

**Planning Commission
Meeting Minutes
January 23, 2017**

ATTENDANCE: Pete Reich, George Jack, Brian Williams, Ray Ryan, Henry Barrett, Planning & Zoning Director Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to Order at 6:30 p.m.

APPROVAL OF MINUTES:

Without objection the minutes for the October 17, 2016 Planning Commission meeting were approved as written by quorum of attending members.

NEW BUSINESS:

Vote – Chairman & Co-Chairman:

Mr. Reich explained it is required in the Zoning Ordinance by the 31st of January of each year to elect a Chairman and Co-Chairman.

Motion made by Mr. Ryan to nominate Mr. Everett Reich. No further nominations made. All in favor of Mr. Reich as Chairman raise your hand, with unanimous showing. **Motion Carried. Mr. Reich has been approved as Chairman.**

Motion made by Mr. Ryan to nominate Mr. George Jack. No further nominations made. All in favor for Mr. Jack as Co-Chairman raise your hand, with unanimous showing. **Motion Carried. Mr. Jack has been approved as Co-Chairman.**

GENERAL DISCUSSION:

Ms. Skilling reported on various topics:

Zoning Ordinance – substantial changes are complete and Ms. Battaglia will make copies if you want them and it is available online. We're still working on some other changes that we've found so we'll be working on those. And I'd like to get the Subdivision regulations done.

Magraw Subdivision – we received the proposed plat to be reviewed but some corrections are needed so I'll get those corrected before it comes before you. I'm hoping next month they'll have it here so we can vote on that and get it recorded. Once a subdivision plat has been recorded they can start selling lots. The key thing to the whole subdivision is we have to get Greenway, the road, dedicated to the Town. It was built to our standards and ultimately it was to be dedicated to the Town. They will need to initiate that process because we can't take over that road unless they're willing to give it to us. I've contacted their attorney to see whether he would do the dedication agreement, and then I'll have Mr. Sussman review it and bring it before the Mayor and Commissioners, to see if at this time they still want to take it over. It was part of the whole agreement when they did that road, when the Magraw property was subdivided for Fairgreen. Also there are four lots that are scheduled to be subdivided that are on Greenway and they can't be recorded until it becomes a public road. All lots have to face a public road so that has to be done before they can record the subdivision plat. All lots are part of the subdivision and no lots can be developed until the subdivision plat is recorded. I believe it is on the agenda for the next work session. So by the time we get it next month we should have it done. They did a description

of the road and a plat to be recorded of just the road, so I have all those documents but I have to have a dedication agreement. When the County reviewed the subdivision plat for storm water each one of those lots are going to have micro-swales on the individual properties and they're going to have to have an agreement that has to be signed by the property owners with the County. Cecil County is going to regulate that because in order to meet the storm water requirements they put these bio-swales on just about every one of those lots. I don't think it's an incentive. People don't even like homeowners associations let alone having to make sure they maintain these little bio-swales. So I don't know how it's going to work. I've seen some of the information on it so we'll have to see where that goes.

Royal Farms – they are still working through getting final storm water approvals from the County. It's also going through storm water and due to have final storm water approval and once they get that we hope to have that before you next month. They should be coming in for Preliminary/Final approval. They've gone through a lot of the process and we've been doing reviews all along. When you get it a lot of the things have already gone through some review but it has not gotten any final approval from this board. I've looked at the landscape agreement and most of it is buffer yards and the highway corridor overlay zone.

Mr. Ryan asked have we gotten any word if that's going to be resolved now that there will be two Royal Farms in town or are they going to close this one down in town or we don't know yet.

Ms. Skilling replied according to them they're going to keep both of them. We did find out today they will actually be leasing that property at MD222 and Heather Lane. That's interesting because a lot of those businesses want to purchase.

Frenchman Land – I'm still waiting for State Highway for the as-builts for their final approval. They have a project that's shovel ready but nothing official for any hook ups. They can't connect to our systems yet. So they will when something is submitted for final approval when we finalize all that. They probably won't want to do it until they get someone to go in there. Also, it is an Enterprise Zone.

