



City of Havre de Grace

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

410-939-1800

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: Tuesday, January 2, 2024

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.

The Council intends to close part of the meeting to consult with counsel to obtain legal advice, and to consult with City staff and the City Attorney about pending or potential litigation. The public may attend the open session and observe the vote of Council to move into closed session at agenda item #19. The closing statement will be read into the record and will be available for public inspection. The Council will not reconvene in open session after the closed session.



COUNCIL MEETING AGENDA

January 2, 2024

711 Pennington Avenue, Havre de Grace, Maryland
7:00 p.m.

Public Hearing for Charter Resolution No. 298 concerning the Annexation of 1419 Chapel Road

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING "SUBSECTION A.39 THE FIRST 2023 ADDITION TO THE CITY BOUNDARIES," ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE 1419 CHAPEL ROAD CONSISTING OF A TOTAL OF 15,725 SQ. FT. MORE OR LESS

Public Hearing for Charter Resolution No. 299 concerning the Annexation of 1609 Pulaski Highway

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING "SUBSECTION A.39 THE SECOND 2023 ADDITION TO THE CITY BOUNDARIES," ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

Public Hearing for Ordinance No. 1135 concerning Accepting a Deed of Easement at 973 Chesapeake Drive

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF ACCEPTING A DEED OF EASEMENT WITH RESPECT TO PUBLIC FACILITIES TO INCLUDE A MUNICIPAL WATER LINE ACROSS THE PROPERTY LOCATED AT 973 CHESAPEAKE DRIVE

Public Hearing for Ordinance No. 1136 concerning Adding Chapter 31-2 TT and UU regarding Vacant, Abandoned and Deteriorated Properties

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 ADD CHAPTER 31-2 TT AND UU REGARDING VACANT, ABANDONED AND DETERIORATED PROPERTIES

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer: Pastor Norman Obenshain, Havre de Grace United Methodist Church
5. Approval of the Minutes:
 - A. City Council Meeting Minutes – December 18, 2023
6. Comments from Citizens
7. Appointments:
 - A. Cultural Exchange Commission (CM Boyer)
 - i. John Zimmerman – Appointment
 - B. Water & Sewer Commission (CM Boker)
 - i. James E. Clark – Reappointment
8. Oath of Office (Administered by Mayor Martin)
 - A. Cultural Exchange Commission
 - i. John Zimmerman
9. Recognitions: None
10. Proclamations: None
11. Presentations:
 - A. Update on University of Maryland Upper Chesapeake Health (UM UCH Leadership)
12. Resolutions: None
13. Ordinances:
 - A. **Ordinance concerning Amending Chapter 20 Annexation Policy and Procedure: First Reading (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 CHAPTER 20 ANNEXATION POLICY AND PROCEDURE
 - B. **Ordinance concerning Approving Budget Amendment 2024-06 to Replace the Water Distribution Lines on Weber Street: 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 ADDRESS ADDITIONAL ALLOCATION OF FUNDS FOR THE CITY OF HAVRE DE GRACE FOR FISCAL YEAR 2024
14. Old Business: None
15. New Business: None

16. Directors Report:

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

19. Motion to Move into Closed Session (CP Ringsaker)

- A. Consult with Counsel to Obtain Legal Advice
- B. Consult with Staff, Consultants, or Other Individuals about Pending or Potential Litigation

20. Adjournment

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Charter Resolution 298 concerning the Annexation of
1419 Chapel Road**

(Public Hearing)

Date: **11/27/2023**

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 January 2, 2024**
 - In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND
CHARTER RESOLUTION NO. 298
(ANNEXATION)

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.39 THE FIRST 2023 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE 1419 CHAPEL ROAD CONSISTING OF A TOTAL OF 15,725 SQ. FT. MORE OR LESS

On: 11/20/2023

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 January 2, 2024 at 7:00 p.m.

CHARTER Resolution No. 298
(Annexation)

34 **WHEREAS**, the land subject to this annexation resolution is eligible for annexation since
35 the land is contiguous and adjoining the existing corporate boundaries of the City, and the
36 annexation will not create an unincorporated area as it is bounded on all sides by: (i) property
37 presently within the corporate limits of the City; (ii) real property proposed to be within the
38 corporate limits of the City as a result of the proposed annexation; or (iii) any combination of such
39 properties; and
40

41 **WHEREAS**, the owners of not less than twenty-five percent (25%) of the assessed value
42 of the real property to be annexed and at least 25% of the registered voters who are residents in
43 the area to be annexed consent to the annexation, and therefore the annexation meets the
44 requirements of Section 4-404 of the Local Government Article of the Annotated Code of
45 Maryland; and
46

47 **WHEREAS**, the Mayor and City Council of Havre de Grace, Maryland has adopted an
48 Annexation Plan for the Property on the same date which is known as City Council Calendar
49 Resolution No. 2023-20 and which is the subject to this Charter Resolution, and
50

51 **WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland has determined
52 that the annexation of the 15,725 sq. ft. of land more or less consisting of the parcel located on the
53 north side of the westbound lane of Chapel Road as more specifically defined herein is in the best
54 interest of the health and welfare of the citizens of Havre de Grace and consistent with the City's
55 Comprehensive Plan.
56

57 **NOW THEREFORE BE IT RESOLVED, ORDAINED, AND ENACTED BY THE**
58 **MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND AS FOLLOWS:**
59

60 SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de
61 Grace, Maryland is hereby amended to add a new Subsection A.39, The First 2023 Addition to the
62 City Boundaries as set forth in the legal description attached hereto as **Exhibit A** and incorporated
63 by reference herein. ("Property").
64

65 SECTION 2. The Mayor and City Council of Havre de Grace, Maryland and the requisite
66 owners of the properties hereby annexed agree that the conditions and circumstances applicable to
67 the change in the boundaries of the City of Havre de Grace caused by this annexation and to the
68 property within the area hereby annexed are as provided in the applicable Charter provisions, laws
69 and ordinances of the State of Maryland and the City of Havre de Grace, except as follows:
70

71 (a) The Property is currently given a County zoning destination of R2 on the official
72 zoning maps of Harford County. The zoning designation in the City that the Mayor and City
73 Council shall assign to the Property is R1 as defined in the Havre de Grace Zoning Code.
74

75 (b) City water and sewer is already servicing this Property and after the annexation is
76 final, the property will be charged generally applicable rates and pursuant to conditions generally
77 applicable to other City-owned properties within the corporate boundaries of the City of Havre de
78 Grace. The cost to construct any upgrades to facilities necessary to provide water and sewer
79 service to the Property shall be paid according to the laws, rules, regulations and policies,

CHARTER Resolution No. 298
(Annexation)

80 specifications, standards and approvals (including state and county, if any), existing or required at
81 the time of construction, including any applicable capital cost recovery charges, annexation
82 agreements, public works agreements, or recoupment agreements authorized under the Annexation
83 Resolution, and in accordance with the Annexation Plan adopted under Calendar Resolution 2023-
84 20 attached hereto and marked **Exhibit B**.

85
86 (c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that a legal
87 description of the Property has been prepared by a professional engineer and reviewed by the City.
88

89 (d) The terms and conditions of this Charter Resolution are consistent with the
90 Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by
91 City Code Section 20 (“Annexation Policy”), a copy of which is attached hereto as **Exhibit C**.
92

93 SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction
94 and first reading of this Charter Resolution by the Mayor and City Council of Havre de Grace,
95 Maryland, the Director of Administration shall create a public notice, briefly and accurately
96 describing the proposed change and the conditions and circumstances applicable. The aforesaid
97 notice shall be published two (2) times at not less than weekly intervals in a newspaper or
98 newspapers of general circulation in the City of Havre de Grace and the area to be annexed, as the
99 area to be annexed is less than 25 acres. The aforesaid public notice shall state a time, not less
100 than fifteen (15) days after the second (2nd) publication thereof and not less than 30 days after the
101 Annexation Plan described in Calendar Resolution 2023-20 is approved, provided to the regional
102 and national planning agencies, and the place within the City of Havre de Grace at which a public
103 hearing shall be held to consider public comment to consider this Charter Resolution. The public
104 hearing may be continued or rescheduled in accordance with the requirements set forth in Local
105 Government Article of the Annotated Code of Maryland. Immediately upon the first publication
106 of the specified public notice, a copy of the public notice and other relevant documents shall be
107 provided to the Harford County Council, the Harford County Executive, the Director of the
108 Harford County Department of Planning and Zoning, the Planning Commission of the City of
109 Havre de Grace, and to any other regional or state planning agency having jurisdiction over the
110 property.
111

112 SECTION 4. AND BE IT FURTHER RESOLVED that, this Charter Resolution shall
113 become effective forty-five (45) days after its enactment by the Mayor and City Council of Havre
114 de Grace, Maryland, provided that after the public hearing this Charter Resolution is read and
115 passed by an affirmative vote of a majority of the Council members present at a second reading of
116 the Charter Resolution at a regular City Council meeting after the conclusion of the public hearing
117 and any continuation thereof as prescribed by the Local Government Article Section 4-407 of the
118 Annotated Code of Maryland (as amended) and also provided that a proper petition for referendum
119 calling for an election related to the annexation is not filed as permitted by law.
120

121 SECTION 5. AND BE IT FURTHER RESOLVED that, if any section, subsection,
122 paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or
123 circumstances is held invalid by any court of competent jurisdiction, the remaining sections,
124 subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the

**CHARTER Resolution No. 298
(Annexation)**

125 application of the provision to other persons or circumstances then in effect, shall continue in full
126 force and effect.

127

128 SECTION 6. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
129 Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and
130 the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of
131 Harford County and the Department of Legislative Reference for the State of Maryland when this
132 Resolution takes effect.

133

134 SECTION 7. AND BE IT FURTHER RESOLVED, by the City Council of Havre de
135 Grace, Maryland that the Mayor is authorized to enter into an Annexation Agreement and/or Public
136 Works Agreement with the recommendation of the Director of Planning Director of the
137 Department of Public Works, and after for legal sufficiency by the City Attorney, to implement
138 the purposes of this Charter Resolution and the Annexation Plan.

139

140 Introduced by the City Council and attested the Director of Administration this 20th day of
141 November, 2023.

142

143

144 ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

145

146

147

148 _____
149 Stephen J. Gamatoria
150 Director of Administration

148 _____
149 William T. Martin
150 Mayor

151

152

152 Introduced: 11/20/2023
153 Public Hearing
154 Second Reading:
155 Adoption/Enactment:
156 Adopted/Effective Date (45 days after enactment if no referendum):

157

158 Attachments:

159 Exhibit A – Property Description

160 Exhibit B – Resolution 2023-20 – Annexation Plan

161 Exhibit C – City Code Section 20 – Annexation Policy

Exhibit A

Property Description of Land

To be Annexed into the City of Havre de Grace

1419 Chapel Road

Consisting of 15,725 Square Feet More or Less

Beginning for the same at a point on the northerly side of the road leading from Havre de Grace to Wesleyan Chapel, known as Chapel Road distant fifteen feet northwesterly from the southwesterly corner of the lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, dated July 14, 1951 and recorded among the Land Records of Harford County in Liber G.R.G. 359, Folio 508; and running thence parallel with the westerly line of said lot conveyed by deed to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, as aforesaid North 7° 05' East 185 feet to a point; thence parallel with the northerly side of Chapel Road North 82° 50' West 85 feet to a point; thence parallel with the aforesaid lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, South 7° 05' West 185 feet to the northerly side of Chapel Road, thence with the northerly side of Chapel Road South 82° 50' East 85 feet to the place of beginning.

