



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410-939-1800

WWW.HAVREDEGRACEMD.COM

PUBLIC PARTICIPATION & LIVE-STREAM OF THE JULY 20, 2020 HAVRE DE GRACE CITY COUNCIL MEETING

The Mayor and City Council of Havre de Grace will convene in the Council Chambers at 711 Pennington Avenue, Havre de Grace, Maryland to hold the City Council Meeting. In order to ensure compliance with the Governor's social distancing orders, no more than 38 people will be allowed in the Council Chambers, including the Mayor and Council Members. Anyone entering City Hall must wear a mask and maintain social distancing.

Citizens wishing to view the meeting should visit the City of Havre de Grace website at www.havredegracemd.gov on Monday, July 20, 2020 at 7 p.m. and click on the live stream video icon. The video will also be available to view after 12 p.m. on Tuesday, July 21, 2020.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1037

Introduced by Council Member Ringsaker

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34, BY CREATING CHAPTER 102, SUSTAINABLE LANDSCAPING REGULATIONS, IN ORDER TO ESTABLISH LANDSCAPING STANDARDS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE CITY.

By the Council 7/6/2020

Introduced, read first time, ordered posted and public hearing scheduled

on: 7/6/2020

at: 7:00 p.m.

PUBLIC HEARING

A public hearing will be held on July 20, 2020 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, the Mayor and City Council desire to enhance the built environment and the quality of life in the City of Havre de Grace; and,

WHEREAS, the Mayor and City Council desire to establish Sustainable Landscaping Regulations that promote sustainable landscapes and healthy soils, improve water quality and create wildlife habitat.

NOW THEREFORE, the Mayor and City Council of Havre de Grace create a Chapter 102 of the City Code in its entirety as follows:

§ 102-1. Title.

This chapter shall be known and cited as the City of Havre de Grace's Sustainable Landscape Regulations. These regulations shall include the text, graphics and regulations, and any amendments thereto.

§ 102-2. Purpose.

The purpose of the landscaping regulations contained in this Ordinance is to enhance health and safety, as well as the quality of life in the City of Havre de Grace ("City"). These regulations are also intended to aid in the reduction of noise, heat, and glare; minimize erosion and sedimentation; and establish a healthier natural environment.

These regulations are also designed to promote sustainable landscapes within the City, conserve and restore healthy soils, reduce the use of irrigation for landscapes, improve the quality of surface waters, reduce energy consumption, provide wildlife habitat, and protect and restore native plant communities.

§ 102-3. Scope.

- A. A landscape plan, consistent with the provisions of this Ordinance, shall be required for preliminary subdivision plans and all site plans. The landscape plan shall be submitted in conjunction with the initial preliminary subdivision plan and/or site plan submission.
- B. To the extent possible, and consistent with this Section, properties being redeveloped shall meet the landscaping requirements of this Ordinance, as approved by the Director of Planning.

§ 102-4. Definitions.

- A. Critical Root Zone (CRZ): Portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. Encroachment or damage to the critical root zone will put the tree at risk of failure. The CRZ equals twelve inches (12") of radius from the trunk for each inch of trunk diameter measured at four and one-half feet (4.5') above ground level.

- 80 B. Diameter Breast Height (DBH): The diameter of a tree trunk in inches, at four and one
81 half feet (4.5') above ground level.
82
- 83 C. Dripline: An area on the ground defined by the outermost circumference of tree canopy.
84
- 85 D. Invasive Plant: A non-native plant that reproduces more rapidly, out competes, and
86 displaces Native Plants in the landscape. Invasive Plants shall include those listed by the
87 Maryland Department of Natural Resources.
88
- 89 E. Landscape: The area not occupied by structures, roads or parking. It includes existing and
90 proposed plant materials, such as trees, shrubs, and perennials; natural materials, such as
91 rocks, earthen berms and water; and man-made materials, such as sculpture, art, walls,
92 fences, paving materials, and outdoor furniture.
93
- 94 F. Native Plant: For the purposes of the City, a plant species that occurred in Maryland prior
95 to European settlement. The native status of plants may be confirmed through the
96 www.plants.usda.gov web site, using the Native Status Maps for each specie. For purposes
97 of this ordinance Native Plant shall include Native Shade Tree, Native Street Tree, Native
98 Shrub, Native Groundcover, Native grass, and Native perennial.
99
- 100 G. Rain Garden: An excavated shallow surface depression planted with specifically selected
101 Native Plants to treat and capture runoff.
102
- 103 H. Screening: Restriction of objectionable views to intensive use or utility elements of a site
104 by landscape plantings, berms, walls, and fences according to Section 102-10.
105
- 106 I. Sustainable Landscape: A landscape that balances the needs of people, the economy, and
107 the environment. A landscape which reduces energy consumption, protects soils, improves
108 surface water quality, reduces the need for irrigation, and protects Native Plant
109 communities.
110

111 § 102-4. Landscaping Plan Requirements. 112

113 A. The landscape plan shall contain the following information:
114

- 115 (1) Certification, including signature, seal, and date, by a Landscape Architect registered
116 by the State of Maryland. For minor subdivisions of up to three (3) lots, the plan is
117 not required to be sealed by a Landscape Architect.
118
- 119 (2) The plan shall be drawn at a scale of not less than one inch equals 100' (1" = 100'),
120 unless a different scale is approved by the Director of Planning.
121
- 122 (3) The location of all existing and proposed structures, fences and walls; streets;
123 parking/loading areas; utilities; lighting; rights-of-way; and easements.
124

- (4) The location of all existing and proposed outdoor storage and trash receptacle areas.
 - (5) Adjacent land uses and zoning classifications.
 - (6) The location and general type of existing vegetation. Any existing vegetation to be removed shall be noted on the plan.
 - (7) A plant list or schedule, indicating scientific and common names, required and proposed quantities, spacing, native plant status, and size of all proposed landscape materials at the time of planting shall be provided.
 - (8) The plant list or schedule must also include any plant symbols used on the plan drawing and the expected mature spread of each plant.
 - (9) Existing soil types and proposed topography shall be shown.
 - (10) Proposed protection of existing trees to remain, and details of the protection.
 - (11) Location and description of other landscape improvements, such as earth berms, walkways, raised beds, sculptures, fountains, street furniture, lights, and paved areas.
- B. Crime Prevention through Environmental Design (CPTED) standards shall be considered in the development of the landscaping plan. A copy of the landscape plan shall be provided to the Havre de Grace Police Department for review and comment prior to approval of the plan.

§ 102-5. Topsoil.

- A. No topsoil may be removed from the site until a minimum of four inches (4") of topsoil has been redistributed over all areas to receive turf, and eight inches (8") in areas of trees and shrubs.
- B. Areas to be landscaped shall not be used for uses such as waste dumps or parking areas during construction. Any material, such as construction debris or substances toxic to plants, shall be removed prior to the placement of topsoil.
- C. At least two (2) soil tests shall be performed on the topsoil to be redistributed, including organic material percent. Results and recommendations shall be furnished to the City representative and landscape contractor before plants arrive on site, or permanent turf is seeded.
- D. Subsections A-C shall be included as a required note on the landscaping plan.

170 **§ 102-6. Existing Tree Preservation and Protection.**
171

- 172 A. Mature trees over six inches (6") in caliper shall be maintained and preserved and
173 incorporated into the overall planting design, where feasible. These trees shall be identified
174 on the landscape plan as existing trees to be preserved. A developer may make a request
175 in writing to the Director of Planning to remove existing trees over six inches (6") in
176 caliper. The request must provide a justification for removal of the tree(s).
177
- 178 B. An existing tree shall be considered preserved if there is no disturbance within the tree's
179 dripline, or Critical Root Zone, whichever is greater. Disturbance includes earth
180 disturbance, earth compaction, vehicular and foot traffic, material stockpiling, and/or the
181 construction of any proposed improvements and utilities.
182
- 183 C. The following conservation practices are mandatory and shall be noted on grading and
184 erosion and sediment control plans, and employed in order to preserve existing trees. In
185 addition to the other requirements specified in this Section, these conservation practices
186 shall be undertaken during land development activities. Prior to any clearing or site
187 disturbance, the applicant and/or site contractor shall meet with the City to further
188 determine methods to minimize tree loss.
189
- 190 (1) All trees and other vegetation to be preserved shall be protected from equipment
191 damage by temporary snow fencing or other effective barriers approved by the City.
192 Fencing or barriers around trees shall be placed outside the dripline. Tree protection
193 installation must be approved by the City prior to the start of any clearing, grading, or
194 other earth disturbance and monitored periodically. The tree protection fencing shall
195 be maintained by the applicant while in place. It shall be removed after all earth
196 moving and construction activities that may impact tree roots are completed, including
197 contractor worker parking.
198
- 199 (2) When disturbance within the Critical Root Zone is unavoidable, applicants shall
200 minimize encroachment and use the best available methods as approved by the City
201 to minimize damage and preserve trees. These methods may include utility tunneling,
202 use of geo-textiles, mulching, hand root pruning, and soil aeration.
203
- 204 D. Should any mature viable trees on the site not scheduled to be removed and counted as
205 required landscape plantings, be irreparably damaged during site preparation activities and,
206 as a consequence thereof, die or decline as determined by the City, within eighteen (18)
207 months of the conclusion of construction activities, such trees shall be replaced with
208 nursery grown material. The replacement trees shall be three inch (3") caliper minimum.
209

210 **§ 102-7. Plant Material.**
211

212 Unless otherwise specified, nursery-grown plant materials shall conform to requirements listed in
213 the "American Standard for Nursery Stock", ANSI Z60.1, current edition, published by

AmericanHort. The following guidelines are the minimum required for all nursery grown plant materials as required in this Section:

- A. Plants for landscaping shall have been grown in USDA Hardiness Zones 5, 6, or 7, and within 250 miles of the City. A nursery stock certificate and plant material invoice shall be provided to the City indicating the location of the nursery(s).
- B. All trees, shrubs, and plants shall be sound, healthy, and vigorous, and shall be free from disease, insects, insect eggs and larvae.
- C. No invasive plants shall be utilized. No plants listed by the State as "Noxious Weeds" shall be planted. Plants used to fulfill the requirements for native plants shall be per the definition of native plant.
- D. The type(s) of plantings shall be limited to species that will not create conditions hazardous to the public safety within public street rights-of-way, underground and aboveground utilities, and clear sight triangles including at all intersections of streets and/or driveways. Such hazards shall include, but are not limited to, low hanging branches, excessive shallow root mass, poisonous or toxic plants, and plants with thorns, nettles and spikes.
- E. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as soil moisture and sunlight.
- F. For projects located within the Chesapeake Bay Critical Area, all plant material must be native plants.
- G. Shade trees for all requirements shall have a minimum caliper of two inches (2") at installation. Shade trees shall be native plants.
- H. Large street trees shall have a minimum caliper of two inches (2") at installation, and a mature height of greater than thirty feet (30'). A minimum of 75% of the large street trees shall be native plants.
- I. Small street trees shall have a minimum caliper of one and one-half inches (1.5") at installation, and a mature height of less than 30'. Multiple-trunk trees should be identified as such in the plant list. Multiple-trunk trees shall be counted as one (1) tree. A minimum of 50% of all small street trees shall be native plants.
- J. Evergreen trees shall have a minimum height of six feet (6') at installation. A minimum of 50% of evergreen trees shall be native plants.
- K. Shrubs shall be spaced according to their size, growth characteristics and intended use. Shrubs shall comply with the following requirements:

(1) Large shrubs are defined as shrubs naturally growing to a height of more than four feet (4'); and shall be a minimum size of two feet (2') in height at planting. 100% of the large shrubs shall be native plants.

(2) Small shrubs are defined as shrubs naturally growing to a height of less than four feet (4'); and shall be a minimum size of 18" in height or 18" in spread, depending on variety. A minimum of 50% of the small shrubs shall be native plants.

L. Ground Cover is defined as plantings to prevent soil erosion, and may include small shrubs, herbaceous perennials, meadows, bulbs and annuals. Plants shall be spaced appropriate to type and size at installation. Ground cover plants shall be spaced and seeding rates sufficient so that 100% of the beds are covered after three (3) years' growth.

M. A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required tree plantings and of the shrub plantings, no more than 33% may be of one species.

N. To allow for design flexibility, plant material substitutions from the requirements may be permitted at the discretion of the Director of Planning. In such cases, the applicant must demonstrate to the satisfaction of the Director that the general intent of the ordinances is achieved.

O. Trees, shrubs, and perennials that produce food for human consumption, or can be harvested for medicinal properties, may be substituted for any plant material required by this Ordinance, as long as the tree, shrub, or perennial meets the screen, shade, safety, or engineering objective of the planting. No invasive plants or noxious weeds may be utilized under this section.

§ 102-8. Street Trees.

Street trees shall be planted along all proposed streets, and in redevelopment projects.

A. Street tree standards include:

(1) Trees must meet the requirements of Section 102-7 Plant Material, for large and small street trees.

(2) Trees must be balled and burlapped with the native soil in which the tree had been growing.

(3) Trees shall have a minimum 24" rootball when planted.

- (4) Tree straightening shall be included in the bond for eighteen (18) months following installation. Staking or guying are not required, but may be used in situations of high winds or loose soil.
- (5) Large street trees shall be spaced a maximum of 50'. Small street trees shall be spaced a maximum of 30'.
- (6) Street trees shall be planted between the right-of-way line and the building setback line. Street trees shall be at least ten feet (10') from the edge of the roadway, and at least five feet (5') from sidewalks.
- (7) Use of multiple species is permitted provided that along a street the trees are similar as regards to height and spread and that similar species are planted within single or two-family, detached lots.
- (8) Trees shall be planted so as not to interfere with the installation and maintenance of sidewalks, lights and utilities. Street trees shall be setback ten feet (10') from underground utilities; tree canopies or crowns at maturity shall not interfere with overhead utilities. Small street trees may be placed beneath overhead utilities if the mature size of the tree will not interfere with the lines, and approval is granted by the utility company.
- (9) Existing trees to remain may count towards the required number of street trees if the trees are between the right-of-way line and the building setback line, are at least four inches (4") in diameter, measured 12" above the ground, and are limbed up at least six feet (6') in height.
- (10) Street trees are the property and responsibility of the lot owner. Maintenance of street trees, including watering, pruning, pest control, and removal if necessary, is the responsibility of the lot owner. If street trees die, they shall be removed and replaced by the lot owner with the same size and species of tree indicated on the development plan, or alternate size and specie acceptable to the City.
- (11) The Department of Planning, in consultation with the Department of Public Works and Tree Commission, shall develop and maintain a list of approved tree species for large, small and shade trees.
- (12) The following tree species are prohibited: Acer platanoides (Norway Maple) all varieties, Liriodendron tulipifera (Tulip Poplar), Pyrus calleryana (Bradford Pear) and other cultivars, Populus species (Poplar) all species, Salix Species (Willow), all species.

§ 102-9. Parking Lot Landscaping.

A. All parking lots with six (6) or more spaces shall be designed and effectively landscaped with trees and shrubs to:

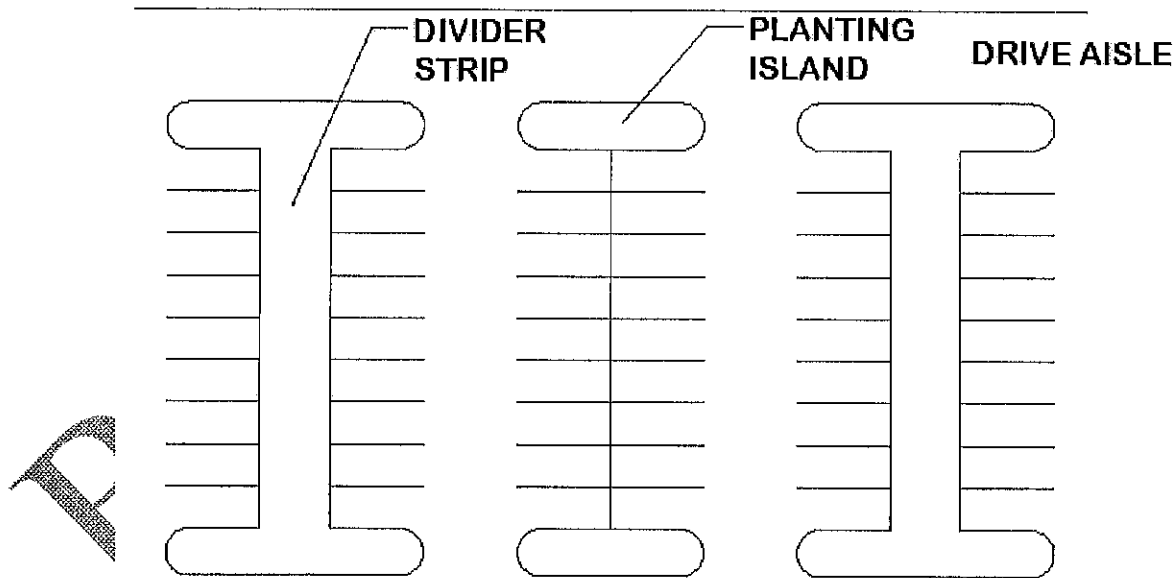
- (1) Provide shade in order to reduce the amount of reflected heat.
- (2) Reduce the visual impact of glare, headlights and parking lot lighting.
- (3) Facilitate pedestrian circulation and safety.
- (4) Facilitate vehicular circulation by delineating driving lanes and defining rows of parking.
- (5) Provide one (1) Shade Tree within the parking lot, either in islands or divider strips for every ten (10) car parking spaces in the lot, or portion thereof. (See Subsections B. and C.) These trees count toward the requirements of island and divider strip landscaping, and are not in addition to those requirements.
- (6) To accommodate turning maneuvers of large vehicles, trees may be located outside of the parking area in groups, infiltration areas, or fence rows.
- (7) Provide filtering of impervious surface runoff to one or more Stormwater Infiltration BMP's as approved by the Director of Public Works.

B. Planting islands (see diagram below) shall conform to the following standards:

- (1) Planting islands shall be distributed throughout the parking lot, so that one (1) planting island, a minimum of ten feet (10') wide by 18' long, shall be located at the each end of each parking row and at intervals of no greater than every ten (10) parking spaces. The island shall separate the last parking space from the drive aisle on each end of an interior parking row.
- (2) In a 90° double bay parking row, the islands shall be a minimum of ten feet (10') wide and 36' long. Angled parking lot islands must have a minimum average of ten feet (10') width.
- (3) Each planting island shall contain at least one (1) shade tree plus small shrubs, ground cover, and/or perennials to cover the entire area at maturity. A minimum of 50% of all trees, shrubs and perennials shall be native plants as defined in this Ordinance. Shrubs shall not exceed two feet (2') in height.
- (4) The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with electric lines and provide adequate lighting.

C. Divider strips (see diagram below) shall conform to the following standards:

- (1) Divider strips shall be placed every other bay of parking running the length of the rows of parking and landscaped with plantings of shade trees, large and/or small shrubs, and ground cover to cover the entire area at maturity. A bay of parking is the width of pavement needed to accommodate either one (1) or two (2) rows of parking stalls plus one (1) access lane. The use of Stormwater Infiltration BMP's is strongly recommended in divider strips, where conditions are appropriate, and in accordance with the Chapter 169 of the City Code.
- (2) Divider strips shall be a minimum of ten feet (10') wide unless a sidewalk is proposed within the divider strip. If a sidewalk is proposed within the strip, the sidewalk must be placed to one side. The divider strip shall be increased in width by five feet (5') to accommodate the sidewalk.
- (3) A minimum of one (1) shade tree and three (3) large or small shrubs shall be required for each 30' of divider strip. The plants need not be spaced evenly apart; however, the maximum spacing shall be 50'. Shrubs near the ends of divider islands shall not exceed two feet (2') in height at maturity so as not to block visibility. This shall not preclude the use of taller shrubs elsewhere within the divider island. Plants shall be at least 50% native plants. Native ground cover, perennials or shrubs shall be installed over the remainder of the divider island to stabilize the soil and slopes. Parking Lot Illustration.



D. Parking lot perimeter landscaping shall be provided to visually screen parking lots, limit glare from headlights and enhance the community streetscape character, and shall conform to the following standards:

- (1) The landscape strip shall have a minimum width of ten feet (10') measured from the street right-of-way or property line. Parking lots set back more than 50' from the

property line shall have the perimeter landscaping width measured from the edge of the parking lot.

- (2) Within the landscape strip, the screening shall consist of a combination of trees, shrubs, ground cover or earthen berms to provide a minimum four foot (4') height screen along property lines, and a minimum three foot (3') height screen along streets.
- (3) Parking lot perimeter landscaping shall be broken only at point of vehicular or pedestrian access, and shall comply with height limitations in clear sight triangles.
- (4) The plants shall provide an immediate visual screen of 50%, and an effective visual screen of 75% within three (3) years.

E. Plantings shall be placed between car parking lots and buildings to break up long stretches of façade, shade the building, and provide a more comfortable pedestrian environment.

- (1) Plantings are required for all sides of a building facing car parking areas. Plantings are not required along the sides of buildings containing service or loading areas. If part of a side of the building faces parking, only that portion is subject to these requirements. Loading areas must be appropriately screened according to the requirements of Section 102-10.
- (2) The minimum planting requirement shall be one (1) shade tree or small street tree, and ten (10) large or small shrubs per fifty feet (50') of building façade.
- (3) At least 60% of the plantings shall be evergreen and at least 50% shall be native plants.

§ 102-10. Screening.

Screening is required for outdoor storage, off-street loading, trash collection areas, and outdoor mechanical and fuel equipment. Screening shall provide reduction of views, light and noise.

A. Screening may include evergreen landscape plantings, berms, walls, and fences.

B. Screens shall provide a 100% visual barrier to the element at a height of four feet (4') at the time of installation. Screens shall provide a 100% visual barrier to the element at a height of six feet (6') within two (2) years. Landscape plants shall be placed in multiple staggered rows.

§ 102-11. Guarantee and Maintenance.

The estimated, or if known, the actual cost of all landscape materials depicted on the approved landscape plan and installation costs shall be provided and be financially secured, guaranteed and maintained consistent with the following subsections.