Dollar General – we haven't heard anything from Dollar General. The individual who was working as their representative is no longer handling it, is no longer with the company that started that whole process. We were told they were not going to do any more business in the State of Maryland. I think it may have had to do with the storm water and the costs associated with that. That's not saying another group can come in under that franchise and do a development.

Discussion continued about the Highway Corridor Unified Development plan that may have expired by now with buildings to be torn down by December. The project went to the Board of Appeals for Special Exception approval and they recommended that we allow them to move forward with that project with part of it being torn down and the rest not torn down until a specified date. That is still outstanding. The Board gave them three years. We'll have to check for that date. There has been no contact with the property owner so we don't know if he's still marketing for three lots.

Cecil Avenue – house is under construction at the corner of Maywood and Cecil Avenue. Mr. Bill Phillips grew up here, purchased three lots from his cousin beginning with the corner where the house is being built and plans to build another two. He sold the old house and that is going to be renovated. Mr. Phillips has interest in obtaining ownership of the other undeveloped lots at the end and we need to talk about the possibility of doing that road as discussed at another meeting.

Mr. Ryan stated I did bring it up at a meeting after it was discussed in here and they had no problems whatsoever of trying to find some way, they didn't commit to doing the road but talking about trying to find out some way to get these infill lots and other available small lots done. Looking for ways of backing, people interested, things like that.

Ms. Skilling replied we're trying to do like a re-coup agreement. Several things are a problem right now on Cecil Avenue, the extended area. Two houses have an agreement with the Town with driveway access to their property and they put in their connections but if the Town would extend the water and sewer lines down that road they would have to do new connections. The road is not paved to Town standards and construction probably should never have been done. These are nice buildable lots because the school is right there, it's walkable in Town. The Mayor and Commissioners have asked me to look at recoup agreements for two things: for that project and Coudon Blvd. for the water/sewer lines. So with a recoup agreement potentially I would get funding or somehow the Town puts up the money to do the lines and then it gets paid back by individuals who buy into the system, over time. Somehow we have to work that agreement so that it gets paid back to the Town. Right now the Town is doing so many other things these projects are not top priority.

Discussion continued about the whole longevity of it, the tax-based dollars. If you did it for commercial you would get a return quicker but for housing, apartments or single family homes, your return may not be as quick. That's really the downside of the whole thing.

Mr. Reich suggested another option, give a tax break or water/sewer cost break or something to the police officers and fire fighters who live in town. I thought it would be a good idea to retain the people or to get more people in the fire company. I realize that would be an issue to bring up at a work session with the Mayor and Commissioners but can we put something in our ordinance that says fire fighters who live in town and police officers who live in town get a break on their property taxes.

Ms. Skilling stated anything that deals with the legislative branch of government is discussed by the Mayor and Commissioners. You personally could go to a work session and ask that question.

Mr. Ryan indicated the request could definitely come from this board, if that's what you'd like to do. Discuss it first at a work session and see how it goes or not, and then we'd ask Planning & Zoning, along with Ms. Breder and whoever else, including Mr. Sussman the town attorney, to put it in writing, whether it be an ordinance or a resolution, I'm not sure how it would have to go but it's something we could look at and discuss with them, and with approval of this board I will certainly bring that up at a work session. That will be tough because the next couple of meetings I'm going to have to miss because of work but I've talked with Commissioner Ashby on a couple of these types of topics and he's in favor of some of them too. If I'm not there he could bring them up if that is the wishes of this board.

Discussion continued that it would have to be in the Charter for how the governing body wants to handle that. The Planning Commission does not have authority but can make recommendations, either express your opinion as a group or individually but anything that deals with taxes is definitely Mayor and Commissioners. Mr. Sussman would be requested for guidance. There are two different issues: one as an employee and the other as a volunteer.

Mr. Ryan responded that's why we need good guidance from Mr. Sussman. We can also go to the City of Havre de Grace because they have had that in place for many, many years. Maybe a reimbursement, so much off of your taxes and we send it back to you, for your service. You pay your taxes like you normally would and after it's confirmed that the taxes are paid then I believe it's basically they cut a reimbursement check back to the member for that. But I'd have to find out exactly because I lived over there fifteen years ago and mine was a check sent back to me. I don't know if they changed things or not. It's based on the property taxes and was either a percentage or a fixed dollar figure, I'm not really sure. I'll ask for a copy of the City of Havre de Grace's ordinance or however they have it written and have it available to give to the board at a work session.

