into the account. The Director of Finance reviewed the policy and informed this amendment will increase the amount to 75%.

Policy Amendment I.E.23 General Fund Leave Payout Reserve

The Director of Finance reviewed the General Fund Leave Payout Reserve policy and recommends the following changes for more flexibility:

Item #2 - the Town will transfer up to an additional **50%** of the excess revenues over expenditures to the Reserve account.

Once the Reserve reaches a balance of **\$300,000**, no further transfer to the Reserve shall take place until the balance is drawn down.

Monies in this Reserve account will only be used toward the funding of employee leave payouts that are in excess of **\$5,000** per employee.

Department of Public Works Ford Explorer Vehicle Purchase

The Director of Public Works advised the Ford Explorer will be driven by the Assistant Operations Chief and replaces a 2011 Chevy Tahoe. The contract will piggyback with Baltimore County and the amount is under budget.

Department of Public Works Air Compressor Purchase

The Director of Public Works advised the compressor replaces a 2007 air compressor and is under budget.

Department of Public Works On-Call Electrical Services Contract

The Director of Public Works informed this contract is for the Town's on-call professional electrical services and will piggyback with Harford County Public Schools. The contract will not exceed \$75,000 per year.

**STAFFING UPDATE:**

The Director of Administration reported:

- Dispatcher - position posted.
- Police Officer - candidate being processed.
- Recording Secretary - position filled.
- Finance Clerk - to begin employment September 11<sup>th</sup>.

**CALENDAR:**

Any changes or additions to the calendar, please contact Ruth Seitler.

Added:

- o September 26<sup>th</sup> - meeting with Cub Scouts 6:30 - 7:30 p.m.

Commissioner Etting reminded on October 16<sup>th</sup> there is the MML Fall Conference and a Town Board meeting.

The Work Session for October 31<sup>st</sup> was changed to Monday, October 30<sup>th</sup>.

The Director of Planning advised the Planning Commission meets at 6:00 p.m.

**MISCELLANEOUS:**

Discussion on amending Chapter 165. Comprehensive Plan and Development Regulations, Part 2. Zoning

The Director of Planning notified these Articles were discussed in June and this review is a cleanup.

**Article VIII - Landscaping Standards**

General Planting Requirements

Added -

(4) Screening shall provide a year-round visual shield in order to minimize adverse impacts. All planting must retain two-thirds of foliage during the lifetime of the project or replacement is required. All required screenings must be located within the project area. All off-site screening must be encumbered within a recorded easement to insure proper maintenance and retention.

Table 165.59 I

Added - Buffer Widths Commercial/Residential - 10 1 pu/10 LF

(3) The Planning Commission may approve a lesser buffer width or screening requirement in any district based upon mitigating factors such as walls, fencing, elevation change or existing vegetation.

The Director of Planning advised the Planning Commission can also require additional buffering.

## **Article IX - Special Provisions and Modifications**

Figure 165-63 II

Added -

(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.

Chair Bianca inquired how the 150 feet was derived. The Director of Planning advised this was proposed by the public not the Planning Commission.

Chair Bianca requested the Planning Commission to review this and make a recommendation.

### Front Yard Modifications

(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 a sidewalk in the public right-of-way.

### Traffic Visibility

(1) Where an intersection is formed with a county or state road, sight distance criteria for that jurisdiction shall also be applied. A sight distance survey may be required if deemed necessary by the Zoning Administrator based on existing site conditions.

This will require developers to perform a sight distance survey to make sure there is adequate visibility at intersections.

### 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:

(a) The total enlargement or extension area does not exceed 35% of the gross square footage of the nonconforming area in use at the time of the creation of the nonconformity and the enlargement or extension does not increase the degree of nonconformity.

The Director of Planning stated this allows people to utilize their home by expanding and provide flexibility without having to go through a review that might not be necessary.

## **Article X - Accessory and Temporary Uses**

### B. Residential Districts

(1) Accessory structures shall be no more than 20 feet in height as measured from the ridgeline of the roof to the average contact with grade, nor shall they exceed the height of the principal use or structure, whichever is less. The height between the eaves and the ridge for gable, hip and gambrel roofs cannot exceed more than 35% of the overall height of the accessory building.

(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.

Chair Bianca inquired about allowing commercial purposes for the sale of honey. The Director of Planning did not have any issues.

On properties consisting of a minimum of 10,000 square feet, a coop for chickens housing 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 in 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:

#### Animals

3 to 5 - 100 feet

6 to 10 - 150 feet

11 or more - 200 feet

The Director of Planning reminded previously there was a suggestion to exclude roosters. The Commissioners concurred.

Chair Bianca asked what other jurisdictions are allowing for chickens. The Director of Planning will do research. The Commissioners requested to provide a provision for a fence.

(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 by the property owner.

#### C. Business and Industrial Districts

Added -

(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

C. Industrial uses may locate fences or walls, not to exceed 10 feet in height, in any yard area if necessary for safety or security reasons and said reasons are documented to the satisfaction of the Zoning Administrator. Uses in business zones must adhere to the front yard height requirements for fences.

Added -

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 Uses

(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 thirty 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.

[2} Yard sale

[a] Private yard sales in residential districts shall not be held for more than four continuous days or more than four separate times in a calendar year.

[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.

[b] Christmas tree sales shall be permitted for a maximum period of 45 days.

[c] Temporary outdoor sales events or tent sales may 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] The applicant shall fully describe the proposed use/activity to the satisfaction of the reviewing agency, including the means to prevent interference with traffic, both pedestrian and vehicular, and shall



specify the precise time during which the use shall be in operation. Temporary seasonal uses are subject to a temporary use permit and cannot exceed six months per calendar year.

Added -

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

D. Sidewalk café or retail sales

Added -

[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.

Chair Bianca requested power washing be added.

[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.

Commissioner Kahoe inquired about the number of clothing boxes allowed and feels they are unsightly and too close to the road.

The Director of Planning advised this is in another section with 1 per parking lot.

Commissioner Kahoe and Commissioner Chance have concerns about where they are being placed.

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

The Town Administrator and Commissioner Etting attended a conference on Cannabis. Commissioner Etting informed it was clearly stated that the limits set in the law are minimum not maximum. It was also confirmed that should the Town of Bel Air have a cannabis business that generates one million in revenue, the County would receive \$4,500 and have to share \$2,250 with the Town.

Chair Bianca asked if the funds would have to be spent on behavioral health. Commissioner Etting believes there are no restrictions.

Commissioner Etting did raise the question of how the State can tell local jurisdictions that they must permit an activity that is still illegal under Federal law. Commissioner Etting stated there was no definitive answer.

Discussions at the conference were also on best practices of local land use, smoking on the premises, licensing/charging a fee, hours of business, what could be done if a nuisance, and testing on the job. There will be no billboards or outdoor signs allowed.

Commissioner Etting advised licensing does not begin until May, 2024, so Legislators have time to straighten out issues.

**COMMISSIONER'S COMMENTS:**

None.

**ADJOURNMENT:**

With no further comments, the meeting was adjourned at 7:00 p.m.

**APPROVED:** September 18, 2023

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

Signature on file  
Michael L. Krantz, Town Clerk