- 466 A. All landscape improvements to be provided shall be installed and maintained by accepted
467 practices as recognized by the American Nursery and Landscape Association (ANLA).
468 Planting and maintenance of vegetation shall include, as appropriate, but not necessarily
469 limited to, provisions for surface mulch, staking and guying, tree straightening, irrigation,
470 fertilization, insect and disease control, pruning, mulching, weeding, and watering.
471
- 472 B. The applicant shall make arrangements acceptable to the City that all landscape
473 improvements installed in accordance with this Ordinance shall be guaranteed and
474 maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent
475 improvements, for a period of eighteen (18) months following their installation, except as
476 may otherwise be required by this Section.
477
- 478 C. After installation and prior to commencement of the guarantee period required above, the
479 City shall perform an inspection of the finished site for compliance with the approved
480 landscape plan. Provided the finished site is found to be in compliance, the first 18 month
481 guarantee period shall commence five (5) days from the date of inspection. All plants shall
482 be in a vigorous and thriving condition at the end of the 18 month period as determined
483 above. Final inspection of the site following the 18 month period will be made by the City.
484 It is recommended that trees and shrubs be planted between September 15 and November
485 1 or between March 1 and May 1.
486
- 487 D. Plants found to be in poor health during the eighteen (18) month guarantee period shall be
488 replaced with nursery-grown plants, in accordance with the approved landscape plan,
489 within thirty (30) days of being notified by the City. If notification is made out of season,
490 replacements shall be made during the next planting season. If the original plants declined
491 due to poor species selection substitute plants, determined by the City to be more suitable
492 for the site's environmental conditions or planting scheme, shall be used, and a modified
493 landscape plan shall be filed with the City. Replacement plants shall be inspected by the
494 City after installation. All replacement plants shall be subject to a new 18 month guarantee
495 period and inspections by the City as prescribed in Subsections B. and C. above.
496
- 497 E. Where accidental damage or vandalism of plants occurs, the applicant shall replace the
498 damaged plant material in accordance with the original or an approved modified landscape
499 plan.
500
- 501 F. The applicant shall be required to post financial security for the maintenance and/or
502 replacement of the proposed vegetation, including compensatory plantings, during the 18
503 month guarantee period. The amount of the financial security shall be equal to 110% of the
504 amount of the cost estimate submitted with the approved landscape plan. In addition,
505 financial security shall be required for existing trees to remain where soil disturbance is
506 within the dripline, if the trees are counted toward any requirement of the Sustainable
507 Landscaping Ordinance. Financial security is not required for existing preserved trees
508 outside the construction limits or for material not being used to satisfy the minimum
509 requirements of this Ordinance.
510

G. The applicant shall make arrangements acceptable to the City for the long-term landscape maintenance of common lands and facilities. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities. Landscape improvements required by this Ordinance shall be the subject of suitable restrictive covenants and, if practicable, rules and regulations governing the use and maintenance of common land and facilities, which covenants, rules and regulations shall be in form and substance acceptable to the City Attorney and, in the case of covenants, recorded as encumbrances running with the land on which the improvements are installed. The covenants, rules and regulations shall, without limiting the foregoing, require the maintenance and replacement, and prohibit the destruction or removal, of all landscape materials and improvements depicted on the approved landscape plan, empower the City to enforce said obligations, and prohibit the amendment or termination of any of the mandatory terms thereof without the express joiner of the City.

§ 102-12. Right of Entry.

Upon presentation of proper credentials, the City may enter at reasonable times upon any property within the City to inspect the condition of the landscape in regard to any aspect regulated by this Ordinance.

§ 102-13. Enforcement.

- A. It shall be unlawful for a person to undertake any regulated activity, except as provided in an approved landscape plan.
- B. It shall be unlawful to violate any Section of this Ordinance.
- C. Inspections regarding compliance with the landscape plan and guarantee are a responsibility of the City.

§ 102-14. Suspension and Revocation

A. Any approval issued by the City pursuant to this Ordinance may be suspended or revoked for:

- (1) Non-compliance with or failure to implement any provision of the approved landscape plan or agreement.
- (2) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.
- (3) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.

B. A suspended approval shall be reinstated by the City when:

(1) The City has inspected and approved the corrections to the violations that caused the suspension.

(2) The City is satisfied that the violation has been corrected.

C. An approval that has been revoked by the City cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.

D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City may provide a limited time period for the lot owner to correct the violation. In these cases, the City will provide the lot owner, or the lot owner's designee, with a written notice of the violation and the time period allowed for the lot owner to correct the violation. If the lot owner does not correct the violation within the allowed time period, the City may revoke or suspend any, or all, applicable approvals pertaining to any provision of this Ordinance.

§ 102-15. Penalties.

Any person or entity found to be in violation of in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

§ 102-16. Appeals and variances.

The Board of Appeals has the authority to grant variances from the requirements of this chapter when the literal enforcement of the requirements imposes practical difficulty or an unreasonable hardship. A property owner may seek a variance to the requirements of this chapter by filing an application with the Department of Planning in accordance with the City Code and standards established by the Department. The Board of Appeals must make the following findings in order to grant a sign variance.

A. The applicant has established that there are practical difficulties in complying with this chapter due to unusual conditions or circumstances related to the property.

B. The hardship is due to circumstances unique to the property that have not been created by the landowner.

C. The relief is the minimum necessary to accommodate the proposed development.

D. The variance is in harmony with the general purposes of this chapter and intent of the Zoning Code.

[Signatures to follow on next page.]

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 7/6/2020

Public Hearing: 7/20/2020

Second Reading/Adopted:

Effective Date:

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1038

Introduced by Council Member Ringsaker

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 81: FOREST CONSERVATION, ARTICLE X, PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION, AND ARTICLE XVI, ANNUAL REPORT.

By the Council 7/6/2020

Introduced, read first time, ordered posted and public hearing scheduled

on: 7/6/2020

at: 7:00 p.m.

PUBLIC HEARING

A public hearing will be held on July 20, 2020 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

35 **WHEREAS**, on December 21, 1992 the Mayor and City Council of Havre de Grace enacted an
 36 Ordinance concerning Forest Conservation (Ordinance No. 767) to meet the then current
 37 requirements of Section 5-1601 through 5-1612 of the Natural Resources Article of the Annotated
 38 Code of Maryland and the corresponding interpretive regulations of the Code of Maryland
 39 Regulations; and
 40

41 **WHEREAS**, the provisions of Ordinance No. 767 were derived from the Model Forest
 42 Conservation Ordinance promulgated by the Maryland Department of Natural Resources as set
 43 forth in COMAR §§08.19.03.01, et seq. ("The Model Ordinance") and was subsequently amended
 44 on June 17, 2003 by Ordinance No. 840; and
 45

46 **WHEREAS**, the Mayor and City Council of Havre de Grace deems it necessary to amend by
 47 adding to Ordinance No. 840 with this Ordinance No. --- to comply with amendments to State of
 48 Maryland regulations to reflect statutory changes that were adopted during the 2019 Legislative
 49 Session as related to Forest Conservation, §08.19.03.01 Ordinance for Local Program and minor
 50 amendments for fee structure as per State Model Ordinance.
 51

52 **NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:**
 53

- 54 1. Chapter 81 shall be amended as follows, with words shown **bold underlined** to be added and
 55 those shown [bracketed with strikeout] to be deleted;
 56

57 § 81-10 Payment in lieu of afforestation and reforestation.
 58

59 A. Forest Conservation Fund.
 60

- 61 (1) There is established a forest conservation fund in the local program **that meets the**
 62 **requirements of Natural Resources Article, §5-1610(h-1), Annotated Code of**
 63 **Maryland.**
 64

- 65 (2) If a person subject to this chapter demonstrates to the satisfaction of the Department
 66 that requirements for reforestation or afforestation onsite or offsite cannot be
 67 reasonably accomplished, **and appropriate credits generated by a forest mitigation**
 68 **bank in the same City or watershed are not available,** the person shall contribute
 69 money into the City forest conservation fund:
 70

- 71 (a) For a project inside a priority funding area, as defined in Natural Resources
 72 Article, §5-1610, Annotated Code of Maryland, at a rate of [30] **30.5 cents per**
 73 **square foot of the area of required planting** [until September 30, 2014, when
 74 the amount shall be adjusted for inflation as determined by the Department
 75 annually by regulation] **with the amount adjusted by the Department based**
 76 **on the previous year's inflation rate;** and
 77

- 78 (b) For a project outside a priority funding area, at a rate of [36] **36.6 cents per**
 79 square foot of the area of required planting [until September 30, 2014, when
 80

the amount shall be 20% higher than the rate established for a project inside a priority funding area].

§ 81-10 Payment in lieu of afforestation and reforestation.

A. Forest Conservation Fund.

(4) The City shall accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.

§ 81-16 Annual report.

C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended, the number of acres for which the fees were collected, and the number of acres reforested, afforested, or conserved using the fees;

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 7/6/2020
Public Hearing: 7/20/2020
Second Reading/Adopted:
Effective Date:



**July 6, 2020
Council Meeting Proceedings**

Public Hearing on Charter Resolution 288 concerning Annexation for 1531 Pulaski Highway was called to order at 7:00 p.m. on July 6, 2020 with Mayor Martin presiding. Mayor Martin read the header.

Council Members present: CP Glenn, CM Zinner, CM Martin, CM Robertson, CM Ringsaker, and CM Boyer

Comments from Citizens: None.

The public hearing closed at 7:03 p.m.

Mayor Martin commented on the passing of Wardell Stansbury on June 22, 2020. He was a very accomplished man who did a lot for our community. There will be more discussed about Mr. Stansbury later in the meeting, but time was given for a moment of silence for former Councilman Wardell Stansbury.

Call to Order: The regular meeting of the Mayor and City Council was called to order on July 6, 2020 at 7:03 p.m. with Mayor Martin presiding.

Roll Call: Present: CP Glenn, CM Zinner, CM Martin, CM Robertson, CM Ringsaker and CM Boyer.

The Pledge of Allegiance was recited and opening prayer was given by Pastor Norman Obenshain of Havre de Grace United Methodist Church.

Approval of Minutes:

City Council Minutes – CM Zinner moved to approve the Council Meeting minutes of June 15, 2020. Seconded by CM Ringsaker. Motion carries 6-0.

Budget Work Session Minutes – CM Robertson moved to approve the Budget Work Session minutes of May 18, 2020. Seconded by CM Zinner. Motion carries 5-0; CM Martin did not attend the meeting.

Budget Public Hearing Minutes – CM Robertson moved to approve the Budget Public Hearing minutes of June 8, 2020. Seconded by CM Zinner. Motion carries 5-0; CM Martin did not attend the meeting.

Comments from Citizens on Agenda items:

There were two submissions via email from Kirk Smith, Sr.:

Mr. Smith supported the appointment of Tammy Lynn Jamerson to the Arts Commission.

Mr. Smith encouraged the City Council to vote yes for the Lock House's 50th Anniversary special event.

Appointments:

CM Zinner commented on the qualifications of Tammy Lynn Jamerson. A motion was made by CM Zinner and seconded by CM Martin to approve the appointment of Tammy Lynn Jamerson to the Arts Commission. Motion carries 6-0. Tammy Lynn Jamerson was sworn in by Mayor Martin.

A motion was made by CM Zinner and seconded by CP Glenn to reappoint Patricia Fair, Carolyn Foley, Christine Berry, Patricia Donovan, Dena Cardwell, Wendi Hurst, Christy Silverstein, Amy Steelman, and Wynona Hilton-Stanley to the Arts Commission. Motion carries 6-0.

Recognitions: None

Proclamations: None

Presentation: Official Election Results

Election Board Chair, Mr. George Deibel was not available to present the official election results from the election on June 23, 2020 so Mr. Patrick Sybolt, Director of Administration, who was also in attendance when the results were tallied, gave the report. There were 884 ballots cast, 85 absentee, and 1 provisional for a total of 970. Casi Boyer received 744 votes, David Glenn received 774 votes, Jim Ringsaker received 618 votes, and Richard Wehner received 254 votes. The ballot question vote to increase the mayoral term from 2 years to 3 years was 605 yays and 356 nays. The voter turnout was 8%. The City of Havre de Grace has 11,359 registered voters.

Resolutions: None**Ordinances:****An Ordinance concerning Sustainable Landscaping: First Reading: (CM Ringsaker)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34, BY CREATING CHAPTER 102, SUSTAINABLE LANDSCAPING REGULATIONS, IN ORDER TO ESTABLISH LANDSCAPING STANDARDS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE CITY.

A motion to introduce on first reading was made by CM Ringsaker with a second by CM Martin. Motion carries 6-0. It will be Ordinance 1037.

CM Ringsaker made a motion to approve Ordinance 1037 on first reading with a second by CM Boyer. CM Zinner is pleased to see this ordinance come before the Council; having a standard is a positive step in the right direction. CM Ringsaker explained this is only for new development and redevelopment and a plan is needed to be in place for developers. CM Robertson commented this is a great piece of legislation and commended Shane Grimm, Director of Planning for getting this together and thanked CM Ringsaker for making sure the rest of the planning committee knew what was going on; this is an example of Havre de Grace leading from the front and thanked everyone who was involved. CM Boyer commented that Shane Grimm brought the legislation to the Tree Commission and they have no issues; they think it is wonderful and good for developers to have a laid out plan.

Roll call vote: motion carries 6-0 on first reading. The Public Hearing was set for July 20, 2020 at 7 p.m. Citizens can come to City Hall to give their comments or email their comments to be read into the record.

An Ordinance concerning Forest Conservation: First Reading: (CM Ringsaker)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 81: FOREST CONSERVATION, ARTICLE X, PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION, AND ARTICLE XVI, ANNUAL REPORT.

A motion to introduce on first reading was made by CM Ringsaker with a second by CM Martin. Motion carries 6-0. It will be Ordinance 1038.

CM Ringsaker made a motion to approve Ordinance 1038 on first reading with a second by CM Martin. CM Ringsaker commented the state changed their laws so we are required to change our laws as well. The fees are set by the Department of Natural Resources (DNR) so we need to update our regulations to meet state code. CM Boyer commented that Shane Grimm brought the legislation to the Tree Commission and they had no comments or concerns.

Roll call vote: motion carries 6-0 on first reading. The Public Hearing was set for July 20, 2020 following the public hearing for Ordinance 1037.

Old Business: None

Motion to Adjourn Sine Die:

CM Ringsaker made a motion to adjourn the 2019-2020 legislative session at 7:34 p.m. with a second by CP Glenn. Motion carries 6-0.

Oath of Office:

The Oath of Office was administered by Mayor Martin to:

Casi Boyer
David Glenn
Jim Ringsaker

Call to Order: The 2020-2021 Legislative Session was called to order at 7:45 p.m.

Roll Call: Present: CM Zinner, CM Martin, CM Robertson, CM Glenn, CM Ringsaker, and CM Boyer

Motion to move into Closed Session:

A motion was made by CM Glenn and seconded by CM Martin to move into closed session for:

- A. Selection of Council President
- B. Attorney Status Update on Pending Litigation
- C. Personnel Action

Motion carries 6-0. (Closed Session statement was read into the record – attached).

Reconvene: The open portion of the Council meeting reconvened at 8:44 p.m.

Roll Call: Present: CM Zinner, CM Martin, CM Robertson, CM Glenn, CM Ringsaker, and CM Boyer

Motion for the Selection of Council President:

A motion was made by CM Robertson and seconded by CM Zinner to nominate CM Glenn as Council President.

Roll call vote: motion carries 6-0.

Motion for Attorney Status Update on Pending Litigation

A motion was made by CM Martin motion and seconded by CM Ringsaker to waive attorney client privilege for materials in the Brown, Brown & Young files relating to the Pensell litigation. CM Martin commented the documentation being requested and waiver of the attorney client privilege isn't detrimental to the City's interests and is actually helpful to the City. CM Boyer commented she would vote for this motion to help be as transparent as possible, expedite the process and litigation, and hopefully get to a point of completion so we can move forward.

Roll call vote: motion carries 6-0.

Motion for Personnel Action

A motion was made by CM Ringsaker and seconded by CM Robertson to approve the 3- year contract of Erika Quesenbery-Sturgill, Director of Economic Development. CM Ringsaker commented Ms. Quesenbery-Sturgill does phenomenal things for the City, she's filling up the storefronts and does an amazing job and he can't think of better person for the job. CM Robertson commented that members of EDAB, HDG Alliance and the downtown merchant groups were adamant in her performance and really appreciate everything she's been doing to help the businesses. Since the pandemic, Ms. Quesenbery-Sturgill gives e-blasts to merchants to let them know what is available, she is active in everything that has to be done and stays abreast of all of the ongoing trends, he is glad to see her continuing on and storefronts full and so much activity downtown. CM Zinner echoed the sentiments of CM Ringsaker and Robertson and commented she speaks with Ms. Quesenbery-Sturgill about development and vacant property and the challenges that go into getting lease holders – Ms. Quesenbery-Sturgill has excellent problem solving skills and puts those skills to work for the City and appreciates her efforts. CP Glenn commented she is the energizer bunny, you can give her an idea and she runs with it; we see very few empty storefronts due to her efforts, he did tell her we need a place to sit down for steamed crabs and he thinks she is close to making that happen.

Roll call vote: motion carries 6-0.

The Mayor thanked the Council for approving the contract. Ms. Quesenbery-Sturgill works very hard and plays a significant part in the direction the City is heading.

New Business:

Special Events:

Director of Administration, Patrick Sypolt commented that these are quasi-private and not public events and Covid-19 plans for safety were submitted along with the applications. These events are predicated on the Governor not reverting back Covid-19 restrictions.

Susquehanna Hose Company Members' Crab Feast – September 26, 2020 – CM Boyer moved to approve. Seconded by CP Glenn. CP Glenn commented that this will also serve as their annual banquet since it got knocked out due to Covid-19. Motion carries 6-0.

Life at the Lock House: Celebrating 50 Years! – October 17, 2020 – CM Boyer moved to approve. Seconded by CM Robertson. Motion carries 6-0.

Directors Report:

Patrick Sypolt, Director of Administration: Mr. Sypolt extended his appreciation for everyone's practice of Covid-19 measures to stay safe; this is a testament to the low numbers we have in the Havre de Grace zip code as well as the state. We will continue to work with event planners with the hopes of having more events in the future, but request that they bear with us and we try to do what is best for public safety.

Shane Grimm, Director of Planning: Mr. Sypolt reported for Mr. Grimm. The permit totals for the year are a little misleading; the housing stock (doesn't include sheds, decks, signs, fencing, etc.) was only 16 in FY 20, but it doesn't accurately show we also received credit for 38 units for Ivy Hills, which were awarded in FY 19, but the capital cost recovery fees came over in FY 20. The last 3 years averaged 94 units per year. There is a plethora of units coming in the future. We anticipate they will start coming very quickly with the current low interest rates.

Erika Quesenbery-Sturgill, Director of Economic Development: Mr. Sypolt reported for Ms. Quesenbery-Sturgill. The U.S. Small Business Administration has released data regarding the Paycheck Protection Program (PPP) to identify recipients and the extent of jobs supported in the \$659 billion program during the initial economic hit from the coronavirus pandemic. A total of 203 business in Havre de Grace and the 21078 zip code received these funds ranging from a \$1,000 grant for one business up to over \$8 million, with the majority of these being for \$150,000 or less. The report was released early this morning from the Small Business Administration and in the interest of respecting Mayor and Council's time with a very heavy agenda, our Director of Economic Development will provide a more detailed analysis at the second meeting in July.

Hopkins Farm Brewery will officially open with a ribbon cutting this Thursday, July 9 at 11 a.m. at 3833 Rider Lane for invited guests. They will have normal business hours following this opening on Thursday which are available on their website: hopkinsfarmbrewery.com.

George DeHority, Director of Finance: Mr. DeHority wished everyone a Happy New Year as the new fiscal year began July 1, 2020 and then presented the current financial condition of General Fund 1, Water/Sewer Fund 9 and Marina Fund 8. The funds are down primarily due to the first payroll since there isn't a lot of revenue with the start of the new fiscal year and we are only in the third full day of the year. The projections out of Annapolis are not as good as we'd like.

Tim Whittie, Director of Public Works: Mr. Sypolt reported for Mr. Whittie. We're about 55% complete at the Water Treatment Plant. Other projects are curb painting, ground works, and waterline repairs. Mr. Whittie is waiting to hit the bond market so we can begin the capital projects.

Chief Teresa Walter, Havre de Grace Police Department: Chief Walter reminded everyone about summer car safety for children and pets. Don't leave your children or pets in a hot car even for a quick errand into a store, which can take longer than expected. Cracking a window is not enough; temperatures can rise 20 degrees within 10 minutes. Give yourself a visual reminder that your child or pet in the car such as

leaving your briefcase, purse or cell phone in the backseat. Leaving the car running with the air conditioning on is also not a good idea as it is unlawful to leave a child under the age of 8 unattended without a reliable person at least 13 years old; the vehicle could also have mechanical error. Be aware that seatbelts can get very hot too. Make sure car doors are always locked, even at your house because a child could be playing and get trapped in the car. It is good to recognize the symptoms and signs of heat exhaustion, heat cramps, and heat stroke in people (headache, dizziness, nausea, etc.) and pets (panting, drooling, vomiting, diarrhea, etc). Chief Walter will give the crime report at the next meeting.

Business from Mayor Martin: Mayor Martin commented on the passing of Wardell Stansbury. He was born and raised in the City of Havre de Grace, graduated in the Class of 1953, attended Morgan State University majoring in Physical Education, commissioned a second Lieutenant in the U.S. Army, and earned a Master's Degree from the University of Texas in Community Relations. He served on the City Council from 1971-1979 and served as Council President during that time. He was the first African-American hired at Harford County Department of Social Services. Mayor Martin ordered that City flags be lowered to half-staff to honor Mr. Wardell Stansbury's life and service to the citizens. Mr. Stansbury was a good man who "walked the walk" – what he said is what he did.

On June 25, the water agreement with the City of Aberdeen was signed. This will pull water out of the river, clean it, and send it down Route 40 to Aberdeen via a new transmission line. This is a good deal for the City of Aberdeen and the City of Havre de Grace. No help was received from the state or county governments; this was two governments working together for the best interest of their citizens. This is what people elect people to do – to work with other governments in the best of their citizens. Mayor Martin thanked the citizens of Havre de Grace for stepping up over the last few years and believing in this Administration and this Council. We have been successful with initiatives due to the citizens' approval of them.

The City of Havre de Grace is doing well with all things considered. The revenues aren't as good as they should be, but we are being cautious and watching our spending.

Mayor Martin thanked everyone for coming out to vote. He thanked Mr. Wehner for running and look forward to seeing him on a City commission in the future.

Mayor Martin thanked the Council members for voting in the Economic Development Director for another 3 years.

There have been 54 total Covid cases in Havre de Grace. It took about 3 months, beginning in March, for us to get from 0-30 cases, but then jumped by 24 cases in a month and a half. We're doing well; by being cautious, we're less than 4% of the entire cases in Harford County, but we need to continue to stay vigilant so we don't see the numbers go up. Just because the threat is low doesn't mean there isn't a threat. Go to the playgrounds and promenade, but use common sense – wash your hands, keep social distancing, and wear a mask when appropriate.

The Mayor hoped everyone had a good 4th of July. Members of the Independence Day Commission were sad we weren't able to celebrate the way we are accustomed, but will save it all for next year. Next year will be amazing.

Business from Council:

Council Member Martin: Congratulated CM Boyer, CM Ringsaker, and CP Glenn. Congratulated CP Glenn for being reelected Council President; "you are the face of Havre de Grace".

Council Member Ringsaker: He is humbled and thankful for being reelected and looking forward to serving the City for 2 years. He congratulated CM Boyer and CP Glenn too. Thankful for family who support him. The football season is still up in the air for this year. He was upset he couldn't participate in the Havre de Grace 4th of July Parade, but he was able to ride in the Fallston Parade in support of their firefighters and County Council Member Joe Woods.

Council Member Boyer: The Green Team Board meeting is July 24th. The Victory Garden donated 114 pounds of food that is going to pantries around town; the goal is to get it over 1,000 pounds. They are looking for volunteers to help out with weeding and other projects so contact the Green Team if interested.

The composting initiative has been very successful; they have diverted 400 pounds of waste from the landfills; most the bins are full so thank you for participating and keep it up. Julian Smith of the Twinning Association of Mumbles passed away; the family is asking for donations to his designated charity, the Mumbles Lifeboat Station - CM Boyer will be coordinating donations if anyone wants to donate and sending respect to his wife, Ann. Due to the virus they will not be able to visit this year from October 1-7, but they are trying to come up with a virtual visit; plans are in the process now. CM Boyer thanked the voters for expressing confidence in her; it's been a great honor to serve and she looks forward to the great things that are happening to our wonderful City at the top of the bay.

