

**BOARD OF TOWN COMMISSIONERS**

**WORK SESSION**

**March 14, 2023 5:15 P.M.**

**PRESENT:** Commissioner Kevin M. Bianca, Chair - via telephone  
Commissioner Mary F. Chance  
Commissioner Paula S. Etting  
Commissioner Erin S. Hughes  
Commissioner Donna L. Kahoe  
Edward Hopkins, Town Administrator  
Stephen Kline, Director of Public Works  
Michael Krantz, Director of Administration  
Lisa Moody, Director of Finance  
Charles Moore, Chief of Police  
Angela Robertson, Economic Development Coordinator  
Kevin Small, Director of Planning  
Elizabeth Thompson, Town Counsel

**ABSENT:** Trish Heidenreich, Director of Economic Development  
Charles Keenan, Town Counsel

**OTHERS:** Joan Suitt, Recording Secretary

**APPROVAL OF AGENDA:**

Vice Chair Kahoe called for approval of the agenda.

Commissioner Hughes moved and Commissioner Chance seconded the motion to approve the agenda as written. The motion carried.

**TOWN ADMINISTRATOR'S REPORT:**

None.

**TENATIVE AGENDA FOR TOWN MEETING (March 20, 2023 at 5:30 p.m.)**

**Presentations:**

Recognition of Drew Johnson and Detective First Class Matthew Elliott for  
Emergency Response

The Chief of Police notified Drew Johnson, a member of the Explorer Program, and Deputy First Class Matthew Elliott will be recognized for their assistance of CPR to an individual experiencing a medical emergency.

Recognition of Patti Parker for Winter Wonderland

Commissioner Hughes advised Patti Parker will be recognized for her leadership during Winter Wonderland. Ms. Parker will be thanking the Town Commissioners and volunteers for their efforts during the event.

Retirement Recognition for Trish Heidenreich, Director of Economic Development

The Director of Economic Development will be recognized for her seventeen years of service to the Town of Bel Air.

**Public Hearings:**

Charter Resolution 136-23 Annexation of 304, 308 and 310 Tollgate plus part of 615 Baltimore Pike

The Director of Planning distributed the Plat submitted for the annexation by the applicant. The annexation was introduced to the Commissioners and property is located on the west side of South Tollgate Road and a small area on the east side.

When Tollgate Marketplace was annexed to the Town in 1975, it left a 25' gap between Tollgate Road and the proposed boundary. The gap runs along the east side of Tollgate Road almost to the intersection of Rt. 1 to Marketplace Drive.

The Director of Planning stated when the annexation was introduced, comments from the State were received but not from Harford County. The attorney for the State is saying you cannot "jump the road". The Director of Planning notified the State made no comment on it and only referred to a previous letter sent to the Town. This letter was included in the Commissioner's handout. The State Secretary of Planning informed there was no precedent set and the Planning staff feels the Commissioners need to make the decision.

Harford County has recently provided comments that basically echoes the State comments.

The Director of Planning reports the second issue from both the State and County are:

- Desired zoning of B-3 is inconsistent with the existing zone of B-2 in Harford County. This lies within the difference of density allowed per unit. The applicant is proposing a self-storage facility and Town staff does not feel there is a conflict.

Ms. Thompson, Town Counsel, informed of reaching out to applicant's attorney Joe Snee who recommended a waiver be sought from the County Council to waive zoning and the issue of density.

Ms. Thompson advised the annexation will close the gap to insure the lots are continuous. Mr. Snee will be speaking with his client and get back to Ms. Thompson by the end of the week. Mr. Snee shared there is some type of contractual timeframe his client is under. Ms. Thompson stated getting the waiver will take time and the Commissioners will need to make the decision about postponing the hearing on March 20<sup>th</sup>.

The Director of Planning advised the options are the County Council grants a waiver or the property sits for five years. Sometime in the future, the Town will look into cleaning up other properties with these same issues.

Commissioner Etting asked about the cost to the Town pursuing the annexation with the County. Ms. Thompson sees only the cost of putting this together. Commissioner Etting inquired about subsequent purchasers. Ms. Thompson advised there will be language included on successors. Commissioner Etting has concern with a large project that does not bring much to the Town. The Director of Planning stated this could encourage future annexations.

Commissioner Hughes wanted to know the timeframe of getting the waiver. Ms. Thompson had no specific time and advised of the importance in getting the agreement locked in. The Director of Planning informed the waiver request must come from the Town.

The Director of Planning informed of two options:

- Postponing the hearing.
- Open the hearing and continue it at a later date.

Commissioner Hughes feels this depends on hearing back from Mr. Snee. The Commissioners made the decision to leave the item on the March 20<sup>th</sup> agenda.

Ordinance 811-23 An Ordinance Amending to Articles II, III, V and VI of the Development Regulations in Chapter 165 of the Bel Air Town Code

The Director of Planning notified the four Articles were introduced to the Commissioners with some concerns raised.

