

The Mayor and Commissioners of the Town of Elkton

MINUTES

June 20, 2012

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in June on this date at 7:00 p.m. The following persons were present: Mayor Joseph L. Fisona; Commissioners Charles H. Givens, Sr.; Charles E. Hicks, V; Mary Jo Jablonski, and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Elkton Police William E. Ryan; Administration Office Secretary L. Michelle Henson and Town Attorney H. Norman Wilson, Jr., Esquire.

Mayor Fisona called the meeting to order, and led the Pledge of Allegiance.

ACTION: The minutes of the June 6, 2012 meeting were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present with no corrections or amendments.

ACTION: The financial report and the bills submitted for payment were approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

Budget Amendment 2012-021

Mr. Repole presented Budget Amendment 2012-021 to recognize the forfeiture of \$5,486 in seized funds and their funding of Town of Elkton 225th anniversary promotional supplies.

ACTION: Budget Amendment 2012-021 was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

Presentation of Annual Contribution to Singerly Fire Company

Mayor Fisona presented the Town's annual contribution to the Singerly Fire Company to Fire Company representative Frank Lewis. The amount of the contribution, based on .012 per \$100 of the assessed Real Estate tax base, totaled \$140,891. Mr. Lewis thanked the Town and taxpayers for the contribution and acknowledged the partnership between the Town, Police Department, and Fire Company.

Annexation Petition A4-2012 Belle Hill Manor LP

Mr. Dwight Thomey, Esquire, introduced himself to the Board. He stated the purpose of his appearance was to present an annexation petition on behalf of Belle Hill

Manor LP, owners of 3 parcels located at Belle Hill Road. He stated the Board accepted a Petition for Annexation on April 4, 2012 pertaining to 2 parcels on the property; however the petition was amended to include the third parcel totaling approximately 11 acres.

Mr. Thomey stated Belle Hill Manor LP planned to develop a state-funded workforce housing project on the property, and a requirement of the funding was to obtain a letter of support from the Town. He stated the level of support could be in any amount, and requested that the Board consider authorizing Mayor Fisona's signature on the support letter. It was the consensus of the Board to authorize Mr. George to draft a letter of support for the project and authorize Mayor Fisona to execute it.

Public Hearing – Annexation A2-2012 Tenby Ridge

Mayor Fisona declared the Public Hearing open at 7:14 p.m.

Mr. Dwight Thomey, Esquire, representing Mr. Ken Simmons, owner/developer of property located on Muddy Lane, identified as Tenby Ridge, introduced himself and Mr. Simmons to the Board.

Mr. Thomey stated the Board accepted a Petition of Annexation on April 15, 2009 for the Tenby Ridge property, which consisted of 5 parcels, totaling approximately 122 acres, located on the east side of Muddy Lane. He said the purpose of his appearance at the Public Hearing was to request the Board's acceptance of the Annexation Resolution for introduction.

Mr. Thomey said the current Cecil County zoning designation of the property was Multi-Family and Industrial use, and said the requested Town zoning designation for the majority of the property would be R-3 and a small portion would be R-O. He stated Tenby Ridge requested rezoning of the property to Multi-Family Residential, and the Cecil County Commissioners held a Public Hearing on the request. He stated the County Commissioners tabled the request until they had the opportunity to meet with the Town Board to discuss issues such as traffic on and conditions of Muddy Lane.

Mr. Simmons stated issues regarding the road would be addressed during the development approval process.

Public Comment

Mayor Fisona queried the audience for comments pertaining to the Tenby Ridge Annexation. He advised the audience that each speaker would be limited to 5 minutes.

Mr. Mark Wayman, resident of Dixie Line Road, stated he was opposed to the annexation due to safety concerns with regard to Muddy Lane and the Amtrak underpass. He said he spoke in opposition to the annexation in 2002 for the same reasons. Mr. Wayman stated his property was in Cecil County but access to his property was via Dixie

Line Road in Delaware. He expressed concern that the proposed annexation would make his property an island of county land surrounded by town properties.

Mr. Wayman, referring to the request to change the property's county zoning designation, stated he spoke in opposition to the request at the Public Hearing held by the County Commissioners. He stated the requested zoning designation would permit high density housing, which would add to traffic congestion and increase the burden on emergency services.

Mr. Wayman expressed concerns regarding an access road that was constructed on the property. He stated Cecil County posted a "cease and desist" order on the property.