Council Member Zinner: Congratulated Tammy Lynn Jamerson on her appointment and thanked the nine reappointments for their continuing support of the arts and their volunteerism. The Lafayette Trail app that visitors can download and as they walk along the Lafayette Trail be informed about the history had been put on hold due to Covid, but testing is beginning and is scheduled for delivery in August. CM Zinner attended an online presentation of the Maryland Municipal League regarding the 2020 census. The deadline for completing the Census is October 31st and the period will not be extended due to Covid. Everyone is encouraged to complete the survey; it is only 10 questions and can be done online. Only one member of the household has to fill out the survey. The more responses received, the more money comes to the community; with the CARES Act and the potential passing of the HEROES Act, we need to advocate for the people of Maryland so we get our fair share of those dollars.

Council Member Robertson: Reminded Council Members of the Budget & Finance Committee meeting on July 7 at 5:30 p.m. in the small conference room. Congratulated CP Glenn, CM Ringsaker, and CM Boyer on their reelection. He thanked Rich Wehner for running and hopes he sticks around and gets involved. He hoped everyone had a happy and safe 4th of July. CM Robertson heard good things about Chief Walters and the entire Police Department on recent interactions; we have a Chief whom genuinely cares not only about her job and her staff, but the citizens of Havre de Grace. This past weekend we had the opportunity to celebrate another year of this great nation. We all celebrated the flag that day and that's the one we are united under and no matter how challenging the times are, there is more that unites us than divides us and it's important that we focus on that.

Business from Council President Elect: Congratulated CM Robertson whom was promoted in the Reserves; it is well deserved. His thoughts and prayers go out to the family of Wardell Stansbury. Mr. Stansbury probably served on the dais when CP Glenn was in high school and was a leader that served by example and we were the true benefactors of his tireless dedication and selfless service. CP Glenn thanked Mr. Stansbury's family for allowing him to serve because we truly benefited. CP Glenn spoke of the high school records that Mr. Stansbury set. Mr. Stansbury's candle burned out long before his memory ever will. CP Glenn sent his thoughts and prayers to County Council President Patrick Vincenti's grandson whom was in a horrible accident this past weekend; asked to keep thoughts and prayers for Brandon that he overcomes the injuries he sustained and hope for a speedy recovery. Thanked voters for confidence in him to serve this great city; it was a humbling experience when the numbers were read. Congratulated CM Boyer and CM Ringsaker for running outstanding campaigns. He gave a thumbs up to Richard Wehner who expressed an interest to serve and truly hopes he gets involved in Havre de Grace politics by serving on committees and commissions because he thinks we can benefit from his efforts. Thanked fellow Council members for their vote of confidence in him to serve as Council President; it is easy to work with this Council and he is blessed to work with dedicated individuals he gets to work with on a daily basis.

Comments from Citizens: None

CM Martin made a motion to adjourn at 9:49 with a second by CM Robertson. Motion carries 6-0.

Video recording of the City Council Meeting may be viewed online through Harford Cable Network or City of Havre de Grace YouTube channel.

**Respectfully submitted,
Tamara Brinkman**

**PRESIDING OFFICER'S ORAL STATEMENT
FOR CLOSING A MEETING**

UNDER THE OPEN MEETINGS ACT (General Provision Article 3-305)

I move that we immediately recess to go into a closed session on **Monday, July 6, 2020** to consider the following matters:

1. Election of City Council President pursuant to City Charter Section 24
2. Consultation with the City Attorney regarding pending litigation;
3. Personnel matter- Mayor's re-appointment of a director

The Council, the Council will reconvene in open session to record the vote and deliberations of Council on the above matters.

This meeting will be closed under General Provisions Article Section 3-305(b)(1)(7) and (8)

(b)(1) x "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals";

(b)(7) x "To consult with counsel to obtain legal advice";

(b)(8) x "To consult with staff, consultants, or other individuals about pending or potential litigation";

The reasons for closing the meeting are:

The discussions surrounding the selection and appointment of the Council President and the appointment competencies of personnel are sensitive and potentially embarrassing and are entitled to confidentiality.

Attorney client communications between the City and the City Attorney concerning legal advice related to pending and potential litigation are entitled to confidentiality under the attorney client privilege.

THE CITY COUNCIL WILL RESUME OPEN SESSION AFTER THE CLOSED SESSION AND VOTES WILL BE RECORDED IN PUBLIC.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. Recorded vote to close the meeting: Date: July 1, 2020; Time: 7:47 pm;
Location: City Hall Council Chambers, 711 Pennington Avenue, Havre de Grace, MD 21078;
Motion to close meeting made by: CM Glenn; Seconded by: Martin;
Members in favor: Carolyn Zinner, Jason Robertson, Dave Martin, Dave Glenn, Jim Ringsaker,
Casi Boyer. Vote: Opposed: 0; Abstaining: 0; Absent: 0.

2. Statutory authority to close session (check all provisions that apply):

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) x "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ___ "To consider the investment of public funds"; (6) ___ "To consider the marketing of public securities"; (7) x "To consult with counsel to obtain legal advice"; (8) x "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ___ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued ⑦

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session
§3-305(b) (7)	Legal advice regarding the status of the pending litigation involving Hutchins Park	Council member communications with the City Attorney are entitled to confidentiality under the attorney-client privilege
§3-305(b) (8)	Information from City staff and City Attorney regarding the status of pending and potential litigation involving Hutchins Park, and legal advice re same	Council member communications with City staff and the City attorney concerning pending and potential litigation are entitled to confidentiality under the attorney-client privilege
§3-305(b) (1)	Election of council president and approval of Mayor's re-appointment of director	Consideration of personnel matters involving specific individuals are sensitive and potentially embarrassing and are entitled to confidentiality
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by D. Glenn, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed session: 7:51

Place: Havre de Grace City Hall, Council Chambers (711 Pennington Avenue, Havre de Grace, MD)

Purpose(s): to discuss the status of pending litigation regarding Hutchins Park and legal advice regarding same; to discuss election of council president and re-appointment of a director

Members who voted to meet in closed session: Glenn, Ringsaker, Boyer, Zinner, Robertson, Martin

Persons attending closed session: Glenn, Ringsaker, Boyer, Zinner, Robertson, Martin, City Attorney and Patrick Syfolt; Mayor Martin

Authority under § 3-305 for the closed session: subsection (7) advice of legal counsel, and (8) to consult with staff regarding pending and potential litigation; subsection (1) to discuss appointment of employee and official.

Topics actually discussed:

Renewal of Erika Quesenbury Contract; Status of Perrell
litigation and waiver of attorney client privilege; ~~Settlement~~
Actions taken: Consensus reached ~~on~~ on all matters. Consensus
Each recorded vote: All vote to recommend in open session ~~to~~
to record votes

For a meeting recessed to perform an administrative function (§ 3-104): Time:

Place: Persons present

Subject matter discussed:

Form Rev.6/27/2017)

PUBLIC VERSION – SUMMARY OF CLOSED SESSION

(attach to public meeting minutes)

MINUTES OF HAVRE DE GRACE CITY COUNCIL MEETING

MONDAY, JULY 6, 2020

City Hall
711 Pennington Avenue
Havre de Grace, MD 21078

Time of Closed Session: 7:51 PM

Place: City Hall, Mayor's office.

Purpose: To consider the job performance and re-appointment of Erika Quesenbery as Director of Economic Development; to consider the status of the Pensell litigation and potential waiver of the attorney-client privilege relating to matters raised in the litigation; to select a Council President.

Persons Attending: Council President Glenn; CM Boyer; CM Robertson; CM Martin; CM Ringsaker; CM Zinner; Chief of Staff Gamatoria; Director of Administration Sypolt; City Attorney Ishak; Mayor Martin.

Motion to go into close session made by CP Glenn, second by CM Martin. Vote in favor: 6-0

Authority under Section 3-305 for the closed session: General Provision Article 3-305(b)(1) to discuss the job performance and re-appointment of a Director and selection of Council President; and (b)(7) to consult with counsel to obtain legal advice, and (b)(8) to consult with staff about pending litigation..

Topics actually discussed:

The Council members considered the job requirements of the Director of Economic Development and Ms. Erika Quesenbery's performance. She was recommended by the Mayor for re-appointment to a three-year contractual term.

The Council members then consulted with the City Attorney and Director of Administration regarding the status of the Pensell litigation and an issue that had arisen regarding the attorney-client privilege information recently obtained from the Brown, Brown, and Young law firm files.

The Mayor, Director of Administration, and Chief of Staff then left the closed session. The Council members discussed the appointment of the Council President and consulted with the City Attorney for legal advice regarding same.

Action taken: General consensus was reached but no formal votes were taken.

Motion to Adjourn and return to open session in order take the vote in open session. Passed: Vote 6-0.

Closed Session adjourned at 8:38 PM.



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

WWW.HAVREDEGRACEMD.COM

410- 939-1800

July 14, 2020

DEPARTMENT OF PLANNING STAFF REPORT

PERMIT NO. 20200249

PROJECT: Green-Ianniello-Patrone Single Concept Plan

APPLICANTS/OWNERS:

Owner	Tax ID	Legal Description	Acreage	Parcel
Estate of Charlotte Patrone	6006108	1715 Chapel Road	4.21	238
Peter J. & Mary C. Ianniello	6003133	2000 Level Road	13.96	443
Tierra Verde Enterprises LLC	6003605	2000-D Level Road	1.59	584
Ann W. Green	6003737	2010 Level Road	110.55	237
Marianne Hellauer Schmitt Trustee	6078478	2026 Level Road	22.77	709
Ann W. Green Trustee	6003729	Level Road	18.95	198
Montgomery C. M. Green et al	6003664	Off W S Level Road	15.01	697
Montgomery C. M. Green	6003710	S S Route 155	13.54	311
Montgomery M. Green Trustee	6003702	W S Level Road	33.32	33.32

LOCATION: South side of Level Road (MD Route 155) and east side of Bulle Rock Parkway
Tax Map: 602 / Parcel: 1504

ACREAGE: 233.9+/- acres total

ZONING: RB/Residential Business District

DATE FILED: March 18, 2020

PUBLIC MEETINGS: Planning Commission: 5/19/2020
Mayor and City Council: 7/20/2020

1. APPLICANTS' REQUEST:

Approval of Single Concept Plan ("Concept Plan") by Mayor and City Council in accordance with the requirements of Annexation Resolution No. 277 ("AR277" or "Annexation Resolution"). The Concept Plan and a copy of AR277 are attached to this Staff Report (Attachments 1 and 2).

For the purposes of this Staff Report, all those parcels not owned by Ianniello or Patrone shall be known collectively as the "Green Property".

2. ZONING & ADJACENT USES:

The subject parcels are all zoned RB/Residential District as shown on the enclosed copy of the Zoning Map. The undeveloped parcels on the west side of Bulle Rock Parkway are zoned MOE/Mixed Office Employment District and are not subject to the single concept plan requirement under AR277. The single-family dwellings within Bulle Rock on the west side of the Parkway are zoned R1/Urban Residential District. The Scenic Manor single-family residential subdivision abuts the Patrone and Green Properties to the south and is zoned R1. The Grace Harbour subdivision abuts the Green Property to the east and is zoned R1 and R2. The Grace Harbour subdivision contains a mixture of single-family dwellings, townhomes and condominiums. The parcels on the north side of Level Road are outside the City and are owned by the Arundel Corporation (Vulcan Materials). The parcels are zoned R1/Urban Residential District under county zoning. The Vulcan Materials quarrying operation is located on parcels adjacent to those fronting Level Road. The Susquehanna Hills subdivision, also outside the City limits, is located on the west side of Lapidum Road and is similarly zoned R1 under county zoning. Attached to this report is a copy of the zoning map showing the surrounding area (Attachment 3).

3. EXISTING LAND USE & ENVIRONMENTAL FEATURES:

The Green Property comprises 171.2+/- acres of the overall tract and is currently an active farming operation with pastures and cropland. The property is improved with five (5) dwellings and various agricultural accessory building such as barns and silos. The historic dwelling known as Sion Hill (HA-25) is located on the Green Property and will be discussed in further detail later in this report. The Green Property has several thousand feet of road frontage along Level Road and Bulle Rock Parkway. Access to the property is currently from Level Road, with farm lanes accessing Bulle Rock Parkway. Attached to this report are 2019 aerial photos of the Green Property (Attachment 4A-C).

There are environmentally sensitive areas located on the Green Property in the form of streams and associated non-tidal wetlands that are part of the Swan Creek Watershed. Development of the property would be subject to the State's 25-foot buffer required along streams and non-tidal wetlands. Any proposed disturbance to these areas may require the issuance of approvals and permits by the Maryland Department of the Environment (MDE) or the Army Corps of Engineers (ACOE). No mapped 100-Year Floodplain is present on the Green Property. In addition, there are approximately 52+/- acres of mature forest on the Green Property. The

topography of the Green Property ranges from gently to moderately sloping, which is typical in this area of the county. It is important to note that 50 acres of the Green Property are encumbered by a Maryland Environmental Trust (MET) easement. Attached to this report is a topography map with tributaries shown (Attachment 5).

The Ianniello Property is approximately 13.96+/- acres and is the location of the Mount Felix Winery and vineyard. The subject property is improved with the historic dwelling known as Mount Felix (HA-526) which will be discussed in further detail later in this report. There are also several outbuildings associated with the winery. Access to the Ianniello Property is by way of a 50-foot right-of-way from Level Road. Attached to this report are 2019 aerial photos of the Ianniello Property (Attachment 6A-B).

Currently, there does not appear to be any environmentally sensitive areas on the Ianniello Property. However, there are tributaries adjacent to the Ianniello Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. While no forest is present on the Ianniello Property, there are several mature trees throughout and landscaping around the dwelling. The topography of the property is gently to moderately sloping, with steep slopes of approximately 15 to 20%, especially adjacent to the historic dwelling. Attached to this report is a topography map with tributaries shown (Attachment 7A-B).

The Patrone Property is approximately 4.21+/- acres in size and is accessed by way of a driveway from Chapel Road. The Patrone Property is improved with three dwellings. The remainder of the property is open lawn and mature forest. Currently, there does not appear to be any environmentally sensitive areas on the Patrone Property. However, there are tributaries adjacent to the Patrone Property and portions of the property are underlain with potentially hydric soils, which may indicate the presence of non-tidal wetlands. Further analysis will be required prior to the submission of site and/or preliminary subdivision plans. Approximately 2.9+/- acres of the property consists of mature forest. The topography of the property is flat to gently sloping. Attached to this report are 2019 aerial photos of the Patrone Property and a topography map (Attachment 8A-B & 9).

The development of these properties will be subject to the Forest Conservation requirements of Chapter 81 of the City Code. The developers of the respective properties will be required to submit separate Forest Stand Delineation (FSD) and Forest Conservation Plan (FCP) for each property prior to submission of any site or preliminary subdivision plans. Environmental features, such as streams, non-tidal wetlands and steep slopes, and existing forest must be shown on the FSD and quantified.

4. LAND USE & COMPREHENSIVE PLAN ANALYSIS:

The Concept Plan involves nine (9) parcels that are all zoned RB/Residential Business District. The parcels were annexed after the last update to the Comprehensive Plan ("Plan"). In the Plan, the parcels were discussed within the Municipal Growth Element section, which the state

requires in all municipal comprehensive plans. The proposed development is consistent with the Comprehensive Plan and the Municipal Growth Element.

The parcels comprising the Concept Plan were identified as being within a Phased Growth Area in the Plan. The Plan offered the following considerations regarding land use for the relevant parcels at the time of its writing in 2011:

"Immediately east of the I-95 Interchange parcels (Barker/Abel Annexation, which is currently in City limits) are three parcels owned by the Green family which will abut Bulle Rock Parkway. It is recommended that these parcels be considered for employment uses, if future annexation by the property owner is requested. It is desired that any future development at this location be of a scale and layout that is sensitive to the adjoining Sion Hill National Register Historic Landmark and the Maryland Environmental Trust (MET) conservation parcel. This site should be of a transitional nature between the proposed Employment/Industrial uses directly adjacent to the I-95 Interchange and Sion Hill. A new zoning classification may be necessary to ensure that an appropriate scale of development is achieved. Industrial and retail uses are not recommended at this location. Alignment of Bulle Rock Parkway with Lapidum Road is also desired."

The parcels were subsequently zoned RB/Residential Business District upon annexation into the City. The district provides the most flexibility in permitted residential and commercial uses. Although the City desired employment/industrial uses for the parcels prior to annexation, they are now better suited for residential development due to changing trends in employment and significantly diminished demand for office and retail space. There is currently demand for new single-family residential housing, as evidenced by the pace of construction and buildout of the adjacent Scenic Manor development. The Concept Plan does, however, build in flexibility for incorporating a mix of commercial and institutional uses, with 40.6+/- acres of business use proposed along Level Road and Bulle Rock Parkway. In addition, the Green family has designated an additional 28.67+/- acres as "To Be Determined", which will allow further flexibility to adapt to inevitable market changes and potentially compliment the development of other lands in the area.

5. HISTORIC CONTEXT & PRESERVATION:

The properties annexed under AR277 are unique in that they include two of the remaining examples of large manor estates that surrounded Havre de Grace following the Revolutionary War. As noted on the Concept Plan, the historic structures known as Mount Felix and Sion Hill are intended to be preserved and protected during the development of the properties. Future development of the properties must also consider context sensitive preservation of not only the historic buildings, but the surrounding property and viewsheds.

Sion Hill, the only National Historic Landmark in Harford County, is significant to the nation's history due to its association with the Rodgers family. The "Father of the American Navy", Commodore John Rodgers, called Sion Hill his home along with generations of Rodgers descendants. The development of the surrounding property must be designed in a manner that protects the historic structures, their context and viewsheds. The development also presents a

unique opportunity to integrate the past with the present in a complimentary manner while also providing educational and interpretive potential through adaptive reuse strategies.

The City's current Comprehensive Plan offers the following information related to protection of the historic resources of Sion Hill (HA-525) and Mount Felix (HA-526). Attached to this report is additional background information concerning Sion Hill (Attachment 10).

1). From the Comprehensive Plan, Chapter 3, The Plan narrative description:

"Sion Hill is a National Register Historic Landmark, which is the highest recognition that can be applied to any historic structure in the United States. The significance of this structure does not hinge only on the time period in which it was built and its architectural elements, but the significance of the family who inhabited it and their relationship to Revolutionary History, the War of 1812, and later military history. Maintaining the grounds around Sion Hill and Mount Felix (which is the structure that is located on the rise in the middle of the farm fields, and is also historically significant) is important in terms of preserving the context of these structures and the visual beauty of this entrance into the City. Future use as passive or active open space of the grounds is desired, with a careful preservation of historic structures." (p. 3-29)

2). From the Comprehensive Plan, Chapter 9, Historic Preservation, Historic Preservation for Rural Properties:

"New development is occurring in the outlying rural areas that surround the City. Once grand estates are now becoming residential neighborhoods due to growing population demands and increased development pressures in areas where public infrastructure, such as public water and sewer, already exists. This Comprehensive Plan accommodates growth through annexation of the surrounding large farm tracts. However, preservation of the historic manor houses with some surrounding acreage (to set historic structures apart from newer homes) is greatly desired during the subdivision and development process." (p. 9-11)

"Protection of the historic manor houses is important, as they include some excellent examples of various periods in history and are the visible remnants of historically significant families both locally and, in some cases, nationally. Many of these structures have been documented (as denoted by HA, meaning Harford, and a sequence number), and are part of the inventory of historic structures compiled by the Maryland Historical Trust. One structure, Sion Hill, is a National Historic Landmark, the highest designation of historical importance, because of the significance of the various family members in relation to national history." (p. 9-12)

"It is imperative that elected City officials and staff representatives work with the individual property owners during future annexation processes to preserve the important historic assets located on the remaining tracts." (p. 9-12)

"It is also desirable to have outbuildings and some of the land surrounding the main manor housed preserved, so that the original historic setting or context can remain." (p. 9-16)

"It is a policy as outlined in this Comprehensive Plan that the historic resources of these manor houses be preserved. In return for these preservation measures, new development designed to complement the historic resources could be allowed on the remaining acreage. The result would allow for the preservation of historic properties, while allowing additional development opportunities." (p. 9-16)

6. ANNEXATION CONDITIONS AND REQUIREMENTS:

The subject parcels were annexed into the City's corporate limits in 2013 under AR277. The overall tract, consisting of nine (9) parcels, contains 233.9+/- acres based on State Department of Assessments and Annexation records. However, the total acreage of the subject parcels is 244.37+/- acres based on the metes and bounds description included in the Annexation Plan.

AR277 placed certain conditions and requirements on the development of the subject properties. The conditions and requirements were condensed for brevity and included below. The Department of Planning has provided commentary concerning each condition or requirement.

- a. *All zoning designations are provided on the condition that prior to the submission of any site plan for the property, the owner/developers shall have previously submitted a concept plan for the property to the Mayor and City Council for approval by the Mayor and City Council by resolution.*

The parties have jointly submitted a Concept Plan for consideration by the Mayor and City Council. The Concept Plan was forwarded to the Planning Commission for review and comment. The Commission's comments are attached to this Staff Report (Attachment 11).

- b. *The Concept Plan shall show proposed uses.*

The Concept Plan shows a general distribution of land uses and road network that will serve the future development of the subject properties. Land uses include residential, commercial and open space.

- c. *Not less than one quarter of the property used for open space.*

Based on the 244.37+/- acres, the development of the overall tract requires a total of 61.1 acres of open space. A total of 50 acres of the Green Property is encumbered by a Maryland Environmental Trust Easement (MET). The 50-acre MET easement can be counted towards the open space requirement per a written opinion by a former City Attorney dated December 6, 2018 (Attachment 12). The Concept Plan also proposes a 5-acre park in accordance with another requirement of the Annexation Resolution.

In addition, the Annexation Resolution requires the construction of a 6-foot wide paved trail as part of an extension of the Lower Susquehanna Greenway that will connect Level Road to Chapel Road. The trail is shown conceptually on the plan; however, the final alignment of the trail will be determined during detailed engineering and site design. The

acreage of the trail will be counted towards the open space requirement. It is likely that additional open space areas will be necessary to meet the total 61.1-acre requirement, which can be achieved through the development of other amenities such as pocket parks, that should be provided throughout the community in a coordinated fashion.

- d. *Remaining balance of the property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.*

The allocation of the respective uses amongst the parcels must be determined by a private agreement by the property owners. If the property owners cannot agree upon an allocation, then the requirement would be applied to each of the annexed parcels. The Department of Planning recommends that this requirement be removed. In 2013, the City Council relied on certain assumptions regarding development of these properties and the University of Maryland-Upper Chesapeake Health (UM-UCH) property located on the west side of Bulle Rock Parkway. The demand for commercial space has significantly diminished since 2013, and the future development of the UM-UCH property is unknown at this time. Therefore, it is the opinion of the Department of Planning that the market should determine the appropriate uses for the subject property. Further, the RB zoning of the subject property allows for maximum flexibility in both residential and commercial uses.

