

# The Mayor and Commissioners of the Town of Elkton

## MINUTES

March 19, 2008

The Mayor and Commissioners of the Town of Elkton (the "Board") held their second regularly scheduled meeting in March on this date at 7:00 P.M. The following persons were present: Mayor Joseph L. Fisona, Commissioners Charles H. Givens, Sr., Mary Jo Jablonski, Earl M. Piner, Sr., and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Jeanne D. Minner, Director of Planning; Chief of Police William E. Ryan; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esq.

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

**NOTICE OF CLOSED MEETING:** Pursuant to State Government Article § 10-508 (a) (9), conduct collective bargaining negotiations or consider matters that relate to the negotiations; a Closed Meeting was held at 7:56 P.M. on Wednesday March 5, 2008 in the Mayor and Commissioners Conference Room at 100 Railroad Avenue, Elkton, Maryland 21921. The following persons were present: Mayor Joseph Fisona; Commissioners Charles H. Givens, Sr., Mary Jo Jablonski, Earl M. Piner, Sr. and C. Gary Storke; Town Administrator Lewis H. George, Jr.; Director of Human Resources Venus Kincaid; Chief of Police William Ryan; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr., Esq.

**ACTION:** The minutes of the March 5, 2008 meeting were approved on a motion made by Commissioner Jablonski. 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 Piner. The motion was seconded by Commissioner Storke and approved by all present.

### **Budget Amendment # 2008-014**

Mr. George presented Budget Amendment # 2008-014 to provide funding for the construction in progress at the Elkton Wastewater Treatment Plant. He said the funds were to be reimbursed upon receipt of state funds.

**ACTION:** Budget Amendment # 2008-014 was approved on a motion made by Commissioner Storke. The motion was seconded by Commissioner Piner and approved by all present.

Mayor Fisona asked Mr. George to present items from the Town Administrator's agenda in the interim prior to the scheduled opening of the Public Hearing.

### **Town Administrator's Report**

#### **American Tower Lease Agreement**

Mr. George said American Tower leased space for a cell phone tower and related equipment at the Wastewater Treatment Plant, and requested additional space at the site. He said the new agreement would result in an additional \$7,816.00 in lease revenue per year.

**ACTION:** The American Tower Lease Agreement, as presented, was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Givens and approved by all present.

#### **State Highway Administration – MD Route 7D Right of Entry Agreement**

Mr. George said the State Highway Administration ("SHA"), in preparation for the MD Route 7D (West Main Street) Upgrade Project, required permission from property owners from MD 213 to Jeffers Street to reconstruct the sidewalks involved in the project. He said the agreement presented to the Board regarded the sidewalk owned by the Town at Landing Lane and Main Street.

**ACTION:** The SHA MD Route 7D Right of Entry Agreement was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Storke and approved by all present.

### **Public Hearing – Proposed Amendments to Zoning Ordinance**

Mayor Fisona declared the Public Hearing open at 7:07 P.M.

Ms. Jeanne Minner presented Ordinance 4-2008 for introduction. She said the purpose of Ordinance 4-2008 was to amend the Elkton Zoning Ordinance to distinguish libraries, museums and art galleries from art or cultural centers as having an occupancy of 50 persons or greater and to amend the Supplementary Use Regulations to eliminate unnecessarily restrictive language.

Ms. Jeanne Minner presented Ordinance 5-2008 for introduction. She said the purpose of Ordinance 5-2008 was to amend the Elkton Zoning Ordinance to include language regarding dog and cat grooming salons and to permit dog and cat salons in the C-1 and C-2 zones.

Ms. Jeanne Minner presented Ordinance 6-2008 for introduction. She said the purpose of Ordinance 6-2008 was to amend the Elkton Zoning Ordinance to permit indoor recreation in the BI Zone by Special Exception.

Mayor Fisona queried the audience for public comment.

Mr. Jeff Sellers stated that he and his partners owned property at 801 Elkton Boulevard. He said the Planning Commission, at their February 2008 meeting, discussed a request to permit indoor recreation in the BI zone by right, not special exception. Ms. Minner stated that the Planning Commission, in its discussions, decided that indoor recreation in the BI zone should be permitted via special exception.

Mr. Sellers said 801 Elkton Boulevard had a potential tenant to provide indoor recreation, and allowing the activity in the BI zone by right with conditions would address all expectations of the Planning Commission.

Mr. Robert Alt said he was a partner of Mr. Sellers at 801 Elkton Boulevard. He said indoor recreation should be permitted in any commercial zone by right with conditions, which would permit all businesses to offer employees indoor recreation.

Ms. Rebecca McKinney expressed support for recreational opportunities for children.

Hearing no further comment, Mayor Fisona closed the Public Meeting at 7:16 P.M.

Mayor Fisona queried the Board regarding the request to amend Ordinance 6-2008 by permitting indoor recreation in the BI zone by right with conditions. He asked Mr. Wilson if the ordinance could be amended at the introduction stage, or if the process should begin anew. Mr. Wilson advised the Board that the ordinance could be amended at the introduction stage.

