

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1137 concerning Amending Chapter 20 Annexation Policy and Procedure**
(Public Hearing)

Date: **1/3/2024**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by January 16, 2024**
- In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment
Comment: _____

Casi Boyer Yes No No Comment
Comment: _____

Vicki Jones Yes No No Comment
Comment: _____

Jim Ringsaker Yes No No Comment
Comment: _____

Jason Robertson Yes No No Comment
Comment: _____

Tammy Lynn Schneegas Yes No No Comment
Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1137

Introduced by _____ Council Member Schneegas

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, 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 TO AMEND CHAPTER 20 ANNEXATION POLICY AND PROCEDURE

On: 1/2/2024

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for January 16, 2024 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.

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32 Pertinent sections of City Code Chapter 20-2 are amended below with additions shown as
33 underlined, and deletions shown within **[bold brackets]**.

34
35 20-2 Procedures.

36
37 **B. Annexation Procedures for Petitions Involving More Than Ten Acres or Causing a Potentially**
38 **Significant Burden on Municipal Services**

39
40 In addition to meeting the requirements of Section A above, Annexation requests by property
41 owners for properties that incorporate ten (10) or more acres, or are determined by the Director
42 of Planning to create a potentially significant burden on municipal services or public facilities,
43 the following additional procedures shall govern the annexation:

44
45 (1) **[C.]** Petition preliminary review. Within 90 days following the date of the filing of a
46 petition with all required attachments, the Director of Planning shall conduct a preliminary
47 review of the petition with the petitioner(s), or the petitioner's representative, and the
48 Director of the Department of Public Works. Prior to beginning the review, the Department
49 of Planning shall inform the petitioner(s), in writing, of the date when the petition and all
50 required attachments have been provided and accepted. Based upon this review, the
51 Director of Planning may direct the petitioner to submit additional information within a
52 thirty (30) day period or to take other reasonable steps with regard to the petition, including:

- 53 a) **[(1)]** Supplementation of the information required to be submitted in the petition.
54 b) **[(2)]** Provision for a study by an independent consultant selected by the City and the
55 petitioner to evaluate the information submitted in support of the petition and to
56 determine the fiscal impact of the annexation on the City.
57 c) **[(3)]** Provision for any other studies necessary for the proper consideration of the
58 petition.
59 d) **[(4)]** Additional mailing, posting, or advertising notice requirements.

60
61 (2) **[B.]** Community Informational Meeting (CIM). Within 45 days **[prior]** after **[to]** the date
62 of the preliminary petition review [filing date], the petitioner shall hold a CIM. This
63 meeting will be facilitated by the property owner, developer or their respective
64 representatives and held at a public location (library, City Hall, etc.) adequate to serve the
65 expected turnout of residents. The meeting shall be advertised by a posting on the property
66 or properties at each public road frontage. Notice of the CIM shall also be sent to all
67 property owners within a 1,000 foot radius of the subject property by U.S. first class mail.
68 The City shall advertise on the City website and public notice board at City Hall the date
69 of the CIM upon notification by the property owner, developer, or their representative at
70 least 10 days prior to the date of the CIM. At a minimum, all documents included in the
71 petitioner's filing shall be made available for review at the CIM. The City will provide
72 copies of all documents on the City's website. Within 45 calendar days after the CIM, the
73 developer shall submit a list of attendees and minutes of the meeting. The Department of
74 Planning may require that the meeting be livestreamed, recorded and/or subsequently
75 transcribed by a court reporter [of the meeting].

76 (3) **[D.]** Petition review by Planning Commission.

- 77
- 78 a) **[(1)]** Upon completion of the petition review and CIM discussed in the subsections
- 79 herein, the Director of Planning shall incorporate any changes and forward the revised
- 80 petition package to the Planning Commission for review at the next scheduled Planning
- 81 Commission meeting. The Director of Planning shall also provide a staff report
- 82 detailing the procedures that have taken place and the results of any meetings, studies
- 83 or other pertinent information. The Director shall advertise the agenda of the Planning
- 84 Commission on the City webpage and public notice board at City Hall. The petitioner
- 85 shall supply **[10 copies and one]** a digital-format copy of the completed petition
- 86 package to the Director of Planning prior to this submittal.
- 87
- 88 b) **[(2)]** The Planning Commission will review the petition for annexation and take public
- 89 comment during its scheduled meeting.
- 90
- 91 c) **[(3)]** The Planning Commission shall submit its recommendation to the City Council
- 92 within 60 days of the Planning Commission meeting.
- 93

94 **C. [E.]** Payment for processing and review.