Exhibit B

Resolution No. 2023-20

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-20

Introduced by _____ Council President Ringsaker _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE PROPERTY KNOWN AS 1419 CHAPEL ROAD CONSISTING OF A TOTAL OF 15,725 SQUARE FEET MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace ("City") seeks to annex certain Property located at 1419 Chapel Road, consisting of 15,725 sq. ft. more or less, and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation ("Charter Resolution" or "Annexation Resolution"); and

WHEREAS, the property to be annexed consists of 15,725, sq. ft. more or less located on the north side of Chapel Road westbound, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the property is adjacent to property already within the municipal limits of the City, and will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City's 2010 Comprehensive Plan, and specifically the annexation of properties on a case-by-case basis along Chapel Road between Tydings Road and Shawnee Brooke Drive;

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the property, as defined herein:

THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1419 CHAPEL ROAD FOR A TOTAL OF 15,725 sq. ft. MORE OR LESS

1. Introduction. The property proposed to be annexed in this Plan is a residential lot situated along the north side of the westbound lane of Chapel Road at the entrance to the residential community known as Gracecroft (although it is not formerly part of Gracecroft, having been in place prior to the establishment of that development). For

1

Resolution No. 2023-20
A. Ishak – 11/15/2023

Resolution No. 2023-20

identification purposes, the Property being annexed consists of one parcel known as 1419 Chapel Road, with the total land area being 15,725 sq. ft., more or less, (the "Property"). The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1419 Chapel Road, Tax Map 44, Grid 3F, Parcel 246, Account ID No. 06-005667, and described in a Deed dated April 7, 2017 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 12343, folio/page 432, from Dennis M. Moore and Marilee F. Moore to Christopher Skelley and Iris Skelley, husband and wife.

2. Current Conditions. Currently there is one residence located on the Property and two resident voters. The Property to be annexed is serviced by City water and sewer and currently has a private trash service. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned R2 on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to continue the current use as an owner-occupied single-family residence.
5. Proposed Zoning. Proposed zoning for the Property will be R1. No amendment to the City's zoning code will be required for the continued use as currently proposed. The use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of adjoining properties.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, except that any public easements to be dedicated to the City for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property may be required. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City currently has the water and sewer capacity for this the Property and the owner will be required to pay for all required connection and capital cost recovery fees set forth in the City Code for any new connections. In addition, infrastructure improvements for water pressure and volume of delivery may be required depending on future development plans and will be separately considered at that time. Until a site plan or building permit is approved for such subsequent development of the property, water and sewer capacity for increased or new demand and use remain uncommitted and not guaranteed. Water and/or sewer line upgrades for future increased use must be paid by the owner of the parcel at the property owner's expense, and any recorded recoupments will need to be collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to water and sewer capacity or distribution

**CHARTER Resolution No. 298
(Annexation)**

Resolution No. 2023-20

upgrades, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County. After the effective date of the annexation, the water and sewer charges will be commensurate with the fees charged to citizens of Havre de Grace which will be prorated from the effective date through the end of the first quarterly billing cycle.

7. Trash Removal. Once annexed, the Property will be serviced by the City's trash removal services and will be charged for all applicable for the tipping fee on the quarterly water/sewer bill.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to the current single family residential use. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation.
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services pursuant to the conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. The municipal services contemplated by this Annexation shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.

CHARTER Resolution No. 298
(Annexation)

Resolution No. 2023-20

14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any other appropriate conditions, if required by the City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Resolution).

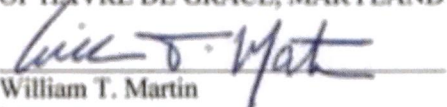
NOW THEREFORE, it is this 20th day of November, 2023 determined, decided and resolved by the Mayor and City Council:

1. To adopt the Annexation Plan set forth herein.
2. To introduce the Charter Resolution (Annexation Resolution) at the November 20, 2023 City Council meeting;
3. To hold a hearing on the Charter Resolution (Annexation Resolution) on January 2, 2024 at 7 p.m.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of November, 2023.

ATTEST:


 Stephen J. Gamatoria
 Director of Administration

THE MAYOR AND CITY COUNCIL
 OF HAVRE DE GRACE, MARYLAND

 William T. Martin
 Mayor

Introduced: 11/20/2023
 Passed/Adopted: 11/20/2023
 Effective Date: 11/22/2023

Note: Once approved by City Council, this calendar Resolution is to be attached as Exhibit B to the Charter Resolution (Annexation Resolution) referenced herein.

Resolution No. 2023-20

Exhibit A

Property Description of Land

To be Annexed into the City of Havre de Grace

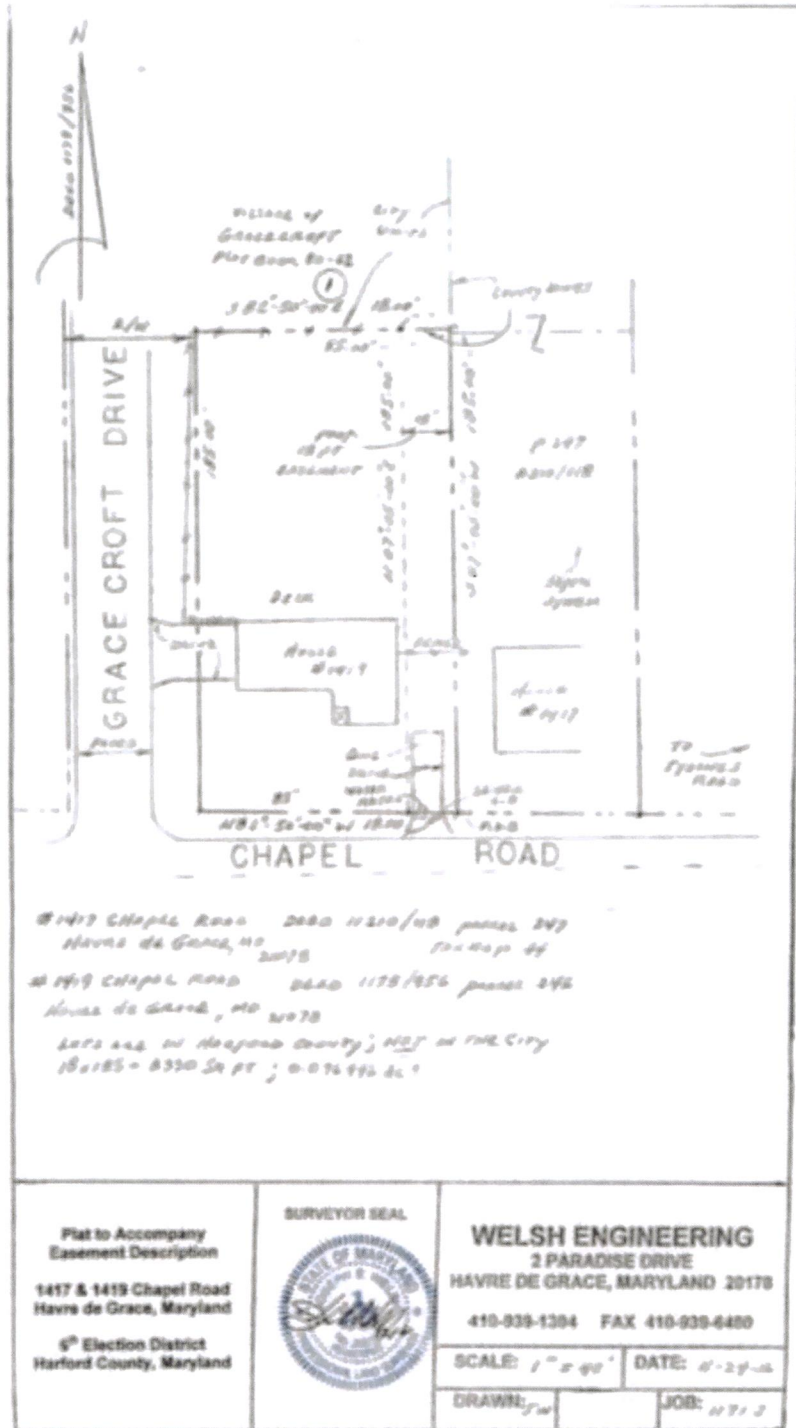
1419 Chapel Road

Consisting of 15,725 Square Feet More or Less

Beginning for the same at a point on the northerly side of the road leading from Havre de Grace to Wesleyan Chapel, known as Chapel Road distant fifteen feet northwesterly from the southwesterly corner of the lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, dated July 14, 1951 and recorded among the Land Records of Harford County in Liber G.R.G. 359, Folio 508; and running thence parallel with the westerly line of said lot conveyed by deed to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, as aforesaid North 7° 05' East 185 feet to a point; thence parallel with the northerly side of Chapel Road North 82° 50' West 85 feet to a point; thence parallel with the aforesaid lot heretofore conveyed by deed from G. Arnold Pfaffenbach to William Ellsworth Fletcher and Minnie L. Fletcher, his wife, South 7° 05' West 185 feet to the northerly side of Chapel Road, thence with the northerly side of Chapel Road South 82° 50' East 85 feet to the place of beginning.

CHARTER Resolution No. 298
(Annexation)

Resolution No. 2023-20



Resolution No. 2023-20
A. Ishak - 11/15/2023

Charter Resolution No. 298
A. Ishak - 11/15/2023

Exhibit C

§ 20-1. Policy.

The following principles shall govern annexation:

- A. The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare, and economic development of the City.
- B. The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.
- C. The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan and any other corridor or small area plan.
- D. The location relative to existing public facilities and a review of the City's ability to provide public facilities to serve the annexation area.
- E. The development of relevant conditions for the protection and benefit of the residents of the City.
- F. The annexation will not result in an adverse fiscal impact upon the City.
- G. Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Charter Resolution 299 concerning the Annexation of
1609 Pulaski Highway**

(Public Hearing)

Date: **11/27/2023**

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 January 2, 2024**
 - In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND
CHARTER RESOLUTION NO. 299
(ANNEXATION)

Introduced by Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION, ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SUBTITLE 3: AMENDMENT OR REPEAL OF CHARTER, AND SUBTITLE 4: ANNEXATION AUTHORIZING THE LEGISLATIVE BODY OF A MUNICIPALITY TO ANNEX PROPERTY EXTENDING THE BOUNDARIES OF THE MUNICIPALITY BY RESOLUTION TO AMEND THE CITY CHARTER, SPECIFICALLY APPENDIX A OF THE HAVRE DE GRACE CHARTER BY ADDING “SUBSECTION A.39 THE SECOND 2023 ADDITION TO THE CITY BOUNDARIES,” ALONG WITH THE LEGAL DESCRIPTION OF THE ACRES OF LAND WHICH WILL ENLARGE THE BOUNDARIES OF THE CITY OF HAVRE DE GRACE TO INCLUDE THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

On: 11/20/2023

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 January 2, 2024 at 7:00 p.m.