- e. *On the property there shall be "dedicated" to the City a public park five (5) acres in size, exclusive of any area used for parking or stormwater management.*

A 5-acre centrally located park is shown on the Concept Plan. The park must be available for public use and dedicated to the City upon construction of Road 'C'. Prior to the City accepting the park, a Phase I Environmental Assessment shall be performed by the developer(s) and submitted to the City.

The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.

- f. *The public park area may be used to partially satisfy the requirements that one quarter of the property be used for open space.*

See Subsection c above.

- g. *There shall be constructed and dedicated for use by the public, an extension of the Lower Susquehanna Greenway trail by a six-foot wide paved trail that will connect to Level Road to the closest point the property comes Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the property be used for open space.*

See Subsection c above.

- h. The road network across the property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway.*

The plan demonstrates a road connection to Scenic Manor Drive as well as three other connections to Bulle Rock Parkway. Final alignments will be determined at the time of engineering and design.

- i. Any site plan submitted by any owner must be consistent with the approved Concept Plan.*

The Department of Planning will review each site and preliminary subdivision plans to ensure consistency with the approved Concept Plan. The Planning Commission will also review each plan that is submitted. Certain uses may require review and approval by the Board of Appeals.

- j. The Patrone Property shall retain the right to access Chapel Road until such time an alternative public road access is provided through the Green Property.*

Until such time that an alternative public road access is provided through the Green Property as part of the overall development of the respective properties under the Concept Plan, the Patrone Property shall retain the right to access Chapel Road.

- k. The Ianniello development shall retain the right to access Route 155 utilizing their existing 50-foot easement until such time an alternative public road access is provided through the Green Property.*

Prior to the issuance of a Use and Occupancy Permit for any building on the Ianniello Property, a public road shall be constructed to serve the Ianniello development. The road shall be constructed to Harford County Road Code standards. A full movement access will not be supported at this intersection. The City will recommend to the State Highway Administration (SHA) that a right-in/right-out intersection be constructed. The City's preference is to encourage traffic to be routed to the signalized intersection of Bulle Rock Parkway and MD Route 155.

7. PROPOSED ROAD NETWORK, ACCESS & TRAFFIC

The Concept Plan proposes an internal road network with five (5) access points to existing roads. All proposed roads will be required to be constructed to Harford County Road Code standards. The developer of each project will be required to submit a Traffic Impact Analysis (TIA) to the City for review and approval. The TIA must be prepared in accordance with the County TIA guidelines and approved prior to the submission of site or preliminary subdivision plans, unless the City has adopted specific TIA guidelines.

Access to Level Road (MD Route 155) will be in the location of the existing driveway that serves the Ianniello Property and Green Property (Road "D"). This access will be reviewed and approved by the State Highway Administration (SHA). The Departments of Public Works

and Planning will recommend to the State that the access be right-in/right-out only, as it is preferred that vehicles generally be directed to Bulle Rock Parkway and the controlled access intersection with Level Road. The design of Road "D" should consider the context sensitivity of Sion Hill, Mount Felix and the MET Easement.

As stated previously in this report, Scenic Manor Drive will be extended into the Green Property and connect to the internal road network (Road "A"). The developer shall design the road with consideration to traffic calming and safety. Road "A" is proposed to connect to Bulle Rock Parkway; however, an opportunity exists to connect Road "B" to Chapel Road at the existing 3-way intersection that will improve operational issues at the intersection. The City will initiate discussions with the owner of the property adjacent to the Bulle Rock water tower in order to facilitate the connection during the detailed design phase of the project. Road "B" will be required to be stubbed to the property line of Parcel 296.

There are two other connections proposed along Bulle Rock Parkway; one across from Monarchos Drive (Road "E") and another approximately 1,000-feet southwest of the Parkway/Level Road intersection (Road "C"). Road "C" must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road "C" with driveways. The proposed traffic circle or roundabout shown on the Green Property shall be moved to the south adjacent to the proposed park.

Future site and preliminary subdivision plan submissions shall be generally consistent with the approved Concept Plan. The City acknowledges that road alignments may be adjusted during preliminary engineering and site design. Substantive changes to the road network may require the submission of a revised Concept Plan for review and approval by the Mayor and City Council.

8. WATER AND SEWER INFRASTRUCTURE

The developers of the respective projects will be required to construct water and sewer infrastructure to serve their projects. Water and sewer will be extended from existing mains within the Scenic Manor subdivision. Temporary drainage and utility easements will be required across the Green Property in order to provide service to the Ianniello Property. The temporary easements must be executed between the respective parties and a copy of the executed document forwarded to the City within 90-days of the signing of the Single Concept Plan.

The Department of Public Works is currently performing a study of the water system to determine the necessary infrastructure to serve the entire tract. Significant infrastructure construction and improvements will be necessary to serve the Ianniello Property and the portions of the Green Property to the north and west of the Ianniello Property. At their discretion, the Director of Public Works may require the respective developers of each project to perform additional analysis to determine the phasing of infrastructure and timing of improvements. It is strongly recommended that the developers meet with the Director of

Public Work early in the development of these projects to discuss their proposals, construction timelines and the parameters of any required analyses.

9. SCHOOLS

The development of the subject properties for residential uses will generate pupils that will attend Meadowvale Elementary School and the new Havre de Grace Middle-High School based on the Board of Education's current school districts.

10. RECOMMENDED CONDITIONS OF APPROVAL

The Concept Plan was reviewed by the Departments of Planning and Public Works. The plan was also reviewed by the Planning Commission at a work session on May 19, 2020. Attached to this report is a memo outlining the Commission's recommendations to the Mayor and City Council (Attachment 9). It is important to note that the Commission's recommendations may differ or conflict with the recommendations of the Departments of Planning and Public Works.

The Department of Planning recommends approval of the Concept Plan subject to the conditions outlined below. The Departments of Planning and Public Works will recommend more specific conditions of approval to the Planning Commission, and Board of Appeals if applicable, at the time site and/or preliminary subdivision plans are submitted for formal review. The recommended conditions are as follows:

Department of Planning

1. In acknowledging their agreement to the terms and conditions of approval of the Concept Plan by the Mayor and City Council, all parties shall sign the Concept Plan and return the original signed document to the Department of Planning within 30-days of approval.
2. A temporary drainage and utility easement is required across the Green Property to serve the Ianniello Property with water and sewer should the development of the Ianniello Property move forward first. The temporary easement is delineated on the Concept Plan. The easement must be fully executed by the parties and a copy of the executed easement agreement forwarded to the City within 90-days of approval of the Concept Plan.
3. The Department of Planning encourages the developers to utilize innovative concepts or incorporate New Urbanist or Traditional Neighborhood Design Principles (TND) in the design of their project. The Department of Planning may propose amendments to the zoning code necessary to accommodate innovative designs that will enhance the development; such as reduced front yard setbacks to encourage a "town" aesthetic and reduced parking requirements.
4. If the Mayor and City Council approve of age-restricted housing in the future, the density shall be calculated as 15 units per acre for those projects with a minimum parcel or lot size of 10 acres.

5. If an assisted living facility or nursing home is proposed, the density shall be 20 beds per acre with a minimum parcel or lot area of 3 acres.
6. Landscaping plans are required for each project and must be approved by the Department of Planning. If the Mayor and City Council have not adopted a landscape ordinance prior to submission of site or preliminary subdivision plans, then the following requirements shall apply.
 - a. Street trees are required along each side of a public road at a spacing of one (1) tree per 30-feet for small trees, and 50-feet for large trees. Street trees shall be planted on residential and commercial lots and not within the right-of-way, except for trees along Road 'A' which may be within the right-of-way subject to approval by the Department of Public Works.
 - b. For Road 'A', trees may be planted in a center median in lieu of planting on both sides of the road if a median is proposed.
 - c. Tree species are subject to approval by the Department of Planning.
7. All streetlighting within the each development project shall be coordinated and consistent. Light poles shall utilize designs that are attractive and complimentary to the historic structures. All internal lighting within a project shall be designed so that lighting is shielded and directed down and away from adjacent properties. Dark-sky friendly lighting practices will be required in all projects.
8. The park must be available for public use and dedicated to the City upon construction and opening of Road 'C' to public use. Prior to the City accepting the park, a Phase I Environmental Assessment shall be performed by the developer(s) and submitted to the City. The park shall be graded in a manner that allows for passive recreation. The grading plan for the park shall be approved by the Director of Public Works. The existing structures shown within the 5-acre open space area on the plan shall be demolished by the developer and all debris and material removed from the site prior to dedication. Alternatively, the City may consider a lease agreement request to rehabilitate the structures for adaptive reuse with uses that benefit and are open to the public.
9. The Department of Planning recommends that the Mayor and City Council consider removing the condition of AR277 that required the remaining balance of the property, after determining open space requirements, be distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use.
10. No commercial or institutional uses shall be permitted south of the intersection of Monarchos Drive and Bulle Rock Parkway.
11. The City supports the adaptive reuse of Sion Hill with uses that will respect the architecture and history of the dwelling and property. The architecture of any new commercial or

multifamily residential buildings within 400-feet of Sion Hill, or within any area labeled as "Business" shall incorporate similar design elements and materials found on the historic dwelling.

12. The City prefers that Sion Hill, its contributing structures and context be permanently preserved through protective easements and covenants while still allowing for adaptive reuse. The Mayor and City Council may consider tax or other incentives to encourage the permanent preservation of the structure.
13. Architectural renderings of any proposed commercial or multifamily buildings shall be submitted to the Department of Planning for review and comment at the time a project is submitted for site plan review. The architecture of the buildings on the Ianniello Property shall incorporate similar design elements found on the historic Mount Felix; such as dormers, porticos and materials such as brick and stone.
14. The design of each development shall consider context sensitivity and viewsheds as they relate to the historic structures on each property.
15. Forest conservation easements and state wetland buffer shall not be located within any residential lots.
16. The Department of Planning encourages the developer of the Patrone Property to consider the establishment of a 20-foot landscaped buffer along the rear of the lots along Scenic Manor Drive. It is recommended that the existing vegetation be maintained within the buffer.
17. The Department of Planning recommends that a 20-foot landscaped buffer be established along Bulle Rock Parkway adjacent to any residential uses. It is recommended that a landscape berm be constructed along Bulle Rock Parkway. 20-foot buffer yards should be established between residential and commercial uses.
18. Construction traffic shall not utilize Scenic Manor Drive at any time during construction.
19. It is likely that rock blasting will be necessary for the development of these properties. If rock blasting is necessary, the developer shall only contract with a licensed blasting contractor. At least 24 hours prior to blasting, the developer or contractor shall notify the City and the HOA's of all adjacent communities.

Department of Public Works

Roads

1. A Traffic Impact Analysis (TIA) will be required prior to submission of site plans and/or preliminary subdivision plans. The intersections to be studied will be determined by the Departments of Planning and DPW in consultation with the Maryland State Highway Administration (SHA). The TIA shall be prepared in accordance with the County's Traffic

Impact Analysis Guidelines, unless the City has adopted an adequate public facilities ordinance with specific guidelines.

2. The proposed roundabout shown on the plan shall be relocated adjacent to the park.
3. Road "C" must be constructed as a collector road in accordance with Harford County Road Code standards. No residential units will be permitted to directly access Road "C" with driveways.
4. The Department of Planning and DPW will not support a full movement road intersection at Road "D" and Maryland Route 155. The City will only support a right-in/right-out only road intersection at MD Route 155. The City will consider a limited number of right-in/right-out driveway entrances to serves future commercial uses along MD Route 155.
5. All roads shall be designed and constructed in accordance with the Harford County Road Code Volumes I and II and dedicated to the City upon completion. All roads shall be inspected by DPW or a consultant approved by the City and found to be in compliance with the Road Code and approved plans prior to acceptance by the City.
6. All intersections on Bulle Rock Parkway and Roads "A", "C", "D" and "E" as well as all public roads to be proposed in the site plans shall meet the Harford County Road Code requirements for stopping and intersection sight distance based on the posted speed limit and design speed limit (10-miles over posted speed).
7. A SHA Access Permit will be required for the intersection of Road "D" and Maryland Route 155.
8. The roundabout on Road "C" shall be designed in accordance with State Highway Design Standards for roundabouts.
9. The City desires to modify the intersection of Bulle Rock Parkway and Chapel Road to improve operations and safety at the intersection. Therefore, the City will require that Road "B" be stubbed at the property line of Parcel 296 with the intention of the road connecting through to the intersection in the future. The City will consider alternative road alignments for Roads "A", "B" and "C" during the review of the TIA's for each development to achieve the most appropriate road network and intersection designs to serve the ultimate buildout of the Green-Ianniello-Patrone properties.
10. All internal driveways and parking areas within the Ianniello Property shall be owned and maintained by the property owner.

Stormwater Management

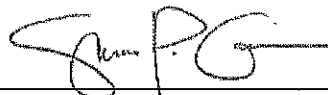
1. Stormwater Management for any project shall be designed in accordance with the latest Maryland Department of the Environment (MDE) and City of Havre de Grace requirements and regulations.

2. DPW will consider innovative designs that reflect a more creative approach to stormwater management, such as Regenerative Stormwater Conveyance Systems (RSC). The Department will assist the engineer in obtaining the necessary MDE approvals for such designs.

Water and Sewer Design

1. All water mains and sewer mains shall be designed in accordance with the Harford County Water and Sewer Design Guidelines and the Harford County Water and Sewer Standard Specifications and Details dated November 10, 2014.
2. DPW believes that there is presently adequate capacity in the existing water and sewer system for an additional 250 units. Once the 250 unit threshold has been reached between the development of the Green-Patrone and Ianniello properties, a capacity analysis study of the water and sewer distribution system, inclusive of sanitary pump and booster pump stations will be required.
3. For multi-floor apartments, the developer shall perform a flow test to determine what additional improvements to the system will be required to provide adequate domestic service and fire flow, such as booster pumps. The results must be submitted to DPW for review and approval. All required improvements shall be owned and maintained by the property owner.
4. Single-family and townhouse units shall be subject to one capital cost recovery charge per unit. For apartment buildings, the capital cost recovery fees will be calculated using the Commercial Water Fixture Count Application.
5. DPW will require that domestic water and fire meters and backflow preventers be located in the utility closet for each apartment building in lieu of a meter vault. The developer shall execute an agreement with the City granting access to inspect and repair the meters by City staff.
6. The Ianniello development shall utilize the existing sewer system located in Scenic Manor Drive. The utility easements associated with the construction of the sewer from Scenic Manor development to the Ianniello Property shall be deeded to the City. The City will own and maintain the sewer from Scenic Manor Drive to the property line of the Ianniello property.
7. An existing twelve (12) inch water main is located at the end of Scenic Manor Drive. The utility easements associated with the construction of the water line from Scenic Manor Road to the Ianniello property shall be dedicated to the City by special warranty deed. Once the water line is constructed and dedicated, City shall own and maintain the water line from Scenic Manor Drive to the property line of the Ianniello Property.

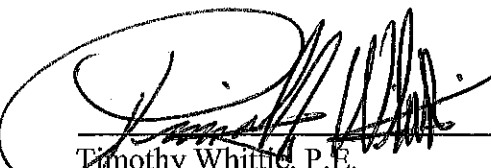
8. The existing water model required that the buildout of the Green Property will require a 12-inch water line to be constructed from MD Route 155 to the existing water line at Monarchos Drive that dead-ends at Bulle Rock Parkway. The model is presently being updated. If the study demonstrates that the connection will still be necessary, the City will require that a waterline be constructed from MD Route 155 along Road "D" and Road "E", and connect to the twelve (12) inch water line at Monarchos Drive.
9. Several improvements were recommended by a previous water model and sewer study that considered the buildout of the Green Property and the University of Maryland Medical System properties located on the north side of Bulle Rock Parkway. The improvements included upgrades to the pumps at Native Dancer and Bryan Road pump stations, construction of the 12-inch water line from MD Route 155 to Chapel Road, construction of a water tower, upgrades to the booster pumps at the Graceview tank, and replacement of the water line from along MD Route 155 that serves the Lapidum tank. These improvements are not specifically required at this time, but are described herein for context as it relates to the ultimate buildout of developable properties near the I-95 and MD Route 155 interchange. The Department previously updated the sewer model for this area and is has engaged a consultant to update the water model. DPW will provide additional comments on required improvements once the developers provide more detailed information on total number of units and unit types.



Shane P. Grimm, AICP
Deputy Director
Department of Planning

7-14-2020

Date



Timothy Whittle, P.E.
Director
Department of Public Works

7-14-2020

Date

SPG

cc: Mayor and City Council
Patrick Sypolt, Director of Administration
Steve Gamatoria, Chief of Staff
April Ishak, City Attorney
Tim Whittle P.E., Director, Public Works
Marisa Willis, CFM, Planning Technician
Jonathan Green, et al., Owner, Green Property
Peter Ianniello
Terrance Nolan, Attorney for Patrone Family

ANNEXATION RESOLUTION NO. 277
(AS AMENDED)

(Charter Amendment — First 2014 Annexation)

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI – E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3 – AMENDMENT OR REPEAL OF CHARTER AND SUBTITLE 4 ANNEXATION WHICH AUTHORIZE THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY, IN THIS CASE PROPERTY BETWEEN CHAPEL ROAD AND LEVEL ROAD AND BY AMENDING THE CHARTER OF THE CITY; SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.30 THE FIRST 2014 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE BY ANNEXING THE LAND OF ANN W. GREEN, MONTGOMERY C.M. GREEN, ELIZABETH WATTS GREEN, JOHN RODGERS MEIGS GREEN, R. JONATHAN M. GREEN, ANN W. GREEN & MARIANNE SCHMITT HELLAUER TRUSTEES, MONTGOMERY M. GREEN, TRUSTEE, MARIANNE SCHMITT HELLAUER TRUSTEE & 2003 R. JONATHAN M. GREEN SPINOFF TRUSTEE (“GREEN”), PETER J. IANNIELLO & MARY C. IANNIELLO (“IANNIELLO”) AND CHARLOTTE PATRONE (“PATRONE”) CONSISTING OF A TOTAL OF 244.372 ACRES OF LAND MORE OR LESS ADJOINING THE EXISTING CORPORATE BOUNDARIES OF THE CITY OF HAVRE DE GRACE.

WHEREAS, the requisite owners of the later described land herein have either petitioned for or consented to the annexation of their land into the corporate boundaries of the City of Havre de Grace (“City”); and

ATTACHMENT 2

WHEREAS, the land subject to this annexation resolution is eligible for annexation since the land is contiguous to and adjoining the existing corporate boundaries of the City, and the annexation will not create an unincorporated area bounded on all sides by: (i) property presently within the corporate limits of the City; (ii) real property proposed to be within the corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such properties; and

WHEREAS, the owners of not less than twenty-five percent of the assessed value of the real property to be annexed have petitioned for or consented to the annexation and the signatures on the petitions or consents have been verified and the petitions or consents meets the requirements of Sections 4-403 and 4-404 of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have previously adopted an Annexation Plan for the Property subject to this Annexation Resolution pursuant to City of Havre de Grace Resolution No. 2013-12 (Ianniello) and Resolution 2013-13 (Green/Patrone); and

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland have determined that the annexation of the 244.372 acres of land more or less, including the land of Green, Patrone and Ianniello is in the best interest of the health and welfare of the citizens of Havre de Grace.

NOW THEREFORE BE IT RESOLVED, ORDAINED, AND ENACTED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND AS FOLLOWS:

SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de Grace, Maryland is hereby amended to add a new Subsection A.30 The First 2014 Addition to the City Boundaries to read as set forth in the legal description attached hereto as Exhibit A and incorporated by reference herein. ("Property").

SECTION 2. The Mayor and City Council of Havre de Grace, Maryland and the requisite owners of the properties hereby annexed agree that the conditions and circumstances applicable to the change in the boundaries of the City of Havre de Grace caused by this annexation and to the property within the area hereby annexed are as provided in the applicable Charter provisions, laws and ordinances of the State of Maryland and the City of Havre de Grace, except as follows:

(a) The Property within the area hereby annexed is currently zoned Agricultural in Harford County. The zoning designation in the City that the Mayor and City Council shall assign to the Property is Residential Business RB. The Property shall be zoned RB as defined in the Havre de Grace Zoning Ordinance. Upon the expiration of the five year period of County land use authority after the

passage of the Annexation Resolution, as defined in Local Government Article of the Annotated Code of Maryland Section 4-416 or upon a waiver of this requirement obtained from the Harford County Council by the owners and/or the City, land use shall then be regulated by the City and not Harford County. Notwithstanding the above, should the City create an Agricultural zoning designation during the five year period, two parcels of Green listed in paragraph one (1) and three (3) in Resolution 2013-13, the Annexation Plan for the Green Property, which is attached hereto as part of exhibit B, may be given the City's proposed Agricultural zoning designation with the property owner's consent in lieu of the zoning designation RB. All zoning designations are provided on the condition that prior to the submission of any site plan for the Property, the owners/developers shall have previously submitted a concept plan for the Property to the Mayor and City Council for approval by the Mayor and City Council by resolution. The single concept plan shall show proposed uses with not less than one quarter of the Property used for open space, and the remaining balance of the Property distributed between residential uses and business uses, with no more than two-thirds (2/3) of the remaining balance devoted to either one use. In addition, on the Property there shall be dedicated to the City a public park, five (5) acres in size, exclusive of any area used for parking or storm water management, for use by the

public for leisure and relaxation, akin to Tydings Park in the City along Commerce Street (Public Park). The Public Park area may be used to partially satisfy the requirements that one quarter of the Property be used for open space. Furthermore, on the Property there shall be constructed and dedicated for use by the public an extension of the Lower Susquehanna Heritage Greenway Trail by a six foot wide paved trail that will connect Level Road to the closest point the Property comes to Chapel Road. The construction and dedication of the trail connection may be used to partially satisfy the requirement that one quarter of the Property be used for open space. The road network across the Property must reflect a public road connection into the Scenic Manor subdivision allowing for traffic to make access from Scenic Manor to Bulle Rock Parkway. Other requirements for public facilities will be addressed in the future public works agreement(s). Any site plan submitted by any owner must be consistent with the approved concept plan.

- (b) City water and sewer service shall be provided to the Property at generally applicable rates and pursuant to conditions generally applicable to other properties within the corporate boundaries of the City of Havre de Grace. The cost to construct any facilities necessary to provide water and sewer service to the Property shall be paid according to the laws, rules, regulations and policies, specifications, standards and approvals (including state and county, if any),

existing or required at the time of construction, including any applicable recoupment agreements, and in accordance with the Annexation Plans attached hereto and marked Exhibit B. In addition to constructing the on-site improvements that are required, the owners of the properties hereby annexed or their heirs, assigns or transferees shall at their own expense construct any off-site public water and sewer lines, and make any improvements to public roads and other facilities as may be required by the City to serve the properties hereby annexed, which lines, improvements and facilities must be approved by, and where appropriate, dedicated to the Mayor and City Council of Havre de Grace, Maryland in accordance with public works agreements to be entered into between the owners and the Mayor and City Council of Havre de Grace, Maryland and which public work agreements must be entered into prior to the submission of any concept plan or site plan for review by the Mayor and City Council. No site plan is authorized to be approved by the City or any City Director -- unless a public works agreement that addresses the construction of adequate public facilities and bonding for the development or construction shown on the plan, has been approved by the Mayor and City Council, and executed by the Mayor and the party seeking approval of the site plan. Annexation agreements addressing costs sharing or recoupment may be entered into by the parties and the Mayor and City Council after passage of this

annexation resolution. Any new recoupment agreement shall be authorized for consideration by the Mayor and City Council only for those facilities that have not yet been dedicated to the City, and which remain with the owner prior to the execution of the recoupment agreement by the City.