- 95
- 96 (1) The petitioner shall be responsible for payment for all studies required by the Director of
- 97 Planning and reimbursement of all staff and attorney time necessary for review of the
- 98 petition and all studies. Upon filing the petition, the Petitioner shall place \$5,000 in escrow
- 99 with the City to use for processing, review, and legal fees. The Petitioner will receive
- 100 invoices monthly for the amount of escrow used during the previous month. The Petitioner
- 101 shall contribute monthly to the escrow an amount necessary to maintain the \$5,000
- 102 minimum escrow balance. Payment to replenish the escrow balance shall be paid within 15
- 103 days of receiving the invoice. Any amounts remaining in escrow upon completion of the
- 104 annexation process will be returned to the Petitioner.
- 105
- 106 (2) City staff shall keep an accounting of their time spent on the annexation review reflecting
- 107 the hourly rate of each employee established by the City.
- 108

109 **D. [F.]** Adoption of Annexation Plan

110 Consistent with §4-415 of the Local Government Article of the Annotated Code of Maryland,
111 the City Council shall adopt an annexation plan which shall be open to public review and
112 discussion at a public hearing.

114 **E. [G.]** Public Hearing

- 115
- 116 (1) When the petitioner has complied with the requirements as specified by the Director of
- 117 Planning following the review and the annexation petition has been prepared and
- 118 distributed, the City Council shall introduce an annexation resolution and conduct a public
- 119 hearing with regard to the proposed annexation at the time and place as shall be established
- 120 by it.
- 121

- 122 (2) The hearing shall be conducted and a record of the proceedings shall be preserved in a
123 manner as the City Council prescribes.
124
- 125 (3) A description of the annexation and a notice of the time and place of the hearing shall be
126 published as specified in §4-406 of the Local Government Article of the Annotated Code
127 of Maryland.
128
- 129 (4) At the hearing, the recommendation of any board, commission, or agency shall be
130 considered as evidence.
131

132 F. **[H.]** Conditions.

133 In acting favorably with regard to the petition, the City Council may include in its resolution
134 such conditions and restrictions as are deemed necessary for the protection of the public
135 interest, economic development, furtherance of the health, safety, and welfare of the residents
136 of the City and to secure compliance with any relevant legal standards or requirements.
137

138 G. **[I.]** Annexation Agreement

139 (1) The City Council may, prior to voting on the resolution, enter into an annexation agreement
140 with persons and entities that are petitioners in the annexation petition. Only those
141 petitioners that agree to be responsible to the City for performance of contractual or
142 financial commitments, or that promise community benefits, are required to be a party to
143 the agreement.
144

145 (2) The City Council shall hold a public hearing on the proposed agreement prior to the City's
146 final approval and execution of the agreement and before taking a vote on the annexation
147 resolution. The copies of the proposed agreement shall be made available to the public at
148 City Hall no later than 10 calendar days prior to the public hearing.
149

150 (3) The effective date of the agreement shall be the date that the approval of the annexation
151 resolution by the City Council becomes final. Upon the annexation resolution becoming
152 final, the agreement shall be binding upon the parties thereto, their heirs, successors,
153 grantees, and assigns.
154

155 (4) The annexation agreement shall be recorded by the City in the land records of Harford
156 County, Maryland, within 30 days of the date the annexation resolution becomes final.
157

158 H. **[J.]** Zoning

159 In acting favorably with regard to the petition, the City Council shall designate the zoning
160 classification of the annexed land as provided for in this Chapter and in other applicable laws,
161 ordinances, regulations, and procedures related to zoning of annexed land.
162

163 I. **[K.]** Approval or rejection

164

165 (1) No property shall be annexed except by a favorable vote of a majority of the members of
166 the City Council.
167

168 (2) The City Council may reject the petition for any reason. The City Council is not required
169 to make any finding of fact in the event it rejects the petition.
170

171 J. [L.] Other applicable law.

172 This procedure is in addition to any other provisions of the City Charter and Code of the City
173 of Havre de Grace and of the Annotated Code of Maryland that govern annexation and the
174 development of land.
175

176 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the
177 foregoing amendments are hereby approved.
178

179 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2024.
180

181 SIGNED by the Mayor and attested by the Director of Administration this ___ day of _____,
182 2024.
183

184 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

185 _____
186 Stephen J. Gamatoria
187 Director of Administration
188

William T. Martin
Mayor

189 Introduced/First Reading: 1/2/2024

190 Public Hearing:

191 Second Reading/Adopted:

192 Effective Date:
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