

The Mayor and Commissioners of the Town of Elkton

MINUTES

August 21, 2013

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in August 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; 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.

ACTION: The minutes of the August 7, 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 Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Budget Amendment 2014-002

Mr. Repole presented Budget Amendment 2014-002 to recognize the forfeiture of \$1,500 in seized funds and their use in funding Undercover Police Operations.

ACTION: Budget Amendment 2014-002 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

Public Hearing

Draft Zoning Ordinance
Draft Subdivision Regulations
Draft Comprehensive Zoning Maps

Mayor Fisona declared the Public Hearing open at 7:05 p.m.

Ms. Jeanne Minner, Director of Planning, introduced Mr. Chris Rogers, Principal Planner, URS Consultants, to the Board. Ms. Minner stated Mr. Rogers provided consultation services to the Town's Planning Staff and Planning Commission during the review process of the Town's Zoning Ordinance, Subdivision Regulations and Comprehensive Zoning Maps.

Mr. Rogers outlined the process for conducting a comprehensive review of the Town's Zoning Ordinance, Subdivision Regulations and Comprehensive Zoning Maps. He stated the process identified areas where zoning changes could be made, or new zones created, to provide better transition between uses, encourage non-motorized transportation, creation of uniformity within specific zones, etc.

Regarding the Draft Comprehensive Zoning Map, Mr. Rogers stated there were several individual requests for zoning changes, as well as staff recommendations, being presented for the Board's consideration.

Mayor Fisona announced the purpose of the Public Hearing was to accept comments and recommendations from the public regarding proposed amendments to the Elkton Comprehensive Zoning Ordinance, the Elkton Zoning Map, and the Elkton Subdivision Regulations.

Ms. Minner stated the Planning Commission reviewed 19 zoning amendment requests from individual property owners and made recommendations for approval or denial. She combined the information into a matrix which was distributed to the Board. Using a projected zoning map, she stated the amendment requests were numbered to correspond to the map.

Referring to the list, Mayor Fisona asked for an update regarding the former RMR facility, located at 655 Bridge Street (Item #14). Ms. Minner stated Mr. Eric Schwab, owner of the property, originally requested a change in the parcel's zoning from BI Business Industrial to R-3 Urban Residential. She stated the Planning Commission recommended denial of the request, and Mr. Schwab subsequently amended his request to rezone the property from BI Business Industrial to C-2 Highway Commercial. Ms. Minner stated the Planning Commission had not yet heard the amended request, therefore no recommendation was being presented to the Board. She added that Planning Department staff recommended approval, as the C-2 Highway Commercial designation was consistent with the present zoning in the area.

Mayor Fisona queried the audience for comments regarding the request.

Mr. Keith Thomson, resident of Elkton Boulevard, questioned if the C-2 Highway Commercial designation permitted apartments. Ms. Minner answered in the affirmative, stating the C-2 Highway Commercial designation permitted commercial activity on the first floor with residential units above.

Mr. Larry Storke, resident of Hollingsworth Street, expressed concerns with the requested zoning designation. He stated Bridge Street (MD Route 213) was heavily traveled and adding residential units created more vehicles turning from and to the roadway. Mr. Storke questioned if the previous environmental issues at the property had been addressed. Mayor Fisona answered in the affirmative, stating the parcel had been cleared by the Maryland Department of the Environment (MDE).

Mr. Storke expressed concerns regarding contamination of the soil below the existing concrete slab on the property. Mr. George interjected the “No Further Action Required” notice from MDE, to which Mayor Fisona previously referred, pertained to the property in its present state, and did not address removal of an existing concrete slab.

Mr. Richard Keane, resident of Maryland Avenue, stated he was opposed to any zoning designation that included residential use of the property. He questioned the number of stories permitted in the zone. Ms. Minner answered a building on the site would be limited to 3 stories, or 45 feet in height. She added that any development plans for the site would have to meet parking constraints, stormwater management regulations and height limits, etc.

Mr. Keane stated he supported commercial growth however he opposed any residential use of the parcel, saying there was no justification for developing the site as a residential property, stating the lack of growth in Elkton. He expressed concerns regarding traffic conditions on Bridge Street and over-crowding of local schools as well.

Mr. Eric Schwab, owner of the property, stated he was requesting the same zoning classification as his neighbors. He stated he had an array of MDE regulations to satisfy in order to develop the site for residential use. He stated he recognized the public’s concerns regarding environmental issues on the property, noting additional monitoring of the site would take place upon removal of the concrete slab.

