

## **The Mayor and Commissioners of the Town of Elkton**

November 18, 2020

In order to comply with Governor Larry Hogan's declaration of a State of Emergency as part of Maryland's response to COVID-19, and in order to limit public gatherings during this time, the Mayor and Commissioners of the Town of Elkton (the "Board") conducted a virtual meeting on this date at 12:00 p.m. The following persons participated via computer and/or telephone: Mayor Robert J. Alt; Commissioners Jean A. Broomell, Charles H. Givens, Sr., Robert M. Massimiano and Earl M. Piner, Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Director of Public Works J. Daniel Handley, P.E.; Director of Planning Jeanne D. Minner; Senior Administrative Specialist L. Michelle Henson; and Town Attorney John P. Downs, Esquire.

Mayor Alt called the meeting to order at 12:00 p.m. and lead the participants in the Pledge of Allegiance.

**ACTION:** The minutes of the October 21, 2020 virtual meeting were approved on a motion made by Commissioner Massimiano. 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 Broomell. The motion was seconded by Commissioner Givens and approved by all present.

### **Employee of the Quarter Presentation**

Mr. George announced Department of Public Works employees Dave Evans and Matt Simpson as Employees of the Quarter (1st quarter) for their initiative in reuse of an existing facility to create an equipment storage area, and Tracy Goudy and Brittani Kircher as Employees of the Quarter (2nd quarter) for fabricating face masks for co-workers and the community at large.

### **Public Hearing**

Request by Dwight Thomey, Esquire, representing Hertrich Properties XXIV, LLC to rezone property identified on Tax Map 33B, Parcels 2050 & 2051 consisting of .35 acre and .727 acre, respectively, from R-1 Town Estate, to C-2 Highway Commercial.

Mayor Alt declared the Public Hearing open at 12:05 p.m.

Messrs. Dwight Thomey, Esquire and Albert D. Guckes, Jr., P.E., Esquire, representing Hertrich Properties XXIV, LLC introduced themselves to the Board.

Mr. Thomey stated the purpose of their appearance is to request rezoning of parcels identified on Tax Map 33B, Parcels 2050 and 2051 from R-1 Town Estate to C-2 Highway Commercial. He stated the parcels are owned by Hertrich Properties XXIV, LLC and are adjacent to the dealership owned and operated by the same entity.

Mr. Thomey narrated a Power Point Presentation regarding the rezoning request, which included a slide depicting the Town of Elkton's Zoning map, which he said illustrated that other car dealerships are provided deeper lot sizes than the Hertrich property is afforded. A copy of the presentation was placed in the record of the minutes.

Mr. Thomey stated the parcels associated with the rezoning request have been utilized for placement of a dumpster as well as storage of excess vehicle inventory, noting that the parcels were used in the same manner by the previous dealership, adding that the Hertrich dealership does not wish to utilize the property in any manner other than its current use. He said the rezoning request is based upon a mistake in the zoning designation at the last Comprehensive Rezoning in November, 2013.

Mr. Thomey stated that neighboring property owners' concerns regarding flooding of their properties were addressed before the Planning Commission at the November 9th meeting, adding that the Hertrich dealership owners will submit site plans if the rezoning is approved.

Mayor Alt queried those in attendance for comments regarding the requested rezoning.

Ms. Diane Poore stated that she and Ms. Karen Lofthouse each own properties adjacent to the Hertrich dealership, and have experienced significant flooding events over the past few years. She narrated a Power Point Presentation illustrating the flooding. A copy of the presentation was placed in the record of the minutes. Ms. Poore requested maintenance and possible renovation of the drainage swale adjacent to her property.

Mayor Alt asked Mr. Handley to address the issue and develop a solution.

Mr. Thomey stated that the Hertrich dealership has a stormwater management facility (SWM) on its property.

Mr. Guckes noted that the Hertrich dealership is downstream from the properties owned by Ms. Poore and Ms. Lofthouse, adding that his property is not adding water to the issues Ms. Poore and Ms. Lofthouse are experiencing.

Ms. Minner stated the Planning Commission heard the matter at the November 9th meeting and recommended denial of the rezoning request based on failure of the applicant to prove a mistake in the zoning designation during the Comprehensive Rezoning in November, 2013. Ms. Minner presented the Planning Commission's findings of fact, a copy of which was read and placed in the record of the minutes.

Mayor Alt questioned when the next Comprehensive Rezoning will take place. Ms. Minner stated it has begun, adding that it is a lengthy process that will not be completed for a couple years.

