

The Mayor and Commissioners of the Town of Elkton

MINUTES

July 3, 2013

The Mayor and Commissioners of the Town of Elkton (the "Board") held their first regularly scheduled meeting in July on this date at 7:00 p.m. The following persons were present: Mayor Joseph L. Fisona; Commissioners Charles E. Hicks, V; Charles H. Givens, Sr.; Mary Jo Jablonski; and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Elkton Police Captain Matthew Donnelly; Planning Director Jeanne Minner; 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.

Notice of Closed Meeting

On Wednesday, June 19, 2013, at 8:11 p.m., during a regularly scheduled meeting of the Mayor and Commissioners of the Town of Elkton (the "Board"), a Closed Meeting was requested and approved by all present pursuant to State Government Article § 10-508 (1) (ii) to discuss any other personnel matter that affects one or more specific individuals. Attendance: Mayor Joseph Fisona; Commissioners Charles H. Givens, Sr., Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Administration Office Secretary L. Michelle Henson and Town Attorney H. Norman Wilson.

Mayor Fisona recognized Cecil County Councilman Robert Hodge, in attendance.

ACTION: The minutes of the June 19, 2013 meeting were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Hicks 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 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 President Donald Hicks. The amount of the contribution, based on .012 per \$100.00 of the assessable Real Estate tax base, amounted to \$144,046.59. Mr. Hicks thanked the Town for the contribution and acknowledged the partnership between the Town and Fire Company.

Mr. Hicks requested follow up to water pressure issues at the Fire Company.

Proclamation P11-2013 – Cecil County Chamber of Commerce

Cecil County Chamber of Commerce President and CEO, Ms. Bonnie Grady, and Chair of the Board Ms. Jeanne Parry introduced themselves to the Board. Ms. Grady stated the purpose of their appearance was to accept a Proclamation regarding the 25th anniversary of the Cecil County Chamber of Commerce.

Mayor Fisona read Proclamation P11-2013–Cecil County Chamber of Commerce, and placed a copy of the proclamation in the record of the minutes.

ACTION: Proclamation P11-2013–Cecil County Chamber of Commerce was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Public Hearing

Resolution R8-2013 YMCA of Cecil County – Refinancing of Bonds

Mayor Fisona declared the Public Hearing open at 7:06 p.m.

Mr. George Patchell, Executive Director, YMCA of Cecil County, and Mr. Dwight Thomey, Esquire, representing the YMCA, introduced themselves to the Board.

Mr. Thomey stated the purpose of their appearance was to request the Board's approval of a bond issuance that would provide for the refinancing of the YMCA's current bonds. He stated the YMCA's current bonds had been issued through Cecil County however the County could not reissue the bonds due to monetary restrictions.

Mr. Thomey stated the Town had bonding authority to issue bonds for economic development, adding the issuance did not obligate the Town for any expense or repayment of the loan. He stated the YMCA would reimburse the Town for any expense associated with issuance of the bonds.

Mayor Fisona queried the audience for comments regarding the issuance of the bonds. Hearing no comments from the audience, Mayor Fisona declared the Public Hearing closed at 7:10 p.m.

Mayor Fisona queried the Board for comments regarding the issuance of the bonds. Hearing no comments from the Board, Mayor Fisona requested a motion to approve the issuance of the bonds.

ACTION: The request to accept Resolution R8-2013 YMCA of Cecil County-Refinancing of Bonds was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Hicks and approved by all present.

Public Hearing – Rezoning Request

Request of 503 East Pulaski LLC to rezone parcel located at 116 Lincoln Avenue, Elkton, Maryland 21921, Tax Map 315, Parcel 2051, Lot 58, from the present zoning classification R-1 (Town Estate – Low Density) to C-2 (General Commercial).

Mayor Fisona declared the Public Hearing open at 7:11 p.m.

Mr. Dwight Thomey, Esquire, and Mr. David Strouss, McCrone Engineering, introduced themselves to the Board.

