

The Mayor and Commissioners of the Town of Elkton

MINUTES

June 16, 2010

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 Fisona; Commissioners Charles H. Givens; Charles E. Hicks, V; Mary Jo Jablonski and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Assistant Town Administrator Kim Kamp; Elkton Police Department Chief William Ryan; Finance Director Steven 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 June 2, 2010 meeting were approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner 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.

Budget Amendment 2010-019

Mr. Repole presented Budget Amendment 2010-019 to budget the use of additional fund balance for the purpose of purchasing a 2010 Ford Crown Victoria Police Sedan.

ACTION: Budget Amendment 2010-019 was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Mayor Fisona asked Mr. George to present the Sonic Elkton, LLC Public Works Agreement in the interim prior to the 7:05 p.m. Public Hearing.

Town Administrator's Report

Public Works Agreement – Sonic Elkton, LLC – 103 East Pulaski Highway

Mr. George presented a Public Works Agreement for the proposed Sonic Drive In at 103 East Pulaski Highway. He said the agreement included relocation of water and sewer infrastructure on the parcel and a Letter of Credit ("LOC") to warrant the infrastructure relocation, adding that the LOC had been submitted by the developer.

ACTION: The Public Works Agreement with Sonic Elkton LLC for the drive in restaurant project at 103 East Pulaski Highway was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

Public Hearing–Ordinance 4-2010 Amending Zoning Ordinance Article XII, Supplementary Use Regulations, Section 19 Festivals, Events of Public Interest or Special Events, Occasional Outdoor (22.20) – Presented for Introduction

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

Ms. Minner presented Ordinance 4-2010 for introduction. She stated the Planning Commission recommended approval of the amendments at the June 7, 2010 meeting. She read Ordinance 4-2010 into the record of the minutes.

Mayor Fisona queried the audience for comments regarding Ordinance 4-2010.

Mr. Charles Gary Storke questioned if the Elkton Police Department had input regarding Ordinance 4-2010. Referring to a recent outdoor event, he stated the Police received 41 noise complaints during the event.

Hearing no additional comments from the audience, Mayor Fisona declared the Public Hearing closed at 7:08 p.m.

Mayor Fisona queried the Board for comments regarding Ordinance 4-2010.

Commissioner Givens questioned if Ordinance 4-2010 affected activities in residential areas. Ms. Minner stated the ordinance required activities to be held at a minimum of 500 feet from residential areas, and said all of the procedures to apply for a permit for an outdoor event, including permitted sound levels, were listed in the Zoning Ordinance.

ACTION: Ordinance 4-2010 was approved for introduction on a motion made by Commissioner Givens. The motion was seconded by Commissioner Piner and approved by all present.

Public Hearing–Ordinance 1-2010 Amending Zoning Ordinance Article XIII Density and Dimensional Regulations, Section 4.8 (f) Building Setback Requirements Walls and Fences, Materials and Composition – Presented for Introduction

Mayor Fisona declared the Public Hearing open at 7:10 p.m.

Ms. Minner presented Ordinance 1-2010 for introduction. She said the purpose of Ordinance 1-2010 was to permit the use of electric fences in the Business Industrial Zone. She stated the Planning Commission recommended approval of Ordinance 1-2010 at their June 7, 2010 meeting. She read a copy of Ordinance 1-2010 into the record of the minutes.

Mayor Fisona queried the audience for comments regarding Ordinance 1-2010.

Ms. Cindy Vaughan stated she represented Electric Guard Dog, the electric fence company that originally requested the ordinance, and said she would answer any questions the Board had regarding the fence and its use.

Mr. Charles Gary Storke questioned if the electric fence interfered with emergency responders. Ms. Vaughan answered in the negative, stating the electric fence was erected behind a property's perimeter fence.

Hearing no additional comment from the audience, Mayor Fisona declared the Public Hearing closed at 7:17 p.m.

ACTION: Ordinance 1-2010 was approved for introduction on a motion made by Commissioner Piner. The motion was seconded by Commissioner Hicks and approved by all present.

Public Hearing-Ordinance 5-2010-Amending Zoning Ordinance Article XII, Supplementary Use Regulations, Section 29 Housing for the Elderly or Handicapped (1.430) – Presented for Introduction

Mayor Fisona declared the Public Hearing open at 7:18 p.m.