Commissioner Broomell, noting that the applicant did not meet the burden of proof for the rezoning, stated the Board could not grant the rezoning. Ms. Minner answered in the affirmative,

stating that an applicant requesting rezoning of property must prove substantial change in the neighborhood or a mistake in the zoning classification.

Mr. Thomey stated all of the car dealerships along Route 40 all have adequate space with the exception of the Hertrich property. He stated there have been no issues raised by neighbors with the exception of the flooding concerns, which he said the Hertrich property did not create.

Mayor Alt queried those in attendance for final questions. Hearing none, Mayor Alt declared the Public Hearing closed at 12:42 p.m.

### **Discussion**

Commissioner Piner expressed his desire to table the Board's decision until additional information regarding the history of the Hertrich property can be obtained. Commissioner Givens concurred.

**ACTION:** The request of Hertrich Properties XXIV, LLC to rezone property identified on Tax Map 33B, Parcels 2050 & 2051 consisting of .35 acre and .727 acre, respectively, from R-1 Town Estate, to C-2 Highway Commercial was tabled on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

### **Discussion - Sports Park at Southfields Michael Brown, Sideline Properties, LLC**

Mr. Michael Brown, representing Sideline Properties, LLC introduced himself to the Board. He stated the purpose of his appearance is to provide an overview of the planned Sports Complex associated with the Southfields development.

Mr. Brown stated the planned Sports Complex will provide numerous fields and amenities for traveling sports teams as well as families accompanying the players. He narrated a Power Point Presentation, a copy of which was placed in the record of the minutes. He stated hotels, restaurants and other related businesses will contribute to an overall positive revenue flow for Elkton.

Mayor Alt expressed support for the planned Sports Complex.

Mayor Alt, referring to the planned Town of Elkton water tower construction, questioned the site of the tower with respect to the Sports Complex. Mr. Brown stated the original location of the planned Sports Complex was moved to its present location, which resulted in reconfiguring of the water tower site.

Mayor Alt queried the Board for questions or comments regarding the presentation.

Commissioner Givens expressed support for the Sports Complex, stating that venues such as these provide opportunities for scouts to observe young athletes.

Commissioner Piner expressed support for the Sports Complex, adding that money spent at the venue will stay in Cecil County.

Commissioner Broomell, noting Mr. Brown's statement that Cecil Soccer and Little League can utilize fields in the event of weather-related issues at Meadow Park, questioned if the teams would be able to choose the schedule. Mr. Brown stated it would be dependent upon what the fields were being used for at the time.

Mr. Brown added that adult leagues have already expressed interest in the Sports Complex.

Commissioner Broomell expressed concerns regarding the relocation of the planned water tower. Mr. George stated the Town needs 1.25 acres in a certain configuration to operate the well and associated water tower. He stated the reconfigured area as presented by MRA, the project engineer, is not adequate for operation of the infrastructure. He stated there is an option to relocate the tower, stating additional engineering is required. Commissioner Broomell asked that the Board be kept apprised during the process.

**Withdrawal of Acceptance of Approval regarding the below-referenced Petition for Annexation**

**Withdrawal of Acceptance of Introduction of the below-referenced Annexation A3-2020**

Mr. George stated the above referenced Petition for Annexation and subsequent Annexation Petition A3-2020 were approved for introduction at the Board's October 21, 2020 meeting. He stated the Petition and subsequent Annexation A3-2020 required correction from the originally requested zoning designation of BI (Business Industrial) to C-3 (Highway Interchange). He asked the Board to formally vote on withdrawing the approval from October 21, 2020 and reconsider the matter today.

**ACTION:** The request to withdraw the motion of October 21, 2020 approving the introduction of the Petition for Annexation regarding the above referenced property was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

Commissioner Broomell, noting that she was not in attendance at the October 21, 2020 meeting, abstained from the vote.

**ACTION:** The request to withdraw the motion of October 21, 2020 approving the introduction of Annexation A3-2020 regarding the above referenced property was approved on a motion made by Commissioner Piner. The motion was seconded by Commissioner Givens and approved by all present.

Commissioner Broomell, noting that she was not in attendance at the October 21, 2020 meeting, abstained from the vote.

**Petition for Annexation (Amended)**

Mr. Gary Bolis, representing BPCCGE, LP and Preston and Laetitia Ayars.