Mr. Thomey stated the purpose of their appearance was to request rezoning of a parcel identified as Tax Map 315, Parcel 2051, Lot 58. He stated the owner of the parcel, Ramsey Ford, owned the parcel and planned to refurbish and expand the existing dealership. He stated the owner and could not complete the planned expansion without using the parcel, which was currently zoned as a residential property.

Mr. Thomey stated the area was rezoned from Commercial to Residential during the last Comprehensive Rezoning, which occurred in 2005. He stated he felt it was a mistake to zone the property Residential, as it took away the required lot depth for commercial development. He stated Ramsey Ford acquired the parcel in order to provide room for stormwater management, landscaping, parking, etc. Mr. Thomey stated his research showed the Board rezoned a parcel at Chesapeake Boulevard in 2005 to provide depth for Commercial zoning.

Mr. Thomey summarized the basis of his request to rezone the property was that it was a mistake to change the zoning from Commercial to Residential in 2005, stating he was asking to have the zoning classification corrected.

Ms. Jeanne Minner, Director of Planning, stated the Planning Commission recommended approval of the request at their June 10, 2013 meeting. She presented findings of fact, a copy of which was read and placed in the record of the minutes.

Mayor Fisona queried the audience for comments regarding the rezoning request.

Mr. Anthony Bernard expressed support for the rezoning request.

Hearing no other comments from the audience, Mayor Fisona declared the Public Hearing closed at 7:22 p.m.

Mayor Fisona questioned if the parcel provided a buffer between the dealership and Lincoln Avenue. Mr. Thomey answered in the affirmative.

Mayor Fisona queried the Board for comments regarding the rezoning request. Hearing none, Mayor Fisona requested a motion to approve the request.

ACTION: Request of 503 East Pulaski LLC to rezone parcel located at 116 Lincoln Avenue, Elkton, Maryland 21921, Tax Map 315, Parcel 2051, Lot 58, from the

present zoning classification R-1 (Town Estate – Low Density) to C-2 (General Commercial) was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Town Administrator's Report

Resolution R9-2013 – Surplus Property

Mr. George presented Resolution R9-2013 – Surplus Property, declaring a .45 caliber Smith & Wesson model 4506 surplus property, as it was no longer utilized by the Elkton Police Department. He stated Resolution R9-2013 authorized the sale of the firearm to a licensed dealer.

ACTION: Resolution R9-2013 – Surplus Property was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Ordinance 7-2013 – Major Facilities Charges – Presented for Introduction

Mr. George presented Ordinance 7-2013 – Major Facilities Charges, for introduction. He stated Ordinance 7-2013 provided that any Major Facilities credits applied to a property were to remain with the property.

Mr. George read and placed a copy of Ordinance 7-2013 into the record of the minutes.

Mayor Fisona's Report

Mayor Fisona stated the Board attended the annual Maryland Municipal League (MML) convention in Ocean City, and that the Town had received the MML's Banner City designation for the 3rd consecutive year.

Commissioner Jablonski's Report

Commissioner Jablonski stated the MML convention was a success, offering excellent conferences.

Commissioner Jablonski wished everyone a happy July 4th.

Commissioner Piner's Report

Commissioner Piner, referring to the MML convention, stated he attended a class regarding attracting businesses into a town. He stated businesses planned their locations based on population and traffic, and expressed concern that Elkton was being bypassed due to its low population.

Commissioner Givens' Report

Commissioner Givens announced the death of Mr. Ronald Rae, stating Mr. Rae was an important citizen. He stated Mr. Rae served on numerous boards and committees and attended many public meetings. He expressed condolences to Mr. Rae's family.

Commissioner Givens asked Mr. George for his long-range opinion of the recurring flooding issues at Meadow Park. Mr. George stated the Big Elk Creek drew from 52.5 square miles in Chester County, which, like Elkton, experienced excessive rain recently, which resulted in great deal of runoff. He stated Meadow Park was located in the floodway, and was guaranteed to flood during excessive rain events.