Ms. Skilling explained regarding property taxes, the State actually sets the rate and then the County and we use that information for the town portion of the property taxes. It probably has to be in an ordinance because an ordinance is the legal, resolutions are not, don't hold that legal precedence as an ordinance does.

Mr. Ryan indicated I will make sure. They may be doing things differently from us but at least we would have some kind of substance to give to it. And then Mr. Sussman can lead us in the right direction to how to actually get it on paper, if the board decides to go for it. I appreciate you bringing that up.

Mr. Barrett asked how does the town budget look, is it tight or do we have some extra?

Mr. Ryan responded we're getting ready to do budget season probably next month, and no I wouldn't call it tight, I think we had some excess on the general fund side. The water and waste water side is always a mess. And that's where the money is going to come from, that's going to play a big factor, if we can and how much. And to be honest, that probably wouldn't occur until after we sit down with the budget and say this is where we're at financially, now can we afford to do this or not.

Mr. Barrett stated I'm all for it if it can be done.

Mr. Ryan continued regarding losing police officers to other jurisdictions, not just salary but maybe some issues with retirement. One went to Aberdeen and two others to Charleston, South Carolina. They have a better retirement program and a little bit better living conditions. There's a retirement program out there called LEEOF for law enforcement, which is very good but for us to buy and get our officers in we wouldn't be able to afford it because it's a buy in with the officer's years, we have to buy the years they have in as service and there's no way we could do it.

Discussion continued while I'm in favor of us doing this I think it's always going to be about money, and we're always going to lose officers, you always want to attain some higher level of, more money, better living, and we're a small entity out here. That's why we have to be careful if we're going to do this where we set these numbers at. The point is, is there some benefit to keep these law enforcement officers here and shouldn't the town give a benefit to the people who volunteer in our fire company, those are dangerous jobs.

Ms. Skilling replied I think we allow officers to drive their vehicles home. And we have some employees now who can take vehicles home, who may have to be here more often or are on-call. So that is a benefit. Now I know the IRS makes you report some of that but if you're having to work a lot of nights or on call or whatever, sometimes you can offset some of that but that is a benefit to a lot of people because you don't have to buy a vehicle and you use that vehicle.

Mr. Ryan stated you can use it to go home but if you have to do something personal you have to use your personal vehicle. Do whatever but you have to be available to go back in, the town vehicle can be on the road in a certain amount of time to get back to work. The idea was for anyone who is on call to be able to respond quickly. How many times an on call person with DPW would get a call at home that there was a water leak or something going on somewhere and they would have to run back to the shop and get the vehicle, get equipment and then drive out to the scene to investigate where if they drove right to the scene, depending on where they're coming from, half hour, twenty minutes of picking up a vehicle, loading time and all that and get back. I guess it's not too bad with a small water leak but if it's a large water leak and we're losing hundreds of gallons it becomes an issue to get to it, isolate it, and get it shut down. Another topic, we've been talking about the enterprise zone and basically it's a tax break but that's based from the County and from the State, correct? Can they get any kind of tax break from us if they build in an enterprise zone?

Ms. Skilling replied they can, yes, if you offer.

Mr. Ryan continued I'm trying to find out what we have to do to get people and/or businesses to move to this town. We're building nice parks and all these other things to try to make it even nicer and trying to find ways to get more restaurants in and I'm just wondering if maybe, and again I don't know all the ins and outs of all this, and how this plays out financially still needs to be seen, but can we do something where if you build a house in our town, a residence, you get some kind of tax break or you get a break on your water bill for x amount of time or can we even do that for a business where, I don't care if the County gives you a tax break or not, we're going to offer you one if you come in. I guess for a while IKEA got it because they were in an enterprise zone and we also offered them a tax break. I'm talking about for general businesses and for residences, for two years, three years, five years, whatever the dollar figure is.

Ms. Skilling responded it was brought up when we were talking about some of the façade grants and revitalization grants that potentially in this coming year, in the 2018 budget to look at having a pocket of money for some kind of incentives for businesses. What we can do, how we can do it, for instance if you want to start up a small restaurant, can we help put up some money. There are funds that you can put for restaurants that participate in so many thousands of dollars to upgrade their business.