Commissioner Etting recommends no short-term rentals in the Residential Office.

Commissioner Hughes wants to make sure any decision is made right the first time. The proposed legislation from Havre de Grace was emailed and Commissioner Hughes stated it is more comprehensive than the Town.

Commissioner Hughes recommends the legislation for the Town be specific and to continue the discussion. Commissioner Etting stated there are a lot of risks.

Commissioner Hughes proposed to move ahead with the advertised hearing on March 20<sup>th</sup> to get feedback from the public and continue the hearing within the next few weeks. Commissioner Kahoe concurred. Commissioner Chance recommends tabling this for more input to make sure the right decisions are made.

The Director of Planning notified the Commissioners can approve the other sections and exclude by motion Article III. Commissioner Hughes inquired about advertising responsibilities. If the Commissioners table this, the maximum extension is 60 days from the introduction date. The Director of Planning suggested to push Article III to the side and start over.

The Commissioners made the decision to exclude Article III for the purpose of exploring further.

**Unfinished Business:**

Charter Resolution 136-23 Annexation of 304, 308 and 310 Tollgate plus part of 615 Baltimore Pike

The Commissioners will vote on Resolution 136-23.

Ordinance 811-23 An Ordinance Amending to Articles II, III, V and VI of the Development Regulations in Chapter 165 of the Bel Air Town Code

The Commissioners will vote on Ordinance 811-23.

**New Business:**

Resolution 1195-23 Amended 2021 Harford County Growth Report

The Director of Planning notified of an allowance to review or accept the growth report was added. Commissioner Hughes inquired if the report is published. The Director of Planning advised it normally goes on the Planning Commission page but can be placed on the Town website. Commissioner Hughes wants to make sure it is available to the citizens. The Town is waiting to hear from the State.

Commissioner Etting prefers voting on it for people to know about the report. Commissioner Kahoe recommends putting it on the Town's website.

The Director of Planning reported three schools in the County are over capacity.

- Bel Air Elementary

- Homestead/Wakefield Elementary
- Havre de Grace Elementary

Development is not affected based on the Town's current code.

#### Mowing Contract

The Director of Public Works informed the 5 year mowing contract with J.D. Lawn Service has expired and the Town has been happy with their service. The Town will piggyback with Harford County and continue utilizing the same company. The contract will not exceed \$40,000.

Commissioner Kahoe asked for the cost of last year. The Director of Public Works advised the cost is for each mowing and varies because of rain.

#### Reappointment to the Economic & Community Development Commission

Commissioner Chance advised Jay Ellenby is interested in being reappointed and has been a real asset to the Economic & Community Development Commission.

#### Reappointment to the Board of Election Judges

The Director of Administration notified Elaine Millard has expressed interest in serving again on the Board of Election Judges.

#### Reappointment to the Board of Appeals

The Director of Planning informed Shannon Abel is interested in the reappointed to the Board of Appeals. Commissioner Hughes reported Shannon has been a great member.

#### **STAFFING UPDATE:**

The Director of Administration reported:

- Environmental Engineering Tech - offer extended.
- Director of Economic Development - job advertisement has ended. Interview panel will be put together.

#### **CALENDAR:**

The Director of Administration distributed the March, April, May, 2023 calendar.

The budget Work Sessions begin at 4:00 p.m. with the exception of April 19<sup>th</sup> at 4:30 p.m.

#### **MISCELLANEOUS:**

Thomas/George Street Project Update

The Director of Planning advised the Thomas/George Street project was designed several years ago and engineering is complete. The drawings are there and permitting needs to be done. This project will not begin before Town Hall is completed. Estimated to begin this summer.

The Town Administrator recommends a community meeting with residents to bring them up to date.

Discussion regarding Chapter 165. Comprehensive Plan and Development Regulations Part 3. Signs Article XV. Sign Regulations

The Director of Planning reviewed:

§ 165-106 Standards by zoning district.

**Page 1 added** - which advertise **commercial** services

A. Residential zoning districts

**Page 2 removed** - within (4) R-O (Residential-Office District)

The total area of all signs erected on the lot and building shall be determined by the building frontage.

(5) Temporary Signs

**Page 2 added** - (a) Signs not exceeding six square feet may be placed **on a residentially zoned lot without permit.**

The Director of Planning informed you can now have as many signs as you want and place them for as long as you want. Governs every sign put in residential zoned properties.

**Page 2 Removed** - the remainder of (a) and (b)

**Page 3 removed** - (c)

**Page 3 added** - (b) **120 consecutive** days

**Page 3 added** - (c) **for a total of 60 days in a calendar year. A permit is required from the Zoning Administrator.**

B. Business districts

**Page 3 removed** - (1) The total area of all signs erected on the lot and building shall be determined by the building frontage.