**ACTION:** Commissioner Storke made a motion to return Ordinance 6-2008 to the Planning Commission for written clarification of permitting indoor recreation in the BI zone by right with conditions or by special exception. Commissioner Givens seconded the motion.

**DISCUSSION:** Commissioner Jablonski expressed support for permitting indoor recreation in the BI zone by right. Commissioner Piner said he respected Commissioner Storke's viewpoint, but that he concurred with Commissioner Jablonski.

**ACTION:** Commissioner Givens stated that, after hearing Mr. Wilson's advice, he rescinded his second to Commissioner Storke's motion. Commissioner Storke withdrew his motion.

**ACTION:** The request to amend Ordinance 6-2008 to permit indoor recreation in the BI zone by right with conditions and to introduce the Ordinance, as amended, was approved on a motion made by Commissioner Jablonski. Commissioner Givens seconded the motion. Commissioner Storke opposed the motion. The record of the vote is as follows:

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Mayor Fisona: Aye

Commissioner Givens: Second

Commissioner Jablonski: Motion

Commissioner Piner: Aye

Commissioner Storke: Nay

**ACTION:** Ordinance 4-2008 was approved for introduction on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

**ACTION:** Ordinance 5-2008 was approved for introduction on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

**Town Administrator's Report (continued)**

Mr. George presented a proposal from Stearns & Wheler to provide assistance regarding bid specifications and procedures for the Elkton Water/Wastewater treatment facilities operations and management contract. He said the proposal was for a not-to-exceed cost of \$65,000.00.

**ACTION:** The proposal from Stearns & Wheler to provide assistance regarding bid specifications and procedures for the Elkton Water/Wastewater treatment facilities operations and management contract was approved on a motion made by Commissioner Jablonski. The motion was seconded by Commissioner Piner and approved by all present.

**Ordinance 2-2008 – Presented for Introduction**

Mr. George presented Ordinance 2-2008 for introduction. He said the purpose of the ordinance was to implement 2-hour parking restrictions on North Street, from 219 North Street to Main Street.

**ACTION:** Ordinance 2-2008 was approved for introduction on a motion made by Commissioner Jablonski. Commissioner Piner seconded the motion. Commissioners Givens and Storke opposed the motion. The record of the vote is as follows:

Mayor Fisona: Aye

Commissioner Givens: Nay

Commissioner Jablonski: Motion

Commissioner Piner: Second

Commissioner Storke: Nay

Commissioner Storke requested that the record of the minutes reflect his statement that the ordinance should be uniform and apply to the entire block, as opposed to starting at a specific address.

**Request for Alcoholic Beverage Restriction Waiver – Elkton Alliance**

Mr. George presented a request from the Elkton Alliance for a waiver of the Alcoholic Beverage Restriction for the Citizen of the Year Banquet, scheduled for March 27, 2008 in the Municipal Building's Community Room.

**ACTION:** The request for a waiver from the Alcoholic Beverage Restriction was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

**Mayor Fisona's Report**

Mayor Fisona announced that the State Highway Administration ("SHA") planned to make the intersection of Landing Lane and West Main Street a four-way stop, and remove the overhead traffic signals.

Mayor Fisona stated that Senator Benjamin Cardin's office notified him that the United States Army Corps of Engineers, Baltimore District, received \$250,000.00 in federal funds to continue the Big Elk Creek Flood Mitigation project.

**Commissioner Piner's Report**

Commissioner Piner said he met with representatives of Union Hospital to address the use of the Howard Street municipal parking lot by hospital employees, which impacted parking for Main Street business customers. He said the business owners commented on improvement in the parking situation.

Ms. Kathy Wareham thanked the Board for approving Ordinance 2-2008 for introduction.

Ms. Rebecca McKinney commended Mr. Charles Hicks, Code Enforcement Official, for his work in Hollingsworth Manor.

Mr. Ronald Rae said there were many unused parking spaces behind the courthouse at 129 East Main Street, due to the relocation of County offices, and suggested citizens utilize that lot.

**Motion for a Closed Meeting**

Pursuant to State Government Article § 10-508 (a) (9), conduct collective bargaining negotiations or consider matters that relate to the negotiations, 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.

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There being no additional business to come before the Board, Mayor Fisona adjourned the meeting at 7:48 P.M.

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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.townofelkton.org](http://www.townofelkton.org). The minutes, in hard copy format, are retained indefinitely by the Town of Elkton, Administration Office, 100 Railroad Avenue, Elkton, Maryland 21921. The Maryland Public Information Act provides that the minutes of public meetings be made available to the public upon request. Please contact the Town of Elkton by telephone at (410) 398-0970, by facsimile at (410) 392-6633, or by email at [elkadsec@ximd.com](mailto:elkadsec@ximd.com) to request a copy of these minutes.