Mayor Fisona stated he requested that Mr. George draft a letter to the Secretary of Transportation, repeating the Town's request to replace the Delaware Avenue Bridge, as the bridge's design contributed to the debris accumulation and subsequent flooding during rain events.

Commissioner Hicks' Report

Commissioner Hicks stated he attended an MML conference regarding vacant and abandoned properties. He stated he hoped the Board would entertain an ordinance to deal with vacant and abandoned properties in town.

Commissioner Givens requested a separate, specific list of vacant properties located in town.

Mayor Fisona, referring to the postponement of the annual July 4th fireworks, due to the muddy conditions of Meadow Park, queried the Board regarding rescheduling of the event. Commissioner Piner questioned the cost of cancellation of the fireworks. Mr. Repole stated the cost to cancel the fireworks at this point would be \$767.00. Mayor Fisona queried the Board regarding cancellation of the fireworks.

ACTION: Commissioner Hicks made a motion to cancel the fireworks based on recent and forecasted weather, and the condition of Meadow Park. The motion was seconded by Commissioner Givens and approved by all present.

Commissioner Hicks requested that the Town Administrator initiate negotiations with its fireworks vendor do retain the July 4th date. Commissioner Givens stated the Town should also negotiate a lower scale presentation. Commissioner Jablonski stated the Board should discuss the topic at its upcoming budget workshop.

Public Comment

Ms. Mary Foxwell stated she was a resident of the Elkton Senior Apartments. She stated she was involved in an accident while using her scooter chair to cross Bridge Street between the Commercial Plaza and Marina Plaza shopping centers.

Commissioner Jablonski said the State Highway Administration (SHA) had been notified of the issue.

Commissioner Givens questioned Captain Donnelly for his opinion regarding pedestrians and other non-vehicular traffic crossing in that area. Captain Donnelly stated it was unsafe for a pedestrians and other non-vehicular traffic to cross the street in that area. He stated that while crosswalks did not completely eliminate dangers to non-vehicular traffic, they were the safest place for non-vehicular traffic to cross a street.

Commissioner Piner suggested limiting the exits of both shopping centers to right-turn only would greatly reduce conflicts in the area.

Ms. Diane Hair stated the area had limited sidewalks. She said the closest ADA compliant crosswalk was at Main and Bridge Streets, adding the area was a steep hill, and that the west side of Bridge Street, just south of the intersection, did not have sidewalks and presented a tipping hazard for Ms. Foxwell's power scooter.

Ms. Hair stated the Town had a growing population of senior citizens who utilized power scooters. She stated seniors were an important group, as they shopped locally, offered their experience as volunteers, and did not require Police services.

Mayor Fisona stated the Town had compiled an inventory of sidewalks that needed repair.

Mr. Anthony Bernard expressed appreciation for Mayor Fisona visiting his neighborhood in response to Mr. Bernard's request for assistance in getting his street paved.

Mr. Bernard, referring to the flooding issues at Meadow Park, suggested dredging the creek in the area of the Delaware Avenue Bridge. Mayor Fisona stated SHA dredged the area previously, and the sandbar returned almost immediately.

Mr. Robert Litzenberg questioned why a survey crew was working at the intersection of Routes 279 & 268. Mr. George stated it was likely an SHA project and he would find out for Mr. Litzenberg.

Mr. Litzenberg questioned the length of time a storage container could be left in a private driveway. Mr. George stated the Town required a permit if a container blocked the street or sidewalk, but did not regulate containers on private driveways.

Mr. Litzenberg, referring to his previous inquiry regarding traffic issues on Gilpin Avenue, thanked Captain Donnelly for coming to his home to discuss the issue.

Motion for a Closed Meeting

ACTION: Pursuant to State Government Article § 10-508 to discuss (1) (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom the Town has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; Commissioner Jablonski made a motion for a Closed Meeting. The motion was seconded by Commissioner Piner and approved by all present.

Mayor Fisona announced that the public meeting would not reconvene.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 7:58 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.