(c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that the Petitioners have provided the Mayor and City Council of Havre de Grace, Maryland with a legal description of the Property by an exhibit prepared by their professional engineer.

(d) The terms and conditions of this Resolution shall supersede the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by Resolution 97-7 ("Annexation Policy"), a copy of which is attached hereto as Exhibit C to the extent the Annexation Policy is inconsistent with the terms and conditions of this Resolution.

SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction and first reading of this Resolution by the Mayor and City Council of Havre de Grace, Maryland, the Director of Administration shall create a public notice, briefly and accurately describing the proposed change and the conditions and circumstances applicable. The aforesaid notice shall be published four (4) times at not less than weekly intervals in a newspaper or newspapers of general

circulation in the City of Havre de Grace and the area to be annexed, as the area to be annexed is greater than 25 acres. The aforesaid public notice shall state a time, not less than fifteen (15) days after the fourth (4th) publication thereof, a place within the City of Havre de Grace at which a public hearing shall be held to consider public comment to consider this Resolution. The public hearing may be continued or rescheduled in accordance with the requirements set forth in Local Government Article of the Annotated Code of Maryland. Immediately upon the first publication of the specified public notice, a copy of the public notice and other relevant documents shall be provided to the Harford County Council, the Harford County Executive, the Director of the Harford County Department of Planning and Zoning, the Planning Commission of the City of Havre de Grace, and to any other regional or state planning agency having jurisdiction over the property, including the Executive Director of the Baltimore Metropolitan Council.

SECTION 4. AND BE IT FURTHER RESOLVED that,

(a) For a ten (10) year period after passage of this Annexation Resolution the City is authorized to reduce the City's real property tax bill for each parcel of the Property as follows: year one through year ten -- one hundred percent reduction("ten year waiver period"). Thereafter the regular City real property tax rate shall apply. Notwithstanding the above, should any parcel of the Property be

the subject of a recorded subdivision plat, during the ten year waiver period, then upon the recordation of the plat, the subject parcel shall then be subject to the City's real property tax at the full rate.

SECTION 5. AND BE IT FURTHER RESOLVED that, this Annexation Resolution shall become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre de Grace, Maryland, provided this Resolution is read and passed by an affirmative vote of a majority of the Council members present at a second reading of the Resolution at a regular City Council meeting after the conclusion of the public hearing and any continuation thereof as prescribed by the Local Government Article Section 4-407 of the Annotated Code of Maryland (as amended) and also provided that a proper petition for referendum calling for an election related to the annexation is not filed as permitted by law.

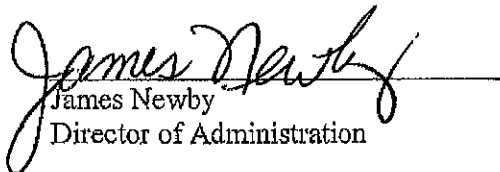
SECTION 6. AND BE IT FURTHER RESOLVED that, if any section, subsection, paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or circumstances is held invalid by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the application of the provision

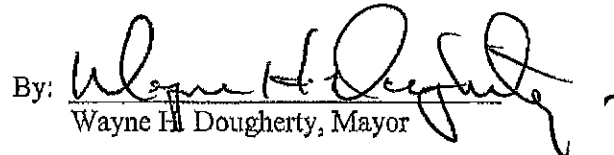
to other persons or circumstances then in effect, shall continue in full force and effect.

SECTION 7. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of Harford County and the Department of Legislative Reference for the State of Maryland when this Resolution takes effect.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


James Newby
Director of Administration

By: 
Wayne H. Dougherty, Mayor

Date Introduced:
Dates of Public Hearings:
Date of Second Reading and Adoption, Enacted:
Effective Date:

December 2, 2013
January 21, 2014, February 3, 2014, April 7, 2014
April 21, 2014
June 5, 2014

List of Exhibits

Exhibit A: Legal Description
Exhibit B: Annexation Plan Resolution 2013-12 and 2013-13
Exhibit C: Annexation Policy Resolution 97-7

Subsection A.30 The First 2014 Addition to the City Boundaries

The Corporate Boundaries of The City of Havre de Grace were enlarged to include those certain areas lying contiguous and adjacent to The City of Havre de Grace and are particularly described as follows:

BEGINNING for the same at a point at the intersection of the southeasterly right of way line of Bulle Rock Parkway, 60 feet wide, with the forty-first or South $28^{\circ} 48' 58''$ West 787.24 foot line of the land described in Resolution No. 225 (Charter Amendment: 2000 Annexation 2nd Addition), as recorded among the Land Records of Harford County, Maryland in Charter Amendments of the City of Havre de Grace Liber 1, Page 119, said point also being at the end of the thirteenth or curve to the left with a radius of 720.00 feet and an arc length of 132.24 feet line of the first parcel described in Resolution No. 252 (Charter Amendment: 2006 Annexation), as recorded among the said Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 320, said point also being in the northwesterly outline of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the said Land Records in Liber 823, Page 545, thence binding on the said southeasterly right of way line, binding reversely on the thirteenth through ninth lines of the said Resolution No. 252, and binding on the northwesterly outline of the land described in the said deed, as now surveyed, with bearings referred to the Maryland Coordinate System (NAD'83/91), five courses, viz:

1. By a non-tangent curve to the right with a radius of 720.00 feet and an arc length of 132.24 feet, said curve being subtended by a chord bearing North $66^{\circ} 48' 39''$ East 132.05 feet, to a point of tangency,
2. North $72^{\circ} 04' 20''$ East 354.56 feet to a point of curvature,
3. By a tangent curve to the left with a radius of 591.72 feet and an arc length of 391.23 feet, said curve being subtended by a chord bearing North $53^{\circ} 07' 51''$ East 384.15 feet, to a point of tangency,
4. North $34^{\circ} 11' 22''$ East 199.61 feet, and
5. South $89^{\circ} 49' 22''$ East 131.07 feet to a point and to intersect the southwesterly right of way line of Level Road, Maryland Route 155, thence binding thereon, and binding in part on the northeasterly outline of the land described in the first mentioned deed, in part on the northeasterly outline of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the aforesaid Land Records in Liber 7151, Folio 0351, and in part on the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the aforesaid Land Records in Liber 7151, Folio 0336, in all, twelve courses, viz:
6. By a non-tangent curve to the right with a radius of 11425.16 feet and an arc length of 92.96 feet, said curve being subtended by a chord bearing South $54^{\circ} 24' 56''$ East 92.96 feet, to a point of tangency,

Subsection A.30

Page 2 of 5

7. South 54° 33' 56" East 419.19 feet,
8. South 45° 44' 02" East 40.45 feet,
9. South 48° 41' 33" East 41.19 feet,
10. North 41° 26' 45" East 10.05 feet,
11. South 48° 58' 28" East 108.46 feet,
12. North 35° 44' 08" East 16.00 feet,
13. South 53° 43' 08" East 210.01 feet,
14. South 52° 45' 05" East 1287.45 feet,
15. North 35° 44' 07" East 7.00 feet,
16. By a non-tangent curve to the left with a radius of 1375.00 feet and an arc length of 291.16 feet, said curve being subtended by a chord bearing South 58° 59' 17" East 290.62 feet, and
17. By a non-tangent curve to the left with a radius of 2310.59 feet and an arc length of 225.53 feet, said curve being subtended by a chord bearing South 58° 41' 16" East 225.44 feet, to a point distant 20 feet northwesterly from the thirty-fourth or North 45E 27' 37" East 35.53 foot line of the land described in Resolution No. 138, Subsection A.8. The Third 1987 Addition to the City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 35, thence leaving the said Level Road and running parallel to and 20 feet distant northwesterly from the southeasterly outline of the land conveyed by and described in the last mentioned deed and running parallel to and 20 feet distant northwesterly from the said thirty-fourth and the thirty-third lines of the said Subsection A.8,
18. South 32° 38' 56" West 835.51 feet, thence continuing to run parallel to and 20 feet distant southwesterly from the existing City Boundaries as described in the aforesaid Resolution No. 138 and in Resolution No. 143, Subsection A.10, The (First) 1995 Addition, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 51, and running parallel to and 20 feet distant southwesterly from the northeasterly outline of the land conveyed by and described in a deed from Ann W. Green, Personal Representative of the Estate of Montgomery Meigs Green to Ann W. Green and Marianne Schmitt Hellauer, Trustees u/a Montgomery M. Green - Family Trust, dated November 13, 1995 and recorded among the aforesaid Land Records in Liber 4817, Folio 0302, three courses, viz:
19. South 23° 53' 41" East 656.11 feet,
20. South 24° 24' 01" East 929.41 feet, and
21. South 13° 21' 12" West 19.39 feet to a point and to intersect the southerly outline of the land conveyed by and described in the last mentioned deed and to intersect the third or North 50° 42' 40" East 1096.67 foot line of Resolution No. 243, Subsection A.22, The 2003 Addition to

The City Boundaries, as recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Page 271, thence binding reversely on the third and second lines of the said Resolution No. 243, binding on the southeasterly and southwesterly outline of the land described in the last mentioned deed, and binding on the northwesterly and northeasterly outline of the land shown on the plats entitled "Final Plat One, Scenic Manor," Final Plat Two, Scenic Manor," and Final Plat Three, Scenic Manor" and recorded among the aforesaid Land Records in Plat Book 121, Folios 19, 18 and 20, respectively, two courses, viz:

22. South 50° 44' 10" West 1064.03 feet to a pin & cap set, and
23. North 39° 38' 02" West 804.77 feet to a point at the northeast corner of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elena Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the aforesaid Land Records in Liber 1477, Folio 0843, thence continuing to bind on the outline of the aforesaid Resolution No. 243 and binding on the easterly outline of the land described in the said deed,
24. South 37° 18' 21" West 956.04 feet to a point in or near the center of Chapel Road and to intersect the ninety-fourth or South 71° 13' 46" East 671.08 foot line of Resolution No. 178, The Second 1999 Addition, recorded among the aforesaid Land Records in Charter Amendments of the City of Havre de Grace Liber 1, Folio 82, thence running in the center of the said Chapel Road, binding on the southerly outline of the land described in the last mentioned deed, and binding reversely part of the said ninety-fourth and all of the ninety-third lines of the said resolution No. 178,
25. North 71° 13' 46" West 127.48 feet to a point at the end of the forty-ninth or South 18° 46' 14" West 25.00 foot line of the aforesaid Resolution No. 225, thence leaving the said Chapel Road and binding on the southerly and westerly outline of the land described in the last mentioned deed and binding reversely on the forty-ninth through forty-sixth lines of the said Resolution No. 225, four courses, viz:
26. North 18° 46' 14" East 25.00 feet,
27. By a non-tangent curve to the left with a radius of 1457.40 feet and an arc length of 160.03 feet, said curve being subtended by a chord bearing North 74° 22' 30" West 159.95 feet,
28. North 54° 36' 27" East 137.27 feet to a stone heretofore planted, and
29. North 34° 13' 29" West 32.60 feet to a stone heretofore planted at the southwest corner of the land described in the aforesaid Liber 4817, Folio 0302, thence binding reversely on part of the forty-fifth line of the aforesaid Resolution No. 225 and on the southwest side of the said deed,
30. North 35° 14' 15" West 876.81 feet to a point on the northeasterly right of way line of the aforesaid Bulle Rock Parkway and at the end of the third or tangent curve to the right with a radius of 1330.00 feet and an arc length of 613.08 feet line of the second parcel described in the

aforesaid Resolution No. 252, thence leaving the said forty-fifth line and binding reversely on the third and second lines of the said second parcel described in Resolution No. 252, and continuing to bind on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, two courses, viz:

31. By a non-tangent curve to the left with a radius of 1330.00 feet and an arc length of 613.08 feet, said curve being subtended by a chord bearing North 35° 09' 38" West 607.67 feet, to a point of tangency, and
32. North 48° 21' 58" West 3.59 feet to a point and to intersect the aforesaid forty-fifth line of Resolution No. 225, thence binding reversely thereon for part of its distance and binding in part on the southwesterly outline of the land described in the aforesaid Liber 4817, Folio 0302, in part on the southwesterly outline of the land conveyed by and described in a deed from Montgomery C. M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustee, dated December 27, 1974 and recorded among the aforesaid Land Records in Liber 964, Page 561, and in part binding on the southwesterly outline of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249, in all,
33. North 35° 14' 15" West 1701.08 feet to a point on the aforesaid easterly right of way line of Bulle Rock Parkway and at the end of the fourth or curve to the left with a radius of 870.00 feet and an arc length of 649.65 feet line of the third parcel described in Resolution No. 267 (Charter Amendment - First 2008 Annexation), (not recorded among the aforesaid Land Records), thence binding on the said right of way and binding reversely on the said fourth line, and in part binding on the southwesterly outline of the land conveyed by and described in the last mentioned deed of distribution and in part binding on the westerly outline of the land described in the first mentioned deed (823/545),
34. By a non-tangent curve to the right with a radius of 870.00 feet and an arc length of 649.65 feet, said curve being subtended by a chord bearing North 07° 19' 26" East 634.66 feet, to a point and to intersect the forty-third line of the aforesaid Resolution No. 225, thence continuing to bind on the said Bulle Rock Parkway and the northwesterly outline of the land described in the first mentioned deed, and binding reversely on the said forty-third line for part of its distance,
35. North 28° 42' 58" East 295.11 feet to a point at the end of the third or curve to the left with a radius of 720.00 feet and an arc length of 364.35 foot line of the second parcel described in the aforesaid Resolution No. 267, thence continuing to bind on the said Bulle Rock Parkway and binding reversely on the said third line,
36. By a tangent curve to the right with a radius of 720.00 feet and an arc length of 364.35 feet, said curve being subtended by a chord bearing North 43° 12' 47" East 360.48 feet, to a point and to intersect the forty-second line of the aforesaid Resolution No. 225, thence leaving the aforesaid Bulle Rock Parkway, binding reversely on part of the forty-second and forty-first lines of the aforesaid Resolution No. 225, and binding on the division line between the land described in the first mentioned deed and the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers

Subsection A.30

Page 5 of 5

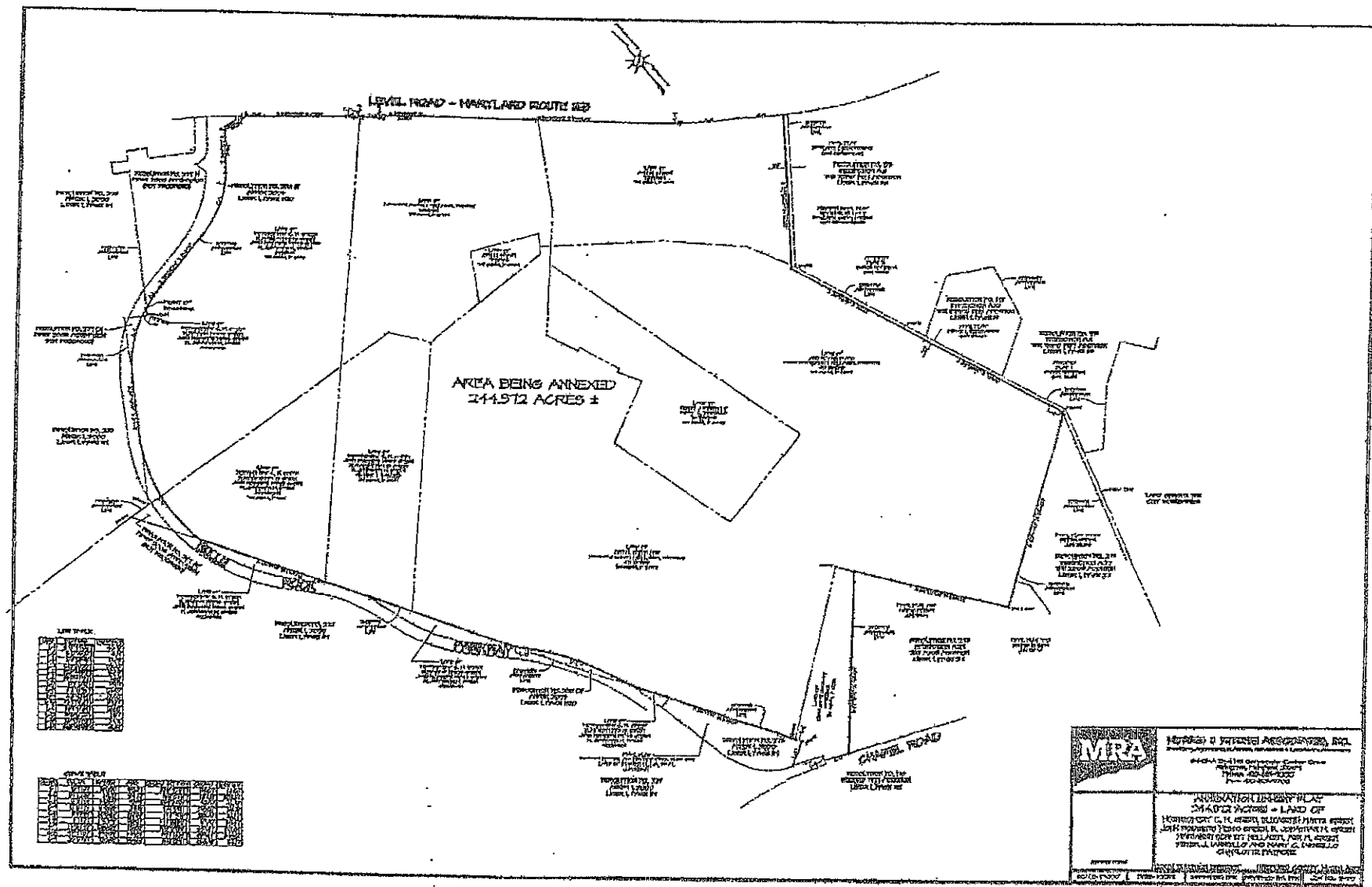
Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the aforesaid Land Records in Liber 4122, Folio 0468, two courses, viz:

37. South $61^{\circ} 02' 02''$ East 24.71 feet to a pin & cap set, and
38. North $28^{\circ} 48' 58''$ East 41.49 feet to the place of beginning.

CONTAINING 244.372 acres of land, more or less.

BEING part of the land conveyed by and described in a deed and covenant from Montgomery M. Green to Montgomery M. Green, Trustee, dated August 16, 1969 and recorded among the Land Records of Harford County, Maryland in Liber 823, Page 545; BEING ALSO all of the land conveyed by and described in a deed of distribution from Albert J. A. Young, Successor Trustee, to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated July 20, 2005 and recorded among the said Land Records in Liber 6224, Folio 0249; BEING ALSO all of the land conveyed by and described in a deed from Montgomery M. Green and Ann W. Green, his wife to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and Montgomery M. Green, Trustee, dated December 27, 1974 and recorded among the said Land Records in Liber 964, Page 561; BEING ALSO all of the land conveyed by and described in a deed from Marianne Schmitt Hellauer, Trustee to Marianne Schmitt Hellauer, Trustee, dated June 1, 2004 and recorded among the said Land Records in Liber 7151, Folio 0351, BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green, dated February 20, 1995 and recorded among the said Land Records in Liber 7151, Folio 0336; BEING ALSO all of the land conveyed by and described in a deed from Cornelia L. Meigs to Ann W. Green, for life, and Montgomery M. Green, dated September 1, 1967 and recorded among the said Land Records in Liber 753, Page 266; BEING ALSO all of the land conveyed by and described in a deed from Peter J. Ianniello to Peter J. Ianniello and Mary C. Ianniello, dated November 9, 2006 and recorded among the said Land Records in Liber 7095, Folio 0363; BEING ALSO part of the land conveyed by and described in a deed from Ann W. Green, Personal Representative to Ann W. Green and Marianne Schmitt Hellauer, Trustees, dated November 13, 1995 and recorded among the said Land Records in Liber 4817, Folio 0302; BEING ALSO all of the land conveyed by and described in a deed from Michael E. Leaf, Trustee to Montgomery C. M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, dated August 29, 2002 and recorded among the said Land Records in Liber 4122, Folio 0468, BEING ALSO all of the land conveyed by and described in a deed from Charlotte Patrone, Personal Representative of the Estate of Elma Butler Patrone, to Charlotte Patrone, dated May 21, 1988 and recorded among the said Land Records in Liber 1477, Folio 0843.

(October 21, 2011)



RESOLUTION 2013 - 12

THE ANNEXATION PLAN FOR 13.96 ACRES, MORE OR LESS,
ALONG LEVEL ROAD

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Peter J. Ianniello and Mary C. Ianniello ("Owner") have sought annexation of their land consisting of a total of 13.96 acres, more or less, as described in a deed dated June 15, 2004 and filed among the Land Records of Harford County at Liber No. 5428 Folio 0102 and also being described in a deed dated December 15, 2006 and filed among the Land Records of Harford County at Liber 7095 Folio 0363, said property assigned Harford County tax account number District 06 Account No. 003133; and

WHEREAS, the Owner's property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") have received the annexation request for the annexation of properties along Level Road, Bulle Rock Parkway and Chapel Road which generally include the Green and Patrone properties; and

WHEREAS, the Owner now seeks to annex the Owner's property consisting of 13.96 acres, more or less into the City of Havre de Grace simultaneously with the the Green and Patrone properties, the Ianniello property as shown on the attached Exhibit A consisting of a total of 13.96 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Owner's property.

THE ANNEXATION FOR 13.96 ACRES, MORE OR LESS,
ALONG LEVEL ROAD

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently the Owner and their one adult child and two minor children reside on the Property. The Owner's property is improved with an historic house and unattached barn and buildings. The property is currently served by private water and sewer.

3. Current Zoning. The Owner's property is currently zoned Agricultural on the official zoning maps of Harford County. Currently a winery operation takes place on the property with a vineyard.

4. Future Proposed Use. The property is proposed to be changed to a more intensive residential use with a mix of retail business.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace.

6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS, or police departments, except for a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property, however, infrastructure improvements for water pressure and volume of delivery are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/developers of the property along with required bonding for performance and maintenance.

The owners/developers of the property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Owner's property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

8. Fire Protection. Fire protection shall continue to be provided to the property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

9. Schools - Library - Recreation. None are required, as the scope of the development on the property is limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

12. Police. Police protection shall be provided to the property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

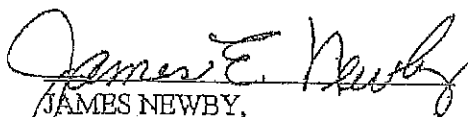
13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

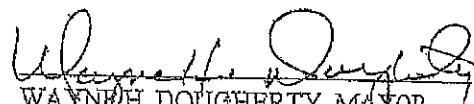
14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16th day of September, 2013.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


JAMES NEWBY,
DEPUTY DIRECTOR OF ADMINISTRATION


WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13

Adopted: 9/16/13

RESOLUTION 2013 - 13

THE ANNEXATION PLAN FOR 227.628 ACRES, MORE OR LESS,
ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, ARTICLE 23A SECTION 19(O) WHICH REQUIRES THE LEGISLATIVE BODY OF A MUNICIPALITY SEEKING TO ANNEX PROPERTY AFTER OCTOBER 1, 2006 TO ADOPT AN ANNEXATION PLAN FOR THE SUBJECT PROPERTY, AND THAT THE ANNEXATION PLAN NOT BE PART OF THE ANNEXATION RESOLUTION.