Ms. Gale Casini, a resident of Dixie Line Road, spoke in opposition to the proposed annexation. She reiterated Mr. Wayman's statements regarding the access road, high density housing and traffic impacts on Muddy Lane.

Ms. Leanne Hudson, a resident of Muddy Lane, spoke in opposition to the proposed annexation. She stated the ingress / egress of the proposed development was less than 200 feet from the Amtrak underpass. She stated the underpass was narrow, and expressed concerns that increased traffic traveling under the Amtrak bridge would result in south bound traffic approaching vehicles stopped at the underpass, adding the backup would occur on a downhill curve, increasing the risk of rear-end collisions.

Mr. Ken Curt, a resident of Muddy Lane, spoke in opposition to the proposed annexation. He echoed Mr. Wayman's comments regarding traffic concerns and impact on emergency services.

Mr. William Kranz, a resident of Dixie Line Road, spoke in opposition to the proposed annexation. He expressed concerns regarding high density housing, increased traffic and increased crime. Mr. Kranz stated the developer could improve Muddy Lane but could not widen the Amtrak underpass.

Hearing no additional comments, Mayor Fisona declared the Public Hearing closed at 7:47 p.m.

Mr. George stated the Planning Commission recommended approval of the annexation request at their regularly scheduled meeting on June 11, 2012. He presented a Findings of Fact memorandum from Ms. Jeanne Minner, Planning Director, which he read into the record of the minutes.

Mayor Fisona asked Mr. George to provide a recommendation regarding Annexation Resolution A2-2012 – Tenby Ridge. Mr. George recommended that the Board delay its decision regarding the annexation until having the opportunity to discuss the rezoning request with the Cecil County Commissioners.

ACTION: The recommendation to delay a decision regarding Annexation Resolution A2-2012 – Tenby Ridge until after discussions with the Cecil County Commissioners was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

Resolution R6-2012 Residential Anti-Displacement and Relocation Assistance Plan and Citizen Participation Plan

Mr. George presented Resolution R6-2012 Residential Anti-Displacement and Relocation Assistance Plan and Citizen Participation Plan for approval. He stated the purpose of the resolution was to adopt two plans that were required by federal law in order for the Town to receive funds through the Small Cities Community Development Block Grant (CDBG) program.

Mr. George read a synopsis of Resolution R6-2012 into the record of the minutes.

ACTION: Resolution R6-2012 was approved on a motion made by Commissioner Hicks. The motion was seconded by Commissioner Givens and approved by all present.

Town Administrator's Report

Resolution R7-2012 Nationwide Money Purchase Plan

Mr. George presented Resolution R7-2012 Nationwide Money Purchase Plan for approval. He stated the resolution provided for amendments to the Town of Elkton's pension plan for its employees, other than sworn personnel of the Elkton Police Department, to conform to a number of federal legislative and regulatory changes pertaining to public pension plans.

Mr. George read a synopsis of Resolution R7-2012 into the record of the minutes.

ACTION: Resolution R7-2012 Nationwide Money Purchase Plan was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

Ordinance 4-2012–Vacant Building Registration–Presented for Introduction

Mr. George presented Ordinance 4-2012 Vacant Building Registration for introduction. He stated the ordinance provided a tool for the Town to compel the owner of vacant buildings to register and maintain the properties, or face sanctions for non-compliance. He read a synopsis of Ordinance 4-2012 into the record of the minutes.

ACTION: Ordinance 4-2012-Vacant Building Registration-was approved for introduction on a motion made by Commissioner Hicks. The motion was seconded by Commissioner Piner.

Discussion:

Commissioner Givens questioned if Ordinance 4-2012 clearly defined the parameters under which a building was used as a house.

Commissioner Jablonski stated she supported an ordinance to address blighted properties. She stated homeowners whose property was for sale for more than 60 days faced additional burden to register the property under the Ordinance.

Commissioner Jablonski stated the focus of the Ordinance should be to address blight.

Commissioner Piner asked that the minutes reflect he did not support the Ordinance. He stated he seconded the vote in order to bring the Ordinance to the floor for discussion.

Commissioner Givens stated Commissioner Jablonski's comments should be taken into consideration.

Commissioner Hicks stated the Ordinance was part of a process. Referring to his tenure as Code Enforcement Official for the Town, he stated support from the Board was needed to enforce the Town's Ordinances. He stated blight started with vacant properties.