CHARTER Resolution No. 299
(Annexation)

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

43 **WHEREAS**, the owners of not less than twenty-five percent (25%) of the assessed value
44 of the real property to be annexed and at least 25% of the registered voters who are residents in
45 the area to be annexed consent to the annexation, and therefore the annexation meets the
46 requirements of Section 4-404 of the Local Government Article of the Annotated Code of
47 Maryland; and

48 **WHEREAS**, the Mayor and City Council of Havre de Grace, Maryland has adopted an
49 Annexation Plan for the Property on the same date which is known as City Council Calendar
50 Resolution No. 2023-21 and which is the subject to this Charter Resolution, and

51 **WHEREAS**, The Mayor and City Council of Havre de Grace, Maryland has determined
52 that the annexation of 1.59 acres more or less consisting of the parcel and State Road right-of-way
53 located on the north side of the westbound lane of Pulaski Highway (shown on State Road Plat
54 3854) as more specifically defined herein is in the best interest of the health and welfare of the
55 citizens of Havre de Grace and consistent with the City’s Comprehensive Plan.

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

58 SECTION 1. The Appendix to the Charter of the Mayor and City Council of Havre de
59 Grace, Maryland is hereby amended to add a new Subsection A.39, The Second 2023 Addition to
60 the City Boundaries as set forth in the legal description attached hereto as **Exhibit A** and
61 incorporated by reference herein. (“Property”).

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

67 (a) The Property is currently given a County zoning designation of Commercial
68 Industrial District on the official zoning maps of Harford County. The zoning designation in the
69 City that the Mayor and City Council shall assign to the Property is C-Commercial as defined in
70 the Havre de Grace Zoning Code.

71 (b) The Property is not currently being serviced by City water and sewer. After the
72 annexation is final, the Property will be charged generally applicable rates and pursuant to
73 conditions generally applicable to other City-owned properties within the corporate boundaries of
74 the City of Havre de Grace. By undertaking this annexation, the City is not agreeing to make or
75 pay for any upgrades to public facilities that may be needed to develop the currently unoccupied

CHARTER Resolution No. 299
(Annexation)

76 property. The cost to construct any upgrades to facilities necessary to provide water and sewer
77 service to the Property shall be paid by the owner or developer according to the laws, rules,
78 regulations and policies, specifications, standards and approvals (including state and county, if
79 any), existing or required at the time of site plan or subdivision approval, including any applicable
80 capital cost recovery charges then in effect, annexation agreements allocating responsibility for
81 construction costs, public works agreements, or recoupment agreements authorized under this
82 Charter Resolution and the Annexation Plan adopted under Calendar Resolution 2023-21 attached
83 hereto and marked **Exhibit B**.

84 (c) The Mayor and City Council of Havre de Grace, Maryland acknowledge that a legal
85 description of the Property has been prepared by a professional engineer and reviewed by the City.

86 (d) The terms and conditions of this Charter Resolution are consistent with the
87 Annexation Policy of the Mayor and City Council of Havre de Grace, Maryland established by
88 City Code Section 20 (“Annexation Policy”), a copy of which is attached hereto as **Exhibit C**.

89 SECTION 3. AND BE IT FURTHER RESOLVED that, promptly after the introduction
90 and first reading of this Charter Resolution by the Mayor and City Council of Havre de Grace,
91 Maryland, the Director of Administration shall create a public notice, briefly and accurately
92 describing the proposed change and the conditions and circumstances applicable. The aforesaid
93 notice shall be published two (2) times at not less than weekly intervals in a newspaper or
94 newspapers of general circulation in the City of Havre de Grace and the area to be annexed, as the
95 area to be annexed is less than 25 acres. The aforesaid public notice shall state a time, not less
96 than fifteen (15) days after the second (2nd) publication thereof and not less than 30 days after the
97 Annexation Plan described in Calendar Resolution 2023-21 is approved, provided to the regional
98 and national planning agencies, and the place within the City of Havre de Grace at which a public
99 hearing shall be held to consider public comment to consider this Charter Resolution. The public
100 hearing may be continued or rescheduled in accordance with the requirements set forth in Local
101 Government Article of the Annotated Code of Maryland. Immediately upon the first publication
102 of the specified public notice, a copy of the public notice and other relevant documents shall be
103 provided to the Harford County Council, the Harford County Executive, the Director of the
104 Harford County Department of Planning and Zoning, the Planning Commission of the City of
105 Havre de Grace, and to any other regional or state planning agency having jurisdiction over the
106 property.

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

**CHARTER Resolution No. 299
(Annexation)**

115 SECTION 5. AND BE IT FURTHER RESOLVED that, if any section, subsection,
116 paragraph, sentence, clause, phrase or word of this Resolution or its application to any person or
117 circumstances is held invalid by any court of competent jurisdiction, the remaining sections,
118 subsections, paragraphs, sentences, clauses, phrases, and words of this Resolution, or the
119 application of the provision to other persons or circumstances then in effect, shall continue in full
120 force and effect.

121 SECTION 6. AND BE IT FURTHER RESOLVED, by the Mayor and City Council of
122 Havre de Grace, Maryland, that the Director of Planning shall promptly register the original and
123 the new corporate boundaries of the City of Havre de Grace with the Clerk of the Circuit Court of
124 Harford County and the Department of Legislative Reference for the State of Maryland when this
125 Resolution takes effect.

126 SECTION 7. AND BE IT FURTHER RESOLVED, by the City Council of Havre de
127 Grace, Maryland that the Mayor is authorized to enter into an Annexation Agreement and/or Public
128 Works Agreement with the recommendation of the Director of Planning Director of the
129 Department of Public Works, and after determination of legal sufficiency by the City Attorney, to
130 implement the purposes of this Charter Resolution and the Annexation Plan.

131 Introduced by the City Council and attested the Director of Administration this 20th day of
132 November, 2023.

133

134

135 ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

136

137

138

139 _____
Stephen J. Gamatoria
140 Director of Administration

139 _____
William T. Martin
140 Mayor

141

142

143 Introduced: 11/20/2023

144 Public Hearing

145 Second Reading:

146 Adoption/Enactment:

147 Adopted/Effective Date (45 days after enactment if no referendum):

148 Attachments:

149 Exhibit A – Property Description

150 Exhibit B – Resolution 2023-21 – Annexation Plan

151 Exhibit C – City Code Section 20 – Annexation Policy

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

South 22 degrees 55 minutes 43 seconds East 140.58 feet, thence crossing the 30 ft. right-of-way as shown on State Road Plat 3854

South 67 degrees 04 minutes 17 seconds West 30.00 feet, thence with the westerly side of the 30ft. right-of-way and with the former bank side,

North 22 degrees 55 minutes 43 seconds West 165.76 feet to the Northeast corner of the land of the former bank as described in a deed dated Dec. 15, 2020 from Cecil Bank to 2612 Laurel Bush Road LLC as recorded in the Land Records of Harford County in Liber 14374 Folio 441 and running with the 30 ft. right-of-way

North 22 degrees 55 minutes 43 seconds West 49.95 feet to a point on the current City limits and thence with the City limit South 44 degrees 41 minutes 07 seconds East 80.93 feet, to the point of beginning,

**CHARTER Resolution No. 299
(Annexation)**

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



CHARTER Resolution No. 299
(Annexation)

ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE

1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND

6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

North 47 degrees 53 minutes 27 seconds East 360.15 feet to a point on old 30 foot right-of-way and running with the 30 ft. right-of-way along the City Limits of the City of Havre de Grace South 22 degrees 55 minutes 43 seconds East 165.76 feet to the point of beginning, containing 1.4735 acres.



Exhibit B

Resolution No. 2023-21

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2023-21

Introduced by _____ Council President Ringsaker _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF THE MARYLAND CONSTITUTION ARTICLE XI-E AND THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 4-405, AND CITY CHARTER SECTION 34 ADOPTING AN ANNEXATION PLAN FOR THE PROPERTY KNOWN AS 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

WHEREAS, the Mayor and City Council of Havre de Grace ("City") seeks to annex certain Property located at 1609 Pulaski Highway plus a portion of the 30-foot-wide right-of-way consisting of 1.59 acres more or less ("Property"), and adopt this Annexation Plan in furtherance of the proposed Charter Resolution for Annexation ("Charter Resolution" or "Annexation Resolution"); and

WHEREAS, the property to be annexed consists of 1.59 acres ft. more or less located on the north side of the westbound lane of Pulaski Highway, situated and lying in the Sixth Election District of Harford County, Maryland as set forth more fully below; and

WHEREAS, the Property is adjacent to property already within the municipal limits of the City, and the annexation will not create an enclave;

WHEREAS, the annexation is consistent with the Municipal Growth Element of the City's 2010 Comprehensive Plan, and specifically the Municipal Growth Element and City expansion along Pulaski Highway/Route 40;

NOW THEREFORE, the Mayor and City Council adopt the following Annexation Plan for the property, as defined herein:

THE ANNEXATION PLAN FOR ONE PARCEL OF LAND LOCATED AT 1609 PULASKI HIGHWAY PLUS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY CONSISTING OF A TOTAL OF 1.59 ACRES MORE OR LESS

1

Resolution No. 2023-21
A. Ishak – 11/15/2023

Resolution No. 2023-21

1. Introduction. The property proposed to be annexed in this Plan is a commercial lot situated along the north side of the westbound lane of Pulaski Highway with an unoccupied building that was formerly a bank. For identification purposes, the Property being annexed consists of one parcel known as 1609 Pulaski Highway, with the total land area being 1.478 acres more or less together with a portion of the adjacent 30-foot-wide State Highway right-of-way consisting of 0.112 acres more or less. The Property to be annexed is reflected on the property description and survey attached as **Exhibit A** and is more particularly described in the following deed filed among the Land Records of Harford County:

1609 Pulaski Highway, Tax Map 52, Grid 1F, Parcel 223, Account ID No. 06-002978, and described in a Deed dated December 15, 2020 and recorded among the Land Records of Harford County, Maryland, in Liber/Book 14374, folio/page 441, from Columbian Bank FSB to 2612 Laurel Bush Road LLC.

2. Current Conditions. Currently there is one unoccupied commercial office building located on the Property and no resident voters are present. The Property to be annexed is not serviced by City water or sewer. The Property is serviced by County water and private septic systems. The property owner has requested the proposed annexation of the Property.
3. Current Zoning. The Property is currently zoned Commercial Industrial district on the official zoning maps of Harford County.
4. Future Proposed Use. The owner of the Property has indicated that it intends to continue the commercial use of the property and will be submitting a site plan on proposed development.
5. Proposed Zoning. Proposed zoning for the Property will be C-Commercial. No amendment to the City's zoning code will be required for the proposed use. The proposed use is also consistent with the Comprehensive Plan for the City of Havre de Grace and uses of nearby properties.
6. Public Facilities. There is currently no requirement that the land subject to this Annexation Plan be set aside for a school site, water or sewer treatment facilities, libraries, recreation, or fire, EMS or police departments, although construction of a public sewer and/or water line may be required and/or public easements may need to be dedicated to the City by the owner for purposes of access to any portion of the public water/sewer line which may run through or along the annexed Property. The current annexation plan shall be reviewed for anticipated infrastructure needs. As for water and sewer capacity, the City estimates that it currently has the water and sewer capacity for the Property. However, infrastructure improvements for water pressure and volume of delivery may be required and will be separately considered at the time of site plan approval. ***Until a site plan is approved, water and sewer capacity remain uncommitted and not guaranteed.*** Water and/or sewer lines must be extended to the respective parcels at the property owner's expense, and any recorded recoupments will need to be

Resolution No. 2023-21

collected prior to such connections. If there are any additional required infrastructure improvements, including but not limited to increased water and sewer capacity or distribution, they shall all be paid for by the owner/developers of the property along with required bonding for performance and maintenance. The owners/developers of the Property shall be charged the standard capital cost recovery charges, user benefit fees and all other fees and charges associated with connection to the City's water and sewer systems. Water and Sewer service rates shall be charged at the generally applicable rates and pursuant to the conditions generally applied by the City. The Property may be subject to recoupment agreements or cost recovery charges for water and sewer as may be authorized by City ordinances, the Annexation Resolution, Annexation Agreement, and/or Public Works Agreement, or separate agreements for capital cost recoupment that may be recorded among the Land Record for Harford County.