WHEREAS, Ann W. Green, Mary Ann Schmitt Hellauer, Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green and R. Jonathan M. Green ("Owners") have sought annexation their land and that of Charlotte Patrone consisting of a total of 227.628 acres, more or less, partially described in eight deeds as follows:

1. Deed dated June 1, 2004, recorded among the Land Records in Liber JJR No. 7151, folio 351, from the 1999 Ann W. Green Irrevocable Property Trust, unto Marianne Schmitt Hellauer, as Trustee of the 2003 R. Jonathan M. Green Descendant's Spin-Off Trust, as shown on Harford County tax map 44 parcel 709 Account I.D. district 06, Account No. 078478, 22.77 acres; and
2. Deed dated September 1, 1967, recorded among the Land Records of Harford County, Maryland (the "Land Records") in Liber GRG No. 753, folio 266, from Cornelia L. Meigs, unto Ann W. Green, as shown on Harford County tax map 44 parcel 584 Account I.D. district 06, Account No. 003605, 1.59 acres; and
3. Deed dated February 20, 1995, recorded among the Land Records in Liber JJR No. 7151, folio 336, from the Estate of Montgomery Meigs Green, unto Ann W. Green, as shown on Harford County tax map 44 parcel 198 Account I.D. district 06, Account No. 003729, 18.95 acres; and
4. Deed dated November 13, 1995, recorded among the Land Records in Liber JJR No. 4817, folio 302, from the Estate of Montgomery Meigs Green, unto Ann W. Green and Marianne Schmitt Hellauer, as Trustees of the Green Family Trust, as shown on Harford County tax map 44 parcel 237 Account I.D. district 06, Account No. 003737, 110.55 acres; and
5. Deed dated December 27, 1974, recorded among the Land Records in Liber HDC No. 964, folio 561, from Montgomery M. Green and Ann W. Green, unto Montgomery C. M. Green,

John Rodgers Meigs Green, Elizabeth Watts Green and Montgomery M. Green, as Trustee, as shown on Harford County tax map 44 parcel 697 Account I.D. district - 06, Account No. 003664, 15.01 acres; and

6. Deed of Distribution dated July 20, 2005, recorded among the Land Records in Liber JIR No. 6224, folio 249, from Albert J.A. Young, as Successor Trustee of a Trust created under a Deed by Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan M. Green, as shown on Harford County tax map 44 parcel 311 Account I.D. district 06, Account No. 003710, 13.54 acres; and

7. Deed and Covenant dated August 16, 1969, recorded among the Land Records in Liber GRG No. 823, folio 545, from Montgomery M. Green, unto Montgomery C.M. Green, Elizabeth Watts Green, John Rodgers Meigs Green, and R. Jonathan Green, as shown on Harford County tax map 44 parcel 210 Account I.D. district 06, Account Nos. 062903 and 003702; and

8. Deed dated May 21, 1988, recorded among the Land Records in Liber CGH No. 1477, folio 843, from the Estate of Elma Butler Patrone, unto Charlotte Patrone, as shown on Harford County tax map 44 parcel 238 Account I.D. district 06, Account No. 006108.

All of the above parcels shall hereinafter be referred to collectively as the "Property."

WHEREAS, the Property is reflected on the attached plat marked Exhibit A and said property sits on the south side of Level Road; and

WHEREAS, the Mayor and City Council of Havre de Grace ("City") had previously annexed properties along the south side of the roadway known as Level Road and along Bulle Rock Parkway as appears in the Havre de Grace City Charter Attachment 1 appendix A.27. The First 2006 Addition to the City Boundaries and A.28 the First 2008 Addition to the City Boundaries; and

WHEREAS, the Owner now seeks to annex the Property consisting of 223.418 acres of its property, more or less into the City of Havre de Grace simultaneously with the land of Charlotte Patrone consisting of 4.21 acres more or less as shown on the attached Exhibit A for a total of 227.628 acres more or less.

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the Property.

**THE ANNEXATION FOR 227.628 ACRES, MORE OR LESS,
ALONG LEVEL ROAD, BULLE ROCK PARKWAY AND CHAPEL ROAD**

1. Introduction. The Property proposed to be annexed in this Plan is situated along Level Road and Chapel Road. For identification purposes, a total of nine (9) lots described in eight deeds, but with nine tax account numbers for a total of 227.628 acres, more or less is being considered. The entire area to be annexed is reflected on Exhibit A.

2. Current Conditions. Currently several tenants reside on the property of Charlotte Patrone and Jonathan Green and his wife and family and his mother and several tenants reside on their property. The Green parcel is improved with an historic residence and several unattached farm houses and attendant barns and farm buildings. The Patrone property is improved with a residential building. The Property is currently served by private water and sewer.

3. Current Zoning. The Property is currently zoned Agricultural on the official zoning maps of Harford County.

4. Future Proposed Use. Major changes to the buildings on the Property as planned at this time, however, the specific uses permitted by law therein may change.

5. Proposed Zoning. All of the land that is subject to this Annexation Plan is proposed to be given the City zoning designation RB residential business with the caveat that prior to submission of any site plan for the property, the owner/developer shall submit a concept plan for approval of the Mayor and City Council and any site plan submitted must be consistent with the approved concept plan. The proposed zoning for the land subject to this Annexation Plan is consistent with the City's overall proposed land use already in effect for this area, pursuant to the Master Plan for Havre de Grace

6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS, or police departments, except for a water main line from the water main line on Rt. 155 to the water main line on Chapel Road. The current annexation shall be a cause for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the property, however, infrastructure improvements for water pressure and volume of delivery are required. Until the site plan is approved water and sewer capacity remain uncommitted. Sewer lines must be extended to the property. If there are any required infrastructure improvements, including but not limited to water and sewer capacity, they shall all be paid for by the owners/developers of the property along with required bonding for performance and maintenance.

The owners/developers of the property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The subject property may be subject to recoupment agreements for water and sewer.

7. Trash Removal. The same conditions, services, and rates applicable in the City pursuant to existing City Ordinances shall be charged to the property subject to this Plan.

8. Fire Protection. Fire protection shall continue to be provided to the property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to the other properties within the corporate boundaries of the City.

9. Schools -- Library -- Recreation. None are required, as the scope of the development on the property is relatively limited in size.

10. Real Property Taxes. The property shall be taxed by the City at generally applicable rates. If the land is potentially subject to an abatement request due to an enterprise zone designation, and if a request for an abatement is made, the City acknowledges that it would consider such a request in accordance with applicable law so long as the terms of this Annexation Plan have otherwise been complied with by the Owner.

11. EMS. EMS protection shall be provided to the property by the Havre de Grace Ambulance Corps, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City of Havre de Grace.

12. Police. Police protection shall be provided to the property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City of Havre de Grace.

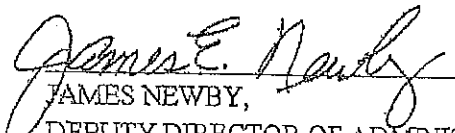
13. Timing of Municipal Services. Municipal services shall be provided at the time of construction/development of the property and prior to the issuance of any new use and occupancy permit.

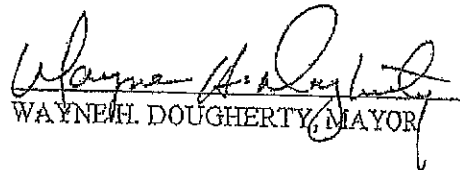
14. Annexation Agreement. The City and the owners/developers of the property agree to enter into an Annexation Agreement and/or a Public Works Agreement detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City. The provisions of this Annexation Plan are to be considered minimum requirements, and additional requirements or more stringent requirements may be added.

ENACTED this 16th day of September, 2013.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


JAMES NEWBY,
DEPUTY DIRECTOR OF ADMINISTRATION


WAYNE H. DOUGHERTY, MAYOR

Introduced: 9/16/13
Adopted: 9/16/13

RESOLUTION NO. 97-7

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE,
MARYLAND ESTABLISHING AND ADOPTING A POLICY ON ANNEXATION

WHEREAS, The Mayor and City Council of Havre de Grace, Maryland adopted an update of the City's Comprehensive Plan on May 6, 1996; and,

WHEREAS, the Comprehensive Plan established a vision for the orderly growth and development of the City of Havre de Grace; and,

WHEREAS, the annexation of land adjacent to the City of Havre de Grace was part of the vision for the orderly growth and development of the City of Havre de Grace as described in Chapters 3 and 4 of the Comprehensive Plan; and,

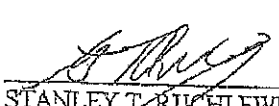
WHEREAS, further guidance was needed to ensure orderly growth and development occurs in the areas to be annexed by the City.

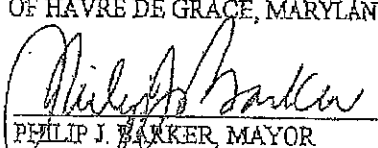
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND THAT:

1. An Annexation Policy consistent with the Comprehensive Plan's vision is hereby established and adopted by the Mayor and City Council of Havre de Grace, Maryland;
2. Said adopted Annexation Policy shall be attached as Exhibit A to this Resolution; and
3. Said Annexation Policy shall be effective as of the date of this Resolution's passage.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


STANLEY T. RUCHELEWICZ, DIRECTOR
DEPARTMENT OF PLANNING


PHILIP J. BARKER, MAYOR

DATE: 8/18/97

ANNEXATION POLICY

It is the Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland to:

1. Consider all annexation requests which meet the legal criteria of the State of Maryland under Article 23A, Section 19 of the Annotated Code of Maryland and all guidelines established by the Mayor and City Council for annexation, including consistency with the City's Comprehensive Plan.
2. Encourage the annexation of all areas contiguous to the City which would eliminate the appearance or creation of enclaves. This is not to be interpreted as giving this type of annexation priority over areas which are contiguous but do not appear to be creating or eliminating enclaves.
3. Give priority to annexation requests which will increase the City's commercial or industrial base and generate employment opportunities for the residents of City.
4. Grant an abatement of City real property taxes for areas to be annexed, on a case by case basis, up to the difference between the combined City and County property taxes for a property located in the City and those taxes that would be paid to the County if the property remained solely in the County until such time that:
 - a. Water and sewer service is available for connection at the annexed property, or
 - b. One of the following activities has occurred:
 - 1) In cases of annexation where the land will remain a single parcel, the abatement shall cease when any development or construction permit is issued for other than an accessory activity or structure in support of the existing land use on the property.
 - 2) In cases of annexation where a subdivision of land will occur, the abatement shall cease when the final subdivision plat is approved by the Planning Commission.
5. Connect all areas to be annexed to City water and sewer service upon its availability at the property as a condition of annexation.

6. Require all applicants seeking annexation to complete a Request for Annexation application, which includes all of the legal requirements placed on annexation requests by Article 23A, Section 19 and the items described on the Annexation Checklist described in the Comprehensive Plan, and review said application for consistency with the Comprehensive Plan. The Annexation Checklist shall not be generally applicable to single lot annexations of less than 2 acres.

7. Advise applicants for annexation to the west of the current City boundary, and within the following designated Service Boundary Areas, that when development commences on the property proposed to be annexed, they or subsequent owners of said property shall be required to participate in a cost-sharing program to cover the costs of providing a right-of-way for and the construction of the proposed western arterial as well as upgrading the City's water and sewer facilities to allow for access and water and sewer services to their annexed property and any other foreseeable annexation sites.

a. This cost-share program may include the contribution of land, money or a combination of both to accomplish the construction of the western arterial and the upgrading of the necessary water and sewer facilities, such as, but not limited to, main water and sewer plant expansions, new pumping stations or upgrade of existing ones, new storage facilities, and new transmission lines which exceed the necessary capacity for the proposed project to allow for subsequent annexation opportunities beyond the property. These are above the conditions normally established in the City's Public Works Agreement.

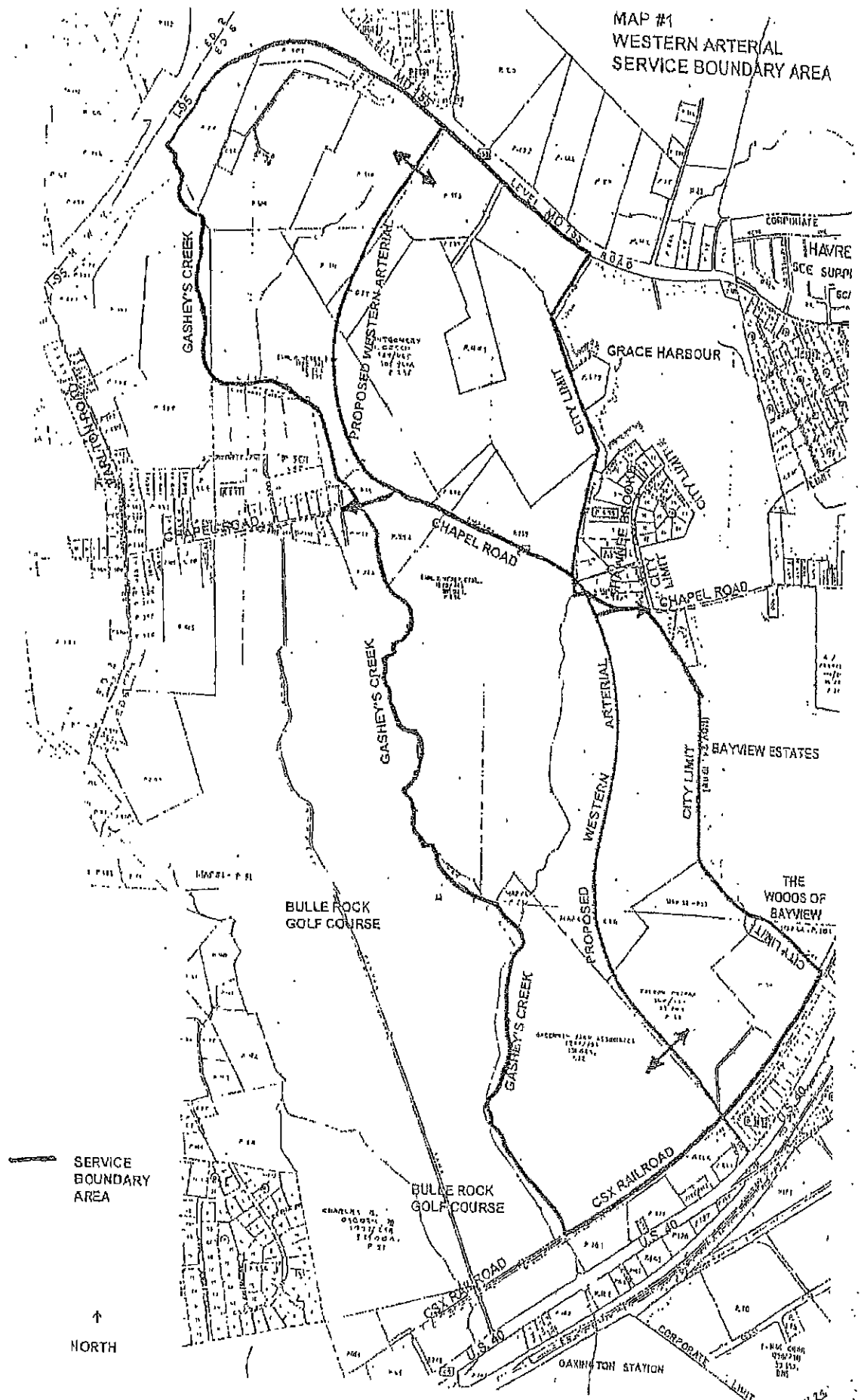
b. Service Boundary Areas

1) Western Arterial - Gashey's Creek, CSX Railroad, existing City limits and I-95/MD 155 (See attached Map #1).

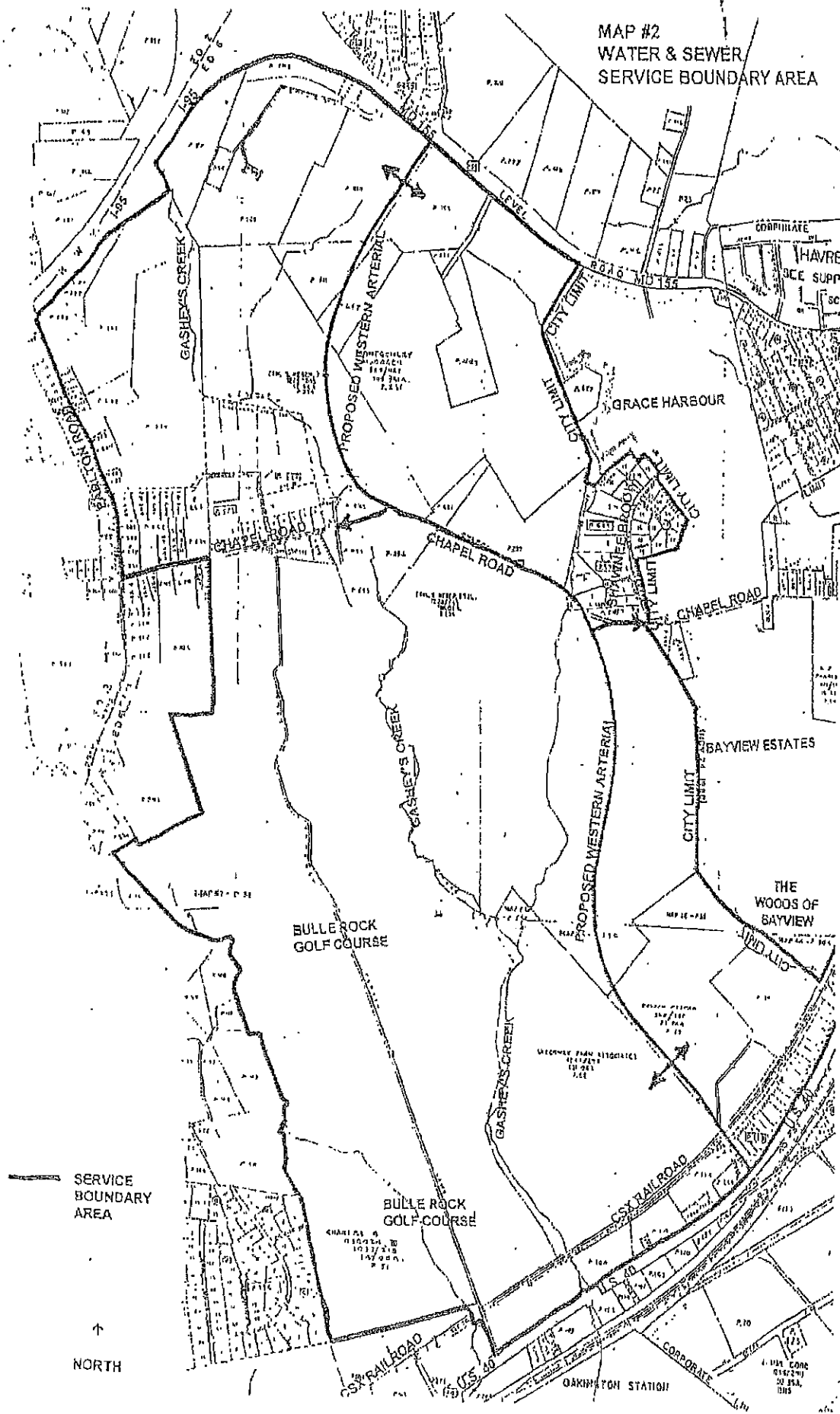
2) Water and Sewer - Same as Western Arterial Service Boundary Area plus Bulle Rock golf course, Shawnee Brooke, properties on the west side of Route 40 and development along Chapel and Earleton Roads (See attached Map #2).

Adopted 08/18/97

MAP #1
WESTERN ARTERIAL
SERVICE BOUNDARY AREA



MAP #2
WATER & SEWER
SERVICE BOUNDARY AREA



**RESOLUTION NO. 2013-16
AS AMENDED**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE PURSUANT TO THE LOCAL GOVERNMENT
ARTICLE OF THE ANNOTATED CODE OF MARYLAND SECTION
5-204(d) AND CITY CHARTER SECTION 34 AUTHORIZING AN
EXTENSION OF THE FRANCHISE AGREEMENT FOR COMCAST.**

WHEREAS, Comcast sought the use of the City's rights of way to conduct its business within the City; and

WHEREAS, the parties entered into a Franchise Agreement dated September 22, 1998 for a term of fifteen (15) years to allow for such use; and

WHEREAS, the City Code Chapter 38 permits a franchise fee of 3% to be charged to Comcast by the City; and


WHEREAS, the parties' agreement requires a public hearing before the term can be extended by another agreement.

NOW THEREFORE be it resolved, decided and determined that:

1. The Mayor is authorized to sign a First Amendment to Franchise Agreement in substantial form to the agreement attached hereto as Exhibit A.

Witness/Attest:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND


Patrick Sypolt, Interim
Director Administration


Wayne H. Dougherty, Mayor

Public Hearing : November 18, 2013

Date Enacted: December 3, 2013

12/3
Waiting on
Signed agreement
per Patrick.
attach
attach to
Resolution.