Mr. & Mrs. Ayars are owners of property located in the Third Election District, Cecil County, Maryland, and identified on Cecil County Tax Map 027B (formerly Tax Map 303), Parcels 58, 807 and 2483 consisting of approximately 56.1806 acres with improvements erected thereon, and further described in the Cecil County Land Records in Liber WAS 469, Folio 493, Liber WAS 265, Folio 237 and Liber 265, Folio 233

**Annexation A3-2020 Ayars Property (Amended)** - Presented for Introduction  
Regarding Property in above referenced Petition for Annexation

Mr. Evans Rollins, Esquire, representing Mr. Preston Ayars and Mrs. Laetitia Ayars, and Mr. Gary Bolis, representing BPCCGE, LP, introduced themselves to the Board. Mr. Rollins stated the purpose of their appearance is to resubmit the above referenced Petition for Annexation, as corrected, and request approval of the above referenced Annexation A3-2020, as corrected. He stated the correction is from the originally requested zoning designation of BI (Business Industrial) to C-3 (Highway Interchange).

Mr. George noted that BPCCGE, LP is not in good standing with the State of Maryland. Mr. Rollins stated Mr. and Mrs. Ayars are the owners of the property, and they are the petitioners.

**ACTION:** The above referenced Petition for Annexation, as amended, was accepted on a motion made by Commissioner Massimiano. The motion was seconded by Commissioner Givens and approved by all present.

**ACTION:** Annexation A3-2020, as amended, regarding property associated with the above referenced Petition for Annexation was approved for introduction on a motion made by Commissioner Givens. The motion was seconded by Commissioner Givens and approved by all present.

**Town Administrator's Report**

**Resolution R5-2020 Extension**

Mr. George presented Resolution R5-2020 (4<sup>th</sup> amendment) for the purpose of extending the Waiver of Prohibition of Public Alcohol Consumption, and temporary use of parking spaces to accommodate outdoor dining for Foodservice Establishments until January 31, 2021. He noted the anticipated revised closing of 10:00 p.m. for foodservice establishments was incorporated into the amended resolution. A copy of the amended resolution was placed in the record of the minutes.

**ACTION:** Resolution R5-2020 (4<sup>th</sup> amendment) was approved on a motion made by Commissioner Broomell. The motion was seconded by Commissioner Piner and approved by all present.

### **Resolution R10-2020 Parking Enforcement Holiday**

Mr. George presented Resolution R10-2020 Parking Enforcement Holiday for approval. He stated Resolution R10-2020 provided for the suspension of parking meter enforcement during the period November 27, 2020 - January 2, 2021. A copy of Resolution R10-2020 was placed in the record of the minutes.

**ACTION:** Resolution R10-2020 Parking Enforcement Holiday was approved on a motion made by Commissioner Givens. The motion was seconded by Commissioner Massimiano and approved by all present.

### **Proclamation P28-2020 Small Business Saturday**

Mr. George presented Proclamation P28-2020, designating Saturday, November 28, 2020 as Small Business Saturday for approval. A copy of Proclamation P28-2020 was placed in the record of the minutes.

**ACTION:** Proclamation P28-2020 Small Business Saturday was approved on a motion made by Commissioner Broomell. The motion was seconded by Commissioner Givens and approved by all present.

### **Mayor Alt's Report**

Mayor Alt announced the 2020 Holiday Decorating Contest. He stated the contest is open to Town residents and noted the deadline to register is Friday, December 11, 2020. He stated prizes will be in the form of gift certificates to area businesses, and added that winners will be announced on Wednesday, December 18, 2020.

Commissioners Broomell, Givens and Piner offered congratulations to the Employees of the Quarter.

### **Commissioner Broomell's Report**

Commissioner Broomell requested maintenance of the Town's parking meters, stated the lenses are difficult to see through.

Discussion ensued regarding cost benefits associated with upgrading the Town's parking meters.

### **Commissioner Massimiano's Report**

Commissioner Massimiano requested assistance in publicizing and promoting the annual Toys for Tots campaign, stating there are drop boxes located in several areas along Main Street.

**Public Comment**

Mr. Tim Rothermell requested an update regarding interviews for the Chief of Police position.

Mr. George stated a group of 7 candidates were recently interviewed, and that group will be narrowed down to final candidates.

Hearing no additional business to come before the Board, Mayor Alt adjourned the virtual meeting at 1:54 p.m.

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L. Michelle Henson  
Sr. Administrative Specialist

**A 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](http://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.