Ms. Minner presented Ordinance 5-2010 for introduction. She said the Planning Commission recommended approval of Ordinance 5-2010 at the June 7, 2010 meeting. She stated the ordinance changed the minimum permitted lot size to 1 acre. She read a copy of Ordinance 5-2010 into the record of the minutes.

Mayor Fisona queried the audience for comments regarding Ordinance 5-2010.

Hearing no comments from the audience, Mayor Fisona declared the Public Hearing closed at 7:21 p.m.

ACTION: Ordinance 5-2010 was approved for introduction on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

Wilmington Area Planning Council Presentation of Elkton Bicycle Plan Status Update

Mr. David Gula, Transportation Planner with the Wilmington Area Planning Council (“WILMAPCO”) provided a Power Point Presentation of a Bicycle Plan for Elkton. He stated the council conducted a survey in Elkton approximately one year ago to determine citizens’ priorities regarding transportation issues.

Discussion ensued regarding various streets identified in the study that could be shared by bicyclists and motorists.

Commissioner Piner stated mopeds, while considered bicycles by their owners, should be treated as vehicles with regard to enforcement of motor vehicle laws.

Commissioner Hicks questioned how the study addressed bicyclists on bridges. Mr. Gula stated the North Street Bridge would not accommodate bicyclists, adding that the shoulders of the Route 213 bridge were wide enough to accommodate bicyclists.

Discussion ensued regarding encouraging students to ride their bicycles to school, and the accommodations needed, such as bike racks.

Town Administrator’s Report Continued
Resolution R5-2010 – Elkton Police Pension Plan

Mr. George presented Resolution R5-2010 for approval. He said the purpose of Resolution R5-2010 was to enable the Town to treat police officers’ contributions under the Town of Elkton Police Pension Plan as employer contributions for Federal income tax purposes. He read Resolution R5-2010 into the record of the minutes.

ACTION: Resolution R5-2010 was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Jablonski and approved by all present.

Assistant Town Administrator’s Report
Ordinance 6-2010 Stormwater Management – Presented for Introduction

Ms. Kamp presented Ordinance 6-2010 Stormwater Management for introduction. She stated the ordinance was lengthy and provided a summation of the purpose of the ordinance. A copy of Ordinance 6-2010 was placed in the record of the minutes.

ACTION: Ordinance 6-2010 was approved for introduction on a motion made by Commissioner Givens. The motion was seconded by Commissioner Jablonski and approved by all present.

Mayor Fisona’s Report

Mayor Fisona stated the building located at 124 ½ East Main Street was inspected by the Town’s engineer and found to be leaning. He asked if the owner had responded to

the report. Mr. George answered in the negative and stated he would follow up with the owner.

Commissioner Givens' Report

Commissioner Givens questioned the operation of a church at 213 North Street. Commissioner Jablonski stated the church was operated by a group that previously held Christian "open mic" nights at a former coffee shop, and wanted to expand their ministry.

Commissioner Hicks' Report

Commissioner Hicks requested an update to his previous request for playground equipment at the community area at Delancy Village.

Discussion ensued regarding playground equipment stored at the Department of Public Works. Commissioner Piner stated a citizen from another area of town previously inquired about utilizing that equipment.

Commissioner Hicks requested a map designating past and present parks and recreation areas in town. Ms. Minner stated she would supply the map.

Commissioner Hicks commended the Elkton Alliance and the Elkton Housing Authority for partnering to provide children's activities in Elkton.

Commissioner Hicks questioned the status of a fence erected during demolition of a building at 137 East Main Street, and asked if the fence could be removed.

Commissioner Hicks stated he was interested in finding out the costs associated with Code Enforcement, specifically the costs associated with taking a violator to court.

Public Comment

Mr. James Brady questioned the status of a claim he filed regarding damage to his property.

Motion for a Closed Meeting

Pursuant to State Government Article § 10-508 (a) (1) 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 any other personnel matter that affects one or more specific individuals; Mayor Fisona requested a motion for a Closed Meeting.

ACTION: The request for a Closed Meeting was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Hicks and approved by all present.

Mayor Fisona announced the Public Meeting would not reconvene.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the meeting at 8:18 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.