7. Trash Removal. Once annexed, the Property will be serviced by private commercial trash removal services and will not be billed for the City trash removal services.
8. Fire Protection. Fire protection shall continue to be provided to the Property by the Susquehanna Hose Company, Inc. pursuant to conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
9. Schools – Library – Recreation. The scope of the development on the Property is limited to commercial use. As such, no recreation element is required, and no additional school or library expansions will be needed as a result of the proposed annexation.
10. Real Property Taxes. The Property shall be taxed by the City at generally applicable rates. If the land is subject to an abatement request due to an enterprise zone designation
11. EMS. EMS protection shall be provided to the Property by the Havre de Grace Ambulance Corps, Inc. and Harford County Emergency Services pursuant to the conditions applicable to other properties within the corporate boundaries of the City and properties outside of the municipal limits.
12. Police. Police protection shall be provided to the Property by the Havre de Grace Police Department pursuant to the conditions to other properties within the corporate boundaries of the City and properties outside of the municipal limits in accordance with current mutual aid agreements and policies with the County and neighboring municipalities.
13. Timing of Municipal Services. Municipal services shall be provided at such time as the Annexation Resolution (Charter Resolution) becomes final after the time for referendum has expired.
14. Annexation Agreement and Public Works Agreement. The Mayor is authorized to enter into an Annexation Agreement and/or Public Works Agreement with and the owners/developers of the Property detailing the terms of this Annexation Plan and any

Resolution No. 2023-21

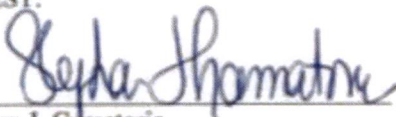
other appropriate conditions, if required by the City based on recommendations by the Director of the Department of Planning, the Director of the Department of Public Works and/or the City Attorney prior to any development or connections to City water and sewer. The provisions of this Annexation Plan are to be considered minimum requirements and additional requirements (including capital cost recovery fees) or more stringent requirements which may be added and addressed in an Annexation Agreement and/or Public Works Agreement, or both, or as otherwise provided in the Annexation Resolution (Charter Resolution).

NOW THEREFORE, it is this 20th day of November, 2023 determined, decided and resolved by the Mayor and City Council:

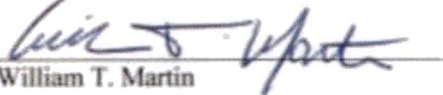
1. To adopt the Annexation Plan set forth herein.
2. To introduce the Charter Resolution (Annexation Resolution) at the November 20, 2023 City Council meeting;
3. To hold a hearing on the Charter Resolution (Annexation Resolution) on January 2, 2024 at 7 p.m.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of November, 2023.

ATTEST:



 Stephen J. Gamatoria
 Director of Administration

THE MAYOR AND CITY COUNCIL
 OF HAVRE DE GRACE, MARYLAND


 William T. Martin
 Mayor

Introduced: 11/20/2023
 Passed/Adopted: 11/20/2023
 Effective Date: 11/22/2023

Note: Once approved by City Council, this calendar Resolution is to be attached as Exhibit B to the Charter Resolution (Annexation Resolution) referenced herein.

Resolution No. 2023-21

Exhibit A

**ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE**

**ROAD ADJOINING THE LAND AT
1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND**

**6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point at the southeasterly corner of a parcel located in the City of Havre de Grace labelled "Open Space, Parcel A" as shown on a plat of Greenway Farms, Revised Final Plat One Phase One as recorded in the Land Records of Harford County in Plat Book 126 Folio 18, said point having coordinates of North 682,181.21 East 1,561,691.58, and leaving said point and running thence with the easterly side of a 30 ft. right-of-way with bearings based upon the plat

South 22 degrees 55 minutes 43 seconds East 140.58 feet, thence crossing the 30 ft. right-of-way as shown on State Road Plat 3854

South 67 degrees 04 minutes 17 seconds West 30.00 feet, thence with the westerly side of the 30ft. right-of-way and with the former bank side,

North 22 degrees 55 minutes 43 seconds West 165.76 feet to the Northeast corner of the land of the former bank as described in a deed dated Dec. 15, 2020 from Cecil Bank to 2612 Laurel Bush Road LLC as recorded in the Land Records of Harford County in Liber 14374 Folio 441 and running with the 30 ft. right-of-way

North 22 degrees 55 minutes 43 seconds West 49.95 feet to a point on the current City limits and thence with the City limit South 44 degrees 41 minutes 07 seconds East 80.93 feet, to the point of beginning.

**CHARTER Resolution No. 299
(Annexation)**

Resolution No. 2023-21

Containing 5,343.75 square feet, 0.1227 acre acres as shown on the attached drawing and based on a survey by Welsh Engineering. The annexed land is the 30 ft. lane East and North of the former bank site, a.k.a. 1609 Pulaski Highway



CHARTER Resolution No. 299
(Annexation)

Resolution No. 2023-21

ANNEXATION OF LAND TO
THE CITY OF HAVRE DE GRACE

1609 PULASKI HIGHWAY
HAVRE de GRACE, MARYLAND

6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

BEGINNING AT A POINT on the City Limits of the City of Havre de Grace at a point on the westerly side of a 30 foot right-of-way that adjoins the land known as 1609 Pulaski Highway, said point of beginning being shown on State Road Plat 3854 and leaving said point and running

South 12 degrees 02 minutes 41 seconds West 71.88 feet to a point on the northerly right-of-way of the through road of Pulaski Highway as shown on State Road Plat 2049

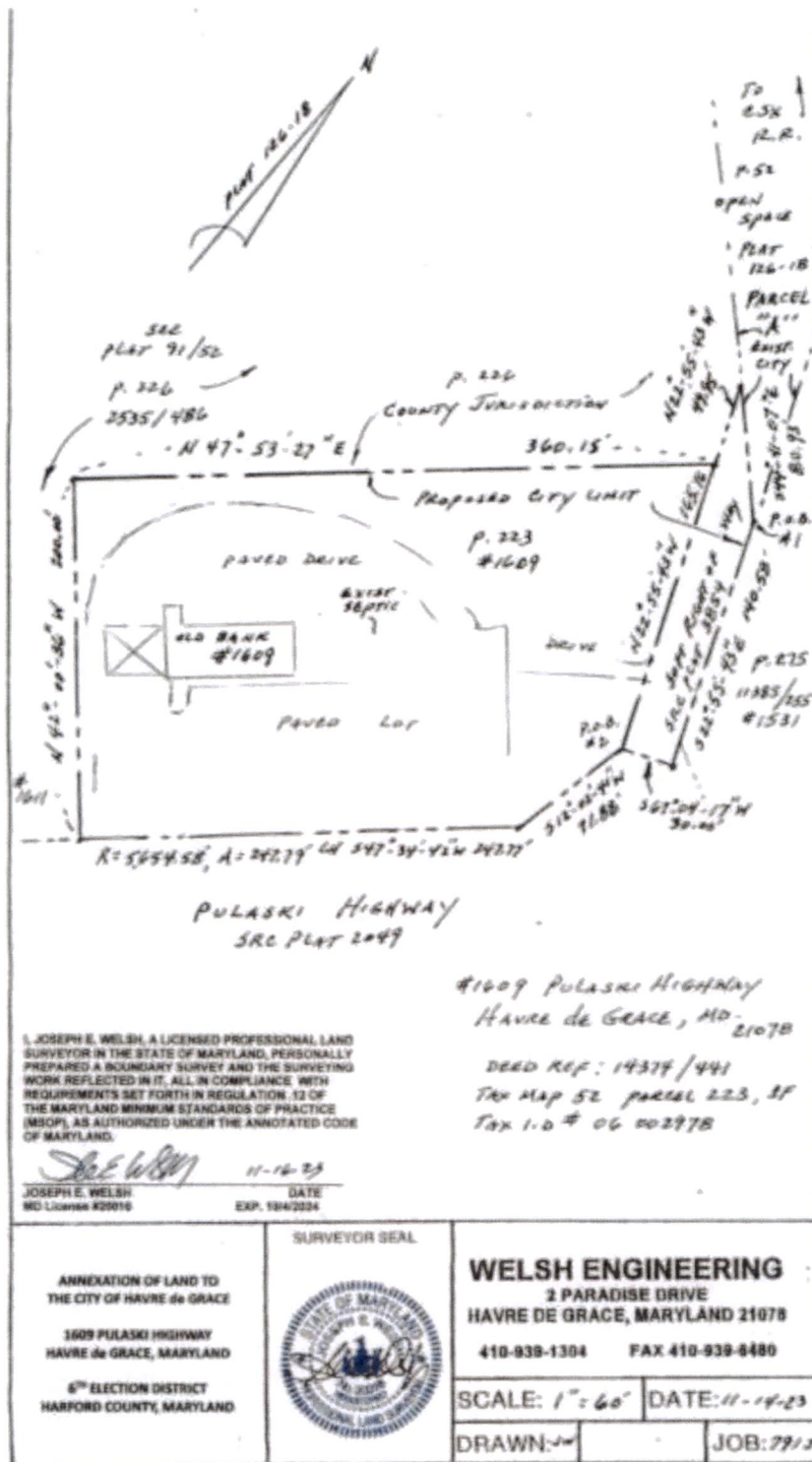
and running thence along U.S. 40 Pulaski Highway by a curve to the right having a radius of 5,654.58 and arc length of 247.79 feet and a chord with bearing and distance of South 47 degrees 34 minutes 42 seconds West 247.77 feet,

thence leaving Pulaski Highway and running North 42 degrees 00 minutes 36 seconds West 200.00 feet

North 47 degrees 53 minutes 27 seconds East 360.15 feet to a point on old 30 foot right-of-way and running with the 30 ft. right-of-way along the City Limits of the City of Havre de Grace South 22 degrees 55 minutes 43 seconds East 165.76 feet to the point of beginning, containing 1.4735 acres.



Resolution No. 2023-21
A. Ishak – 11/15/2023



8

Resolution No. 2023-21
A. Ishak - 11/15/2023

Exhibit C

§ 20-1. Policy.

The following principles shall govern annexation:

- A. The City Council may consider and act upon a petition for the annexation of land contiguous and adjacent to the corporate limits of the City in order to promote the health, safety, welfare, and economic development of the City.
- B. The annexation may be appropriate when it promotes coordinated planning for the area surrounding the land proposed for annexation, and where it is consistent with the plans for the present and future development of the City, and where it will not result in isolated development inconsistent with surrounding land uses.
- C. The annexation must contribute to the realization and/or furtherance of the goals and objectives of the Comprehensive Plan and any other corridor or small area plan.
- D. The location relative to existing public facilities and a review of the City's ability to provide public facilities to serve the annexation area.
- E. The development of relevant conditions for the protection and benefit of the residents of the City.
- F. The annexation will not result in an adverse fiscal impact upon the City.
- G. Upon approval of an annexation petition by the City Council, the petitioner shall not be permitted to amend or to otherwise change the terms of the annexation petition.

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1135 concerning Accepting a Deed of Easement
for 973 Chesapeake Drive**
(Public Hearing)

Date: **12/19/2023**

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 January 2, 2024 |
| <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. 1135

Introduced by Council Member Schneegas

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF ACCEPTING A DEED OF EASEMENT WITH RESPECT TO PUBLIC FACILITIES TO INCLUDE A MUNICIPAL WATER LINE ACROSS THE PROPERTY LOCATED AT 973 CHESAPEAKE DRIVE

On: 12/18/2023

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for January 2, 2024 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

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

34 WHEREAS, the owner of real property located at 973 Chesapeake Drive (“Owner”)
35 desires to execute and dedicate a deed of easement (substantially in the form attached hereto) with
36 respect to a municipal water line that will be installed on the property identified as Tax Account
37 Number 06-035930 and more specifically shown on the attached deed of easement (Exhibit 1)
38 (“Deed of Easement”) and Exhibits A and B attached thereto (“Easement Area”); and
39

40 WHEREAS, the purpose of easement is to allow a municipal water line to be installed so
41 that the adjoining property known as 904 Hebditch Lane can receive City water; and
42

43 WHEREAS, the Mayor and City of Council of Havre de Grace (“City”) desires to accept
44 the Deed of Easement to provide the City with a utility easement for the purpose of access to, and
45 maintenance and repair of, the municipal water line as may be required from time to time; and
46

47 WHEREAS, the Owner intends to execute a Deed of Easement in substantially similar
48 form as attached hereto as Exhibit 1; and
49

50 WHEREAS, the City’s acquisition of the easement is for a public purpose.
51

52 NOW THEREFORE, it is this ____ day of _____ 2024, determined,
53 decided, and ordained by a majority of the City Council members that:
54

55 The Mayor is authorized to sign a deed of easement in substantially similar form
56 that is attached hereto as Exhibit 1 and take such other action needed to acquire
57 and record the easement from the Owner of 973 Chesapeake Drive for the
58 purposes set forth in this ordinance.
59

60 The foregoing Ordinance is hereby approved by the City Council.
61

62 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____,
63 2024.
64

65 SIGNED by the Mayor and attested by the Director of Administration this __ day of
66 _____, 2024.
67

68 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

71 _____
72 Stephen J. Gamatoria
73 Director of Administration
74

71 _____
72 William T. Martin
73 Mayor
74

75 Introduced/First Reading: 12/18/2023
76 Public Hearing:
77 Second Reading/Adopted:
78 Effective Date:

1 **Exhibit 1**

2 PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

3
4 **UTILITY EASEMENT AGREEMENT**

5 THIS EASEMENT AGREEMENT made this __day of _____ 2024, by and
6 between Bonnie S. Gease, GRANTOR; and, The Mayor and City Council of Havre de Grace, a
7 Maryland Municipal Corporation, GRANTEE (collectively, "Parties").

8
9
10
11 Whereas, Bonnie S. Gease is the owner of property known as 973 Chesapeake Drive, Havre
12 de Grace, MD 21078 ("Property"); and,

13
14 Whereas, the Parties desire to establish a public utility easement crossing said Property;
15 and,

16
17 Whereas, the Grantor desires to grant said perpetual easement for the sole purposes stated
18 herein.

19
20 WITNESSETH, NOW THEREFORE, in consideration of the premises which are
21 incorporated herein by reference, and other good and valuable consideration, receipt of which is
22 hereby acknowledged, the Grantor does grant unto the Grantee, its successors and assigns, a
23 perpetual, non-exclusive, utility easement, ten (10) feet wide, as shown on Exhibit A and Exhibit
24 B attached hereto and made a part of, to the subject Property; and,

25
26 THE GRANT OF EASEMENT IS SUBJECT TO the following conditions:

- 27 a. All work performed in connection with the utility easement herein granted shall be
28 done in a good and workmanlike manner and in accordance with all applicable laws,
29 ordinances, codes, rules and regulations of all governmental agencies and authorities; and
- 30 b. All work, once commenced, shall be prosecuted diligently to its completion in the
31 shortest reasonable time possible under the circumstances; and
- 32 c. Grantee shall keep the easement area free at all times of waste materials and rubbish
33 or liens from arising from the exercise by Grantee of any work and shall restore the land to
34 its original condition prior to any work; and
- 35 d. Grantee shall save, defend, indemnify and hold harmless the Grantor, whether for
36 bodily injury or property damage, resulting from the construction, installation and
37 maintenance of said easement; and
- 38 e. Grantee shall only use the easement for the installation, maintenance, and repair of
39 the utilities for which this agreement sets out; and
- 40 f. Grantor shall have the right to use the surface of said Easement Area, so long as,
41 except as otherwise provided herein, said use is not inconsistent with the installation, use,
42 operation and maintenance of said easement; and

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g. The parties shall at all times cooperate with one another and comply with reasonable requests not inconsistent with the purpose for which this easement is executed, including but not limited to executing any statements, affidavits, plans or other instruments necessary to effectuate the purposes hereof, provided the same is without cost to and would not result in a material increase in the obligations of the cooperating party; and

h. Nothing herein shall create or be construed to create any rights in and/or for the benefit of the general public in or to the property or the easement area granted hereby.

This easement shall not supersede or exclude the implied easement rights of passage and service access to any existing utilities within its boundaries.

The easement granted herein is a covenant running with the land and shall bind and or inure to the parties hereto, their personal representatives, heirs, successors and or assigns, in perpetuity.

TO HAVE AND TO HOLD the said non-exclusive easement unto the Grantee, its successors and assigns, for the purposes and terms herein stated, unless otherwise amended.

IN WITNESS WHEREOF, the hand and seal of the Grantor this ___ day of _____ 2024.

WITNESS:

GRANTOR:

Bonnie S. Gease

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this ___ day of _____ 2024, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Bonnie S. Gease and acknowledged that she executed the same for the purposes herein contained, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

82 IN WITNESS WHEREOF, the hand and seal of the Grantee this __ day of _____ 2024.

83

84 WITNESS/ATTEST:

GRANTEE:

Mayor and City Council of Havre de Grace

86

87

By William T. Martin, Mayor

88

89

90 STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

91

92 I HEREBY CERTIFY that on this __ day of _____ 2024, before me, the subscriber, a Notary
93 Public of the State and County aforesaid, personally appeared William T. Martin and
94 acknowledged that he executed the same for the purposes herein contained, and in my presence
95 signed and sealed the same.

96

97 AS WITNESS my hand and Notarial Seal.

98

99

100 Notary Public

101 My Commission Expires: _____

102

Exhibit A

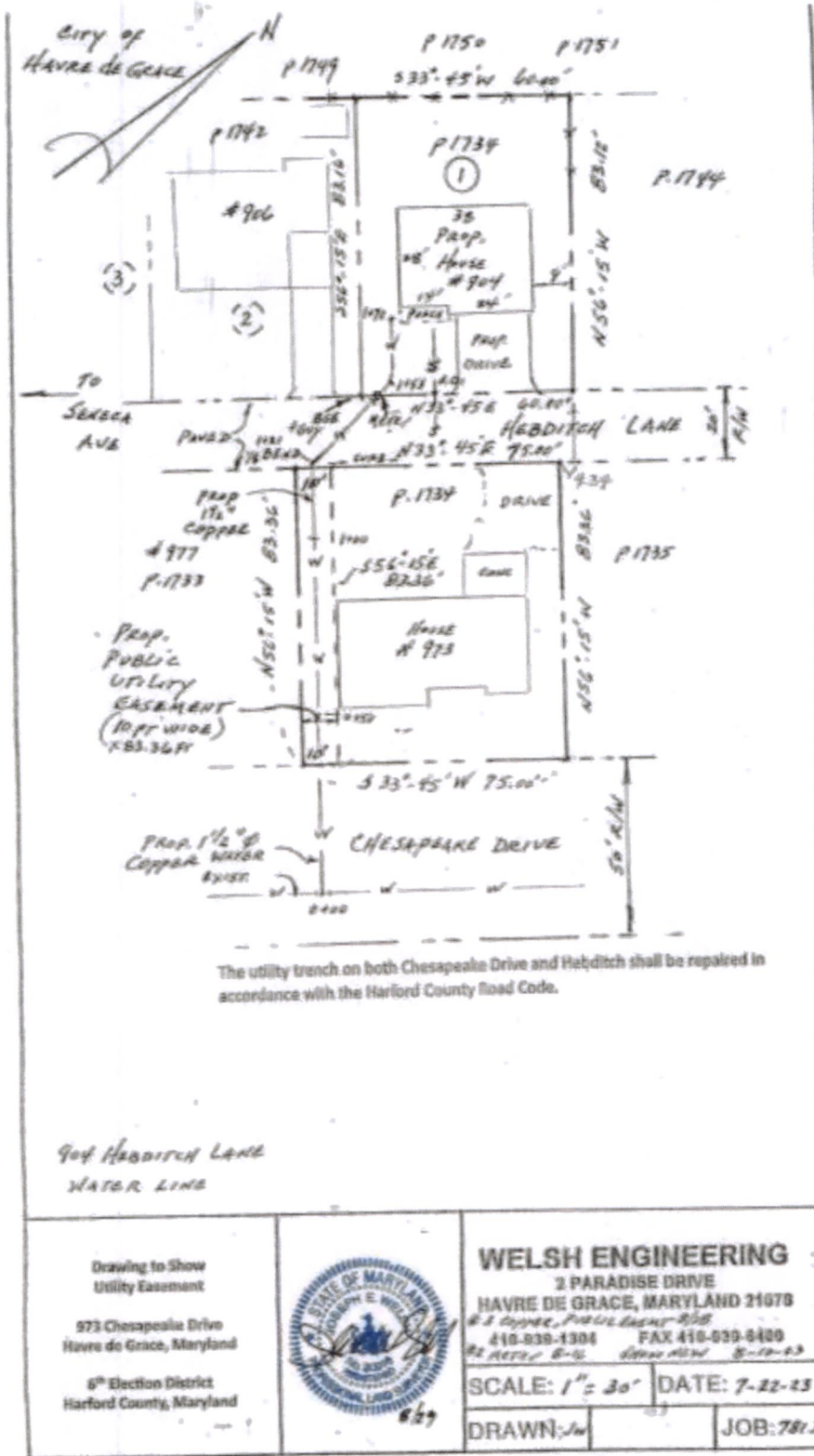
Legal Description

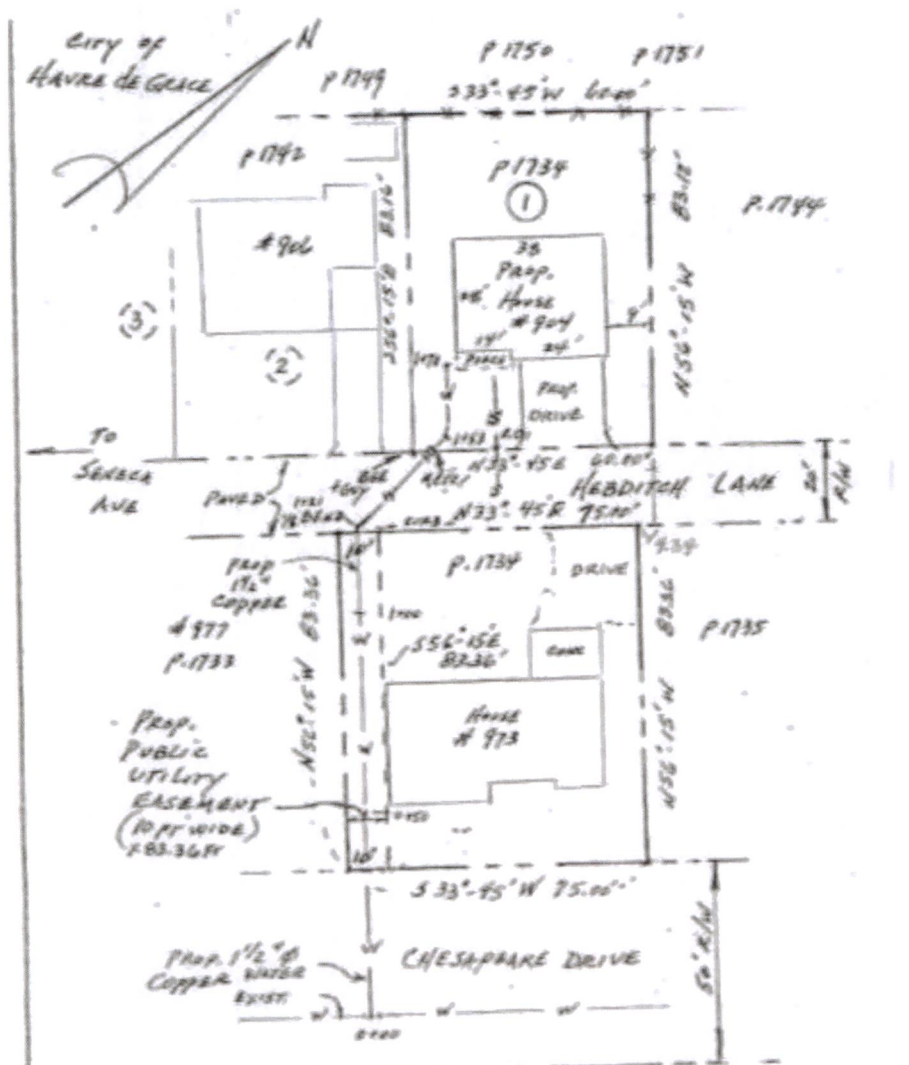
Utility Easement
973 Chesapeake Drive
Havre de Grace, Maryland
6th Election District
Harford County, Maryland

BEGINNING FOR THE SAME at a point on the easterly side of Hebditch Lane in the City of Havre de Grace, said point being the northwesterly corner of the land also known as 973 Chesapeake Drive as described in a deed dated July 18, 2007 from the Estate of Gretha Tollenger to 973 Chesapeake Drive, LLC as recorded in the Land Records of Harford County in deed Liber 7451 Folio 709,
and leaving said point of beginning and running with the easterly side of Hebditch Lane North 33 degrees 45 minutes 00 seconds East 10.00 feet, thence leaving Hebditch Lane and running thru the aforesaid Land of 973 Chesapeake Drive for a new line of easement South 56 degrees 15 minutes 00 seconds East 83.36 feet to a point on the easterly side of Chesapeake Drive,
thence running with Chesapeake Drive South 33 degrees 45 minutes 00 seconds West 10.00 feet to the westerly lot line and thence with the westerly lot line North 56 degrees 15 minutes 00 seconds West 83.36 feet to the point of beginning as shown on a drawing by Welsh Engineering and intended to be recorded with this description.




Exhibit B





The utility trench on both Chesapeake Drive and Hedditch shall be repaired in accordance with the Harford County Road Code.

904 Hedditch Lane
WATER LINE

| | | |
|---|---|---|
| <p>Utility Plan Drawing to Show Utility Easement</p> <p>973 Chesapeake Drive Havre de Grace, Maryland</p> <p>6th Election District Harford County, Maryland</p> |  | <p>WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 410-939-4304 FAX 410-939-6460</p> <p>SCALE: 1" = 30' DATE: 7-22-23</p> <p>DRAWN: Jm JOB: 781J</p> |
|---|---|---|

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1136 concerning Adding Chapter 31-2 TT and UU regarding Vacant, Abandoned and Deteriorated Properties (Public Hearing)**

Date: **12/19/2023**

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 January 2, 2024**
 - In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: N/A

32 BE IT ORDAINED, that Chapter 31-2 is hereby amended as follows:

33

34 TT – Vacant, Abandoned and/or Deteriorated (VAD) Properties – Non-Residential Uses in
35 Residential Area

36 (1) Purpose – Due to the unregulated development of portions of the city prior to the
37 establishment of the City Zoning Code, non-residential uses and residential uses are
38 interspersed throughout Havre de Grace—especially in the old town. Havre de Grace has
39 recognized that based on several factors, VAD properties that are or were non-residential
40 in use, which are adjacent to residential uses, can have an extraordinarily negative affect
41 on the surrounding community that is deleterious to the health, safety and welfare of the
42 public. It is in the best interest of the residents and businesses of Havre de Grace to
43 designate VAD properties and be proactive in reducing negative effects those properties
44 have on neighborhoods, including but not limited to, an unreasonable and substantial
45 interference with the public’s use and enjoyment of public properties and protecting the
46 health, safety and welfare of the City’s residents.

47 (2) When a property that was non-residential in character in or adjacent to a residential zoning
48 district is designated a VAD property, or if it is determined by the Code Official to meet
49 any of the definitions under 111.1.5, “Dangerous, structure or premises” in the 2021
50 International Property Maintenance Code (IPMC), the property will be deemed unsafe.

51 (3) The Code Official may also make a determination that a property is in VAD status citing
52 the specific provision of the currently adopted version of the IPMC, Chapter 31 of the City
53 Code, any amendments of those ordinances, or other section of the City Code where there
54 is a violation and the code section is relied upon in making a VAD determination.

55 (4) The Code Official will send notice to the property owner, via Certified U.S. Mail, U.S.
56 Mail and will physically post the property with the notice, stating the property is being
57 considered for VAD status. The property owner shall respond within 60 days to the Code
58 Official’s notice.

59 (5) The Code Official’s notice will list the violations and reasons why the subject property is
60 being considered for VAD determination, including the specific citations to the City Code,
61 the IPMC or other law. In addition, if after inspection the Code Official determines that the
62 structure creates an imminently dangerous condition, it shall be so stated in the Notice,
63 together with an explanation that property may be subject to immediate demolition without
64 further notice and with a demand for reimbursement of demolition costs to the City.

65 (6) The property owner’s response to the Code Officer’s notice should include the following
66 information:

- 67 a. If the property is vacant, the date the property became vacant;
- 68 b. Future plans for the subject property, including timeline for renovation,
69 redevelopment and reoccupation of the subject property;
- 70 c. If structures on the subject property will not be reoccupied, the property owner shall
71 state the reasons in their response;

- 72 d. If the structures on the property are recommended for demolition, the property
73 owner should provide a timeline for demolition in their response. All demolitions
74 must be performed per the City’s guidelines and shall include all paved and
75 asphalted areas;
- 76 e. Interim plans to abate any violations discussed in the Code Official’s notice; and
77 f. Interim plans to make the subject structure and/or property safe.
- 78 (7) If after 60 days from the date of notice, there is no response from the property owner or
79 his/her agent, the Code Official will deem the property abandoned, and if there is an
80 additional determination by the Code Official that if the abandoned property is not only
81 unsafe but in its current condition creates an imminent risk of death or serious bodily harm,
82 then the City can remedy, alleviate and abate the issues in the manner mentioned in the
83 notice.
- 84 (8) In the event an owner files a response to the Notice, all action items identified under
85 Subsections (6) (b), (d), (e), and (f) above must substantially begin within 90 days of the
86 date the property owner’s response to the Code Official. Upon the property owner’s written
87 request made prior to the expiration of the 90 days, the Code Official can provide two (2)
88 90-day extensions for the owner to substantially begin work. In the written extension
89 request, the property owner shall provide:
- 90 a. Facts to support the need for the extension and;
91 b. An updated timeline describing when the owner will substantially begin and
92 complete work.
- 93 (9) In the event the work to be performed within the time limits set forth in Subsection has not
94 begun, the Code Official will determine that such properties are VAD properties.
- 95 (10) The Code Official shall send the responding owner a second notice, stating that the property
96 has been formally declared a VAD property. The notice shall include the statement that the
97 owner has thirty (30) days to file an appeal to the Board of Appeals pursuant to Chapter
98 25-Article VI of the City Code, and that a failure to appeal will result in the items set forth
99 in subparagraphs (a) to (d) below being implemented. Such notice shall be sent by the
100 Code Official by Certified Mail with return receipt, US first class mail, and by posting of
101 the property. If no appeal is taken within the designated time, or if the Board of Appeals
102 confirms the Code Official’s designation that the property is a VAD property, the Code
103 Official shall take the following actions:
- 104 a. All VAD properties and structures shall be posted with signage stating: “Unsafe to
105 Occupy/No Trespassing” and further meet the requirements under 111.2 of the
106 IPMC, Chapter 31 of City Code and other appropriate city laws.
- 107 b. The Code Official reserves the right to disconnect all utilities based on Section
108 111.2.1 of the IPMC and other applicable City laws.
- 109 c. The property owner is ordered to secure any abandoned or vacant property so that
110 it is not deemed “dangerous”. However, all fencing or other products should be
111 residential in nature and meet the requirements of §205-9(I)(6), except as modified

112 by the Department of Planning based on an examination of the surrounding
113 neighborhood.

114 d. If the property will not be reoccupied or redeveloped as indicated in the property
115 owner’s response discussed in Subsection 6 above, the property owner is ordered
116 to remove asphalt and concrete parking areas and replace it with maintainable sod,
117 grass, native plants and other items compatible with the surrounding residential
118 character of the neighborhood at the owner’s expense.

119 (11) Within ten (10) days of the second notice under Subparagraph 10, the property owner shall
120 provide the Code Official access to the subject property and all structures to perform a
121 safety and property maintenance inspection of the property.

122 (12) While the property remains in VAD status, the property owner is required to maintain the
123 property, landscaping and other items on the property so that it does not become dangerous,
124 dilapidated, or detrimental to the surrounding neighborhood in manner that creates a public
125 nuisance.

126 (13) As part of the VAD designation and enforcement process, the Code Official reserves the
127 right to:

128 a. Abate any part of the property that does not meet the requirements of City Code per
129 the proper notification requirements provided herein or other provisions of the City
130 Code; and/or

131 b. If the property owner does not meet the requirements of the City Code, the Code
132 Official can issue a citation per the City Charter. Violations of code will be
133 considered a separate offense for each parcel and for each day the violation
134 continues at \$100.00 per day until the maximum permitted under law is met.

135 (14) The property owner will be responsible for reimbursing the City for all costs incurred
136 related to abatement or property maintenance. All costs and fees are considered an *ad*
137 *valorem* tax added to the property for purposes of calculating the property tax due. A
138 breakdown of the calculation of costs incurred by the City for abatement or demolition is
139 available to the owner by written request.

141 UU. Section 113.3 Failure to Comply, add to the end of the section: If the Code Official, after
142 inspection, finds that conditions on the property present imminent danger of death or serious bodily
143 harm, he may issue an order of demolition for all or a portion of the structures on the property
144 which shall be included in the notice provided under Subparagraph above. For all other cases, in
145 which there is no determination that the structure poses an imminent threat of death or serious
146 injury to person or property, then prior to the structure being demolished and removed, a hearing
147 on the Order of Demolition will be held by the Board of Appeals per the requirements of Chapter
148 25 – Article IV. The Board of Appeals will examine whether all provisions of the code have been
149 met under its “administrative review” powers and that demolition is warranted due to the
150 abandoned, vacant or unsafe structures being a public nuisance given the situation presented.
151 Failure to comply with an Order of Demolition or any recommended action issued by the Code
152 Official shall be deemed a municipal infraction subject to a daily fine of \$100.00 per day for each
153 day of non-compliance up to the maximum permitted by law.

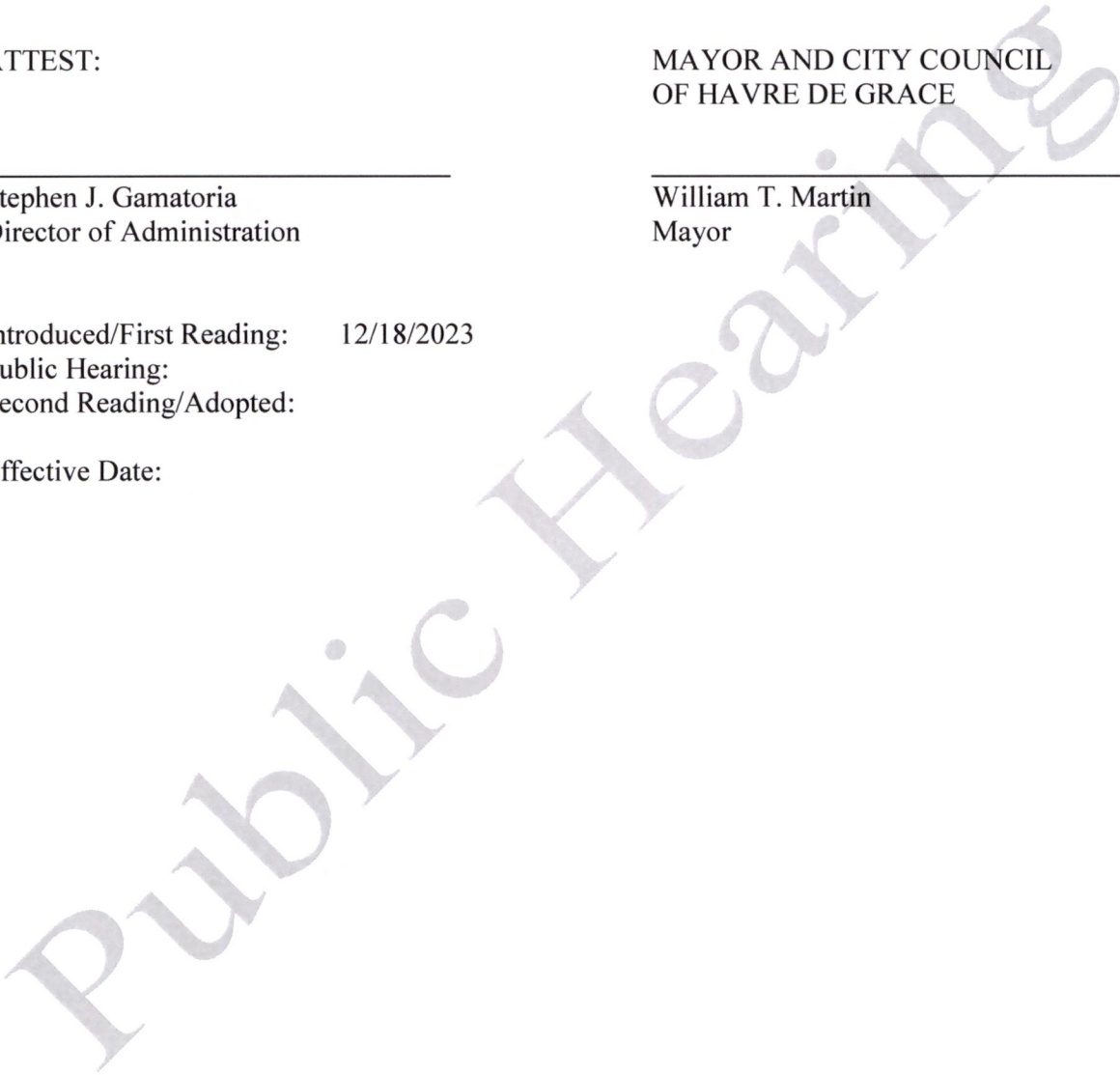
154 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the
155 foregoing amendments to the City Code are hereby approved.

156
157 ADOPTED by the City Council of Havre de Grace, Maryland this __ day of _____, 2023.

158
159 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
160 2023.

161
162
163 ATTEST: MAYOR AND CITY COUNCIL
164 OF HAVRE DE GRACE
165
166
167 _____
168 Stephen J. Gamatoria William T. Martin
169 Director of Administration Mayor

170
171 Introduced/First Reading: 12/18/2023
172 Public Hearing:
173 Second Reading/Adopted:
174
175 Effective Date:





December 18, 2023
Council Meeting Proceedings
711 Pennington Avenue, Havre de Grace, Maryland
7:00 p.m.

The regular meeting of the Mayor and City Council was called to order on December 18, 2023, at 7:00 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. Gene Proud, Proud Evangelistic Association. CM Jones commented the reason she couldn't stand for the pledge was due to an injured foot.

Approval of Minutes

City Council Meeting Minutes – CM Boker moved to approve the Council Meeting minutes of December 4, 2023. Second by CP Ringsaker. Motion carried 6-0.

Comments from Citizens

Kathleen Lee, 314 Bourbon Street, Havre de Grace, spoke on the electronic sign ordinance. She spoke as the Vice-Chair of the Historic Preservation Commission. Although they aren't opposed to electronic signs, they prefer they not be in the historic district except in the commercial areas of the 100 and 200 block of North Washington Street and St. John Street.

Jeanette Pawlak, 218 S. Washington Street, Havre de Grace, spoke on recognizing, preserving, and protecting the historic areas in general and as it relates to electronic signs.

CM Robertson commented that there is no dress code at the City Council meetings and people can come as they are and feel free to speak.

Ordinances

Ordinance No. 1131 concerning Accepting a Deed of Dedication for Property between Bulle Rock Circle and Scenic Manor: Second Reading

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33, 34, 65, 66 AND 73 CONCERNING ACQUISITION OF 0.202 ACRES (MORE OR LESS) AND ACCEPTANCE OF A DEED OF DEDICATION REGARDING REAL PROPERTY LOCATED BETWEEN THE BULLE ROCK CIRCLE ON CHAPEL ROAD AND SCENIC MANOR

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

Ordinance No. 1132 concerning Amending Section 205-13 Zoning – Definitions: 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 AMEND SECTION 205-13 ZONING – DEFINITIONS

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

Ordinance No. 1133 concerning Amending Chapter 2 Adequate Public Facilities and Chapter 198 Water and Sewers: 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 AMEND CHAPTER 2 ADEQUATE PUBLIC FACILITIES AND CHAPTER 198 WATER AND SEWERS OF THE CITY CODE

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

Ordinance No. 1134 concerning Amending Portions of City Code Chapter 151 regarding Electronic Signs: 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 AND LAND USE ARTICLES OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND PORTIONS OF CITY CODE CHAPTER 151 REGARDING ELECTRONIC SIGNS

A motion to introduce was made by CM Schneegas. Second by CP Ringsaker. Motion carried 6-0. A motion to adopt was made by CP Ringsaker. Second by CM Robertson. CM Boyer made a motion to add, “(3) No Electronic Message Centers will be located in the Havre de Grace National Register Historic District (NRHD).”; with no second, the motion amendment failed. CP Ringsaker made a motion to add to the amendment; “except on a case by case basis by approval of the City Council”. Second by CM Boker. After discussion, the motion was withdrawn by CP Ringsaker and CM Boker. After a roll call vote, motion to approve carried 5-1 with CM Boyer voting no.

Ordinance concerning Accepting a Deed of Easement at 973 Chesapeake Drive: First Reading

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF ACCEPTING A DEED OF EASEMENT WITH RESPECT TO PUBLIC FACILITIES TO INCLUDE A MUNICIPAL WATER LINE ACROSS THE PROPERTY LOCATED AT 973 CHESAPEAKE DRIVE

A motion to introduce was made by CM Schneegas. Second by CP Ringsaker. Motion carried 6-0. The ordinance was given number 1135. A motion to adopt was made by CM Boyer. Second by CM Schneegas. After a roll call vote, motion to approve carried 6-0.

Ordinance concerning Adding Chapter 31-2 TT and UU regarding Vacant, Abandoned and Deteriorated Properties: 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 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO ADD CHAPTER 31-2 TT AND UU REGARDING VACANT, ABANDONED AND DETERIORATED PROPERTIES

A motion to introduce was made by CM Schneegas. Second by CP Ringsaker. Motion carried 6-0. The ordinance was given number 1136. A motion to adopt was made by CP Ringsaker. Second by CM Boker. After a roll call vote, motion to approve carried 6-0.

New Business

Special Events – Mr. Steve Gamatoria presented the special event applications:

Mardi Gras Parade, February 13, 2024, 6:00 p.m.-7:00 p.m., Bourbon Street to Washington Street to St. John Street. A motion to approve was made by CP Ringsaker. Second by CM Schneegas. Motion carried 6-0.

Arts, Wine & Jazz & Soul Festival, August 10, 2024 (rain date 8/11/24), 11:00 a.m.-7:00 p.m., Concord Point Park. A motion to approve was made by CM Jones. Second by CM Schneegas. Motion carried 6-0.

Refuel for School, August 17, 2024 (rain date: 8/18/2024), 3:00 p.m.-6:00 p.m., Concord Point Park. 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 met with Katie Noe of the Arts Collective and she commented on the great job the City and Tourism did with Holly Jolly and subsequent events – the downtown merchants had good sales the last couple weeks. The Public Arts Committee is planning an update to the Public Art Plan and will come to the City Council to ask for monetary assistance of \$4,000-\$5,000 per year to redo and add a mural on the Rt. 40 bridge as you come down Superior Street – they have a grant for the majority of it, but need to provide funding for a maintenance plan as part of the grant.

Tim Bourcier, Director of Planning: Mr. Bourcier had a discussion the Maryland Department of Planning, Maryland Historic Trust about our certified local government application – they agreed to forward it to the National Park Service for approval; they hope we will have the approval by February. He wished everyone a Merry Christmas and Happy New Year and he looks forward to a busy and productive 2024.

Bridgette Johnson, Director of Economic Development & Tourism: Ms. Johnson is very excited and happy with our Tourism team and what they were able to do for the Holly Jolly season that actually started in November with Shop Small Saturday. We have received great feedback from citizens and visitors; the horse carriage rides were a hit and Santa Claus is always a hit – they are always looking for feedback for improvement for next year. The Duck Drop is December 31 at Concord Point Park.

George DeHority, Director of Finance: Mr. DeHority reported on the current financial condition of General Fund 1, Water/Sewer Fund 9, and Marina Fund 8. The General Fund balance is \$7,625,900, which is \$250,400 above budget. The Water/Sewer Fund 9 balance is \$4,808,100, which is \$169,900 below budget. The Marina Fund 8 balance is \$720,400, which is \$111,900 above budget. The second installment of the property tax bill is due December 31 if your bill wasn't paid in full.

EJ Millisor, Director of Public Works: Mr. Tim Whittie reported for Mr. Millisor. Stephanie Noye's parting gift to the City was the awarding of the \$2.5 million grant from the National Fish & Wildlife Foundation; they are meeting with Underwood to schedule a time to complete the project on Water Street – this living shoreline will complete the project. The monitoring and upkeep of removing invasive vegetation along the living shoreline will go under contract. Mr. Whittie stated the living shoreline is one of the proudest projects of his career – it's the first of its kind and a step forward in moving pollutants from the Bay; he thanked the Mayor and Council for their support of the living shoreline project - he has been an engineer for close to 40 years and this is one of the greatest things he's been a part of and it probably wouldn't have happened if not done in HdG. Mayor Martin commented on the Living Shoreline Project and Mr. Whittie's involvement.

Chief Teresa Walter, Havre de Grace Police Department: Chief Walter thanked Tim Whittie for giving great ideas to help solve a problem at the range – his legacy will be hard to follow. Police Officers who participated in No Shave November were thanked for raising money for Relay for Life – they requested to have Double Down December to raise more money and were able to raise close to \$1,000 for not shaving. Chief Walter wished everyone a Merry Christmas, Happy Holidays, and a good, safe season - enjoy your families and the holiday.

Business from Mayor Martin

Mayor Martin gave the trolley statistics for 2023: 12,553 miles driven (this is equivalent to going back and forth to California twice) all on electric that burns from solar panels on 18 acres, 20,483 riders, and no incidents; our trolley ambassadors do a great job - last Saturday was the last day for the season because not as many people ride in the winter and the batteries die faster in cold weather; we will have 2 new trolleys next year that have ADA accessibility. The American Legion and CM Robertson were thanked for coordinating and leading a great ceremony at the Wreaths Across America event at Angel Hill Cemetery – it was a wonderful event. Mayor Martin announced the winners of the House Decorating Contest – 12 houses entered and the top three were: 3rd place - 609 Chesapeake Drive, 2nd place - 131 S. Washington Street, and 1st place was 108 Joehill Drive; he thanked the people for decorating their houses. In general, 2023 has been a good year and he looks forward for 2024 - the best is yet to come for HdG. He thanked the volunteers throughout the City – we wouldn't be as awesome without our awesome volunteers. He wished everyone Happy Holidays, Merry Christmas, and Happy New Year.

Business from Council

Council Member Boker: CM Boker reported that he, CM Boyer, and Mayor Martin were able to tour the medical center in Aberdeen – it was impressive. Wreaths Across America was wonderful and well attended; CM Robertson did a good job. The Candlelight Tour on December 9 was fantastic. He wished everyone a Happy Holiday and Happy New Year. He thanked the Police Department, Susquehanna Hose Company, and first responders.

Council Member Jones: CM Jones wished everyone Happy Holidays, Merry Christmas, Happy Kwanza, and Happy Hanukkah that just passed. She attended the HdG Chamber of Commerce breakfast at the Bulle Rock Restaurant – it was a nice event and a great space to meet a lot of employees and businesses in HdG. She is interested in hearing what constituents want and think and had the opportunity to meet with about 12 residents who were born and raised in HdG – she’d like to do more of that. The Holly Jolly activities were great. She is impressed with the Tourism team – kudos to them. She attended Wreaths Across America – it was a wonderful ceremony. The trolley drivers are fantastic and she looks forward to riding with them next year. There will be a Kwanza Celebration on December 28 at the HdG Colored School from 11 a.m. – 3 p.m. Wished everyone a great and safe New Year’s.

Council Member Boyer: CM Boyer reported a utility pole has been delivered for the corner at the Waffle House; there was a bad accident there on December 11 – someone said the “geography of the space is wrong” - she hopes we can get to a point where we can get someone to address the problem. She is one of the people that makes things to be sold at the Lock House Candlelight Tour Boutique. Kudos to our City employees for everything they do in the City to make it so joyous looking. She hopes everyone has a wonderful holiday and enjoys their families on Christmas and she looks forward to seeing everyone at the Duck Drop.

Council Member Schneegas: CM Schneegas commented that it’s been a wonderful season and it continues. She was honored to attend the City employee luncheon and to see the many years of dedicated service of the employees - they do it with love – a fine example is Tim Whittie who has dedicated so much time over the years and into his retirement stages. She attended the American Legion Auxiliary Children’s Christmas Party – it’s a wonderful event for the children to celebrate the season and to see them grow up. It’s great to see how everyone works together – our City is a great place to live. The new year brings our commissions back together and she hopes to see the Marina Commission on January 10 at 4:30 p.m. in the City Hall Conference Room. Wished everyone a wonderful holiday season as you ring in the New Year.

Council Member Robertson: CM Robertson thanked fellow Council members and the Mayor for supporting the Wreaths Across America event at Angel Hill Cemetery – he appreciates the citizens and CM Schneegas for leading the group in singing God Bless America. Bridgette Johnson and her team were recognized for all the work they’ve done – he had a fabulous time downtown with his family. He thanked Tim Whittie for everything he and his team have done – his retirement is a great loss for the City. The week between Christmas and New Year (December 26-29), the American Legion offers a free lunch from 12-1 for veterans, emergency responders, and their families. There isn’t a Budget and Finance meeting tomorrow. He wished everyone a happy and safe holiday season - God bless - enjoy life.

Council President Ringsaker: CP Ringsaker commented that it is waterfowl season for 45 days, so you will be hearing shooting on the Flats. He noticed many vehicles didn’t have the launch ticket on their dashboard – we need to address launching fees being paid. The only ones he saw using the Water Street ramp were the DNR police. Comcast announced today that they had a data breach this afternoon, so he recommended people change their password. He wished everyone a Merry Christmas and Happy New Year.

Mayor Martin commented the Mayor’s Christmas Movie Pick this year is Lethal Weapon, which will be played at the Opera House on December 28, 7:00 p.m., \$10 admission. It will be a good time.

Adjournment

CP Ringsaker made a motion to adjourn at 8:47 p.m. Second by CM Schneegas. Motion carried 6-0.

Submitted by: Tamara Brinkman

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

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance concerning Amending Chapter 20 Annexation
Policy and Procedure**

(1st Reading)

Date: **12/26/2023**

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 January 2, 2024

In Confidential File Drawer

Approve:

Johnny Boker

Yes

No

No Comment

Comment: _____

Casi Boyer

Yes

No

No Comment

Comment: _____

Vicki Jones

Yes

No

No Comment

Comment: _____

Jim Ringsaker

Yes

No

No Comment

Comment: _____

Jason Robertson

Yes

No

No Comment

Comment: _____

Tammy Lynn

Schneegas

Yes

No

No Comment

Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. _____

Introduced by _____ Council Member Schneegas

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CHAPTER 20 ANNEXATION POLICY AND PROCEDURE

On: 1/2/2024

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for January 16, 2024 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

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

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

34
35 20-2 Procedures.

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

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

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

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

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

76 (3) **[D.]** Petition review by Planning Commission.
77

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

94 **C. [E.]** Payment for processing and review.
95

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

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

110 Consistent with §4-415 of the Local Government Article of the Annotated Code of Maryland,
111 the City Council shall adopt an annexation plan which shall be open to public review and
112 discussion at a public hearing.
113

114 **E. [G.]** Public Hearing
115

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

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

132 E. **[H.]** Conditions.

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

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

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

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

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

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

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

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

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

164
165 (1) No property shall be annexed except by a favorable vote of a majority of the members of
166 the City Council.
167

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

171 J. [L.] Other applicable law.

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

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

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

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

184
185 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

186
187
188 _____
189 Stephen J. Gamatoria
190 Director of Administration

186
187
188 _____
189 William T. Martin
190 Mayor

191
192
193 Introduced/First Reading: 1/2/2024

194 Public Hearing:

195 Second Reading/Adopted:

196
197 Effective Date:
198

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance concerning Approving Budget Amendment 2024-06**
Replace Water Distribution Lines on Weber Street
(1st Reading)

Date: **12/28/2024**

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

Purpose:

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | FYI |
| <input checked="" type="checkbox"/> | Read and Comment as Needed |
| <input checked="" type="checkbox"/> | Action Required by January 2, 2024 |
| <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 2024-06

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 ADDRESS ADDITIONAL ALLOCATION OF FUNDS FOR THE CITY OF HAVRE DE GRACE FOR FISCAL YEAR 2024

On: January 2, 2024

at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for January 16, 2024 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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

44 **WHEREAS**, the City has determined that the upgrade of the Water Transmission Line along
45 Weber Street is important to the continued development of the Water Distribution infrastructure
46 within the City;

47 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that
48 Budget Amendment 2024-06 (Exhibit A) be included as part of the Fiscal Year 2024 Budget.
49

50

51 ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

52

53

54

55 Stephen J. Gamatoria
56 Director of Administration

57 William T. Martin
58 Mayor

58 Introduced/First Reading: 1/2/2024

59 Public Hearing:

60 Second Reading/Adopted:

61 Effective Date:

Exhibit A



INTER-CITY MEMORANDUM

To: City Council President James E. Ringsaker, Jr.
From: Mayor William T. Martin
Date: 12/26/2023
RE: Proposed Budget Amendment 2024-06

Weber Street has water lines that are approximately 80 years old. The water line has experienced numerous breaks over the past twelve months that has resulted in damage to several properties as well as intermittent loss of water service to the residences. The City also needs to upgrade the existing four inch water line to an eight inch water line.

Additionally, the existing water line is located within a few feet of residential foundation walls in many areas, posing significant threat of structural damage and flooding to properties when failures occur. One resident has experienced flooding in their basement on three separate occasions as a direct result of line failures. The water line location has also posed a challenge to our Public Works employees responsible for the repairs. For instance, a recent water line break occurred under a resident's porch. To resolve issues such as these the replacement water line will be located under the bed of Weber Street which is in keeping with conventional utility practices.

The routine service disruptions, inadequate size, and poor location of the current water lines has made replacing this service a high priority.

The City proposes to replace approximately 1,130 linear feet of a four inch water line with eight inch water line on Weber Street to include: 40 water service connections, 6 – 8" gate valves and appurtenances, replacement of 2 fire hydrants and connections with 2 – 6" gate valves, restoration of road and driveways as needed, and reestablishment of turf. The new water service line shall be connected to the existing water meters and existing utilities shall be abandoned or removed as necessary.

The City recently received \$182,000 in Community Development Block Grant (CDBG) proceeds from the Maryland Department of Housing and Community Development (DHCD). This payment was to reimburse the City for Water Line repairs on Pennington Avenue last fiscal year. Those funds were not anticipated in the fiscal 2024 budget and I believe they will be sufficient to replace the water lines on Weber Street based on preliminary engineering.

I am therefore requesting that the City establish capital project expenditure account #09-1232-9066 "Weber Street Water Line Replacement" and that we fund the account at \$182,000 and revenue account #09-0001-48-50 "State Grant Proceeds" be increased by the same amount.

Please contact George DeHority, Patrick Sypolt or EJ Millisor if you have any questions or require additional information regarding this budget amendment request.