Attachment 4A- Green Property



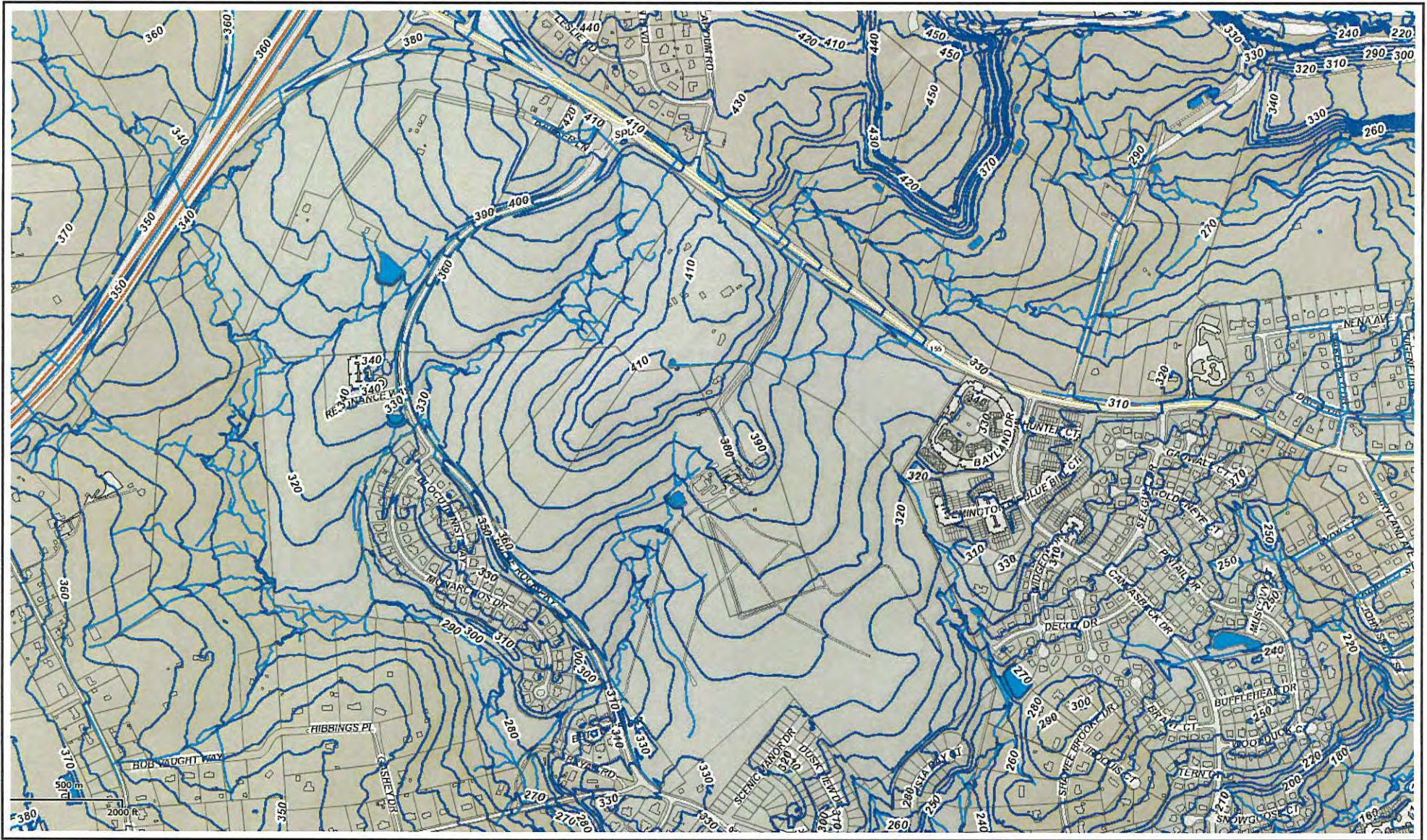
03/12/2017 - 05/03/2017



Attachment 4C - Green Property



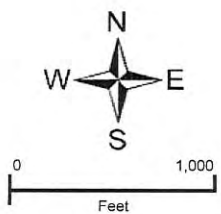
04/16/2017



Green Property Topography Map

Printed: Jun 03, 2020

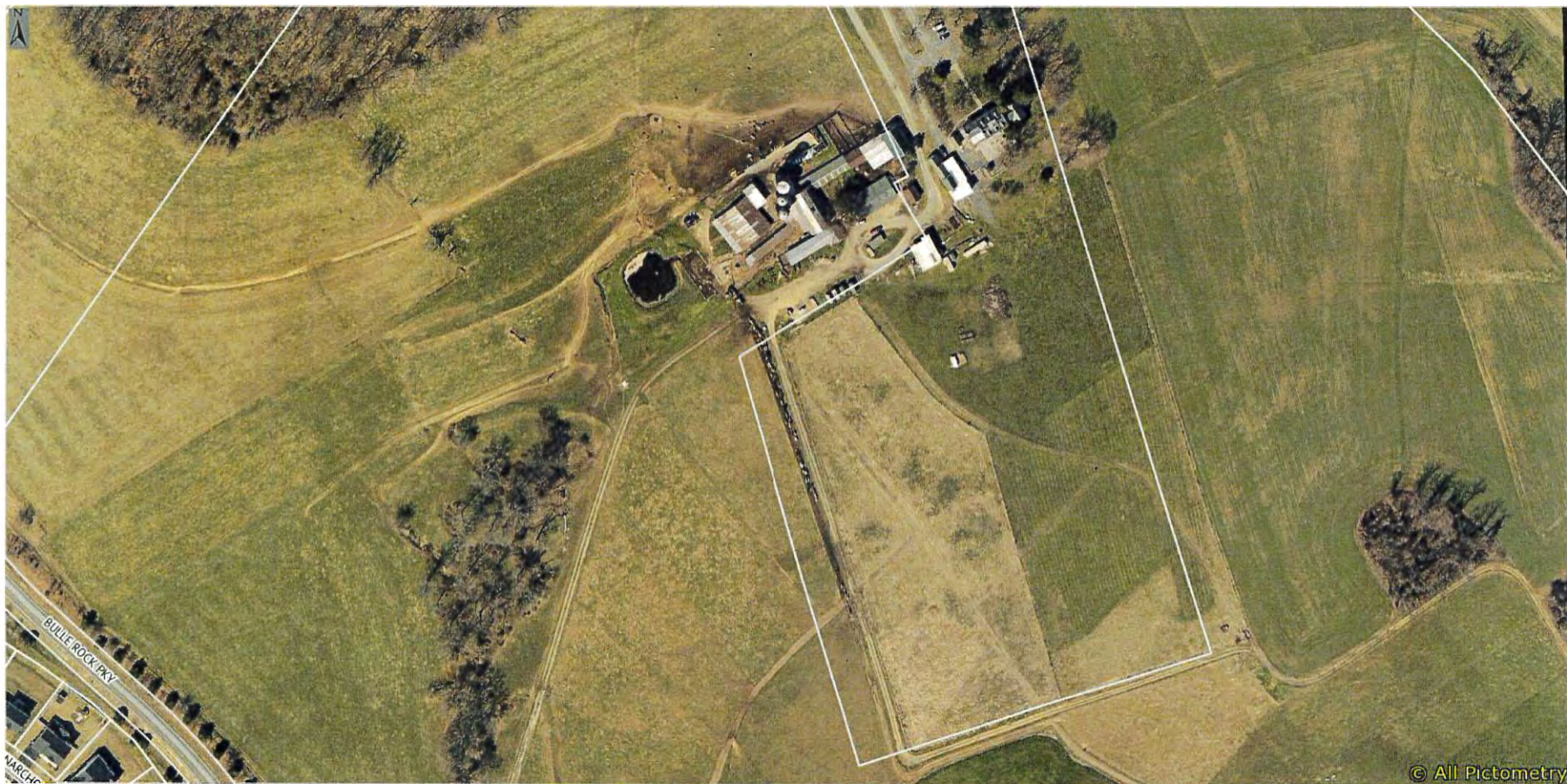
ATTACHMENT 5



Copyright 2012, Harford County Government



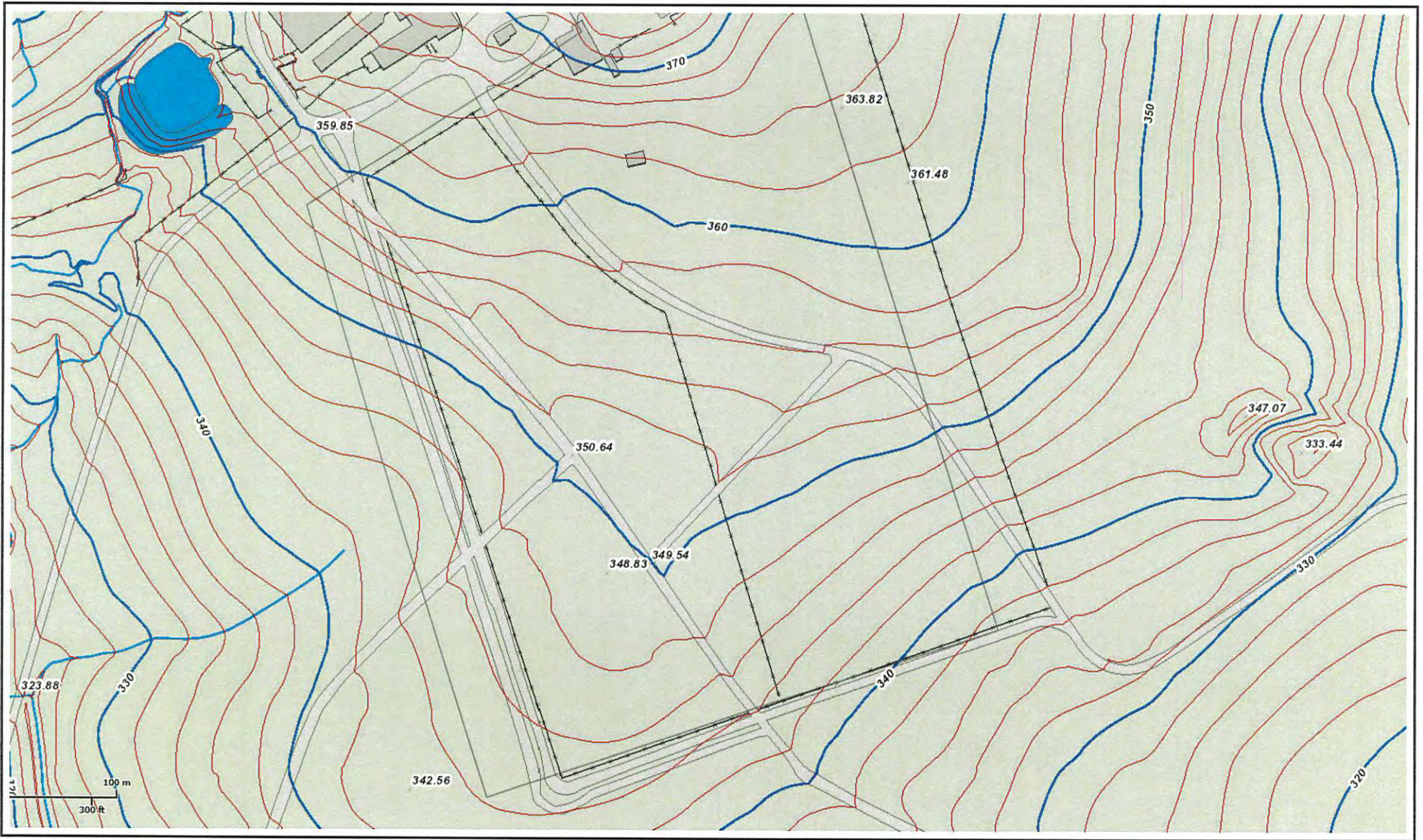
Attachment 6A - Ianniello Property



Attachment 6B - Ianniello Property



03/13/2017



Ianniello Property Topography Map A

Printed: Jun 03, 2020

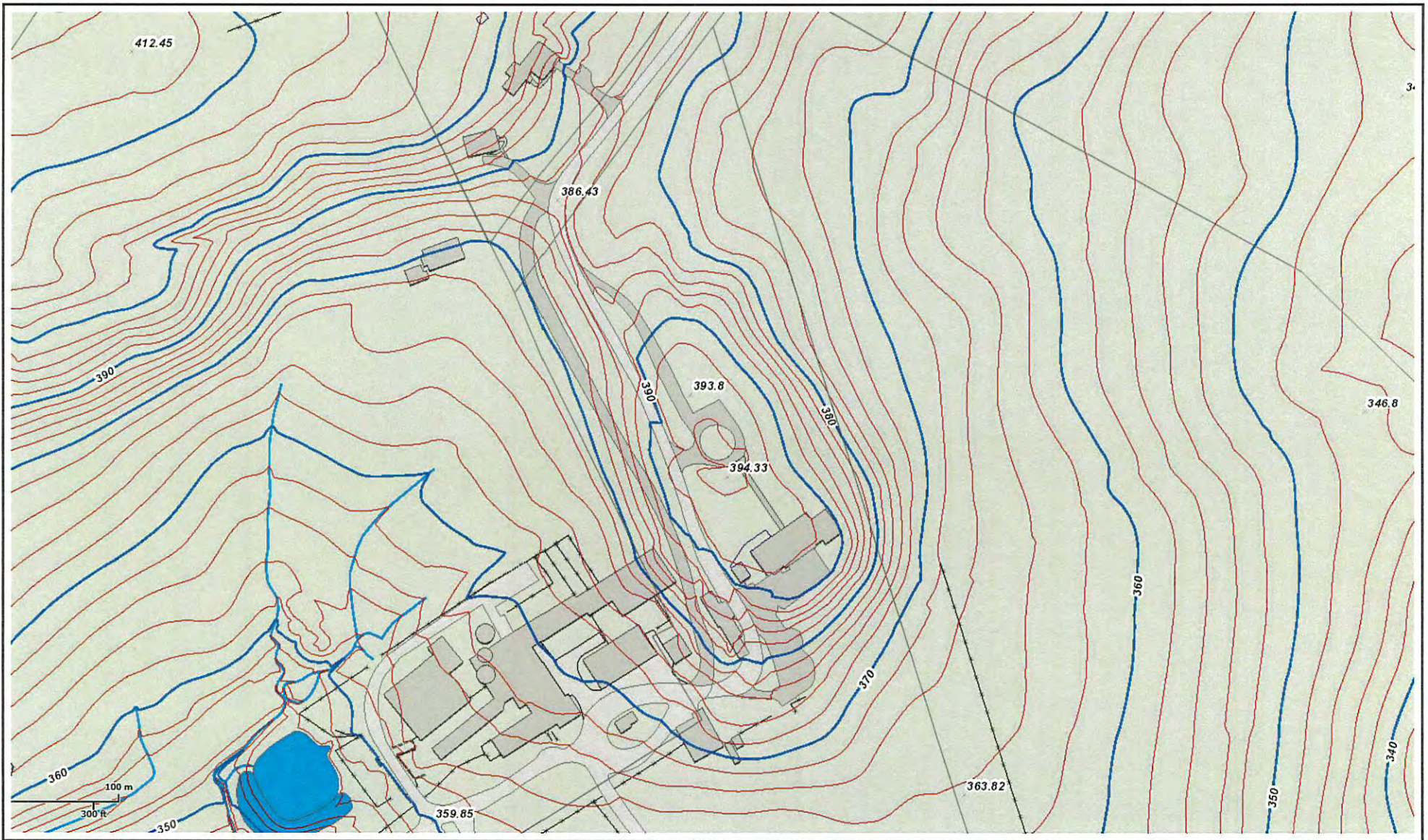
ATTACHMENT 7



0 100 200
Feet

Copyright 2012, Harford County Government

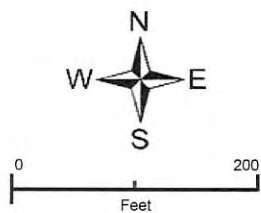




Ianniello Property Topography Map B

Printed: Jun 03, 2020

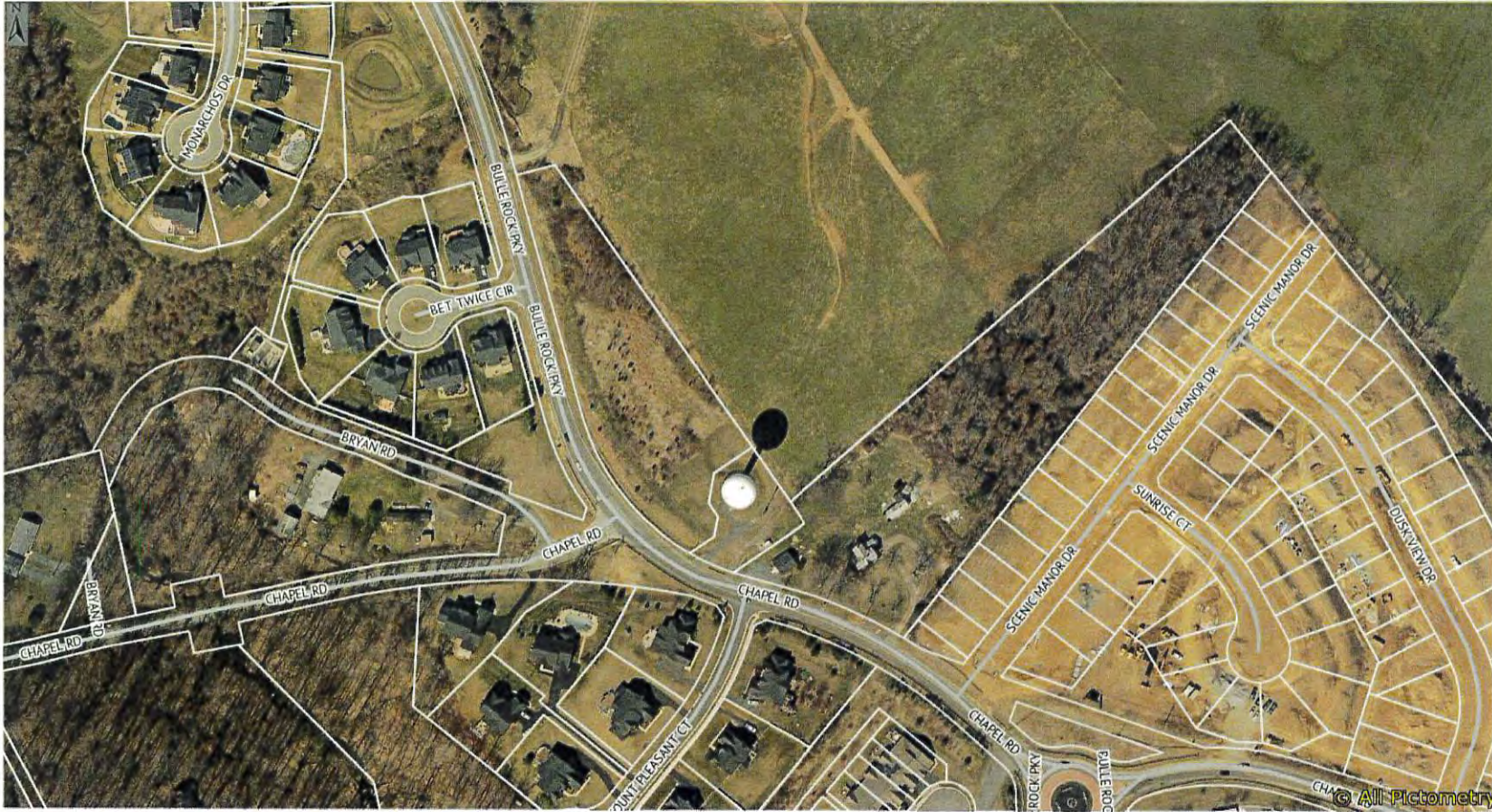
ATTACHMENT 7



Copyright 2012, Harford County Government



Attachment 8A - Patrone Property



Attachment 8B - Patrone Property



03/13/2017

ATTACHMENT 10

HISTORIC CONTEXT & PRESERVATION:

From the Comprehensive Plan, Chapter 3, The Plan narrative description:

"Sion Hill is a National Register Historic Landmark, which is the highest recognition that can be applied to any historic structure in the United States. The significance of this structure does not hinge only on the time period in which it was built and its architectural elements, but the significance of the family who inhabited it and their relationship to Revolutionary History, the War of 1812, and later military history. Maintaining the grounds around Sion Hill and Mount Felix (which is the structure that is located on the rise in the middle of the farm fields, and is also historically significant) is important in terms of preserving the context of these structures and the visual beauty of this entrance into the City. Future use as passive or active open space of the grounds is desired, with a careful preservation of historic structures."

Copies of the Land Use Plan and Comprehensive Plan Areas map are attached to this report (Attachments 3 & 4).

Sion Hill, HA-525

National Register; Historic American Building Survey; National Historic Landmark

Sion Hill is an inherently important for the City of Havre de Grace and our collective national history in that it was the home of Commodore John Rodgers, Naval hero of The War of 1812. His significance in building the nation's young Navy – from early wars with the Barbary Pirates through The War of 1812 and up to his time as the head of the then-created Board of Naval Commissioners in 1815 – cannot be overstated, where he was a critical player on a national stage for developing a solid, organized Navy. During the war, he was Instrumental in the defense of Baltimore and following it, according to architectural historian Christopher Weeks,

Rodgers used this post to establish naval hospitals in Philadelphia, Norfolk, Boston, New Your, and Pensacola, to organize the Depot of Charts and Instruments (which evolved into the Naval Observatory) and, possibly remembering his own on-the-job training, to pressure Congress to fund a professionally staffed naval academy at Annapolis.

He was the first of four generations of a Navy dynasty, and six vessels have been so-named for John Rodgers or subsequent family members. All were instrumental within their respective generation in making their own enduring marks in military and national history.

In addition to its importance as the home of Commodore Rodgers, this building is also representative of the broader historical development of Havre de Grace as an emerging town on the banks of the Susquehanna River immediately following the Revolutionary War. At the time that it was built in 1787, Havre de Grace was a newly laid-out town of two hundred acres during an exciting period of speculation and investment. Initially constructed by the Rev. John Ireland as a boy's seminary school for classical education, it was purchased by New England merchant Gideon Denison in 1795, who bought it and 1,800 acres around Havre de Grace in order to capitalize on its location in an era of canal planning and anticipated deep-water port access. This building directly reflects the era of speculation and optimism that took hold in this region as the young nation moved beyond the confines of the colonial era into a time of growth and mercantilism. It is through marriage to Denison's daughter, Minerva, that John

Rodgers comes to ownership and subsequent generations of the Rodgers' association with this substantial residence.

Detailed history of this structure can be found at:

<https://mht.maryland.gov/secure/medusa/PDF/Harford/HA-525.pdf>

An Architectural History of Harford County, Maryland, pp. 57-82. Christopher Weeks. 1996. The Johns Hopkins University Press.

[Two-story brick tenant house is c. 1790.]



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800
410- 575-7043

DEPARTMENT OF PLANNING MEMORANDUM

May 21, 2020

TO: Shane P. Grimm, AICP
Director of Planning

FROM: Volney Ford
Chair of Planning Commission

**Re: Green-Ianniello-Patrone
Single Concept Plan
Recommendations to Mayor and City Council**

At a public work session on May 19, 2020, the Planning Commission reviewed the Single Concept Plan that was submitted for the Green-Ianniello-Patrone in accordance with the requirements of Annexation Resolution No. 277. Mr. Grimm, Director of Planning, provided the Commission with information on the annexation and zoning history of the subject properties, the approval process, and addressed concerns from residents of the adjacent Scenic Manor community. Mr. Grimm also answered questions from the Commission. In addition, the Commission heard from the property owners and their representatives, and the Commission asked questions about their respective development projects. After hearing from Mr. Grimm and the property owners and representatives, the Commission discussed recommendations to be included with the Department of Planning's Staff Report that will be forwarded to the Mayor and City Council. The following recommendations were made by the Commission:

1. Alternative locations for the required connection of the Lower Susquehanna Heritage Greenway trail from MD Route 155 to Chapel Road should be considered. The Commission recommends that a portion of the trail be located adjacent to the Maryland Environmental Trust (MET) easement on the Ianniello Property before traversing the Green Property to connect at a point along Chapel Road.
2. The Commission recommends that the area labeled as "To Be Determined" be modified by making the tributary stream the boundary between residential and commercial uses.
3. The Commission recommends that the extension of Scenic Manor Drive be designed in a manner that discourages cut-through traffic from the proposed development, and encourages the use of other points of access proposed along Bulle Rock Parkway.

4. The Commission recommends that the future developer of the Patrone property retain the maximum amount of vegetation possible to create an undisturbed buffer from the proposed development and the existing homes along the west side of Scenic Manor Drive.
5. The Commission recommends that the condition of Annexation Resolution relating to the distribution of uses, with no more than 2/3 of the property devoted to any one use, not be removed or modified.

AC ISHAK LAW LLC

APRIL C. ISHAK, ATTORNEY AT LAW
224 NORTH WASHINGTON STREET
HAVRE DE GRACE, MD 21078

ADMITTED IN MD AND DE
833-ACISHAK OR 833-224-7425
APRIL@ISHAKLAW.COM

December 6, 2018

Peter Ianniello
2000 Level Road
Havre de Grace, MD 21078

Jonathan Green
1516 Berwick Road
Towson, MD 21204

RE: Open Space Requirements for Green/Ianniello/Patrone Properties

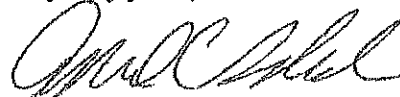
Dear Peter and Jonathan:

This letter is a follow up to your prior meeting with the City Council's Administrative Committee and a formal response to inquiries regarding the open space requirements of the above annexed properties.