Mr. Ryan stated but that fund depends on us or them doing certain things and it comes from the County or the State, and they have to put in paperwork with proof and all that. I don't even want the County to be involved. If they build in our district, in our town limits, it's on us to say here, for the next five years we're going to give you a two percent tax break, or whatever. I want to know what we're going to do to take care of ourselves instead of waiting on the enterprise zones and grants and everything else from everybody else. And I want to do as little as possible to impact the façade grants and the other things we're already doing because I think they've been beneficial to helping our communities look better. I want to find a way to give other people on the outside to come in here and be a part of us.

Discussion continued about how the town used to look like downtown here just before the explosion at the pizza shop. It would be nice if two or three little shops were back in there with residences above, like it used to look like. Maybe a 5 and 10, a dry goods store, a hardware store, and across the street was a news stand.

Ms. Skilling stated there is a distinction of the so-called downtown and the commercial district out on 40 because that's where the population is. That's where the cars are flowing, that's where people are going to stop.

Mr. Ryan indicated the infill lots down here in town are for residences, a peaceful place that's out of the way. All the traffic for businesses is staying out on 40 or the 222 corridor and that's ok because now I can live in my neighborhood, live on my street in peacefulness, my kids can run around and play. All the traffic is on 40 so if we can find a way to assist people to build residences or apartments, as well helping business. I don't want to say a business has to build downtown or it has to be built on 40 but I just want to say you build in our town limits and we're going to do something to help you. Let's talk about what that something is. Is it taxes, is it water rates. I don't want to use water rates because we really need the water money, but we just need to find some kind of incentive.

Discussion continued with comparing local restaurants. We have this restaurant down here that's changed hands many times and it doesn't seem to get town participation. But then we have one that's been successful for ten or fifteen years, Ercoles. What's the difference between the two? How many pizza places do we have. And who thought a sushi place would go over in Perryville but that place is

packed. It's not about making it attractive, it's meeting the needs of the people and how can you evaluate that.

Mr. Reich stated when I go out I usually go to Havre de Grace or Aberdeen because that's where my doctors are, I have an ezpass and I go there all the time. There's no incentive for people in Havre de Grace and Aberdeen to come here.

Ms. Skilling commented we have a lot of people who come in and out of the VA and you very rarely see them stop, they'll go out and across the bridge. And we can't attract them because they go out the back way.

Mr. Ryan indicated they say that back gate is for trucks only but people go in and out of there all day long because it's faster for them to get in and out and opening that back entrance up, although it got the trucks out of downtown, it took more people out of downtown. The people no longer travel through here.

Discussion continued about giving something to people who build houses here and free water and sewer hookups is not an option. Water and sewer is backwards right now and the fees are needed. As enterprise funds they are on their own, they have to be self-sufficient. The water plant has to make enough money off the billing to be able to take care of itself. We haven't had any major construction for the last five years. That's why we're trying to come up with incentives. Coudon Boulevard, if we put that in that makes those properties much more valuable and when they're more valuable your assessment goes up and we get more revenue. We've had people ask about apartments, seems to be the big thing, and the first thing they say is what about that sewer line. We have the plans for the sewer line and could probably get permission to use them but who's going to install it. For a developer to install it, build apartments, and right away have to pay hook ups, it's impossible in today's market. And that's why we're working with the study for how to make it better, if an apartment house comes in we get the hook ups but it's not this lump sum for 200 apartments all at once but when they're occupied. It was suggested to add something in the town newsletter to gets some ideas from residents for incentives.

Discussion continued regarding the Police Department. They have successfully tunneled under the railroad tracks, the barriers are gone and Otsego is open.

Perryville Outlets - Ms. Skilling reported I'm trying to work on the enterprise zone for up there. Right now the developer who was working on that site has backed out of the project indicating its cost prohibitive. And I think that was more for the cost of demolition. They didn't want to share their budget prospective but I think that's pretty much what it was. Plus they had to get another access out to 222 if they were going to do warehousing.

Adjournment:

Without objection the Planning Commission meeting adjourned at 7:12 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator