



City of Havre de Grace

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410-939-1800

WWW.HAVREDEGRACEMD.COM

Public Notice

Havre de Grace City Council Meeting

PLACE: City Council Chambers
City Hall
711 Pennington Avenue
Havre de Grace, Maryland 21078

TIME: 7:00 p.m.

DATE: Monday, September 18, 2023

The public may attend the meeting or view it live by visiting the City of Havre de Grace website at www.havredegracemd.com and click on the City YouTube Videos tab. The video will be available to view on the website immediately following the meeting.



COUNCIL MEETING AGENDA

September 18, 2023

711 Pennington Avenue, Havre de Grace, Maryland

7:00 p.m.

Public Hearing on Charter Resolution No. 295 concerning Amending Sections Pertaining to the Department of Economic Development

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, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19 TO AMEND CITY CHARTER SECTIONS 18 C., 83 AND 84; GENERALLY PERTAINING TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT; RETITLING THE DEPARTMENT OF ECONOMIC DEVELOPMENT, RETITLING THE POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT, AMENDING THE DUTIES OF THE DIRECTOR OF ECONOMIC DEVELOPMENT

Public Hearing on Ordinance No. 1121 concerning Authorizing a Lease Agreement with Chesapeake Heritage Conservancy for the Skipjack Martha Lewis

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, 34 AND 36 OF THE HAVRE DE GRACE CITY CHARTER TO APPROVE A DOCK LEASE BETWEEN THE CITY AND CHESAPEAKE HERITAGE CONSERVANCY, INC. FOR USE OF THE HUTCHINS PARK PIER

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer: Rev. Gene Proud, Proud Evangelistic Association
5. Approval of the Minutes:
 - A. City Council Meeting Minutes – September 5, 2023
6. Comments from Citizens
7. Appointments:
 - A. Youth Commission (CM Robertson)
 - i. Matthew Ellis – Appointment
8. Oath of Office (Administered by Mayor Martin)
 - A. Youth Commission
 - i. Matthew Ellis
9. Recognitions: None

10. Proclamations: None

11. Presentations:

- A. Havre de Grace Youth Commission (Tracy Robertson)

12. Resolutions: None

13. Ordinances:

- A. **Ordinance No. 1118 concerning Amending City Code 120: Nuisance pertaining to Graffiti: Second Reading (CM Boyer)**
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 CITY CODE SECTION 120: NUISANCE
- B. **Ordinance No. 1119 concerning Approving a Deed Transferring Surplus Property to Habitat for Humanity Susquehanna, Inc.: Second Reading (CP Ringsaker)**
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 SECTION 75 TO APPROVE A DEED TRANSFERRING SURPLUS PROPERTY TO HABITAT FOR HUMANITY SUSQUEHANNA, INC.
- C. **Ordinance concerning Amending Section 97 Historic Preservation pertaining to Historic Designation and Other Amendments: First Reading (CM Jones)**
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 CITY CODE SECTION 97 HISTORIC PRESERVATION
- D. **Ordinance concerning Approving Budget Amendment 2024-02 to Establish the Annual Maintenance Program for the City's Living Shoreline: First Reading (CM Robertson)**
AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024 TO ESTABLISH THE ANNUAL MAINTENANCE PROGRAM FOR THE CITY'S LIVING SHORELINE
- E. **Ordinance concerning Approving Budget Amendment 2024-03 to Automate the Meter Vault on Route 40: First Reading (CM Robertson)**
AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024 TO AUTOMATE THE METER VAULT ON ROUTE 40

14. Old Business: None

15. New Business:

- A. Special Events (Dr. Ricci)
 - i. Havre de Grace High School Homecoming Parade, October 27, 2023
5:00 p.m.-5:30 p.m., Congress Avenue from Hutchins Park to Juniata Street

16. Directors Report:

- A. Dr. Chris Ricci – Deputy Director of Administration
- B. Mr. Tim Bourcier – Director of Planning
- C. Ms. Bridgette Johnson – Director of Economic Development & Tourism
- D. Mr. George DeHority – Director of Finance
- E. Mr. EJ Millisor – Director of Public Works
- F. Chief Teresa Walter – Chief of Police

17. Business from Mayor Martin

18. Business from Council:

- A. Council Member Robertson
- B. Council Member Boker
- C. Council Member Jones
- D. Council Member Boyer
- E. Council Member Schneegas
- F. Council President Ringsaker

19. Adjournment

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Charter Resolution 295 concerning Amending Sections
pertaining to the Department of Economic Development
(Public Hearing)**

Date: **8/22/2023**

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 September 18, 2023

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

CHARTER AMENDMENT RESOLUTION NO. 295

Introduced by Council Member Robertson

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, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19, TO AMEND CITY CHARTER SECTIONS 18 C., 83 AND 84; GENERALLY PERTAINING TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT; RETITLING THE DEPARTMENT OF ECONOMIC DEVELOPMENT, RETITLING THE POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT, AMENDING THE DUTIES OF THE DIRECTOR OF ECONOMIC DEVELOPMENT

On: August 21, 2023

at: 7:00 p.m.

Charter Amendment Resolution introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for September 18, 2023 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 **NOW, THEREFORE**, it is determined, decided, and resolved by the City Council that the
32 foregoing is hereby approved.

33
34 1. Section 18 C. of the City Charter is to be amended as follows, with the words underscored to
35 be added and the words in bold and brackets to be deleted.

36
37 C. The Mayor, with the approval of the City Council, shall appoint or hire a Director of
38 Administration, Chief of Police, Director of Public Works, Director of Economic
39 Development and Tourism, Director of Planning, Director of Finance and a City Attorney
40 and such other officers as the Charter, resolutions or ordinances of the City may provide.
41 The Mayor, after a hearing to consider charges of neglect or a violation of duties of office,
42 shall have the power to remove officers, with the approval of the City Council and shall
43 appoint others in their stead, subject to the City Council approval. The Mayor shall receive
44 an annual salary as set forth from time to time by an ordinance passed by the City Council
45 in the regular course of business. Any proposed change to the Mayor's salary requires voter
46 approval at a regular City election and is effective at the beginning of the next fiscal year.

47
48 2. Section 83 of the City Charter is to be amended as follows, with the words underscored to be
49 added and the words in bold and brackets to be deleted.

50
51 Section 83 Department of Economic Development and Tourism; Director of Economic
52 Development and Tourism

53
54 The Mayor and City Council of Havre de Grace, Maryland shall establish a Department of
55 Economic Development and Tourism. The Mayor, with the approval of the City Council, in
56 accordance with this charter, shall hire a Director of Economic Development and Tourism. The
57 Director shall reside at a location such that the Director is continually available to meet the
58 needs of the position in a timely manner. The employment of the Director of Economic
59 Development and Tourism shall begin as of the day of Council approval and such position
60 shall be held until removal from office pursuant to this Charter, or upon resignation or death,
61 and the Mayor, with the approval of the City Council, shall fill such vacancy.

62
63 3. Section 84 of the City Charter is to be amended as follows, with the words underscored to be
64 added and the words in bold and brackets to be deleted.

65
66 Section 84 Director of Economic Development and Tourism; powers and duties

67
68 The Director of Economic Development and Tourism under the direction of the Mayor shall
69 be responsible for:

70
71 A. All matters related to the advancement or promotion of economic development and tourism
72 in the City;

73
74 B. Maintaining liaisons with state and county elected officials and agencies involved with
75 economic development and tourism activities and any related federal officials or agencies,
76 including but not limited to contacts with Aberdeen Proving Ground;

C. Developing policies and programs to advance and promote private and public economic development and tourism opportunities in the City pertaining to industry, manufacturing, commerce, retail, banking, **[tourism]**, professional services, art, recreation, education, and the available natural resources of the Susquehanna River and the Chesapeake Bay;

D. Maintaining liaisons with various commissions or committees within the City; **[, including but not limited to:]**

- [(1) Havre de Grace Main Street**
- (2) The Rad Loan Committee**
- (3) The Economic Development Advisory Board**
- (4) The Tourism Advisory Board**
- (5) Havre de Grace Chamber of Commerce**
- (6) Harford County Chamber of Commerce]**

E. Developing and implementing short- and long-range plans for economic development and tourism in the City;

F. Managing the daily operations and staff for the department of economic development and tourism which shall draft, promote and manage all public and private grants related to economic development and tourism in the City and prepare and maintain a Departmental budget;

G. Such other duties as may, from time to time, be assigned by the Mayor.

ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2023.

SIGNED by the Mayor and attested by the Director of Administration this ___ day of _____, 2023.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Stephen J. Gamatoria
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 8/21/2023
Public Hearing:
Second Reading/Adopted:
Effective Date:

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1121 concerning Authorizing a Lease Agreement with the Chesapeake Heritage Conservancy for the Skipjack Martha Lewis (Public Hearing)**

Date: **9/6/2023**

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 September 18, 2023
 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. 1121

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, 34 AND 36 OF THE HAVRE DE GRACE CITY CHARTER TO APPROVE A DOCK LEASE BETWEEN THE CITY AND CHESAPEAKE HERITAGE CONSERVANCY, INC. FOR USE OF THE HUTCHINS PARK PIER

On: September 5, 2023

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for September 18, 2023 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.

32 **WHEREAS**, the mission of the Chesapeake Heritage Conservancy, Inc. is to promote and
33 preserve historic Chesapeake Bay watercraft and to educate the public in the heritage of the
34 Chesapeake Bay; and

35 **WHEREAS**, the City of Havre de Grace and the Chesapeake Heritage Conservancy have a long
36 history and relationship of more than 25 years; and

37 **WHEREAS**, the Skipjack Martha Lewis, owned and operated by the Chesapeake Heritage
38 Conservancy, Inc., was, for many years, the unofficial ambassador for Havre de Grace; and

39 **WHEREAS**, the Skipjack Martha Lewis was built in 1955 by Bronza Parks for Captain James
40 Lewis, who named the boat after his mother; and

41 **WHEREAS**, the Martha Lewis has gone under extensive renovations project since 2016, and will
42 soon be ready to return to the waters of the Chesapeake Bay, to carry on its mission; and

43 **WHEREAS**, the Skip Jack Martha Lewis will return to Havre de Grace for the latter part of the
44 2023 boating season and the entire 2024 boating season.

45 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that it is in the
46 best interest of the citizens of Havre de Grace for the Mayor to offer to the Chesapeake Heritage
47 Conservancy, Inc. a dock lease (substantially in the form attached hereto as Exhibit A) based on
48 the following terms:

- 49 a. The Mayor and City Council of Havre de Grace shall offer a lease to the Chesapeake
50 Heritage Conservancy Inc., for dockage space and electric at the Hutchings Park pier for
51 the 2023 and 2024 boating seasons.
- 52 b. The Mayor and City Council of Havre de Grace shall provide dockage, water and electricity
53 to the Chesapeake Heritage Conservancy Inc., for both the 2023 and 2024 boating seasons
54 at no cost.
- 55 c. The Chesapeake Heritage Conservancy Inc. shall provide an educational cruise opportunity
56 that includes 6 dates that will be offered to up to 12 Havre de Grace residents.
- 57 d. Upon expiration of this agreement, any future agreements shall be at the established slip
58 rates for the Hutchins Park pier.

59 **ADOPTED** by the Mayor and City Council of Havre de Grace, Maryland this 5th day of September
60 5, 2023.

61 **ATTEST:**

**MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE**

62
63
64
65 _____
66 Stephen J. Gamatoria
67 Director of Administration

68 _____
69 William T. Martin
70 Mayor

68 Introduced/First Reading: 9/5/2023

69 Public Hearing:

70 Second Reading/Adopted:

71 Effective Date:

EXHIBIT A

LEASE AGREEMENT

1
2
3
4
5 This LEASE AGREEMENT (“Lease” or “Agreement”) is effective this ____ day of
6 _____, 2023 (“Effective Date”), between **THE MAYOR AND CITY COUNCIL OF**
7 **HAVRE DE GRACE**, a Maryland municipal corporation, (“City” or “Lessor”), and
8 **CHESAPEAKE HERITAGE CONSERVANCY, INC.** a Maryland company (“Company” or
9 “Lessee”).

10 WHEREAS, the City is the owner of certain real property, including the associated pier,
11 pilings, moorings, and riparian rights, and other related improvements located within Hutchins
12 Park and along the shoreline at the foot of Congress Avenue in the City, as more particularly
13 described herein (“Pier”); and

14 WHEREAS, the Lessee is the owner and operator of a historic skipjack sailboat named
15 MARTHA LEWIS (“Boat”) and wants to dock the Boat at the Pier where it will be used for
16 commercial purposes; and

17 WHEREAS, the City seeks to promote safety, health, good will and the economy within its
18 boundaries and the Lease will allow the Pier to be used for the City’s general purposes and aid in
19 education and charity within the City;

20 NOW THEREFORE, the parties agree as follows:

21 1. TERM. This Lease shall be effective for a term of two boating seasons to include
22 calendar years 2023 and 2024 and shall commence on the effective Date of this Agreement. Further
23 renewals may only be made by written agreement of the parties, at the normal fee rate as described
24 in Chapter 70 of the City Code. In the event the Lease is not renewed by the end of 2024, the vessel
25 shall vacate the slip by December 31, 2024.

26 2. DOCK FEE. The parties agree that the dock fee, electric and water usage will be
27 waived for the 2023 and 2024 calendar. As consideration for the waiver of the dock fee, the Lessee
28 agrees to provide an educational cruise opportunity free of charge for up to 12 Havre de Grace
29 residents per cruise on six (6) different dates, on a first come, first served basis.

30 3. TERMS OF USE.

31 A. Lessee agrees that it may use only that portion of the City’s property granted by
32 the City under this Lease and no other portion.

33 B. The permitted use is personal to the Lessee and no other person or entity.

34 C. The permitted use may not be assigned, sublet, or transferred in any manner by
35 the Lessee. This Lease is not subject to an assignment for the benefit of creditors.

36 D. The permitted use is subject to the Lessee observing and obeying all rules,
37 ordinances, requirements, regulations, orders or directives made by the City through its proper
38 officers, directors or agents. Such rules and regulations shall include, without limitation, those

39 relating to signage, noise ordinance, or the necessity of acquiring any permits, including any
40 permits from the Harford County Liquor Control Board. In addition, Lessee agrees to abide by all
41 applicable federal, state or local dock procedures, rules, and regulations, including, without
42 limitation: federal, state, and county laws relating to marine safety, communication, sanitation,
43 pollution and navigation (such as the Inland Navigational Rules Act of 1980, Rules and
44 Regulations of the Coast Guard, Maryland Department of Natural Resources, and Maryland
45 Department of the Environment).

46 E. The permitted use only applies to the Pier and this Lease does not apply to any
47 other boat slip, mooring, dock or pier, unless it is a temporary situation to accommodate emergency
48 conditions or repair to the Pier.

49 F. Improvements

50 1. Any improvements to the Pier must be approved in writing by the Marina
51 Manager and the Planning Department.

52 2. Any improvements necessary will be paid in full by the Lessee.

53 3. Any improvements required will be completed by a contractor approved by
54 the Marina Manager.

55 a) Submittal of a design will be required, to include all specifications,
56 maintenance requirements and estimated costs.

57 b) Upon termination of this agreement for any reason, the City will decide
58 whether to keep the improvements or require the Lessee to remove and
59 properly dispose of the improvement (s).

60 G. Prior to mooring the vessel in the City owned slip, the Lessee must provide the
61 City of Havre de Grace the following documentation: (a) a Certificate of Good Standing from the
62 State of Maryland; (b) Current Maryland Boaters Registration and Title (See Section 13); (c)
63 Current Insurance Certificate (See Section 9); (d) US Coast Guard Vessel Certification; and (e) a
64 captain's license if required by the State or other regulatory authority.

65 4. INDEMNITY. The Lessee shall indemnify and save harmless the City and its
66 employees and agents from all claims and demands suits, actions, loss, damages, recoveries,
67 judgments, costs or expenses in any injury, death, loss or damage related to the Lessee's use of
68 City property or breach of this Lease Agreement.

69 5. RESTORATION. The Lessee is responsible for all costs or expenses to restore the
70 City's property after termination of the use under this Lease.

71 6. MAINTENANCE. The Lessee shall maintain any facility or object in, above, or on the
72 City's property and related to the use in a manner that is clean, workmanlike, in good repair and
73 safe.

74 7. PERMITTED USE. The temporary permitted use allowed by this Lease is the
75 following: the docking, maintenance and operation of the Boat, only at or about the dock located
76 at Hutchins Park, which does not interfere with the docking, mooring, or operation of emergency
77 vehicles.

78 8. BOAT MAINTENANCE. No heavy boat maintenance, such as major engine repair,
79 shall be permitted at the Pier. The City reserves the right in its sole discretion to determine what
80 type of maintenance and repair shall be permitted.

81 9. INSURANCE. Lessee shall keep in full force and effect and provide to the City
82 insurance policies and certificates, which provide protection and indemnity coverage of no less
83 than Three Million Dollars (\$3,000,000.00) for personal injury and for property damage to the City
84 Pier. The City shall appear as an additional insured on any policy of insurance for your operations.
85 The Lessee shall also provide proof of workers' compensation coverage. Failure to maintain
86 insurance as set forth herein will result in immediate termination of this Lease.

87 10. SPECIAL EVENTS AND PROMOTIONS. The Lessee agrees to cooperate with
88 promotional and special events that may occur throughout the City, including those that occur in
89 or near Hutchins Park. For special events in the City, additional landing sites may be permitted but
90 only with prior written permission of the City. Lessee agrees to permit the City to photograph or
91 otherwise produce a likeness of the Boat for publication or promotional purposes and shall permit
92 the erection of signs and other promotional displays on or near the Pier promoting seasonal events
93 authorized by the City.

94 11. UTILITIES. Lessee will not be responsible for utilities for the 2023-2024 calendar
95 years. In the event the City receives utility bills that are unreasonably high, the City may, without
96 notice, temporarily shut off utilities as may be necessary to access the need for repairs and/or use.

97 12. PARKING. This Lease does not include any parking areas as a matter of right. The
98 privilege granted to the Lessee's patrons to use City parking lots is solely as an accommodation to
99 the Lessee, and may be restricted by the City at any time without notice.

100 13. BOAT TITLE. As a condition of this Agreement, Lessee shall provide the City with
101 proof of title and length of Boat. Failure to provide proof of title will result in immediate
102 termination of this Lease.

103 14. CONDITION OF DOCKING AND ADJACENT FACILITIES. Lessee acknowledges
104 that it has inspected the Pier and adjacent facilities and is satisfied that the Pier is adequate for safe
105 mooring of the boat. The Lessee is accepting the Pier in "as is" condition. The City shall designate
106 the location of loading ramps. Lessee shall not alter the Pier or bulkhead without written
107 permission of the City.

108 15. RESPONSIBILITIES REGARDING SAFETY AND DAMAGE.

109 A. This contract is not a bailment of the Boat but a Lease to use City dock space.
110 Such space is used at the sole risk to the Lessee and no additional responsibilities are assumed by
111 the City by entering into this Agreement. The City shall not be liable for the care of the protection
112 of the Boat, including the gear, equipment, and contents, or for any loss or damage of whatever
113 kind or matter to the Boat, contents, gear or equipment. The City shall make available temporary
114 dockage inside the City Yacht Basin during significant impending weather events, such as extreme
115 dam releases where 16 gates or more will be opened; high wind conditions that are greater than 60
116 mph sustained.

117

118 B Lessee represents and warrants that the Boat is in a seaworthy condition and will
119 be maintained in a seaworthy condition at all times while the Boat is kept at the Pier. Should the
120 City discover the Boat is in peril, Lessee agrees to pay to the City as an additional dock fee, all
121 charges for labor and materials incurred or expenses paid by the City for the Boat in connection
122 with correcting this situation, provided however, the City has no obligation to render aid or
123 assistance of the Boat under any circumstances.

124 C. Upon execution of this Lease, the Lessee shall provide the City with the phone
125 number for the Lessee and the Lessee's designated agent for contact in the event of emergencies.

126 D. The City is not responsible for losses or damages to the Boat in any way. The
127 Lessee is fully responsible for protection of the Boat from hurricanes, high water, winds, and other
128 natural occurrences. The Lessee is fully responsible for damage to structures, pilings docks, piers,
129 or moorings and any and all other property or persona at the Pier. In the event of an emergency,
130 the City reserves the right but not the obligation to move the Boat to other mooring places. It is
131 expected that if Lessee keeps its Boat at the Pier during the hurricane season, Lessee will have
132 made arrangements for the safe mooring of the Boat on the approach of a storm. In the event of a
133 tropical storm or hurricane, the City reserves the right, but not the obligation to evacuate the Boat
134 at the Lessee's expense and risk.

135 E. The City reserves the right, but not the obligation, to expend funds to repair items
136 of loss or damage for which the Lessee remains responsible under this Agreement, and shall be
137 entitled to full reimbursement from the Lessee.

138 16. TAXES. Lessee agrees to pay when due all appropriate federal, state and taxes,
139 including the admissions and amusement tax, if applicable.

140 17. LIEN. The City shall have the right to assert a lien against the Boat in the event of a
141 failure to pay the Dock Fee should one become due, or any applicable City taxes when due. In
142 addition, to the extent the City has incurred any expenses under this Agreement which have not
143 been reimbursed by Lessee the City has a right to assert a lien against the Boat for such amounts
144 not reimbursed.

145 18. DEFAULT. Upon the Lessee's failure to comply with this Agreement, the City shall
146 have the right to terminate the Lease immediately.

147 19. RIGHT TO RE-ENTER. Upon a Lessee's failure to pay the Dock Fee, or rectify a
148 dangerous condition, or upon failure to repair damage to the Pier caused by Lessee or the Boat,
149 the City reserves the right to lawfully re-enter the Pier and take possession by removing the Boat
150 from the Pier. Lessee shall be responsible for all costs incurred in such removal and City reserves
151 the right to assert a lien in the event such costs are unpaid.

152 20. ENTIRE AGREEMENT; AMENDMENT. It is understood and agreed by the parties
153 that this Lease shall constitute the entire agreement between them with respect to the Pier and
154 businesses conducted in conjunction therewith and no verbal statements extrinsic to this Lease
155 shall have any force or effect. No amendment or modification of the terms of this Lease shall be
156 effective until duly approved by the City by resolution at a City Council meeting.

157

158 21. WAIVER. The Lessee agrees that the City's failure to enforce any of the terms herein
159 shall not constitute a waiver.

160 22. TIME. Time is of the essence.

161 23. VENUE, JURISDICITON, CHOICE OF LAW. This is a Maryland contract and the
162 Courts of Harford County are the sole venue of any dispute. The laws of Maryland shall apply.

163 24. SEVERABILITY. If any portion of this Lease shall be declared invalid, or
164 unenforceable by a court of competent jurisdiction, the remainder of the Lease shall continue in
165 full force and effect.

166 25. CONDITIONS: The City agrees to the following conditions:

167 A. Sign Board, Feather Flags, Kiosk and Rack Cards - The Lessee may include a
168 temporary "sandwich board" or "feather sign" type signage at the intersection of Market Street
169 and Congress Avenue. Sign design and precise locations shall be approved by the Director of
170 Administration, and may require approval by the City Council.

171 B. Rack cards are welcome and may be placed at City Hall and the Visitors Center.
172 Advertisements may be placed at the City's kiosks - copies must be provided to the Director of
173 Administration for approval and placement.

174 C. The Lessee may transport trash generated from passengers to the dumpsters at
175 Tydings Park for disposal.

176 D. The City shall permit the Lessee to place a commercial Ice Vault (similar to what
177 is at the Yacht Basin) in the area of the Hutchins Park Bathrooms. The City will absorb the cost
178 of the electricity.

179 E. Security Cameras - The City has no immediate plans to install security cameras
180 in Hutchins Park. Should the Lessee desire to install security cameras, the Lessee shall approach
181 the Director of Administration with a Security Camera location and installation plan.

182 F. Access to Special Events at Hutchins Park - The City will make EVERY effort to
183 insure the MARTHA LEWIS has total and complete access to the dock during any event. As
184 discussed, issues arose during those times when events at Hutchins Park were not hosted by the
185 City. Both the City and the Lessee will need to coordinate during those dates; one possible solution
186 could be the distribution of an electronic ticket or paper ticket the Martha Lewis patron could
187 display during such events.

188 G. Lighting at Dock - The City will maintain adequate lighting in the area of the
189 Hutchins Park pier.

190 26. NOTICES. All notices and other communications hereunder shall be in writing and
191 shall be deemed to have been duly given if actually delivered to the named person or if mailed,
192 with a copy by email, to:

193

194 TO THE CITY: The Director of Administration
195 City Hall
196 711 Pennington Ave
197 Havre de Grace, MD 21078
198 steveg@havredegracemd.com
199

200
201 TO THE LESSEE: CHESAPEAKE HERITAGE CONSERVANCY, INC
202 114 Spears Hill Road
203 Elkton, MD 21921
204

205 27. SURRENDER OF HUTCHINS PARK SLIP. Upon expiration or termination of this
206 Lease for any reason, Lessee shall surrender the quiet and peaceful possession of the Pier, in as
207 good order and condition as when received, natural wear and tear excluded as may be determined
208 by the City it its sole discretion.

209 28. NO RESTRICTIONS ON CITY POWERS. Nothing herein shall be construed to limit
210 the power of the City to pass any ordinance, resolution or other regulation generally applicable
211 within the City limits relating to the health, safety, and welfare of the citizens of Havre de Grace.
212

213
214 WITNESS/ATTEST: MAYOR AND CITY COUNCIL OF
215 HAVRE DE GRACE
216

217
218 _____
219 Stephen J. Gamatoria
220 Director of Administration
221

217
218 _____
219 By: William T. Martin
220 Mayor
221

222 WITNESS/ATTEST: CHESAPEAKE HERITAGE
223 CONSERVANCY, INC
224

225
226 _____
227 (signature)
228

229 By: _____
230 (print name)
231

232 APPROVED FOR LEGAL SUFFICIENCY:
233

234
235 _____
236 April C. Ishak, Esquire
237 City Attorney
238

239 STATE OF MARYLAND, COUNTY OF HARFORD:

240

241 I HEREBY CERTIFY, that on this _____ day of _____, 2023,
242 before me, the subscriber, a Notary Public of the State and County aforesaid, 2023, personally
243 appeared William T. Martin, Mayor of the City of Havre de Grace, who acknowledged that, being
244 authorized to do so, he executed this Lease Agreement on behalf of the Mayor and City Council
245 of Havre de Grace as Mayor for the purposes stated therein.

246

247 As WITNESS my hand and Notarial Seal.

248

249

Notary Public

250

251

My commission expires: _____

252

253

254

255

256

257

258 STATE OF MARYLAND, COUNTY OF HARFORD:

259

260 I HEREBY CERTIFY, that on this _____ day of _____, 2023 before
261 me, the subscriber, a Notary Public of the State and County aforesaid, 2023, personally
262 appeared _____, who acknowledged that, being authorized to do
263 so, he/she executed this Lease Agreement on behalf of Chesapeake Heritage Conservancy Inc. for
264 the purposes stated therein.

265

266 As WITNESS my hand and Notarial Seal.

267

268

Notary Public

269

270

My commission expires: _____

271



September 5, 2023
Public Hearing Proceedings
711 Pennington Avenue, Havre de Grace, Maryland
7:00 p.m.

Public Hearing on Ordinance No. 1118 concerning Amending City Code 120: Nuisance pertaining to Graffiti was called to order on September 5, 2023 at 7:02 p.m. with Mayor Martin presiding. Council Members present: CP Ringsaker, CM Boker, CM Boyer, CM Jones, CM Robertson and CM 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 CITY CODE SECTION 120: NUISANCE

Comments from Citizens: None. CM Jones spoke on concerns she had on the penalties and thought they should be reconsidered.

Public Hearing closed at 7:04 p.m.

Public Hearing on Ordinance No. 1119 concerning Approving a Deed Transferring Surplus Property to Habitat for Humanity Susquehanna, Inc. was called to order on September 5, 2023 at 7:04 p.m. with Mayor Martin presiding. Council Members present: CP Ringsaker, CM Boker, CM Boyer, CM Jones, CM Robertson and CM 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 SECTION 75 TO APPROVE A DEED TRANSFERRING SURPLUS PROPERTY TO HABITAT FOR HUMANITY SUSQUEHANNA, INC.

Comments from Citizens: None. CM Boker spoke in favor of the ordinance.

Public Hearing closed at 7:05 p.m.

Public Hearing on Ordinance No. 1120 concerning Approving Budget Amendment 2024-01 to Carry Forward FY 2023 Capital Projects and Reallocation of Funds was called to order on September 5, 2023 at 7:05 p.m. with Mayor Martin presiding. Council Members present: CP Ringsaker, CM Boker, CM Boyer, CM Jones, CM Robertson and CM Schneegas.

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024, TO ADDRESS DESIGNATING CARRY OVER FUND BALANCES AND THE REALLOCATIONS OF FUNDS FOR THE CITY OF HAVRE DE GRACE FOR FISCAL YEAR 2024

Comments from Citizens: None.

Public Hearing closed at 7:06 p.m.

September 5, 2023
Council Meeting Proceedings

The regular meeting of the Mayor and City Council was called to order on September 5, 2023, at 7:07 p.m. with Mayor Martin presiding. Council Members present: CP Ringsaker, CM Boker, CM Boyer, CM Jones, CM Robertson and CM Schneegas.

The Pledge of Allegiance was recited, and the opening prayer was given by Rev. Dr. Lynne Humphries-Russ, Hopewell United Methodist Church.

Approval of Minutes

City Council Meeting Minutes – CM Jones moved to approve the Council Meeting minutes of August 21, 2023. Second by CM Schneegas. Motion carried 6-0.

Comments from Citizens

Carolyn Zinner, Havre de Grace, spoke on behalf of the Chesapeake Heritage Conservancy in her role as President. Ms. Zinner gave a status update on the Skipjack Martha Lewis and its pending arrival back to Havre de Grace.

Recognitions

Captain Joseph Alton was recognized for being nominated for the Do Good Heroes Award, which is a program by insurer National Life Group where they recognize fire, rescue, EMS and police departments and personnel for their community service activities that go above and beyond their public safety duties. Captain Alton was recognized for his involvement and dedication to Special Olympics Maryland. The final selection will be made in December.

Resolutions

Charter Resolution concerning Amending Charter Sections pertaining to Council Meeting Location & Time: First Reading

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, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19 TO AMEND CITY CHARTER SECTIONS 28 AND 31 GENERALLY PERTAINING TO THE LOCATION AND TIME OF MEETINGS OF THE MAYOR AND CITY COUNCIL

A motion to introduce was made by CP Ringsaker. Second by CM Robertson. Motion carried 6-0. The charter resolution was given number 296. A motion to adopt was made by CM Boyer. Second by CP Ringsaker. After a roll call vote, motion to approve carried 6-0. The public hearing will be October 2, 2023 at 7:00 p.m. CM Boyer inquired if public notices are only publicized in the newspaper. Mr. Gamatoria replied that all public notices are publicized in the newspaper by law, but we also publicize on the City's website, and social media pages.

Charter Resolution concerning Amending Charter Sections pertaining to Public Ways, Sidewalks, and Water and Sewers: First Reading

A CHARTER AMENDMENT RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND THE HAVRE DE GRACE CITY CHARTER SECTION 19 TO AMEND CITY CHARTER SECTIONS 65, 66, 67 AND 68 GENERALLY PERTAINING TO PUBLIC WAYS, SIDEWALKS, AND WATER AND SEWERS

A motion to introduce was made by CM Jones. Second by CM Schneegas. Motion carried 6-0. The charter resolution was given number 297. A motion to adopt was made by CM Boker. Second by CP Ringsaker. CM Boyer inquired on the purpose of the resolution; Mr. Gamatoria gave a detailed response and added that more charter resolutions will be forthcoming as the charter is cleaned up. After a roll call vote, motion to approve carried 6-0. The public hearing will be October 2, 2023 at 7:00 p.m.

Ordinances

Ordinance No. 1116 concerning Adopting Truck Traffic Workgroup Recommendations and Amending City Code 190-21: Second Reading

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 ADOPT TRUCK TRAFFIC WORKGROUP RECOMMENDATIONS AND TO AMEND CITY CODE §190-21

A motion to introduce was made by CM Boyer. Second by CP Ringsaker. Motion carried 6-0. A motion to adopt was made by CM Boyer. Second by CP Ringsaker. CM Boyer noted the recommendations from the Workgroup. CM Boyer was commended for her efforts by CM Schneegas and Mayor Martin. After a roll call vote, motion to approve carried 6-0.

Ordinance No. 1117 concerning Approving a Contract with ThinkBig Networks LLC.: Second Reading
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 APPROVE CONTRACT WITH THINKBIG NETWORKS LLC

A motion to introduce was made by CP Ringsaker. Second by CM Boyer. Motion carried 6-0. A motion to adopt was made by CM Boker. Second by CM Schneegas. City Attorney Ishak went over substantive changes to the agreement (Exhibit 1), which will be attached to the ordinance [due to the wording of the ordinance, the changes did not need a separate Council vote]. After a roll call vote, motion to approve carried 6-0.

Ordinance No. 1120 concerning Approving Budget Amendment 2024-01 to Carry Forward FY 2023 Capital Projects and Reallocation of Funds: Second Reading

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024, TO ADDRESS DESIGNATING CARRY OVER FUND BALANCES AND THE REALLOCATIONS OF FUNDS FOR THE CITY OF HAVRE DE GRACE FOR FISCAL YEAR 2024

A motion to introduce was made by CM Robertson. Second by CM Boyer. Motion carried 6-0. A motion to adopt was made by CP Ringsaker. Second by CM Schneegas. After a roll call vote, motion to approve carried 6-0.

Ordinance concerning Authorizing a Lease Agreement with Chesapeake Heritage Conservancy for the Skipjack Martha Lewis: First Reading

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, 34 AND 36 OF THE HAVRE DE GRACE CITY CHARTER TO APPROVE A DOCK LEASE BETWEEN THE CITY AND CHESAPEAKE HERITAGE CONSERVANCY, INC. FOR USE OF THE HUTCHINS PARK PIER

A motion to introduce was made by CM Schneegas. Second by CP Ringsaker. Motion carried 6-0. The ordinance was given number 1121. A motion to adopt was made by CM Robertson. Second by CM Schneegas. After a roll call vote, motion to approve carried 6-0. The public hearing will be September 18, 2023 at 7:00 p.m.

Old Business

Calendar Resolution concerning Correcting the Public Record for Annexation Resolution (Charter Amendment) No. 291

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND SECTION 4-502, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE CITY CHARTER FOR CORRECTION OF THE PUBLIC RECORD KNOWN AS ANNEXATION RESOLUTION (CHARTER AMENDMENT) NO. 291

A motion to introduce was made by CP Ringsaker. Second by CM Schneegas. Motion carried 6-0. The calendar resolution was given number 2023-14. A motion to adopt was made by CM Boker. Second by CP Ringsaker. After a roll call vote, motion to approve carried 6-0.

New Business

Special Events – Steve Gamatoria presented the special event application:

Autumn Fest, October 8, 2023, 10 a.m.-5:00 p.m., Maritime Museum & Lighthouse Keeper's Grounds. A motion to approve was made by CM Jones. Second by CM Schneegas. Motion carried 6-0.

Annual Halloween Costume Contest, October 30, 2023, 5:00 p.m.-8:30 p.m., Washington Street between Congress Avenue & Pennington Avenue. A motion to approve was made by CP Ringsaker. Second by CM Robertson. Motion carried 6-0.

Havre de Grace Ice Festival, February 3, 2024, 3:00 p.m.-8:00 p.m., Downtown. A motion to approve was made by CM Robertson. Second by CM Boker. Motion carried 6-0.

Directors Report

Steve Gamatoria, Director of Administration: Mr. Gamatoria congratulated Capt. Alton. He thanked everyone involved with ThinkBig Network agreement; each household will have the same amount of fiber coming to their house that will be coming to the City (1 gig) and it will make the City more efficient over time. CM Robertson and George DeHORITY were thanked for the work done on the budget and the Council members were thanked for their patience; the preliminary budget comes out in April and isn't voted on until June - they are making adjustments to the process for next year. The HdG Arts Commission has decided to do a public art project, which will come to the Council for selection.

Tim Bourcier, Director of Planning: Mr. Bourcier reported on permits filed in August - there were 32 new construction permits (26 were Bulle Rock condos and the other 6 were elsewhere), they are finding that Greenway Farms and Bulle Rock are still selling, 39 other permits of which 9 were renovations. The HdG Colored School Museum has approached the City about receiving landmark status, so we are moving forward with legislation to loosen up some of the existing regulations that aren't necessary; the legislation will be introduced soon.

Bridgette Johnson, Director of Economic Development & Tourism: Ms. Johnson reported we are on schedule to release the RFP in mid-September for the foot bridge at Swan Harbor. Wanda Boker is researching and possibly pursuing grants - 2023-2024 Chesapeake Gateways Network grant and the Infrastructure Investment and Jobs Act. On August 18, Christine McPherson with the Department of Housing and Community Development visited to tour the downtown business district - we submitted an application for the expansion of our Main Street district, which was approved - it will expand from Congress Avenue to Girard Street, which will pick up Harmer's Town, Market Street Brewery, and Bomboy's and will allow them to apply for grants. They are deciding on the new Main Street logo. Maryland Economic Development Week is October 23-27; we have partnered with the HdG Chamber of Commerce for events. Lauri Orzewicz is attending the Motorcoach Show to attract more tour buses to visit HdG for daytrips. Arts Across Harford is September 15-30; the Public Art Trolley Tour is September 14 at 11 a.m. and 6 p.m. and is sold out, but we'll know on September 11 if we can add additional tours. The Office of Tourism has a newsletter and a bi-weekly blog - people were encouraged to sign up. First Friday was successful - thanks to Lauri Orzewicz, Pam Sickenberger, and our volunteers. CM Boyer commented on the need for seniors to be engaged and utilizing the trolleys and tours for this purpose.

George DeHORITY, Director of Finance: Mr. DeHORITY thanked Council for approving the budget amendment. He reported on the current financial condition of General Fund 1, Water/Sewer Fund 9, and Marina Fund 8. The General Fund 1 balance is \$10,895,700, which is \$423,900 below budget. The Water/Sewer Fund 9 balance is \$1,529,900, which is \$629,000 above budget. The Marina Fund 8 balance is \$481,800, which is \$13,600 above budget.

EJ Millisor, Director of Public Works: Mr. Millisor thanked Tim Whittie and Nick Muzaca for filling in while he was out of the office. We met with GHD to discuss the existing water model and phasing in improvements. He met with CM Jones to discuss some of the upcoming plans. Beth Hamilton, a wastewater employee passed away suddenly of natural causes; Mr. Millisor thanked those who attended the service - Mayor Martin, Chris Ricci, Steve Gamatoria, Ken Montgomery, and Dave Watson and thanked the Mayor and Council for their support. The Mayor commented on the character of Beth Hamilton Zellman - she was off duty and came in to check a pump station while out with her father during his visit with her; she was a great asset to the City and will be missed.

Chief Teresa Walter, Havre de Grace Police Department: Chief Walter thanked the Mayor and Council for recognizing Capt. Alton. School is back in session and it's important to drive safely when approaching a school bus - if it starts to slow down, please don't try to go around or speed to go past on the other side - kids may be running to the bus; don't drive distracted and don't assume kids can hear you; the fine if caught by the bus camera is \$250 and if caught by the police is \$570 and 3 points. Don't park on the yellow line in front of the stadium. There is an increase in scams, especially computer scams - call the police and they will verify if it's a scam for you or call a friend or family member before ever sending money to someone you don't know. CP Ringsaker commented on the parking on the yellow line by the stadium and the Police Department's support of the youth rec programs and their safety. CM Schneegas thanked the Chief for the reminder about the buses and inquired if there would be a replacement pedestrian sign by the stadium; Chief Walter replied that it is being replaced.

Business from Mayor Martin

Mayor Martin gave information on the Waterfront Festival, which is Friday and Saturday this week at Concord Point Park; the City boat will be in the Lighted Boat Parade; fireworks will be on Saturday around 8:30 pm. On September 16, Almost Queen will be at the STAR Centre. We had a wonderful First Friday last week. The trolleys are running great. He thanked the Council for all the hard work going through legislation tonight.

Business from Council

Council Member Schneegas: CM Schneegas commented on the activities coming up this weekend – Waterfront Festival, Children’s Art Festival, and Soroptomist Quarter Auction fundraiser. The Marina Commission will meet September 13 at 4:30 p.m. at City Hall. People were encouraged to visit the Marina to see the wonderful changes.

Council Member Robertson: CM Robertson gave a big shout out to the Youth Commission for a successful Refuel for School event – they distributed over 400 bags with school supplies; he appreciates the Council members and Mayor who came out to support the event and thanked the sponsors. The American Legion will have a Crab Feast on October 29 from 1-4 p.m. at the pavilion.

Council Member Boker: CM Boker commented that it is good to have EJ Millisor back. He offered his condolences on the loss of Beth Hamilton. Congratulations to Bridgette Johnson for the expanded Main Street district. It is good to see the electric shuttle out front. He encouraged people to visit explorehavredegrace.com to see all the upcoming events. The Lighted Boat Parade has 17 boats registered with the Susquehanna Hose Company Fire boat leading the procession and the Charlestown Fire Boat at the end. He thanked the Police Department, Susquehanna Hose Company, and EMT first responders for keeping us safe at night.

Council Member Jones: CM Jones reported that she attended the ribbon cutting of Glam with Sam on Market Street and welcomed her to HdG – she provides a variety of beauty services. First Friday was great. She attended the Caribbean Festival in Aberdeen – they had a lot of vendors and families; she would like to see more cultural activities in the community. She hopes to see people at the Waterfront Festival. The Susquehanna Wine and Seafood Fest is September 23. The 60th Annual HdG Art Show is September 30.

Council Member Boyer: CM Boyer offered her condolences to Beth Hamilton’s family and DPW staff. Community Projects was thanked for everything they do for the City; they just celebrated 25 years and Steve Gamatoria was recognized as a founding member. She encouraged everyone to come to the Moore Family Homestead on September 6 to participate in a yoga fundraiser to support the Victory Garden. She is excited for the public art sculpture and thanked the members of the Art Commission for their time. BGE is having energy saving day on September 6 from 2-6 p.m.

Council President Ringsaker: CP Ringsaker attended the Susquehanna Hose Company Crab Feast – it was a great time with good fellowship. It is football season - HdG lost to C. Milton Wright last week; they are playing Patterson Mill Friday night, which is the last home game until October 27; they are in Aberdeen next week on September 14 at 5 p.m. There are rumors, conjecture, and misinformation online, which is hard to see because we work hard to uphold the Open Meetings Act to be transparent - all information is available on our website, meetings are on our YouTube channel, and the City website has all the Council member’s phone numbers and email address, so you can contact them directly with questions; it is disheartening when we work so hard to make improvements to the community and rumors start. “The price good men pay for indifference to public affairs is to be ruled by evil men.” --Plato

Adjournment

CM Boker made a motion to adjourn at 9:10 p.m. Second by CM Jones. Motion carried 6-0.

Video recording of the City Council Meeting may be viewed through the City of Havre de Grace YouTube channel.

Submitted by: Tamara Brinkman

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1118 concerning Amending City Code 120:
Nuisance pertaining to Graffiti**
(2nd Reading)

Date: **9/6/2023**

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 September 18, 2023
 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. 1118

Introduced by _____ Council Member Boyer _____

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 CITY CODE SECTION 120: NUISANCE

On: August 21, 2023

at: 7:00 p.m.

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

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on 9/5/2023 at 7:02 p.m., and concluded on 9/5/2023 at 7:04 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**, it is the City’s intent, through the adoption of this amendment to the City
32 Code, to provide local enforcement tools to protect public and private property from acts of graffiti
33 vandalism and defacement; and
34

35 **WHEREAS**, the City Council intends that amendments to the City Code provision do not
36 conflict with or supplant existing state criminal laws regarding the malicious destruction of
37 property; and
38

39 **WHEREAS**, the City Council desires to amend City Code Chapter 120: Nuisances, to
40 accommodate the City’s new graffiti policy; and
41

42 **WHEREAS**, the City Council desires to adopt the following amendments to City Code
43 Chapter 120: Nuisances, to effectively address graffiti in the City:
44

45 **AMENDMENTS TO CHAPTER 120: NUISANCES:**

46 § 120-1. Definitions.

47 As used in this chapter, the following terms shall have the meanings indicated:
48

49 **CHIEF OF POLICE**

50 The Chief of Police or Acting Chief of Police of the City of Havre de Grace.
51

52 **CONVICTION**

53 An adjudication of guilt in a criminal proceeding, including probation before judgment.
54

55 **GRAFFITI**

56 A permanent drawing, permanent painting, permanent mark, inscription, word, figure, painting,
57 image, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted,
58 or engraved on or otherwise affixed to any surface of public or private property without the
59 permission of the owner of the property, or, despite advance authorization, would be highly
60 offensive to a reasonable person in the community and is not otherwise protected by the state or
61 federal constitution.
62
63
64

65 **OWNER**

66 The title owner of the premises, and any person having a legal or equitable, ownership right, or
67 interest in the premises, as recorded in the Land Records of Harford County.
68

69 **PERSON**

70 An individual, joint owner, receiver, guardian, mortgagee, trustee, lien creditor, personal
71 representative, fiduciary, or representative of any kind, and any corporation, partnership, firm,
72 association, or other legal entity.
73

74 **PREMISES**

75 Any land, building, or other structure, or part thereof located within the limits of the City of Havre
76 de Grace.

77 **PUBLIC NUISANCE**

78 A premises constitutes a public nuisance where:

- 79
- 80 A. Criminal violations have occurred on, or emanated from, the premises, including any
- 81 portion of the laws governing controlled dangerous substances, firearms, stolen property,
- 82 prostitution, gambling, disorderly conduct, or any other violation of laws, including state,
- 83 county, or City ordinances, constituting an unreasonable interference with a right common
- 84 to the general public involving a significant interference with the public health, the public
- 85 safety, the public peace, the public comfort or the public convenience; and
- 86
- 87 B. Violations of such laws have occurred, on or emanating from the premises, on two or more
- 88 occasions within a twenty-four-month period of time prior to the commencement of a
- 89 proceeding pursuant to §§ 120-3 through 120-6 of this chapter, which have resulted in two
- 90 or more criminal convictions.
- 91
- 92 C. Graffiti has been placed on the premises at a location visible from a public right of way or
- 93 from a neighboring property and has not been abated within ten (10) days from the date of
- 94 a notice of removal of the graffiti issued by the City.
- 95

96 **REMOVAL**

97 With respect to a notice, citation or an order of abatement for “removal” of graffiti issued by City

98 Code enforcement, City police department, or a Court of competent jurisdiction, “removal” means,

99 where practicable, the painting over or washing off of graffiti to restore the affected property to a

100 condition substantially similar to the condition of the property before the application of the graffiti.

101 Where painting or washing would fail to restore the property to its original condition, such as non-

102 water-soluble media on an otherwise unpainted brick wall, removal shall mean removal by

103 chemical or mechanical means. Removal also means, in cases of deep etching into the property or

104 other situations where property cannot reasonably be restored by other means to a condition

105 substantially similar to what it was before the application of the graffiti, replacement of the

106 damaged property.

107

108 § 120-2. Obligations of owners.

- 109
- 110 A. Every premises owner within the City of Havre de Grace is responsible for monitoring his
- 111 or her premises and is required to take timely and appropriate action to prevent and eliminate
- 112 or remove a public nuisance from existing thereon, whether that public nuisance is created
- 113 by existing physical conditions or by nuisance-creating behaviors and regardless of whether
- 114 the public nuisance is created by or at the direction of the premises owner or by a third party.
- 115
- 116 B. Every premises owner within the City of Havre de Grace is presumed to have constructive
- 117 knowledge of the facts that can be discovered by a reasonable inquiry concerning the
- 118 condition of his or her premises and activities taking place on his or her premises. Every
- 119 owner is required to manage and control his or her premises, tenants, and other occupants in
- 120 a manner so as not to create or allow a public nuisance, or to create or allow his or her
- 121 premises, tenants, or other occupants to have an adverse impact on adjoining properties or
- 122 the neighborhood, or to violate the provisions of this chapter. Every owner shall remain liable

123 for violations of this chapter occurring on or emanating from his or her premises regardless
124 of any contract or agreement with any party regarding the premises.
125

126 C. Limitations and restrictions on scope of abatement authority. If the premises consist entirely
127 of residential units or mixed residential and other use units, and the public nuisance has
128 occurred solely within one or more units, abatement authority under this chapter is restricted
129 to the units in which the public nuisance has occurred, and does not extend to any other unit
130 in the premises.
131

132 § 120-3. Public nuisance abatement authorized.
133

134 A. Notice; Cease and desist order. Upon a finding by the Chief of Police, or their designee,
135 through a visual inspection of the property, or pursuant to a citizen complaint, or if it involves
136 a public nuisance based on behaviors taking place at the premises, through proof of certified
137 court records, that two convictions have occurred under the circumstances described under
138 Subsection B of the definition of "public nuisance" in § 120-1 of this chapter, the Chief of
139 Police shall prepare a written notice, directed to the owner, setting forth the following:
140

141 (1) A description of the proof, using photographs of graffiti, eyewitness statements,
142 anonymous citizen complaints, and if related to a public nuisance defined under 120-
143 1(b) of the "public nuisance" definition of this Chapter, [demonstrating]
144 documentation that two convictions have occurred under the circumstances described
145 therein; [under Subsection B of the definition of "public nuisance" in § 120-1 and
146 the violation(s) of this chapter being charged;] and

147 (2) A [An] notice and cease and desist order requiring the owner to abate the nuisance in
148 or on the premises where the public nuisance exists, within 30 days following the
149 service of the notice, by removing, discontinuing, ceasing, and desisting the public
150 nuisance and the behavior, activities, and other circumstances giving rise to the public
151 nuisance.

152 (3) The [order] notice issued pursuant to this subsection shall be immediately posted on
153 the premises and served on the owner as provided in § 120-3D.
154

155 B. Additional orders. In the event the behavior, activities, and other circumstances giving rise
156 to the public nuisance have not been removed or discontinued within the thirty-day period
157 provided in § 120-3A(2) above, the Chief of Police or their designee shall file a written report
158 with the Mayor of the City of Havre de Grace with a statement as the level of potential harm
159 to the health, safety and welfare to the community if the public nuisance is not abated
160 immediately. The Mayor, after consulting with the Chief of Police and the City Attorney,
161 shall decide whether to issue an emergency Executive Order, prosecute the matter criminally,
162 issue a civil citation, or seek an order for abatement from a court of competent jurisdiction.
163 **[order the Chief of Police to abate the public nuisance through the use of such other**
164 **means within the City's powers, including ordering the closing of the premises to the**
165 **extent necessary to abate the public nuisance. In determining the appropriate order to**
166 **be issued, the Mayor shall use reasonable discretion and consider the circumstances**
167 **present in each case, including the nature and severity of the underlying convictions,**
168 **any efforts by the owner of the premises to comply with the cease and desist order, any**

169 irreparable loss or detriment that might occur to the owner of the premises, and the
170 interests of the public.]

171
172 C. Notice and opportunity to be heard. **[Prior to carrying out the order authorized by § 120-**
173 **3B, the City shall prepare a]** The written notice and cease and desist order shall set [setting]
174 forth the following:

- 175
176 (1) The violations being charged and the underlying convictions, if any;
- 177 (2) The proposed abatement remedy **[ordered to be taken by the Chief of Police]**;
- 178 (3) The owner's opportunity to request a prompt hearing to determine whether a public
179 nuisance exists in or from the premises, and if so, to determine whether the
180 recommended abatement is the appropriate abatement remedy to be taken;
- 181 (4) That the request for hearing must be made to the City, in writing, within 5 **[10]** days
182 from the date of service of the notice; and
- 183 (5) Such other particulars as may be appropriate.

184
185 D. Service and posting of notice.

- 186
187 (1) The notice prescribed by § 120-3C shall be served by certified mail, return receipt
188 requested, [in accordance with the Maryland Rules of Procedure] and by first class
189 US Mail, postage paid, on the owner, any tenant, any person in actual possession or
190 occupancy of the premises, and any other person having an interest in the premises, as
191 disclosed by the Land Records of Harford County, the City's tax records, or from other
192 public records that **[is]** are otherwise known or readily ascertainable.
- 193 (2) In addition, the notice shall be immediately posted in a conspicuous place on the
194 premises.

195
196 E. Scheduling of a requested hearing.

- 197
198 (1) If an owner requests a hearing under § 120-3C, the City shall prepare a written notice
199 setting forth the following:
- 200 (a) That a hearing will be held to determine whether a public nuisance exists in, on,
201 or from the premises, and if so, to determine the appropriate abatement remedy
202 to be taken;
- 203 (b) The date, place, and time of the hearing, which shall be set no more than 30 days
204 following the date of the notice with a temporary stay of the cease and desist order
205 pending the outcome of the hearing;
- 206 (c) The right of the owner or any person having an interest in the premises to be heard
207 and to be represented by an attorney at the hearing, to present evidence, and cross-
208 examine witnesses;
- 209 (d) The possible consequences of failure to appear; and
- 210 (e) Such other particulars as may be appropriate.

211 (2) The notice prescribed by this section shall be served by first class mail, or hand
212 delivered to the owner, any tenant, any person in actual possession or occupancy of the
213 premises, and any other person having an interest in premises, as disclosed by the Land
214 Records of Harford County, or that is otherwise known or readily ascertainable. In
215 addition, the notice shall be immediately posted in a conspicuous place on the premises.
216

217 F. Stay of proceedings.
218

219 (1) **[Except as provided in § 120-3F(2) below,]** Unless an emergency Executive Order is issued
220 by the Mayor, a request for hearing stays the enforcement of the **[Mayor's] cease and desist**
221 **order**
222

223 (2) If the Chief of Police or an administrative officer of the City certifies to the presiding officer
224 facts stated in the certificate that indicate to the presiding officer that a stay of the cease and
225 desist order would cause imminent peril to life or property, the presiding officer may
226 recommend that the Mayor issue an emergency Executive Order to abate the public nuisance.
227 **[stay the enforcement of the Mayor's order only for due cause shown by the owner.]**
228

229 § 120-4. Conduct of hearings; evidentiary matters.
230

231 A. All contested hearings held under this chapter shall be held in City Hall and shall be open to
232 the public. A record of such hearings shall be kept by typed transcript or transcribeable
233 audiotape. The presiding officer may postpone or continue the hearing if the interests of justice
234 so require.
235

236 B. An independent individual designated by the Mayor shall serve as presiding officer, who shall
237 apply the law and determine the facts. The existence of the public nuisance shall be proved by
238 a preponderance of the evidence.
239

240 C. The following evidentiary rules apply to all contested hearings held under this chapter:
241

242 (1) In general, Each party in a contested case shall offer all of the evidence that the party
243 wishes to have made part of the record.

244 (2) Probative evidence. The presiding officer may admit probative evidence that reasonable
245 and prudent individuals commonly accept in the conduct of their affairs and give
246 probative effect to that evidence.

247 (a) It shall be prima facie evidence that a public nuisance exists on a premises upon the
248 second conviction for a violation of any of the provisions of the laws governing the
249 offenses enumerated in, and under the circumstances **[described in,]** defined as a
250 “public nuisance” under § 120-1A [(6)] and B above, or if graffiti exists and has
251 not been removed within ten days of receiving public notice. Convictions may be
252 proved by certified or true test copies of court records.

253 (b) Evidence of the general reputation of the premises is admissible to corroborate
254 testimony based on personal knowledge or observation, or evidence seized during

- 255 the execution of a search and seizure warrant, but shall not, in and of itself, be
256 sufficient to establish the existence of a public nuisance under this subsection.
- 257 (c) Evidence that the public nuisance had been discontinued at the time of the filing of
258 the notice under § 120-3C or at the time of the hearing does not bar the imposition
259 of appropriate relief, including imposition of fines for each instance of public
260 nuisance.
- 261 (d) The existence of a public nuisance may be established, and appropriate relief
262 ordered under this chapter, without proof that an owner had actual knowledge of
263 the existence of the facts constituting the public nuisance prior to the issuance of
264 the notice and cease and desist order, or that the owner acquiesced or participated
265 therein.
- 266
- 267 (3) Hearsay. Evidence may not be excluded solely on the basis that it is hearsay.
- 268 (4) Exclusions. The presiding officer may exclude evidence that is incompetent, irrelevant,
269 immaterial, unduly repetitious, or governed by a privilege recognized by law.
- 270 (5) Scope of evidence. On any genuinely contested material issue, each party is entitled to
271 call witnesses, offer evidence, including rebuttal evidence, cross-examine any witness
272 that another party calls, present summation, and argument.
- 273 (6) Documentary evidence. The presiding officer may receive documentary evidence in the
274 form of copies or excerpts.
- 275 (7) Sequestration of witnesses. The presiding officer shall have the power to sequester
276 witnesses at the request of any party to the proceeding.
- 277 (8) Compulsory attendance of witnesses. If in the event it becomes necessary in the interests
278 of justice that a material witness be required to attend the hearing by subpoena, the
279 presiding officer may postpone or continue the hearing if the interest of justice so require
280 to allow the party a reasonable time to obtain the attendance of such witness through any
281 proper available legal channels.

282
283 § 120-5. Findings and enforcement.
284

- 285 A. Following the conclusion of the hearing, the presiding officer shall promptly render a decision
286 and the reasons therefor. The presiding officer shall immediately notify all parties to the
287 proceeding of the decision, including the Mayor and the Chief of Police. The decision shall be
288 made orally at the conclusion of the hearing and transcribed as part of the record. The presiding
289 officer may also issue the reasons articulated for the decision in written form within no more
290 than 10 days following the conclusion of the hearing.
291
- 292 B. No public nuisance established. If the presiding officer finds that the existence of a public
293 nuisance has not been established by a preponderance of the evidence at the hearing, the
294 proceeding shall be closed.
295
- 296 C. Public nuisance established. If the presiding officer finds that the existence of a public nuisance
297 has been established by a preponderance of the evidence at the hearing, an order of **[the Mayor**

298 **shall be issued providing for the abatement]** of the public nuisance shall be issued by the
299 hearing examiner, which shall be posted on the premises and given to those persons listed, and
300 in the manner set forth, in § 120-3D of this chapter. On and after the 10th business day
301 following the posting, **[and upon the written directive of the Mayor,]** the order may be
302 enforced by the Chief of Police or their designee.

303
304 D. Closing order. If the order directs the closing of the premises, such closing shall be for such
305 period and to the extent necessary to abate the public nuisance **[as the Mayor reasonably may**
306 **direct]**, but in no event shall the closing be for a period of more than one year from the date of
307 the closing. Prior to such closing, the premises shall be inspected by the City Code Inspector
308 and a written inventory made of the contents of the premises. The proper representatives of the
309 City may enter the premises during the closing to inspect the premises.

310
311 E. Owner's continuing obligations during closing. During the closing, the owner of the premises
312 shall be required to maintain the premises in accordance with all City Codes, keep the premises
313 safe and orderly, and secure, and continue to keep and maintain all insurance on the premises
314 in effect prior to the cease and desist order with proof of such insurance to be provided to the
315 City Director of Administration.

316
317 F. Banishment option for elderly and disabled persons. If the **[presiding]** hearing officer finds
318 that the owner of the premises, due to age or disability, is without actual knowledge of the
319 existence of the public nuisance on the premises, such owner may obtain a stay of the closing
320 order by causing the public nuisance to be permanently abated by causing the person or persons
321 who are or were responsible for maintaining the public nuisance on the owner's premises to
322 permanently leave and not return to the premises. By so doing, the owner shall be deemed to
323 consent to allow the proper representatives of the City to enter the premises and to inspect the
324 premises during reasonable hours and upon prior notice. If the public nuisance is abated to the
325 reasonable satisfaction of the Chief of Police for a period of one (1) year, the closing order
326 **[proceeding]** shall automatically terminate. **[be closed.]**

327
328 G. Nature of closing. A closing directed pursuant to this chapter is not an act of possession,
329 ownership, or control by the City of Havre de Grace.

330
331 H. Use and occupancy permit. **[Prior to the termination]** After the termination of a closing order,
332 the owner of the premises shall apply for and obtain an applicable use and occupancy permit
333 from the City before the premises may be occupied.

334
335 § 120-6. Vacating order to close.

336
337 The **[Chief of Police]** hearing officer may **[shall]** vacate the closing provisions of the order if an
338 interested person:

339
340 A. Posts a bond for the period of the ordered closing in an amount of the full assessed value of
341 the premises as shown in the tax assessment records of the Maryland State Department of
342 Assessments and Taxation, prorated for the proportional assessment of units closed if less than
343 all units therein are closed, but not to exceed \$1,000,000 in any case; and

344 B. Submits adequate proof sufficient in the judgment and discretion of the **[Chief of Police]**
345 hearing officer that the behavior, activities, and other circumstances giving rise to the public
346 nuisance have been discontinued and will not be maintained or permitted in any unit of the
347 premises during the period of the ordered closing.
348

349 § 120-7. Notice to owners and tenants.

350 Prior to the effective date of this chapter, the Mayor and City Council of Havre de Grace shall
351 prepare a written notice outlining the provisions of this chapter. Such notices shall be contained
352 on the City's Web site, distributed to all property owners in the City, and a reasonable number of
353 copies shall be made available for free to the public at City Hall, the City Police Station, the public
354 library, and disseminated through the media.
355

356 § 120-8. Rules and regulations.

357 Prior to the effective date of this chapter, the **[Chief of Police]** the Director of Administration or
358 their designee shall promulgate procedures, rules, and regulations that may be necessary or proper
359 to effectuate the purpose and the provisions of this chapter, including reasonable means of advising
360 premises owners or their agents of any first or second arrest or conviction for the criminal conduct
361 defined in § 120-1 of this chapter occurring in those premises which the **[Chief of Police]** Director
362 of Administration determines will or may be subject to this chapter, and the procedures and terms
363 for the posting of bonds.
364

365 § 120-9. Judicial review.

366 Any person aggrieved by any final decision made pursuant to this chapter, has the right of appeal
367 to the Circuit Court for Harford County as may be provided by law for appeals from municipal
368 administrative actions.
369

370 § 120-10. Prohibited conduct; penalties.
371

372 A. Destruction, etc., of posted order. Any person who intentionally destroys, removes, or defaces
373 an order posted by the **[Chief of Police]** City under authority of this Chapter 120, shall upon
374 conviction, be guilty of a misdemeanor punishable by a fine of not more than \$300 or
375 imprisonment for not more than 30 days, or both.
376

377 B. Failure to obey order.
378

379 (1) Any person: (i) who intentionally disobeys any proper order issued **[by the Chief of**
380 **Police or his designee]** under this chapter; or (ii) who uses or occupies or permits any
381 other person to use or occupy any premises ordered closed **[pursuant to proceedings**
382 **under this chapter]**, shall, upon conviction, be guilty of a misdemeanor punishable by
383 a fine of \$1,000 or imprisonment for not more than one year, or both.

384 (2) Each day a violation of this subsection occurs or continues is a separate offense.
385

386 C. Imprisonment in default of fine and costs. Imprisonment in default of fine and costs shall be
387 regulated by the provisions of Article 38, Section 4 of the Annotated Code of Maryland, as the
388 same may be amended from time to time.
389

390 § 120-11. Applicability and interpretation.

391

392 A. Application. The provisions of this chapter shall apply generally to all property throughout the
393 City of Havre de Grace and up to one-half mile outside of municipal limits as permitted by the
394 Local Government Article of the Maryland Annotated Code Section 5-207, wherein any of the
395 nuisances hereinafter specified are found to exist; provided, however, that any condition which
396 would constitute a violation of this chapter, but which is duly authorized under any City, state
397 or federal law, shall not be deemed to violate this chapter.

398

399 B. Chapter to provide needed law enforcement tools. The enforcement of abatement procedures
400 by the Chief of Police and the penalties imposed pursuant to this chapter:

401

402 (1) Constitute additional methods of law enforcement to the fullest extent permitted by law
403 in response to the proliferation of the above described public nuisances; and

404

405 (2) Are an exercise of the municipal police powers that are reasonable and necessary in order
406 to protect the health, safety, and general welfare of the people of the City of Havre de
407 Grace.

408

409 C. Construction. This chapter shall be construed liberally in accordance with its remedial
410 purposes. The definition of public nuisances herein shall not be subject to any restrictions or
411 limitations upon public or private nuisance actions at common law. This chapter is civil in
412 nature and none of its provisions should be interpreted as punishment. This chapter is intended
413 to complement and be compatible with the provisions of § 14-120 of the Real Property Article
414 of the Annotated Code of Maryland, as the same may be amended from time to time. Nothing
415 in this chapter is intended to conflict with, supersede, or otherwise interfere with the provisions
416 of § 14-120 of the Real Property Article of the Annotated Code of Maryland, the Local
417 Government Article of the Annotated Code of Maryland, or any other State or federal law.

418

419 § 120-12. Severability.

420 If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any
421 court of competent jurisdiction, then said ruling shall not affect the validity of the remaining
422 portions of this chapter.

423

424 § 120-13. Availability of other remedies.

425 This chapter does not limit the availability of any other legal or equitable remedies, including, but
426 not limited to, those existing legal and equitable remedies for nuisance abatement of any type under
427 City, state, or federal law.

428

429 **NOW THEREFORE**, it is this ___ day of _____, 2023 determined, decided and ordained by
430 the Mayor and City Council that the City Code be amended by amending Section 120: Nuisances
431 as set forth above.

432

433 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2023.

434

435 SIGNED by the Mayor and attested by the Director of Administration this ___ day of _____,
2023.

436
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ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Stephen J. Gamatoria
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 8/21/2023
Public Hearing: 9/5/2023
Second Reading/Adopted:
Effective Date:

Second Reading

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1119 concerning Approving a Deed Transferring Surplus Property to Habitat for Humanity Susquehanna**
(2nd Reading)

Date: **9/6/2023**

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 September 18, 2023
 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. 1119

Introduced by Council President Ringsaker

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 SECTION 75 TO APPROVE A DEED TRANSFERRING SURPLUS PROPERTY TO HABITAT FOR HUMANITY SUSQUEHANNA, INC.

On: August 21, 2023

at: 7:00 p.m.

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

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on 9/5/2023 at 7:04 p.m., and concluded on 9/5/2023 at 7:05 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**, the City has authority to sell, transfer, or convey any City-owned real estate or
36 interest therein by following procedures set forth in Charter Section 75 when city-owned property
37 is no longer needed for a public purpose; and

38
39 **WHEREAS**, by Ordinance 1097 adopted March 20, 2023, the City Council declared that City
40 properties designated as lots 22, 23, and 24 on Parcel 20 of Harford County Tax map 605 are
41 surplus properties and no longer needed for a public purpose and therefore could be transferred to
42 Habitat for Humanity Susquehanna, Inc. (“Habitat”) for the purpose of providing affordable
43 housing in the community; and

44
45 **WHEREAS**, by Resolution 2023-03 the City Council approved a ballot question to be submitted
46 at the next regular election for approval by referendum of the transfer of the surplus property to
47 Habitat for the purposes therein expressed; and

48
49 **WHEREAS**, a majority of registered voters who voted on May 2, 2023 approved the transfer of
50 the surplus property to Habitat as described in the ballot question.

51
52 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that the Mayor
53 is authorized to execute a deed (substantially in the form attached hereto as Exhibit A) transferring
54 the surplus property described in Ordinance 1097 to Habitat for Humanity Susquehanna, Inc. for
55 the purposes aforesaid, and that the Director of Administration has authority to take action and
56 sign all documents needed to facilitate such transfer, and that all actions taken in that regard are
57 hereby ratified and approved.

58
59 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2023.

60
61 SIGNED by the Mayor and attested by the Director of Administration this ____ day of
62 _____, 2023.

63
64

65 ATTEST: MAYOR AND CITY COUNCIL
66 OF HAVRE DE GRACE

67
68

69 _____
70 Stephen J. Gamatoria William T. Martin
71 Director of Administration Mayor

72

73 Introduced/First Reading: 8/21/2023
74 Public Hearing: 9/5/2023

75 Second Reading/Adopted:
76

77 Effective Date:

EXHIBIT A

7926
Recordation Tax and Transfer Tax
To be based on the total assessed value
of \$6,000.00

Tax ID Nos. 06-010091, 06-010105 and 06-010113
429, 427 and 425 Village Drive

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this ___ day of August, 2023, by and between the **MAYOR AND CITY COUNCIL OF HAVRE DE GRACE**, a municipal corporation of the State of Maryland, Party of the First Part, Grantor; and **HABITAT FOR HUMANITY SUSQUEHANNA, INC.**, a Maryland corporation of the State of Maryland, Party of the Second Part, Grantee.

WHEREAS the Mayor and City Council of the City of Havre de Grace desires to sell, transfer, authorize, and approve the three lots on Village Drive, in BATTERY VILLAGE hereinafter described to Habitat for Humanity Susquehanna, Inc. for the purpose of construction of townhomes on the said lots.

WHEREAS, Habitat for Humanity Susquehanna, Inc. desires to acquire the three lots on Village Drive, in BATTERY VILLAGE hereinafter described for the purpose of construction of townhomes on the said lots.

WHEREAS, pursuant to a ballot question presented to voters during a regular City election held at a Public Hearing on Tuesday May 2, 2023 by the City of Havre de Grace, wherein voter approval was confirmed,

NOW, THEREFORE, WITNESSETH, That in Maryland, beingf the sum of Thirty Dollars and no cents (\$30.00) which is the actual consideration paid or to be paid, and other good and valuable consideration, the receipt of which the Grantor does hereby acknowledge, the said Party of the First Part does grant and convey to the said Party of the Second Part, its successors and assigns, in fee simple, all those lots or parcels of property situate and lying in the City of Havre de Grace, in the SIXTH ELECTION DISTRICT, Harford County, State of Maryland, being more particularly described as:

BEING KNOWN AND DESIGNATED as Lot Nos. 22, 23, and 24, as shown on the Plat entitled, "BATTERY VILLAGE" which Plat is recorded among the Plat Records of Harford County in Plat Book HDC No. 24, folio 53. The improvements thereon respectively being known as Nos: 429, 427

Return to:
Home Title Co. of Md., Inc.
39 E. Churchville Road, Suite 200
Bel Air, MD 21014
File No: 7926

and 425 Village Drive, Havre de Grace, MD 21078; Tax ID Nos. 06-010091, 06-010105 and 06-010113.

BEING part of the same property which by Deed dated September 27, 1984 recorded among the Land Records of Harford County in Liber HDC No. 1245, folio 158, which was granted and conveyed by The Colonial Company unto The Mayor and City Council of Havre de Grace, a municipal corporation, the within named Grantor.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said property and premises above described to the said Party of the Second Part, its successors and assigns, in fee simple.

AND the Grantor does hereby covenant that it has not done or suffered to be done any act, matter, or thing whatever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted, and it will execute such further assurances as may be requisite.

WITNESS the hand and seal of the said Party of the First Part.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE,
a Municipal corporation**

Stephen J. Gamatoria,
Director of Administration

By: _____
William T. Martin, Mayor

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY, that on this ____ day of August, 2023, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared WILLIAM T. MARTIN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged himself to be the duly elected Mayor authorized to execute this document on behalf of the Mayor and City Council of Havre de Grace and who, in my presence, signed and sealed the foregoing Deed and acknowledged it to be his act and deed in the capacity therein stated, for the uses and purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: _____

Notary Public

Approved for legal sufficiency:

Recommended for approval:

April C. Ishak, City Attorney
of the City of Havre de Grace

Stephen J. Gamatoria,
Director of Administration of the
City of Havre de Grace

This is to certify that the instrument has been prepared by, or under the supervision, of the undersigned Maryland Attorney, or by a party to this instrument.

Diane L. Sengstacke, Esquire

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance concerning Amending Section 97 Historic Preservation pertaining to Historic Designation and Other Amendments** (1st Reading)

Date: **9/13/2023**

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 September 18, 2023
 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. _____

Introduced by _____ Council Member Jones _____

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 CITY CODE SECTION 97 HISTORIC PRESERVATION

On: September 18, 2023

at: 7:00pm

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

PUBLIC HEARING

A Public Hearing is scheduled for October 2, 2023 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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31 Repeal and replace or otherwise amend Sections 97-1, 97-6, 97-7, 97-8, and 97-10 as follows:

32
33 §97-1 Statutory authority.

34
35 The Mayor and City Council of the City of Havre de Grace derives authority for this chapter by
36 virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area
37 Zoning [(Article 66B, § 8.01-8.17, Annotated Code of Maryland, as amended)] (Land Use
38 Article §8-101 – §8-501, Annotated Code of Maryland).

39
40 §97-6 Designation of site boundaries.

41
42 [C. Declaration of historic designation. Upon approval of historic designation by the Mayor
43 and City Council, a declaration of historic designation shall be prepared by the City
44 administration, signed by the owners of the property and the Mayor and City Council, and
45 recorded among the land records of Harford County for the purpose of notifying all current
46 and future interested parties that such designation has been placed on the property, and said
47 property shall comply with the provisions of this chapter in perpetuity.]

48
49 C. Declaration of historic designation. Upon approval of historic designation by the Mayor and
50 City Council, the subject property shall be identified by name and historic inventory number and
51 shall be added to the City of Havre de Grace Historic Landmarks list kept on file and available for
52 public inspection at the City’s Department of Planning. The City Department of Planning will
53 share this declaration with Harford County for their Historic Landmarks records. The subject
54 property shall comply with the provisions of this chapter until a request to remove the designation
55 is approved by the Mayor and Council.

56
57 D. Designated historic landmarks. The City of Havre de Grace Historic Landmarks list shall be
58 kept on file and available for public inspection with the Department of Planning.

59
60 §97-7 Application for certificate of appropriateness of Commission Review

61
62 B. (5) Special considerations.

63
64 (a) If an application is submitted for construction, reconstruction, or alteration affecting a site or
65 the exterior of a structure or for the moving or demolition of a structure, the preservation of which
66 the Commission considers to be of unusual importance to the City of Havre de Grace or of unusual
67 importance to the state or the nation, the Commission shall attempt to formulate an economically
68 feasible plan with the owner(s) of the site or structure for the preservation of the site or structure.
69 Unless the Commission is satisfied that the proposed construction, alteration, or reconstruction
70 will not materially impair the historic or architectural significance of the site or structure, the
71 Commission shall reject the application, filing a copy of its rejection with the Director of
72 [Economic Development and] Planning [of the City of Havre de Grace].

73
74 C. Commission decision. The Commission shall file with the Director of [Economic
75 Development and] Planning [of the City of Havre de Grace] a certificate of appropriateness
76 certifying its approval, modification, or rejection of each application and plans submitted to it for
77 review. Work shall not be commenced on any project until such a certificate of approval has been
78 filed, and the Director of [Economic Development and] Planning shall not issue a building permit

79 or historic work permit for such change or construction unless it has received such a certificate of
80 appropriateness. The failure of the Commission to act upon a completed application within 45 days
81 from the date the completed application was filed shall be deemed to constitute automatic approval
82 of the proposed changes unless an extension of this forty-five-day period is agreed upon mutually
83 by the applicant and the Commission or the application has been withdrawn.

84
85 §97-8 Demolition by neglect.

86
87 A. In the event of demolition by neglect, the Commission may request the Director of **[Economic**
88 **Development and]** Planning to notify, in writing, the property owner of record, any person
89 having a right, title, or interest therein, and the occupant or other person responsible for the
90 maintenance of the property, of the deterioration. The notice shall specify the minimum items
91 of repair or maintenance necessary to correct the deterioration or prevent further deterioration.

92
93 B. Prior to the issuance of a written notice, the Commission may request the Director of
94 **[Economic Development and]** Planning to establish a record of demolition by neglect. Such
95 record may include dated materials such as photographs and written reports of the condition of
96 the property so as to record or measure the deterioration.

97
98 D. If, after the public hearing, the Commission determines that the corrective actions remain
99 necessary, the Commission may request the Director of **[Economic Development and]**
100 Planning to issue a second and final notice to the property owner or other responsible person
101 to have corrective action taken to comply with the Commission's determination within 30 days
102 of the receipt of the final notice.

103
104 E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly
105 notified to take corrective action specified in the final notice within the time required, the
106 Commission may request that the Director of **[Economic Development and]** Planning
107 institute any of the remedies and penalties provided by law for such violations.

108
109 §97-10 Appeals

110 In the event that any party is aggrieved by a decision of the Commission, the party has the right of
111 appeal to the Board of Appeals of the City of Havre de Grace, in accordance with the terms of
112 Article **[III] IV**, Board of Appeals, of Chapter 25, Boards, Committees and Commissions, of the
113 Code of the City of Havre de Grace, within 30 days from the date of the Commission's decision.

114
115 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the
116 foregoing is hereby approved.

117
118 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2023.

119
120 SIGNED by the Mayor and attested by the Director of Administration this ___ day of _____,
121 2023.

122
123 [Signatures to follow on the next page.]

124 ATTEST:

125

126

127

128 _____
129 Stephen J. Gamatoria
130 Director of Administration

131

132

133 Introduced/First Reading: 9/18/2023

134 Public Hearing:

135 Second Reading/Adopted:

136

Effective Date:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

William T. Martin
Mayor

First Reading

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance concerning Approving Budget Amendment 2024-02**
Living Shoreline Maintenance
(1st Reading)

Date: **9/14/2023**

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:

<input type="checkbox"/>	FYI
<input checked="" type="checkbox"/>	Read and Comment as Needed
<input checked="" type="checkbox"/>	Action Required by September 18, 2023
<input type="checkbox"/>	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. _____

BUDGET AMENDMENT 2024-02

Introduced by _____ Council Member Robertson

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024 TO ESTABLISH THE ANNUAL MAINTENANCE PROGRAM FOR THE CITY’S LIVING SHORELINE

On: September 18, 2023

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for October 2, 2023.

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.

34 **WHEREAS**, the Mayor and City Council of Havre de Grace, a Maryland municipal
35 corporation, is required to establish an annual projection of anticipated revenues and proposed
36 expenses, known as the budget, for the City of Havre de Grace for the fiscal year beginning July 1,
37 2023 through June 30, 2024, said period known as fiscal year 2024; and

38 **WHEREAS**, the Mayor and City Council of Havre de Grace passed the Budget Ordinance 1109,
39 establishing the budget for Fiscal Year on June 20, 2023, pursuant to the Havre de Grace Charter Section
40 37 and by the authority of the Local Government Article of the Annotated Code of Maryland; and

41 **WHEREAS**, Budget Ordinance 1109 projected revenue, expenses and capital project
42 completion on best estimates and timetables when proposed; and

43 **WHEREAS**, timing of the close out of one fiscal year and the opening of a new fiscal year,
44 requires the Finance Department to forensically account for (1) those billing cycles that require
45 expenditures get properly allocated, (2) the status of closure on project completion and (3)
46 unanticipated revenues; and

47 **WHEREAS**, Section 37 of the Charter states “*No officer or employee of the City shall*
48 *expend money that is not appropriated*”, and the majority of this budget amendment is for time
49 sensitive Capital Project carry-over, to financially sustain and complete those projects; and

50 **WHEREAS**, the City has established a living shoreline to preserve the Chesapeake Bay from
51 storm water runoff using natural indigenous plants based in accordance with State requirements; and

52 **WHEREAS**, the City intends to maintain the living shoreline to ensure the continued
53 biological health of the Chesapeake Bay.

54 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that
55 Budget Amendment 2024 -02 (Exhibit A) be included as part of the Fiscal Year 2024 Budget.

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ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Stephen J. Gamatoria
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 9/18/2023
Public Hearing:
Second Reading/Adopted:
Effective Date:

Exhibit A



INTER-CITY MEMORANDUM

To: City Council President James E. Ringsaker, Jr.
From: Mayor William T. Martin
Date: 9/8/2023
RE: Proposed Budget Amendment 2024-02

Since fiscal year 2018, the City has spent over \$5,800,000 in developing its shoreline to protect the Chesapeake Bay from storm water runoff. Most of the funding for these projects has come from State and County grants. The City has received numerous recognitions from the State for establishing natural filtration methods using indigenous plant species that are both effective and beautiful.

These living shoreline projects will require annual maintenance to maintain their effectiveness and there is no provision for maintenance in the fiscal year 2024 budget. Preliminary estimates are that the City will need to invest \$120,000 during the year to maintain the shoreline.

The City currently has \$163,600 in additional funds remaining from fiscal year 2023 that have not been obligated. These funds resulted from unanticipated additional tax payments from the Comptroller's Office, primarily income taxes and admissions and amusement taxes. I am therefore requesting that we obligate \$120,000 of these funds in order to maintain our living shoreline.

Please contact George DeHority or Steve Gamatoria if you have any questions or require additional information regarding this budget amendment request.

September 7, 2023 BUDGET AMENDMENT Amendment # 2024-02

SOURCE OF FUNDS

Table with columns: Account Number, Account Title, Amount. Includes General Fund I, Beginning Fund Balance, and Total Sources.

USE OF FUNDS

Table with columns: Account Number, Account Title, Amount. Includes General Fund I, Living Shoreline Maintenance, and Total Uses.

REASON FOR ADJUSTMENT

To establish the annual maintenance program for the City's Living Shoreline

AUTHORITY

City Council on 09/18/23.

APPROVAL

MAYOR Date:
ADMINISTRATION Date:
FINANCE Date:

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance concerning Approving Budget Amendment 2024-03**
Automate the Meter Vault on Rt 40
(1st Reading)

Date: **9/14/2023**

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 September 18, 2023
 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. _____

BUDGET AMENDMENT 2024-03

Introduced by _____ Council Member Robertson

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF AMENDING THE CITY BUDGET FOR FISCAL YEAR 2024 TO AUTOMATE THE METER VAULT ON ROUTE 40

On: September 18, 2023

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for October 2, 2023.

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.

33 **WHEREAS**, the Mayor and City Council of Havre de Grace, a Maryland municipal
34 corporation, is required to establish an annual projection of anticipated revenues and proposed
35 expenses, known as the budget, for the City of Havre de Grace for the fiscal year beginning July 1,
36 2023 through June 30, 2024, said period known as fiscal year 2024; and

37 **WHEREAS**, the Mayor and City Council of Havre de Grace passed the Budget Ordinance 1109,
38 establishing the budget for Fiscal Year on June 20, 2023, pursuant to the Havre de Grace Charter Section
39 37 and by the authority of the Local Government Article of the Annotated Code of Maryland; and

40 **WHEREAS**, Budget Ordinance 1109 projected revenue, expenses and capital project
41 completion on best estimates and timetables when proposed; and

42 **WHEREAS**, timing of the close out of one fiscal year and the opening of a new fiscal year,
43 requires the Finance Department to forensically account for (1) those billing cycles that require
44 expenditures get properly allocated, (2) the status of closure on project completion and (3)
45 unanticipated revenues; and

46 **WHEREAS**, Section 37 of the Charter states *“No officer or employee of the City shall*
47 *expend money that is not appropriated”*, and the majority of this budget amendment is for time
48 sensitive Capital Project carry-over, to financially sustain and complete those projects; and

49 **WHEREAS**, the City has entered into an agreement to supply water to the City of Aberdeen
50 on June 16, 2020; and

51 **WHEREAS**, the City Council approved, affirmed and ratified the agreement with Aberdeen
52 through Ordinance 1104 on May 1, 2023; and

53 **WHEREAS**, the City Council has approved \$2,926,300 in funding to establish a water supply
54 line along Maryland Rout 40 in order to perform under this agreement; and

55 **WHEREAS**, the City has determined that it is beneficial for employee safety and operational
56 efficiency to automate the metering of the water supplied to Aberdeen under this agreement.

57 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that
58 Budget Amendment 2024-03 (Exhibit A) be included as part of the Fiscal Year 2024 Budget.
59

60
61 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

62
63
64
65 _____
66 Stephen J. Gamatoria
67 Director of Administration
68

69 _____
70 William T. Martin
71 Mayor

69 Introduced/First Reading: 9/18/2023
70 Public Hearing:
71 Second Reading/Adopted:
72 Effective Date:

Exhibit A



INTER-CITY MEMORANDUM

To: City Council President James E. Ringsaker, Jr.
From: Mayor William T. Martin
Date: 9/7/2023
RE: Proposed Budget Amendment 2024-03

The City is completing the water line along Route 40 in anticipation of supplying water to Aberdeen consistent with the MOU approved in 2019.

The connection with Aberdeen will occur at a meter vault near Gashey's Creek. The City has the ability to manually turn water on and off manually. The City has determined that it is in our best interest to automate the valve operation and monitoring for both employee safety and operational efficiency, please see the attached email memorandum.

The estimate to automate the operation is \$159,500. The City currently has \$674,000 in additional funds remaining from fiscal year 2023 that have not been obligated. I am therefore requesting that we obligate \$159,500 of these funds in order to fund this improvement.

Please contact George DeHority, EL Millisor or Steve Gamatoria if you have any questions or require additional information regarding this budget amendment request.

9/7/23, 8:30 AM

City of Havre de Grace Mail - Re: Rte 40 Meter Vault Upgrade - Proposal



The City
of
Havre de Grace

George DeHority <georged@havredegracemd.com>

Re: Rte 40 Meter Vault Upgrade - Proposal

1 message

EJ Millisor <ejm@havredegracemd.com>

Tue, Sep 5, 2023 at 3:58 PM

To: George DeHority <georged@havredegracemd.com>

Cc: Ken Montgomery <kenm@havredegracemd.com>, Patrick Sypolt <patrick@havredegracemd.com>, Tim Whittle <timw@havredegracemd.com>, Nick Muzaca <nickm@havredegracemd.com>, Steve Gamatoria <steveg@havredegracemd.com>, Joe Conaway <joc@havredegracemd.com>, Michele Widman <michelew@havredegracemd.com>

Good afternoon George,

As requested, please see attached budget transfer request for the Route 40/Aberdeen water line project with the justification for the request elaborated beneath the total.

SCADA: \$68,500

Goetner: \$20,336

Vault Parts & Materials: \$43,204.52

Electrical: > \$5,000 (Awaiting Kyle Torrester's meter number for account creation, Rodney to coordinate with BGE.)

Shed: \$6,889

Labor for Shed Install: Approx: \$1,000

144929.52 x %10 factor

Total Budget Transfer Request =159,422.47

Currently as the Route 40 meter vault stands, we have the bare bones necessary to manually deliver water to Aberdeen. This project is an investment to protect our labor force from confined space entry, physical meter readings, and potential hazardous exposure down in the meter vault on Route 40. This project will help remotely monitor the amount of water delivered to Aberdeen, lower long term maintenance costs by preventing wear and tear, and provide a water quality checkpoint in case of any dispute between municipalities.

Respectfully,
EJ

September 7, 2023

BUDGET AMENDMENT

Amendment # 2024-03

SOURCE OF FUNDS

Account Number	Account Title	Amount
	Water and Sewer Fund 9	
09-0001-49-01	Beginning Fund Balance	\$159,500.00
	Total Sources	\$159,500.00

USE OF FUNDS

Account Number	Account Title	Amount
	Water and Sewer Fund 9	
09-1232-9051	Route 40 Water Transmission Line	\$159,500.00
	Total Uses	\$159,500.00

REASON FOR ADJUSTMENT

To automate the meter vault on Route 40

AUTHORITY

City Council on 09/18/23.

APPROVAL

MAYOR	_____	Date: _____
ADMINISTRATION	_____	Date: _____
FINANCE	_____	Date: _____

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Special Event - HHS Homecoming Parade**

October 27, 2023

Date: **9/13/2023**

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 September 18, 2023
 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

EVENT APPLICATION CHECKLIST

Office Use Only
Date Received 9-7-23
Tracking # 1011 20 0005

EVENT NAME: HHS Homecoming Parade

Sponsor Organization: HHS PTSA

Business Address: 445 Lewis Lane, Hdg, MD 21078

On-Site Contact Person: Dena Cardwell

Contact Information Phone: _____ Email: _____

Back-Up On-Site Contact Person: Heather Youna

Contact Information Phone: _____ Email: _____

Note: The on-site contact must be at the event the entire duration to include set-up and break-down.

Is the Sponsor Organization a Havre de Grace 501 C3? Yes No

Is the Sponsor Organization a 501 C3? Yes No

Tax ID # 36-4741058 (attach non-profit status documentation to application)

If the Sponsor Organization is not a Havre de Grace Non-Profit, please provide additional details below:

Event Category:

Athletic/Recreation

Concert/Performance

Other (explain)

Festival

Carnival

Parade

5K/10K/Walk *

Rally

Fishing Tournament

* a fee may be charged

Date/Time:

If this is a multi-day event, please attach a detailed summary with applicable dates and times.

Setup Date: 10/27

Begin Time: 3:45 pm

Event Starts Date: 10/27

Time: 6 pm

Event Ends Date: 10/27

Time: 5:30 pm

Breakdown Date: 10/27

End Time: 5:45 pm

Rain Date Date: NONE

Is timeframe the same? Yes No

If no, include new times: _____

Location: (see attached map)

Millard E. Tydings Memorial Park
(352 Commerce Street)

Community Pavilion (tent) at Frank J. Hutchins
Memorial Park (100 Congress Avenue) \$250 fee per day
(no amplified sound)

Concord Point Park (701 Concord Street)

David Craig Park (553 N. Union Avenue)

McLhinney Park (811 N. Adams Street)

K-9 Cody Dog Park (100 Lagaret Lane)

Veteran's Park (418 Concord Street)

Other location (explain)

Hutchins Park
for line up only

(No vehicles permitted on park grounds - fees will apply for damage to the grounds.)

Anticipated Attendance: 100

Admission Fee (if any): NO

Requested City Services:

Following is a list of services City Staff may provide at no charge to Event Sponsors to help make your event successful. If your event needs assistance from the City for services, **please check the appropriate boxes below**: Note: **Only those services approved prior to the event will be provided.**

Traffic Control: Please describe and attach a map (e.g. Google Maps) of intersections and street names affected and any road closures.

Congress Ave & intersections

Note: Ohio Street, Otsego Street, Revolution Street, Superior Street, Union Avenue, and US Rt. 40 are State Roads, so Event Sponsor must submit the Maryland State Highway Administration (MSHA) Permit with this Special Event Application, but should not contact or submit the permit to MSHA – the Havre de Grace Police Department will handle this part of the process with MSHA. (<https://www.roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=59>)

Parking/No Parking Signs: Please designate on a map the areas to be designated for Parking/No Parking (include Handicap Parking).

Public Restrooms: Public Restrooms are available and located at or near Millard E. Tydings Memorial Park and City Yacht Basin, Frank J. Hutchins Memorial Park, Concord Point Park, and McLhinney Park. These public restrooms will be cleaned and stocked with the necessary supplies.

Electricity Needed (limited availability): Please attach an electrical site plan to include placement of extension cords, generators and the anticipated amperage draw.

Other: Please explain:

It is the responsibility of the EVENT SPONSOR to provide tables, chairs, podium, stage, audio, fencing, and port-a-pots as needed.

Please remove all items at the end of your event and return the area to an equal or better condition than before the event; additional fees will/may apply for any damage caused by your event or items not removed at the end of your event.

Food Service:

Yes No Will there be food sold at your event?

Yes No Will there be food given away at your event?

It is the responsibility of the **EVENT SPONSOR** to contact and comply with the Harford County Health Department Regulations. It is also the responsibility of the **EVENT SPONSOR** to ensure the removal of all trash and recycling (see Trash and Recycling Collection and Disposal on page 4 of this application).

Alcohol:

Yes No Will there be alcohol sold at your event?

Yes No Will there be alcohol given away at your event?

Alcoholic beverages are not permitted at City Parks, unless you have permission from the Mayor and City Council and you apply for and receive a Liquor License from the Harford County Liquor Board.

The Harford County Liquor Board requires a License if alcohol is to be served – please note rules and regulations: <http://www.hclcb.org/alcoholic-beverage-license-applications>.

It is the responsibility of the **EVENT SPONSOR** to contact the Liquor Board for the appropriate permit. The Harford County Liquor Board Permit Application must be signed by the City. A copy of the approved License must be provided to the Chief of Parks, Events and Recreation at least 3 business days prior to the scheduled event.

Please describe your security plan to ensure the safe sale and distribution of alcohol at your event. Include how attendees of legal drinking age will be identified.

Security:

Yes No I acknowledge that I have contacted the Havre de Grace Police Department's Police Services Commander (410-939-2121) to discuss concerns regarding safety and security during the event.

Officer's Name: Lt. Terry Badge # 7707

Date Contacted: 8/28/2023

Gambling:

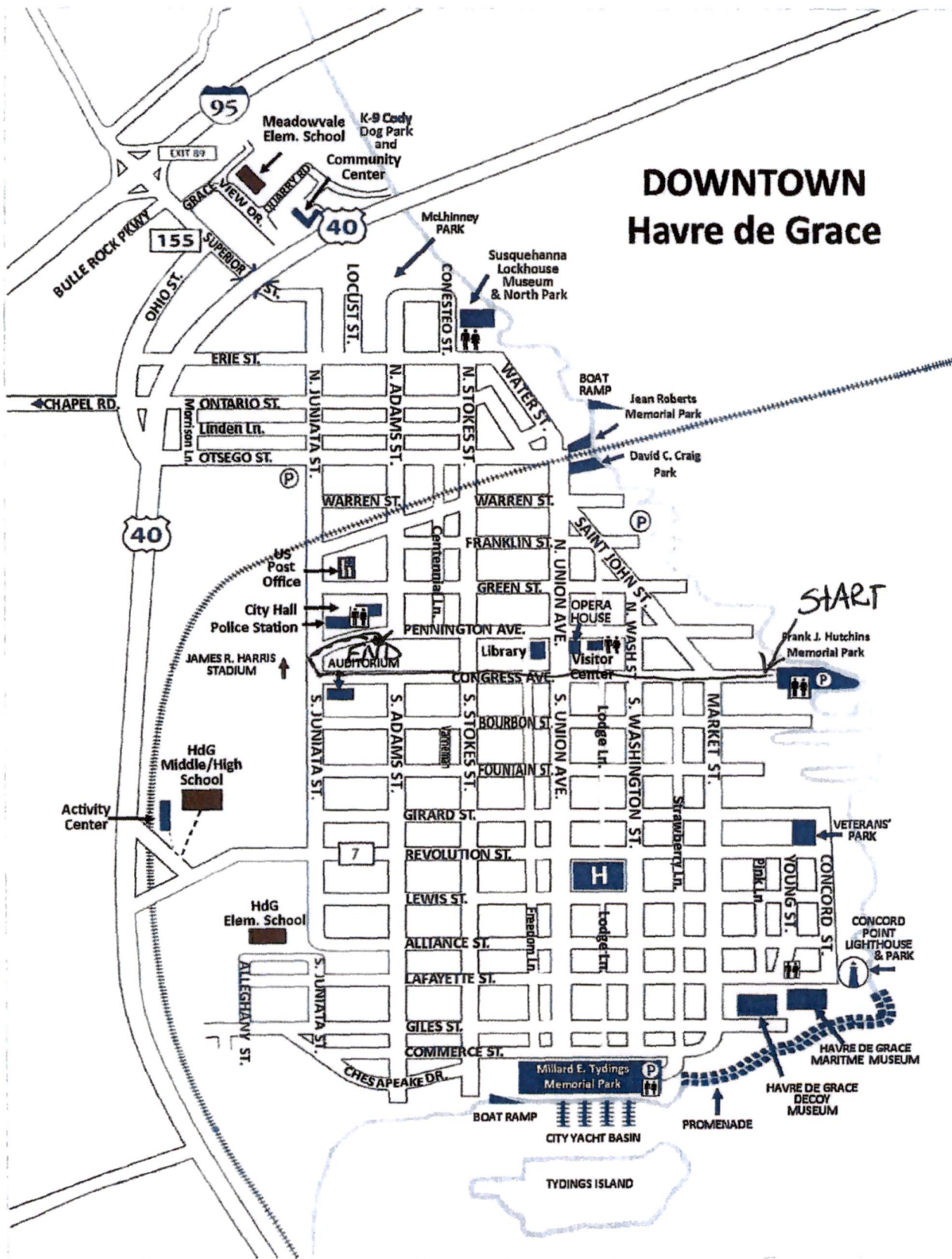
Yes No Will there be raffles, 50/50 or other gambling games?

It is the responsibility of the **EVENT SPONSOR** to contact the Harford County Sheriff's Office for the appropriate permit: <https://harfordsheriff.org/services/gambling/>. A copy of the approved License must be provided to the Chief of Parks, Events and Recreation prior to the scheduled event.

First Aid Services/Medical Plan:

Please describe your medical plan including the number of first aid staff and/or first aid stations within the perimeter of your event. Please include your communication plan and types of resources that will be at your event for medical emergencies.

Fire dept & EMS will be participating



DOWNTOWN Havre de Grace

Affidavit:

The Applicant agrees to defend, indemnify and hold harmless the City of Havre de Grace, its agents, representatives, officials and employees, from and against any and all claims, damages, losses and expenses (including but not limited to attorney fees, court cost, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted from the acts, errors, mistakes, or omissions of the Applicant, its agents, employees, contractors, subcontractors, customers, invitees, guests or other persons doing business with the Applicant, in connection with the Special Event described in this Application, provided that such claims, damages, losses and expenses are attributable to bodily injury or to injury to or destruction of property. Any cancellation must be made 48 hours prior to the scheduled event.

I have read and understand all of the attached policies and will abide by all policies, rules, regulations, and conditions as written. I understand that the Special Event Permit is not transferable to any other Sponsor, Individual or Group. I also understand the event cannot be advertised until the application has been submitted and approved by the Mayor and City Council.

Event Name: HHS Homecoming Parade

Print Name of Event Sponsor HHS PTSA

Title Vice President

Phone _____ Email _____

Signature Vera Cardwell Date 8/28/2023

Received by Kiley/Ernest Date 9/10/23
City Official

SPECIAL EVENTS WORK SHEET

Event:	HHS Homecoming Parade	Tracking ID: 1011 20 0005
Dates:	10/27/2023	
Time of set up:	3:45 pm - 5:00 pm	
Take down time:	5:30 pm - 5:45 pm	
Time of actual event:	5:00 pm - 5:30 pm	
Location:	Stadium parking to Pennington to Stokes to Congress to Harris Field	

	Number of personnel	Regular Pay (Hours)	Overtime Pay Hours*	FULLY Loaded Wage**	Estimated Hours	Total Estimated Cost
PD					0	\$0.00

Notes

Patrol units on duty will handle. Completed 08/28/2023

	Number of personnel	Regular Pay (Hours)	Overtime Pay Hours*	FULLY Loaded Wage**	Estimated Hours	Total Estimated Cost
DPW					0	\$0.00

Notes

No services needed.

Grand Total	0	0	0	\$0.00	0	\$0.00
--------------------	---	---	---	--------	---	--------

Grand Total

REVISION 1/10/2020	<p>*Note: OT salary is 1.5 times average salary: ** Note 2 - FULLY Loaded Wage provided by the Finance Department includes Wages, Fringe Benefits & Materials based on the U.S. Department of Health and Human Services Division of Cost Allocation (DCAA)</p>					
---------------------------	---	--	--	--	--	--