Commissioner Jablonski stated the Ordinance needed to be discussed in-depth in a workshop meeting.

Commissioner Jablonski expressed concern that the Ordinance placed an additional burden on the existing Code Enforcement Official. She said she contacted the Maryland Municipal League to determine the number of Code Enforcement Officials per-capita in Maryland municipalities.

Commissioner Hicks stated he agreed with Commissioner Jablonski's comments regarding further discussion, adding that the Board needed to move forward.

VOTE: Mayor Fisona, noting a motion and second on the floor regarding introduction of Ordinance 4-2012, requested a vote from the Board. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Aye

Commissioner Hicks: Motion

Commissioner Jablonski: Nay

Commissioner Piner: Second

Old Business

Commissioner Givens questioned the total amount of funds that were set aside for the Town's Community / Recreation Center. Mr. George stated the Board originally set aside \$1.5 million for the facility, adding that the Board could authorize additional funds.

Mayor Fisona stated Ms. Mary Magaw, Director of Parks & Recreation, would provide cost per square foot information after meeting with the project architect, Mr. Mark Clark.

Mayor Fisona's Report

Mayor Fisona stated he and Commissioner Hicks traveled to the Firemen's Convention in Ocean City to present a Certificate of Recognition to Mr. John Denver, who was recently named President of the State Fireman's Association.

Commissioner Jablonski's Report

Commissioner Jablonski, referring to the Town's budget adoption schedule, stated she wanted to discuss changing the date of the Town's election in a workshop meeting.

Commissioner Jablonski stated the Board needed to discuss short- and long-term goals for the Town, including 5- and 10-year plans. She stated the topic should be discussed at an upcoming workshop. Commissioner Givens concurred with Commissioner Jablonski's comments, stating the Board needed direction regarding revenues and expenditures.

Commissioner Hicks' Report

Commissioner Hicks stated he participated in Career Day at Elkton High School. He said several students approached him regarding extension of operating hours at the Town Skate Park.

Commissioner Hicks stated the Board needed to revisit the Rental Code. He said the Town approached 60% rental housing in the past year and it was necessary to educate the public regarding tenant / landlord responsibilities.

Public Comment

Mr. Dwight Hair stated he did not support Ordinance 4-2012. He stated the requirement to register vacant homes that were previously owner-occupied and were currently for sale placed an undue burden on the owners. He questioned how the Board would address well-kept vacant homes that had been on the market for a year.

Mr. Hair said the issue was blighted properties, such as the former RMR site on Bridge Street, and the former Georges Restaurant on Route 40. He said those buildings

were blighted 15 years ago and the Board took no action at that time. He stated the Boards of towns such as Bel Air, Maryland and Newark, Delaware would not permit buildings to remain in that condition.

Mr. Robert Litzenberg stated he agreed with comments made by Commissioner Jablonski and Mr. Hair regarding Ordinance 4-2012. Referring to properties that were vacant and well-maintained, Mr. Litzenberg questioned the Town's right to require a vacant property plan, as called out in the Ordinance. He expressed concerns that the RMR site, due to its lack of a roof, might not be considered a building and would therefore be exempt from the Ordinance.

Mr. Litzenberg, referring to the recent graduation ceremony at Elkton High School, suggested that the Town temporarily re-direct traffic on surrounding neighborhood streets to accommodate traffic flow and eliminate congestion.

Mr. Litzenberg, referring to a previous meeting at which a local businessman detailed plans for a concert at 801 Elkton Boulevard, expressed concerns regarding security and costs associated with providing Police coverage for the estimated 10,000 in attendance.

Motion to Adjourn

Hearing no additional business to come before the Board, Mayor Fisona requested a motion to adjourn the meeting.

ACTION: The request to adjourn the meeting was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:30 p.m.

L. Michelle Henson
Administration Office Secretary

AN AUDIO AND VIDEO RECORDING OF THIS MEETING RETAINED AT THE ADMINISTRATION OFFICE

Note: The minutes of regularly scheduled public meetings conducted by the Mayor and Commissioners of the Town of Elkton, following their approval, are posted at www.elkton.org. The minutes, in hard copy format, are retained indefinitely by the Town of Elkton, Administration Office, 100 Railroad Avenue, Elkton, Maryland 21921.