Figure 165-106.I

**Page 4 removed** (1) track oriented, **added marquee**

Figure 165-106.II

[3] Freestanding sign

**Page 4 removed** [a] One additional freestanding sign may be permitted on through lots fronting on two one-way streets.

**Page 4 removed** [a] sign, **added sight** visibility

**Page 4 removed** [a] eight, **added ten**

**Page 4 removed** [c] one, **added two**

**Page 4 added** [c] **area** shall be calculated **as part of the overall** advertising area permitted for **the project**.

**Page 5 added**

Gross Floor Area of Shopping Center (square feet)	Total Number of Freestanding Signs	Advertising Area per sign (square feet)	Sign Height (feet)
100,000 to 200,000	2	#'s removed 140	#'s removed 18
200,000 to 300,000	3	160	18
300,000 to 400,000	4	180	22
Greater than 400,000	5	200	22

The Director of Planning explained the Town currently allows one freestanding sign on any major road and increased it to two. The Director of Planning asked the Commissioners to give some direction in the future.

Figure 165-106.III

Temporary signs

**Page 5 removed** - [a] the first sentence, **added Signs not exceeding eight square feet may be placed on a commercially zoned lot without permit.**

**Page 5 removed** - [b] twice in calendar year, **added 60 days per calendar year. A permit is required from the Zoning Administrator.**

**Page 5 removed** - [c] sandwich board sign any and **added eight.**

Will allow a sandwich board sign if visibility is limited but would need permission from the business that has frontage.

**Page 5 added** -[d] **placed** in front of the specific business that is being advertised **or located within 100-feet from the business with the permission of the property owner with abutting right-of-way frontage.**

**Page 5 removed** -[d] in the public right-of-way or

**Page 6 removed** -[f] Any property for sale, for lease or under active construction may place one additional sign not to exceed 10 square feet provided the height is limited to eight feet.

**Page 6 removed** -[g] A property is allowed no more than three additional freestanding signs not exceeding six square feet each, for 90 days prior to a general election or primary. [Added 9-16-2019 by Ord. No. 792-19]

Figure 165-106.IV

**Page 6 added** -[7] (awnings) **the maximum area allotted to projecting signs.**

**Page 6 removed** -[7] identification or an enterprise sign consisting of no more than four copy lines.

[3] Freestanding sign

**Page 7 removed** -[a] One additional freestanding sign may be permitted on through lots fronting on two one way streets.

**Page 7 added** - [a] **front and, ten**

**Page 7 added** - [b] **Shopping Center freestanding signs shall adhere to requirements outlined in Section 165-106.B(2) (b) [3][c.], for B2 and B2A Districts.**

**Page 7 removed** - [b] Only one freestanding sign is permitted on each lot, except as otherwise provided herein. One additional freestanding sign may be permitted on through lots fronting on two one-way streets. Maximum freestanding sign area shall not exceed 100 square feet. A low silhouette for freestanding signs is encouraged. The front and side yard setbacks shall be a minimum of 1/2 the minimum building setback. Sign height shall be measured to the highest point of the sign or supporting structure. Sign allotment does not include any portion of the sign containing architectural features or addresses. Signs shall not prohibit or impede sight visibility at any ingress/egress location.

[4] Temporary signs



**Page 7 removed** - [a] Freestanding signs or banners attached to a building with a maximum advertising area of 18 square feet may be displayed four times in a calendar year for a total duration not to exceed 60 days.

**Page 7 added** - [a] Signs not exceeding eight square feet may be placed on a commercially zoned property without permit.

**Page 7 removed** - [b] twice in a calendar year

**Page 7 added** - [b] 60 days per calendar year. A permit is required from the Zoning Administrator.

**Page 7 removed** - [b] Shopping centers may be permitted one additional temporary sign or banner for every 100,000 square feet of gross square feet not to exceed a total of four signs in a calendar year.

**Page 7 removed** - [c] Any property for sale, for lease or under active construction may place one additional sign not to exceed 16 square feet provided it is located 10 feet from right-of-way and the height is limited to 10 feet.

**Page 7 removed** -[d] A property is allowed no more than three additional freestanding signs not exceeding six square feet each, for 90 days prior to a general election or primary. [Added 9-16-2019 by Ord. No. 792-19]

[5] Marquee signs

**Page 8 added** - [8] multi-tenant, 48 square feet

A Temporary signs

**Page 8 removed** - (2) A temporary directional sign may be erected on private property at an intersection or on an approach to a destination. Signs shall not be located within a right-of-way area. No more than one sign shall be permitted with a duration of no more than six months without approval of the Zoning Administrator. Each sign shall be no more than three feet long and one-foot high and shall not exceed four feet in overall height above grade. No illumination shall be permitted.