Under Annexation Resolution 277 (As Amended) ("Resolution 277") at page 4, the development of the annexed Ianniello/Patrone/Green properties requires that prior to the submission of a site plan, a single concept plan is submitted showing "proposed uses with not less than one quarter of the Property used for open space . . ." The "Property" refers to the First 2014 addition to the City boundaries as set forth in Exhibit A to Resolution 277 and is described as 244.372 acres of land belonging to Ianniello, Patrone and Green, which includes the Green parcels subject to the Maryland Environmental Trust easement ("MET Easement"). Thus, under a plain reading of Resolution 277, the MET Easement parcels can be counted toward the open space requirement for the entire 244.372-acre property under Resolution 277.

Please let me know if you have any questions.

Very truly yours,



April C. Ishak

/aei

Cc: William T. Martin, Mayor
Patrick D. Sypolt, Director of Administration
Stephen Gamatoria, Chief of Staff
Teresa Gardner, Director of Department of Public Works
Shane Grimm, Deputy Director of Planning

ATTACHMENT 12

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. _____

Introduced by _____ Council Member Ringsaker

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF
ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL
GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER,
FOR THE PURPOSE OF AMENDING SECTIONS 1, 2, 3, 4, 6, 7, 8 TO MAKE
CERTAIN TECHNICAL AND GRAMMATICAL CORRECTIONS AND TO ADD
SECTION 127-10 FOOD TRUCK REQUIREMENTS OF THE CITY CODE
CHAPTER 127 TITLED PEDDLING AND SOLICITING**

On: 7/20/2020

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for 8/3/2020 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

31 **WHEREAS**, the Mayor and City Council desire to amend the Peddling and Soliciting
32 Chapter 127 of the City Code for technical and grammatical corrections; and
33

34 **WHEREAS**, the Mayor and City Council desire to add Section 127-10 Food Truck
35 Requirements to the Peddling and Soliciting Chapter 127 of the City Code;
36

37 **NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:**
38

39 1. Chapter 127 of the City Code shall be amended and added to as follows:
40

41 § 127-1 **Definitions.**

42 As used in this chapter, the following terms shall have the meanings indicated:

43 **FOOD TRUCK OPERATOR**

44 Includes any vendor that sells any sort of food product for consumption in the City limits from a
45 truck, trailer, mobile smoker/grill or pull-behind cart such as a hot dog cart.

46 **HAWKER**

47 A peddler who sells his/her wares by outcry in the streets and public places.

48 **ITINERANT VENDOR or TRANSIENT MERCHANT**

49 A person who is established[s] [himself] in business in the City with the intention and
50 determination to remain for a short period of one or more weeks or months, or until a
51 particular stock of merchandise is disposed of or until the local market for the commodity
52 handled by the dealer has been exhausted, and who, for such limited period, engages or
53 occupies a lot of ground or the improvements thereon or a part thereof for the exhibition and
54 sale of his goods or wares

55 **PEDDLER**

56 A person who goes from place to place and/or from house to house carrying for sale and/or
57 exposing for sale goods, wares and merchandise which he/she carries; or a vendor of goods
58 who sells and delivers to customers the identical goods which he/she carries. [with him]

59 **PERSON**

60 An individual, corporation, business trust, estate trust, partnership, association, two or more
61 persons having a joint or common interest or any legal or commercial entity.

62 **SOLICITOR**

63 A person who, going from person to person, house to house, or place to place, seeks orders,
64 subscriptions, contributions or any other kind of support, or who, without necessarily
65 having the intention of making a direct sale, distributes literature, pamphlets, handbills,
66 samples and the like for commercial purposes.

67 § 127-2 **Licenses required.**

68 A. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, [or]

solicitor, or food truck operator to operate within the limits of the City without a license issued by the Director of Planning. **[Mayor and City Council of Havre de Grace.]**

- B. It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, **[or]** solicitor, or food truck operator to operate within any area for which an area license has been granted, including any area for which an approved City special event permit has been granted, unless such person operates pursuant to the area license. Area licenses shall be issued in accordance with §127-6B of this chapter. [Amended 3-20-2017 by Ord. No. 987]

§ 127-3 Application and issuance of licenses.

A. Application requirements.

- (1) Applications for a vendor's or solicitor's license may be obtained from the **[City Manager]** Department of Planning.
- (2) Application for a vendor's or solicitor's license may require such information and proof of identification as the Director of Planning **[Chief of Police and the City Manager]** may deem appropriate.
- (3) Applications may require the disclosure of location of the permanent residence of all persons operating pursuant to the license.

B. The Director of **[Economic Development and]** Planning shall issue the license applied for after:

- (1) The applicant provides the information as requested by the application and any further information requested by the **[Chief of Police]** Planning Director as may be necessary in the judgment of the Planning Director **[Chief of Police]** to identify persons or vehicles operating pursuant to the herein required license.
- (2) The applicant pays the required license fee.
- (3) **[The application is approved by the Mayor and City Council.]** At the discretion of the Director of Planning, applications may be referred to the Mayor and City Council at any time for final determination.

§ 127-4 Form of license; display upon demand.

The license shall be in a form to be determined by the Director of Planning **[City Manager]**. The form of the license may vary with the type or class of license. The license shall state the date of issue, the date of expiration and the limits of the area of operation. Anyone to whom a license is issued shall present the license to any person for inspection upon demand.

§ 127-5 Fees; bond.

Fees for such licenses shall be as set by the Mayor and City Council from time to time. Fees shall

be based upon the number of persons, vehicles and days of operation. The Mayor and City Council may require the posting of cash or other appropriate bond to insure compliance with the provisions of this chapter.

§ 127-6 **Classification of licenses. (excluding Food Trucks – see Section 127-10)**

A. Individual licenses.

(1) A one-year license shall permit up to two persons and one vehicle to operate within the City for a period of one year. Additional persons and vehicles may operate pursuant to any such license for an additional fee.

(2) A six-month license shall permit up to two persons and one vehicle to operate within the City for a period of six months. Additional persons and vehicles may operate pursuant to any such license for an additional fee.

(3) A daily license shall permit up to two persons and one vehicle to operate within the City for a period of one day. Additional persons and vehicles may operate pursuant to such license for an additional fee.

B. Area licenses. An area license shall be issued for three or more itinerant vendors or transient merchants who will operate in a defined area for the period specified in the license. The license shall be issued to a person, the licensee, who shall determine and make available to the Director of Planning **[Chief of Police]** the name and address of all merchants operating pursuant to the license. The licensee shall be responsible for any violation of this chapter.

C. Group licenses. A group license shall be issued for 20 or more persons who will operate within the City limits for a period specified in the license. The license shall be issued to a person, the licensee, who shall determine and furnish the names and addresses of all persons to operate pursuant to the license prior to the issuance of the license. The licensee shall be responsible for any violation of this chapter.

§ 127-7 **Exceptions.**

A. All persons engaged in a business or occupation for which they are required to obtain a state license shall be exempt from the fees imposed under § 127-5 hereof provided that application is made for a license, and the requisite state license is presented for inspection by the Director of **[Economic Development and]** Planning prior to issuance of the license required herein.

B. Nothing in this chapter shall apply to hawkers, peddlers, itinerant vendors, transient merchants, **[or]** solicitors or food truck operators while dealing in oysters and fish in their unpreserved and natural condition or fresh fruits, vegetables or other country produce or home produce, provided that the seller is the grower, harvester or home producer thereof.

§ 127-8 **Hours of operation.**

It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, [or] solicitor or food truck operator to operate within the City of Havre de Grace between the hours of 8:00 p.m. and 8:00 a.m.

§ 127-9 **Violations and penalties.**

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

§ 127-10 **Food truck requirements.**

A food truck operator must comply with the following requirements to operate within the Havre de Grace City Limits:

A. <https://ecode360.com/30009192> - 30009192Licenses

- (1) Food truck operators must possess a current Harford County Health Department license
- (2) Food truck operators must possess a current insurance certificate and be in good standing with the State of Maryland
- (3) Food truck operators must obtain a license to operate at one of the City's approved locations. (Exhibit A)
 - i. Four spaces at Hutchins Park
 - ii. Three spaces at the North Park (Conestee Street loop)
- (4) Food truck operators may operate on private property, but must have in their possession a signed written document from the property owner providing permission to operate and a current Harford County health department license.
- (5) Food truck operators must keep the area within a twenty-five-foot radius of his/her truck free of trash and food scraps.
- (6) Food truck operators will not conduct business in a residentially zoned portion of the City.
- (7) Food truck operators will not display any signature other than what is lettered on his/her or her food truck and up to two sandwich- style boards or similar signs for the purpose of posting a food menu. Such sandwich board signs must be located no farther than 15 feet from the food truck.
- (8) Food Truck's operators must be self-contained, meaning that all water, wastewater and electric shall be produced and managed by the food truck.

(9) Waste cooking oil shall be removed by the operator daily.

B. License Term and Conditions

(1) A license shall be issued under this Chapter for a period of 90 Days. The license shall be \$50.00 per 90 day period per truck.

i. Locations will be assigned on a first come-first serve basis.

(2) Renewals will only be accepted within 5 business days of an expiring license.

C. Approved City Special Events

(1) Any approved City Special Event, whereby a food truck operator wishes to participate will require a separate participation fee.

Signed by the Mayor and attested by the Director of Administration this _____ day of _____, 2020.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 7/20/2020

Public Hearing:

Second Reading/Adopted:

Effective Date:

Legislative History

Ordinance No. 987, enacted 3/20/2017

Ordinance No. 732, enacted 6/5/1989

Ordinance No. 604, enacted 1/5/1981

Ordinance No. 506, enacted 7/6/1959

Ordinance No. 463, enacted 4/19/1948

Ordinance No. 408, enacted 3/2/1936

Ordinance No. 270

Ordinance No. 188 enacted 12/18/1905

Exhibit A



209



210

Chapter 127 - Peddling and Soliciting

Suggestions from Chuck Maslin - 410-459-6463

These suggestions are based on the proposed changes as provided to me on 7/7/21

127-10 Food Truck Operator

Proposed: "Includes any vendor that sells any sort of food product for consumption in the City limits, from a truck, trailer, mobile smoker/grill or pull-behind cart such as a hot dog cart.

Consider This: "Includes any operator that sells or gives away any sort of food or beverage product for individual consumption, from any form of food truck, trailer, mobile smoker/grill or push cart, bicycle vending unit, golf cart, or any other transient or mobile food operation." Any operator who seeks to conduct business in any location other than directly adjacent to its local Havre de Grace business property, must comply with Section 127-10.

127-7 end of line 1 add:*after* state license.."other than Health Department licenses"...

Comment: This removes a possible loophole that could result in not having to pay fees under certain licensing scenarios.

127-7B do not include food trucks in this exemption.

127-8 Hours of Operation.

Proposed: "It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, solicitor or food truck operator to operate within the City of Havre de Grace between the hours of 8:00 pm and 8:00 am.

Consider This: "It shall be unlawful for any peddler, hawker, itinerant vendor, transient merchant, solicitor to operate within the City of Havre de Grace between the hours of 8:00 pm and 8:00 am or for any food truck operator to operate within the City of Havre de Grace between the hours of 12:00 am and 7:30 am. No food truck is permitted to park overnight within the designated food truck spaces.

Comment: This allows the possibility of operating during some prime hours which could encourage more late night patronage at local businesses. This will not interfere with residential areas as the food truck locations are strictly controlled.

127-10 A

a - Looks good!

b - Looks good!

c - Consider This: "Food truck operator's must obtain a license to operate at *any* of the City's approved locations. (Exhibit A)

c - Consider This: Hutchins Park is a decent location North park is probably never going to get used in the foreseeable future as it will not have the necessary customer count. If you want to make this work, add some spots by Tydings Park, or consider putting 2 spots at David Craig Park.

f - Delete: Does not need to be there. You have covered this when you limited the locations.

g - Proposed: "Food truck operator's will not display any signature other than what is lettered on his/her or her food truck and up to two sandwich-style boards or similar signs for the purpose of posting a food menu. Such sandwich board signs must be located no further than 15 feet from the food truck.

I really am not sure what that means, lol

Consider This: "All food truck operators are required to display legible signage stating all prices. All signage must be attached to the food truck with the exception of 2 sandwich board menus which must be placed within 15 feet of the food truck and not blocking the sidewalk or other food trucks.

h. Proposed: "Food truck operators must be self contained, meaning that all water, wastewater and electric shall be produced and managed by the food truck

Consider this: "Food truck operators must be self contained. No food trucks are permitted to connect to City water, electric or sewer and must remove all trash, waste water and used cooking oil from the premises

i. ***Remove this as covered above***

B. License Term and Conditions

Proposed: "It A license shall be issued under this Chapter for a period of 90 days

The license shall be \$50.00 per 90 day period per truck

i. Locations will be assigned on a first come -first serve basis.

b. Renewals will only be accepted within 5 business days of an expiring license.

Comment: this has several implications that could become a problem. For one, it allows City employees to determine who is allowed to participate.

Consider This: "It A license shall be issued under this Chapter for a period of 90 days

a. The license shall be \$50.00 per 30 day period per truck, or \$150.00 per year per truck.

b. The purchase and possession of a City license does not promise or guarantee an available food truck parking space on any particular day.

c. Locations will be available on a first come -first serve basis. No food trucks can park between the hours of 12:30 am and 7:00 am.

C. Approved City Special Events.

Proposed: \a. Any approved City Special Event, whereby a food truck operator wishes to participate will require a separate participation fee.

Consider this: "a. No provisions of this Chapter shall apply in any way to food trucks operating at any approved City Special Events

Comment: This is not needed, if denied it goes to Board of Appeals. No criteria listed for sending to Council. Why would Council want to get involved in the approval process?



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800

DEPARTMENT OF PLANNING MEMORANDUM

July 15, 2020

TO: Steve Gamatoria
Chief of Staff

FROM: Shane P. Grimm, AICP
Deputy Director of Planning

**Re: 351 Bourbon Street - License Agreement
Porch in Right-of-Way
Permit No. 20200324**

The Department of Planning has received a building permit application for the construction of a covered porch at 351 Bourbon Street within the City right-of-way. The proposed porch will encroach approximately 2-feet into the right-of-way. The steps will encroach an additional 1 to 2-feet. The Department has no objection to the request. Most of the dwellings in this area of Bourbon Street have existing front porches, with the majority of them being partially or fully located in the right-of-way. The proposed porch would be in keeping with other porches found throughout the City and would complement the dwelling. Similar license agreements have been approved by the Mayor and City Council, most recently at 700 Market Street. The Department of Public Works has reviewed the request and has no objections or comments. The proposed porch does not appear to conflict with any utilities. I have reviewed the permit application with the Planning Committee, and they have no objections or comments as well.

The Department recommends the following conditions be included should the Mayor and City Council approve the request:

1. The porch shall extend no more than 4-feet into the right-of-way.
2. The porch shall be maintained in good condition at all times.
3. The City reserves the right to require the owner to remove the porch at any time at the owner's sole expense.

351 Bourbon Street - License Agreement
Porch in Right-of-Way
Permit No. 20200324

4. Prior to construction of the porch, the applicant shall contact Ms. Utility to ensure that no utilities will be impacted. The report shall be forwarded to Ms. Marisa Willis.
5. The subject property is located within the Chesapeake Bay Critical Area. Mitigation must be provided for the new impervious surface in the form of 1 tree per 100 square feet of impervious surface, or 3 shrubs per 100 square feet. The applicant shall provide the Department of Planning with a basic planting plan indicating the number and species to be planted. All plants shall be native species.

cc: Joe Conaway, DPW
Jeff Keithley, DPW
Marisa Willis, CFM, Planning Technician
Colleen Critzer, Permits Clerk



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078
WWW.HAVREDEGRACEMD.COM

410- 939-1800
410- 575-7043

LICENSE AGREEMENT

This AGREEMENT is made this ____ day of _____, 2020, between the Mayor and City Council of Havre de Grace, Maryland ("City"), and Adrienne Barclay ("Licensee").

WHEREAS, the Licensee is the owner of the property located at 351 Bourbon Street in Havre de Grace, Maryland; and,

WHEREAS, the Licensee has completed a permit application and seeks permission to encroach on City right-of-way for the construction of a covered porch; and,

WHEREAS, construction of the fence in accordance with the description in the permit application will not adversely impact the right-of-way; and

WHEREAS, the installation of the fence will promote the health, safety, and welfare of the public and serve the City's general purposes; and

WHEREAS, City Council has approved the general terms of the License Agreement and has authorized the Mayor to execute such License, which shall become binding upon the Mayor's signature.

NOW THEREFORE, in consideration of the promises contained herein, the parties agree as follows:

1. Property.

The City grants to the Licensee a license to encroach into the right-of-way for Bourbon Street at 351 Bourbon Street.

2. Terms of Use.

Licensee agrees:

- a. The porch shall extend no more than 4-feet into the right-of-way.
- b. The porch shall be maintained in good condition at all times.
- c. The City reserves the right to require the owner to remove the porch at any time at the owner's sole expense.
- d. Prior to construction of the porch, the applicant shall contact Ms. Utility to ensure that no utilities will be impacted. The report shall be forwarded to Ms. Marisa Willis.
- e. The subject property is located within the Chesapeake Bay Critical Area. Mitigation must be provided for the new impervious surface in the form of 1 tree per 100 square feet of impervious surface, or 3 shrubs per 100 square feet. The applicant shall provide the Department of Planning with a basic planting plan indicating the number and species to be planted. All plants shall be native species.

3. Indemnity.

The Licensee shall indemnify and save harmless the City and its employees and agents from all claims and demands, suits, actions, loss, damages, recoveries, judgments, costs and expenses in any manner arising out of or in connection with any injury, death, loss, or damage related to the Licensee's use of the right-of-way, the Licensee's conduct, or the Licensee's breach of the Agreement.

4. Restoration.

The Licensee shall be responsible for all costs or expenses to restore the City right-of-way after termination of the permitted use. The City may undertake the restoration and all costs and expenses shall be assessed against the Licensee and the property owner, and such costs will become a lien on the property until fully paid.

5. Maintenance.

The Licensee shall maintain any facility or object in, above, or in the City right-of-way and related to the use in a manner that is attractive, clean, safe, workmanlike, and in good repair. The Licensee shall insure that the facility or object in, above, or in the City right-of-way related to the use is in compliance with all applicable federal, State, County and City laws, rules, ordinances, or regulation which are hereby incorporated into this Agreement.

6. Term

This Agreement shall remain in force for a period of ten (10) years, from the above date unless the City terminates or modifies this Agreement. In its sole discretion, the City may renew or extend this Agreement upon the request of the Licensee.

7. Permitted Use.

The temporary permitted use allowed by this Agreement is limited to the following: *use of a portion of the Bourbon Street right-of-way for a covered porch*. Any disagreement between the parties about the type of use, the location of the use, or any special conditions required, shall be resolved by the City in its sole discretion.

8. Entire Agreement.

The Parties agree that this document contains the entire Agreement.

9. No Waiver

The Licensee agrees that the City's failure to enforce any of the terms herein shall not constitute a waiver.

10. Venue/Choice of Law

This is a Maryland contract and the parties hereto agree that the laws of Maryland shall apply to any disputes arising under the License. Harford County is the sole venue for any dispute.

11. No Assignment

This License may not be assigned by the Licensee without the express written consent of the City, which consent shall not be unreasonably withheld if the proposed assignee continues the current use of the property for the remainder of the License term.

12. Specific Enforcement/Breach of Contract/Attorneys' Fees

In any legal action to enforce the terms of this License, for declaratory action, or to recover damages for breach of the terms of this License filed by any party, the City shall be entitled to recover reasonable attorneys' fees and costs from the Licensee or its successor or assigns for its successful prosecution or defense of such claims.

WITNESS our hands and seals.

WITNESS/ATTEST:

LICENSEE: _____

Signature

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL OF HAVRE DE
GRACE, MARYLAND

Patrick D. Sypolt
Director of Administration

William T. Martin, Mayor

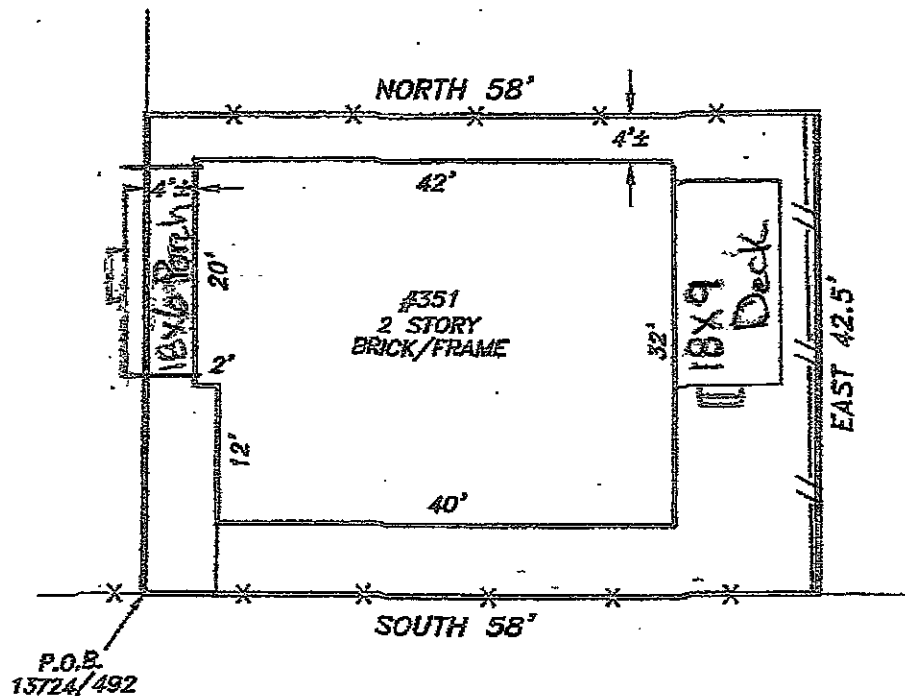
APPROVED AS TO LEGAL SUFFICIENCY:

April C. Ishak, City Attorney

THIS LICENSE AGREEMENT RELATES TO

PERMIT # _____, IF APPLICABLE

BOURBON STREET
70' R/W



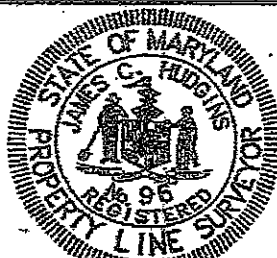
STRAWBERRY ALLEY

The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as:
351 BOURBON STREET
as described in a deed
recorded among the land records of Harford County, Maryland in
Liber 13724, folio 492

PREPARED FOR:

SACE
TITLE GROUP

This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.



James Carl Hudgins
Property Line Surveyor #96
Expiration Date: 3/11/2022

LOCATION DRAWING
351. BOURBON STREET
6th ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 20'
Date: 4/13/2020
Field By: CP
Drawn By: CP
File No.: 285775BEAS
Page No.: 1 of 2