Mr. Anthony Bernard, resident of Bonnie Marie Court, expressed concerns regarding increased regulations and burdens on taxpayers.

Ms. Minner presented Item #1 on the Zoning Amendment request list. She stated the request was for a change from R-3 Urban Residential to R-O Residential-Office for property located at 110 Delaware Avenue. She stated the Planning Commission recommended approval of the request.

Mr. Dwight Thomey, Esquire, representing the owners of the property at 110 Delaware Avenue, stated the property had a history of commercial use, and the requested re-zoning allows for the type of commercial use desired in the downtown area.

Mayor Fisona queried the audience for comments regarding the request. Hearing no comments he asked Ms. Minner to present the next request.

Ms. Minner presented Item #2 on the Zoning Amendment request list. She stated the request was for a change from BI Business-Industrial to C-2 Highway Commercial for property located at 405 North Bridge Street. She stated the Planning Commission did not take action on the request however Planning Department staff recommended approval of the request.

Mayor Fisona queried the audience for comments regarding the request. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #3 on the Zoning Amendment request list. She stated the request was for a change from C-1 Central Business District/BI Business-Industrial to C-1 Central Business District for property located on the northwest side of the intersection of High and Bridge Streets. She stated the Planning Commission recommended approval of the request.

Mayor Fisona queried the audience for comments regarding the request. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #6 on the Zoning Amendment request list. She stated the request was for a change from R-3 Urban Residential to C-1 Central Business for property located at 140 Maffit Street. She stated the Planning Commission recommended approval of the request.

Mayor Fisona queried the audience for comments regarding the request. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #5 on the Zoning Amendment request list. She stated the request was for a change from R-2 Suburban Residential to C-2 Highway Commercial for property located at the northeast corner of the intersection of Bridge Street and Elkton Boulevard. She stated the Planning Commission recommended approval of the request.

Mayor Fisona queried the audience for comments regarding the request.

Mr. Keith Thomson, resident of Elkton Boulevard, stated the property lines actually ran through the parking lot, and asked the Board to assure the adjacent property was not inadvertently rezoned.

Mayor Fisona, hearing no additional comments, asked Ms. Minner to present the next request.

Ms. Minner presented Item #4 on the Zoning Amendment request list. She stated the request was for a change from R-1 Town Estate to R-2 Suburban Residential for property located on the north side of Red Hill Road. She stated the Planning Commission recommended approval of the request.

Mayor Fisona queried the audience for comments regarding the request. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #7 on the Zoning Amendment request list. She stated the request was for a change from R-1 Town Estate to R-3 Urban Residential for property located on the east side of Route 213. She stated the Planning Commission recommended approval of rezoning the property to R-2 Suburban Residential only.

Mr. Barry Montgomery, owner of the property, introduced himself to the Board. He stated the property had areas of wetlands that minimized developable land, and stated the usable land should be permitted denser zoning.

Mayor Fisona queried the audience for comments regarding the request. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Items #8 & #9 on the Zoning Amendment request list. She stated the request was for a change from R-3 Urban Residential to C-2 Highway Commercial for properties located at 302 and 304 Landing Lane. She stated the Planning Commission recommended approval of the requests.

Mayor Fisona queried the audience for comments regarding the requests. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #10 on the Zoning Amendment request list. She stated the request was for a change from R-O Residential Office to C-2 Highway Commercial for property located at 307 Landing Lane. She stated the Planning Commission recommended approval of the request, and further recommended rezoning of 2 adjacent parcels. She added the owner of one of the adjacent parcels was against the rezoning of their property.

Mayor Fisona queried the audience for comments.

Mr. Andrew Whitehead, resident of Landing Lane and owner of one of the parcels recommended for rezoning by the Planning Commission, stated he opposed the rezoning. He stated the intent of the rezoning was to permit construction of a gas station behind his property and an access drive next to his home. He stated the driveway would be 15 feet from the windows of his home. He expressed concerns that his home would lose its resale value.

Ms. Rebecca Whitehead, resident of Landing Lane, reiterated Mr. Whitehead's statement. She said the proposed driveway would run the length of their property and would run directly next to her kitchen and her back yard fence. She stated their property was where family gatherings were held and expressed concerns they could no longer enjoy their backyard pool due to noise and fumes from vehicles using the driveway.

Ms. Whitehead stated the proposed gas station needed to meet a minimum traffic flow of 25,000 cars per day. She stated if a quarter of that number used the driveway it would be 6,250 cars per day driving by her kitchen window. She stated she was opposed to rezoning the property in the strongest of terms.

Ms. Whitehead expressed concerns regarding the resale value of her home.

Mr. Dennis Clower, Esquire, representing the contract purchaser, and Mr. Mike Carell, the contract purchaser, introduced themselves to the Board.

Mr. Clower stated the parcel upon which the gas station was proposed was a valuable commercial property. He stated the properties upon which the proposed access drive were zoned residential. He stated he recognized the neighbors concerns regarding the resale value of their home, adding the majority of traffic would access the gas station from 2 entrances on Route 40. He stated the Landing Lane access would be used by local traffic.

Mr. Clower stated the nature of a comprehensive rezoning resulted in sometimes difficult decisions for the Board. He stated the properties were located adjacent to a transportation route and the properties on either side were zoned commercial. He stated the rezoning request was to bring the residential properties into conformity with the commercial zoning on either side. He asked the Board to endorse the recommendation of the Planning Commission.

Commissioner Givens stated he recognized the need for changes to accommodate growth and further expressed concerns for the Whitehead's. He questioned if the contract purchaser understood the Whitehead's concerns. Commissioner Piner concurred with Commissioner Givens, expressing concerns regarding negative impacts on people's life and family.

Ms. Lisa Kegley, resident of Landing Lane, stated opposition to the rezoning request. She expressed concerns regarding the increased traffic at the intersection of Route 40 and Landing Lane. She expressed concerns regarding negative impacts to the neighborhood, stating the proposed gas station would operate 24 hours per day, 7 days per week.

Ms. Kegley, referring to Mr. Clower's statement that Route 40 would be utilized for the majority of customers, questioned the need for access from Landing Lane.

Mayor Fisona queried the audience for additional comments. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner presented Item #11 on the Zoning Amendment request list. She stated the request was for a change from R-2 Suburban Residential to R-O Residential-Office for properties located at 810, 812 and 814 Bridge Street. Ms. Minner stated the Planning

Commission originally recommended approval of the request however staff subsequently discovered that Mr. Scott (the requestor) did not have permission or approval of the owners of 810, 812 and 900 Bridge Street to request rezoning of their properties. The owners further stated they opposed rezoning of their properties. She stated the Planning Department staff recommended no changes to the present zoning classifications.

Mr. Hampton Scott, resident of Frenchtown Road, stated his request was only for his property. Ms. Minner provided a copy of a letter from Mr. Scott in which he requested rezoning of the referenced properties. Ms. Minner stated if Mr. Scott's parcel were the only one rezoned, it would create an island.

Mayor Fisona queried the audience for comments.

Ms. Jane Summers, owner of one of the referenced properties, stated her property was adjacent to Mr. Scott's. She stated she was opposed to rezoning her property.

Ms. Minner stated she met with the owner of 810 Bridge Street, who stated she was opposed to the rezoning request.

Mayor Fisona queried the audience for additional comments. Hearing none, he asked Ms. Minner to present the next request.

Ms. Minner stated the balance of the requests pertained to properties owned by Southfields LLC. She said she would present the requests as a whole, providing Item information and Planning Commission recommendations for each request.

Ms. Minner presented Items #12 & #13 on the Zoning Amendment request list. She stated the request was for a change from R-2 Suburban Residential and R-3 Urban Residential for property identified as Tax Map 320 Parcel 2369 and from C-2 Highway Commercial to R-3 Urban Residential for property identified as Tax Map 320 Parcel 2390. She stated the Planning Commission recommended approval of the requests.

Mr. Bruce Schneider, owner of the property, Mr. James Dellmyer, Esquire, representing Mr. Schneider, and Mr. John Fellows, Landscape Architect, introduced themselves to the Board.

Mr. Dellmyer stated the properties were included in the Southfields LLC Planned Unit Development project.

Mr. Dellmyer requested a change in language in Article 14 of the proposed amended Zoning Ordinance regarding neighborhood parks and open space. He stated a Planned Unit Development (PUD) should be exempted from the parks and open space requirements as a PUD already provided ample parks and open space.

Mr. Dellmyer stated his client's requests for zoning amendments were based on the parcels' location in the Designated Growth Area, which was intended to accommodate medium to high growth activity. He stated the requests conformed to the current RM Multi Residential zoning of the out of town parcels that were located near and surrounding the area.

Ms. Minner presented Item #15 on the Zoning Amendment request list. She stated the request was for a change from R-2 Suburban Residential to R-3 Urban Residential for property identified as Tax Map 316 Parcel 169. She stated the Planning Commission recommended denial of the request based on the original zoning of the parcel of R-2 Suburban Residential during the annexation of the parcel, its compatibility with existing development in the area and to provide for future development at the R-2 Suburban Residential densities.

Ms. Minner presented Item #16 on the Zoning Amendment request list. She stated the request was for a change from R-1 Town Estate to R-3 Urban Residential for property identified as Tax Map 316 Parcel 2371. She stated the Planning Commission recommended denial based on the compatibility with existing development in the area and to provide for future development at the R-1 Town Estate density.

Mr. Dellmyer stated the parcel contained wetlands and the requested zoning provided the maximum use of the land.

Ms. Minner presented Item #17 on the Zoning Amendment request list. She stated the request was for a change from R-1 Town Estate to R-3 Urban Residential. She stated the Planning Commission recommended denial of the request based on compatibility with existing development in the area and to provide for future development at the R-1 Town Estate density.

Mr. Dellmyer stated the parcel abutted property that was currently zoned R-3 Urban Residential and was located at the intersection of MD Route 213 and Frenchtown Road. He stated the requested zoning would be consistent with current zoning at that location. Mr. Fellows added one-third of the parcel was located in the Highway Corridor.

Ms. Minner presented Items #18 & #19 on the Zoning Amendment request list. She stated the request was for a change from R-2 Suburban Residential to R-3 Urban Residential for both parcels, identified as Tax Map 319 Parcel 2450 and Tax Map 323 Parcel 79, respectively. She stated the Planning Commission recommended denial of the request Item #18 based on compatibility with existing development in the area, and to provide for future development at the R-2 Suburban Residential density. She further stated the Planning Commission recommended denial of the request for Item #19, based on the original zoning recommendation of R-2 Suburban Residential during the annexation of this parcel, impacts of higher density development on the floodplain and Chesapeake Bay Critical Area, compatibility with existing development in the area, and to provide for future development at R-2 Suburban Residential densities.

Mayor Fisona questioned why the applicant was requesting a change from the current R-2 Suburban Residential designation. Mr. Fellows responded the present zoning designation did not provide the flexibility to work around the areas that required buffer zones. He stated the requested zoning designation provided the density the developer needed to achieve while protecting environmentally sensitive areas.

Mayor Fisona queried the audience for comments.

Ms. Gretchen Ginder, resident of the Elkton Heights neighborhood, expressed concerns regarding over-crowding of area schools. Commissioner Piner concurred with Ms. Ginder's statement, stating he approached the developers with the same concern when the PUD was originally proposed. He stated the developers agreed to set aside 15 acres for a school as part of the PUD. Discussion ensued regarding costs associated with construction and maintenance of a school.

Mr. Richard Keane, resident of Maryland Avenue, questioned if the developer considered recreating wetlands at another area of the property. Mr. Fellows stated the process of wetland creation required the developer to show need.

Mr. Gary Storke, former Town Commissioner and resident of Lincoln Avenue, questioned the timeline when the Board would make a final decision on the requests.

Mr. Storke expressed concerns regarding water supply, sewer capacity and school over-crowding.

Mr. Willard Bryan, resident of Park Circle, stated he was opposed to the original rezoning request of the former RMR site. He expressed concerns the amended zoning request still permitted residential use of the property. He expressed concerns regarding traffic and safety.

Ms. Minner stated a Zoning Amendment request was made by the owner of property located on Muddy Lane, which was annexed under the zoning classification R-O Residential Office and R-3 Urban Residential, and that the Planning Commission recommended a change to R-2 Suburban Residential, based on constraints of sewer capacity and the narrow road which could not be improved due to an Amtrak rail overpass. She stated the owner of the property objected to the down zoning recommendation.

Mayor Fisona queried the audience for comments regarding the Draft Subdivision Regulations. Hearing none, Mayor Fisona queried the audience for comments regarding the Draft Comprehensive Zoning Maps. Hearing none, Mayor Fisona announced the Board would consider the recommendations of the Planning Commission and Planning Department staff.

Hearing no additional comments, Mayor Fisona declared the Public Hearing closed at 9:10 p.m.

Severn Trent Environmental Services

Water/Wastewater Treatment Services Report – Months of June & July 2013

Mr. Ken Benner, Area Manager, Severn Trent Environmental Services, presented the Water/Wastewater Treatment Services report for the months of June & July 2013. A copy of the report was placed in the record of the minutes.