**Page 8 added** - (2) Any property for sale, for lease or under construction may place additional signs not to exceed a total of 24 square feet in a commercial district or 8 square feet in a residential district provided the signs are located 10 feet from right-of-way and the height is limited to 10 feet.

**Page 8 removed** - (3) which requires a sign permit.

**Page 8 added** - (4) in accordance with the Town banner policy and

**Page 8 removed** - (5) which requires a sign permit

**Page 8 added** - (6) Sign associated with a temporary use permit are regulated by Section 165-71.

B. Permanent identification signs

**Page 8 & 9 added** (2) Signs for institutional uses located in any district are permitted a total advertising area of 1.5 square feet per lineal foot of primary road building frontage. One freestanding sign is permitted with a maximum area of 36 square feet and a height limit of eight feet. In addition, one marquee sign is permitted with a maximum area of 24 square feet and a height limit of six feet. No signs shall be located closer than 10 feet from right-of-way or adjacent property lines. Illumination is limited to external lighting only with the exception of the marquee sign which may be internally lit.

§ 165-109 Exemptions

**Page 9 added** A. Public Signs - five square feet, unless a waiver is approved by the Zoning Administrator.

**Page 10 added** - D. inside of

§ 165-110 Prohibited signs

**Page 10 added** A. Billboards - the site upon which the sign is placed.

**Page 10 added** F. signs distract motorists, create disruptive movement or excessive glare containing or consisting of pennants, adding - flashing lights, windsail signs.

The Town Administrator has been approached by schools who have asked for electronic signs. There may be challenges and know there are many institutions in Bel Air that want these signs. The Town Administrator advised that will be the Commissioners' decision.

Commissioner Hughes asked if the Town could legally allow LED signs for certain institutions. The Town Administrator advised this would have to be a lengthy discussion.

**Page 10 added** - H. Town

The Commissioners had no further questions.

Discussion regarding Campaign Financing

The Town Administrator informed Aberdeen and Havre de Grace have forms that require candidates to report their financing but the Town does not. The Town Administrator feels the Town needs this for transparency.

Discussion regarding Election Candidate Filing Time Period

The Town Administrator advised Aberdeen and Havre de Grace have a limited filing period and the Town is open ended. The Town Administrator recommends a discussion about adjusting this for the Town.

Commissioner Etting advised the legislature did bring a campaign financing bill for municipalities but was opposed by MML because many municipalities are small. Commissioner Etting is concerned this will discourage people from running and wants the Town's election to remain small.

Commissioner Chance was surprised about not having to report financing in the last election and feels there should be some kind of record.

Commissioner Hughes reminded every year the Commissioners do fill out a financial disclosure form.

Commissioner Kahoe thinks the transparency should be required but be relevant to our small municipality.

Chair Bianca does not want the finance reporting to be a hurdle in a small town election but the Town has seen outside groups getting involved. Chair Bianca agrees there needs to be some type of financial regulation.

Chair Bianca would like the Town to pursue some type of timeframe for filing. The Director of Administration recommends not making it too short.

Commissioner Etting stated the ethics form comes from the State.

The Director of Administration will provide some language to begin discussion.

**COMMISSIONER'S COMMENTS:**

Commissioner Kahoe informed the attendance at Take a Chance on Art was outstanding and the event nicely done. Commissioner Kahoe encouraged everyone to attend this annual event.

Commissioner Hughes notified the new exhibit at Harford Artist Gallery opened and runs March through April. The exhibit is called A Breath of Fresh Art.

Angela Robertson advised Harford 250 will have kick-off events:

- March 31<sup>st</sup> - First Look - APG Arena

- April 1<sup>st</sup> - Family Fun Day - APG Arena

Tickets available on Harford 250 website.

Chair Bianca informed of an individual who began a home bakery a year ago to raise funds for the World Central Kitchen. The organization provides disaster relief all over the world. Chair Bianca would like to recognize this individual during a Town meeting.

Commissioner Chance stated there are a lot of non-profits that do good things and get overlooked. Commissioner Chance advised this is a great idea.

**CLOSED SESSION:**

At 6:45 p.m. Commissioner Chance moved and Commissioner Hughes seconded the motion for this portion of the meeting be closed under the provision of (i) the Maryland Open Meetings Act General Provision Art. §3-305(b)(7) to consult with counsel to obtain legal advice; and (ii) §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Topics of Discussion: Litigation versus the Harford County Board of Education

Ayes: Commissioners Chance, Etting, Hughes, Kahoe and Bianca

Nays: None

The motion carried.

**REOPEN:**

The meeting reopened at 7:40 p.m.

**ADJOURNMENT:**

With no further comments, the meeting adjourned at 7:40 p.m.

**APPROVED:** April 3, 2023

Signature on file  
Kevin M. Bianca, Chair  
Board of Town Commissioners

Signature on file

Michael L. Krantz, Town Clerk