Mr. Benner stated he and Mayor Fisona met with representatives of Cecil County Administration to discuss debris that entered the Wastewater Treatment Plant (WWTP) from the Cecil County Correctional Facility at Landing Lane.

Discussion ensued regarding a proposal between the Town and Cecil County to address the debris issue and to subsequently provide sewer capacity to the county.

Town Administrator's Report

Belle Hill Road Water Tower Rehabilitation Project 2013-001

Recommendation of Award

Mr. George stated the Town received (4) bids for the Belle Hill Road Water Tower Rehabilitation Project 2013-001. He stated the bids were forwarded to the Town's engineer, KCI Technologies, for review. He stated KCI recommended award of the bid to K & K Painting and Construction Company, the low bidder at \$419,000.

Mr. George stated Ms. Minner obtained Community Development Block Grant (CDBG) funding for 75% of the project cost, adding the motion to accept the bid must be contingent upon the contractor meeting CDBG requirements.

ACTION: The recommendation to award the Belle Hill Road Water Tower Rehabilitation Project 2013-001 to K & K Painting and Construction Company, contingent upon K & K meeting CDBG requirements, was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Road Restoration Project 2013-002

Recommendation of Award

Mr. George stated the Town received (2) bids for the Road Restoration Project 2013-002. He stated the bids were reviewed by Mr. Daniel Handley, P.E., Director of the Department of Public Works (DPW). He stated Mr. Handley recommended award of the bid to Harmony Construction, bidding at \$183,711.35.

ACTION: The recommendation to award the Road Restoration Project 2013-002 to Harmony Construction was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Old Business

Mayor Fisona questioned the status of a citizen request for speed hump installation on Osage Street. Mr. George responded the Elkton Police Department (EPD), upon completion of a traffic count, did not recommend the installation. Mr. George stated the Board could move forward with the installation at its discretion.

Mayor Fisona queried the Board for a consensus regarding speed hump installation on Osage Street. It was the consensus of the Board to install a speed hump on Osage Street.

Mayor Fisona's Report

Mayor Fisona requested reappointments of Messrs. Josh Brown, Mark Clark and Steven Leonard, Jr. to the Historic and Architectural Review Committee (HARC) for the terms August 21, 2013 – July 31, 2016.

ACTION: The request to reappoint Messrs. Josh Brown, Mark Clark and Steven Leonard, Jr. to HARC for the terms August 21, 2013 – July 31, 2016 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Mayor Fisona congratulated Ms. Jeanne Minner on all her work on the Town's Enterprise Zone, which was recently approved at the State level.

Mayor Fisona announced Ms. Minner successfully obtained CDBG funding for dredging of the Water Plant raceway.

Ms. Minner stated the Town has received 3 concurrent CDBG funding packages.

Mayor Fisona announced the State Highway Administration (SHA) approved improvements to the pedestrian crossing at the intersection of Howard and Bridge Streets.

Mayor Fisona announced SHA initiated a tourism corridor signage program. Discussion ensued regarding the requirements of operation of area attractions to be placed on the signs.

Commissioner Jablonski's Report

Commissioner Jablonski commended Ms. Minner for her work in obtaining grant funding for Town projects.

Commissioner Jablonski thanked Mayor Fisona and Commissioner Givens for participating in a tour of downtown with the Secretary of the Department of Housing and his staff.

Commissioner Piner's Report

Commissioner Piner questioned the status of a proposed bike route in Elkton. Mayor Fisona stated he would follow up with the Wilmington Area Planning Council (WILMAPCO) regarding the grant process for the project.

Commissioner Hicks' Report

Commissioner Hicks questioned the status of the train station. Mayor Fisona stated he had a meeting scheduled at Town Hall on September 5, 2013.

Commissioner Hicks questioned if the Board decided how downtown development would move forward. Commissioner Jablonski stated the Alliance was continually working on downtown development. She stated residents were always welcome to visit the Alliance to see downtown development plans.

Commissioner Jablonski suggested a tax incentive for downtown businesses.

Mr. George, referring to the Zoning Amendment requests, suggested the Board consider each request individually. He stated the Board needed to come to a consensus in order to draft Resolution adopting the amendments.

Discussion ensued regarding the requested amendments.

Mayor Fisona queried the Board for a consensus regarding discussion of the Zoning Amendment requests at the September 11, 2013 workshop. It was the consensus of the Board to discuss the Zoning Amendment requests at the September 11, 2013 workshop.

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 Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Mayor Fisona adjourned the meeting at 10:06 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.