



# City of Havre de Grace

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711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410-939-1800

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## Public Notice

# Havre de Grace City Council Meeting

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

**TIME:** 7:00 p.m.

**DATE:** Monday, July 1, 2024

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



## COUNCIL MEETING AGENDA

July 1, 2024

711 Pennington Avenue, Havre de Grace, Maryland

7:00 p.m.

### **Public Hearing for Charter Resolution No. 302 concerning Amending Section 75 City Property Sale, Transfer or Conveyance**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER TO AMEND SECTION 75 CITY PROPERTY; SALE; TRANSFER OR CONVEYANCE

### **Public Hearing for Ordinance No. 1158 concerning Amending Chapter 25 Marina Commission**

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, SECTIONS 33, 34 AND 71 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND SECTIONS OF CITY CODE CHAPTER 25 MARINA COMMISSION

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Opening Prayer: Rev. Gene Proud, Proud Evangelistic Association
5. Approval of the Minutes:
  - A. City Council Closed Session Meeting Minutes – June 3, 2024
  - B. City Council Meeting Minutes – June 17, 2024
  - C. City Council Closed Session Meeting Minutes – June 17, 2024
    - i. Votes from Closed Session
6. Comments from Citizens
7. Appointments: None
8. Recognitions: None
9. Proclamations: None
10. Presentations:
  - A. Safe Streets and Roads for All (Consultants)
11. Resolutions:
  - A. **Calendar Resolution concerning Approving a License Agreement at 119/123 Market Street (CM Schneegas)**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO CONTINUE THE “SIGNATURE SIDEWALK” AS PART OF THE GRAW ALLEY PUBLIC ART PROJECT AND MAKE PUBLIC SPACE IMPROVEMENTS AT 119/123 MARKET STREET RIGHT-OF-WAY



**B. Calendar Resolution concerning Approving a License Agreement at 412 N. Union Avenue (CM Schneegas)**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO REPLACE A FRONT PORCH AT 412 N. UNION AVENUE RIGHT-OF-WAY

**C. Calendar Resolution concerning Approving a License Agreement at 654 Water Street (CM Schneegas)**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO CONSTRUCT A WAITING AREA FOR PATRONS AT 654 WATER STREET RIGHT-OF-WAY

12. Ordinances:

**A. Ordinance No. 1157 concerning Amending Chapter 25 Planning Commission & Board of Appeals: Second Reading (CP Ringsaker)**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CHAPTER 25 PERTAINING TO BOARD OF APPEALS AND PLANNING COMMISSION

13. Old Business: None

14. New Business: None

15. Directors Report:

- A. Dr. Chris Ricci – 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

16. Business from Mayor Martin

17. Business from Council:

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

18. Adjournment

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Charter Resolution 302 concerning Amending Section 75 City Property Sale, Transfer or Conveyance**  
(Public Hearing)

Date: **6/4/2024**

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

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by July 1, 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 AMENDMENT RESOLUTION NO. 302

Introduced by Council President Ringsaker

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL  
GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF  
MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER  
TO AMEND SECTION 75 CITY PROPERTY; SALE; TRANSFER OR  
CONVEYANCE**

On: 6/3/2024

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 July 1, 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.



**Charter Amendment Resolution No. 302**

28 Section 75 of the City Charter is to be amended as follows, with the words underscored to be added  
29 and the words in bold brackets to be deleted.

30 A. Whenever the Mayor and City Council of Havre de Grace determines that any City-owned real  
31 estate or interest therein, other than utilities, is no longer needed for any public use, and  
32 authorizes the sale, transfer or conveyance of the same, it shall be offered for sale to the general  
33 public by sealed bid. The City Council shall, in the approving resolution, set all bid  
34 specifications, including any minimum bid amount.

35 B. A notice offering the general public the opportunity to place a bid on said real estate or interest  
36 shall be (i) published in a newspaper having a general circulation in the City and in such other  
37 publications as the City Council may choose, for at least three (3) consecutive weeks  
38 immediately prior to the deadline for the acceptance of bids, and (ii) posted at City Hall for  
39 three (3) consecutive weeks prior to the deadline for the acceptance of bids. The notice shall  
40 contain information concerning the bid process and bid specifications, including (i) any  
41 minimum bid and deposit requirement, (ii) how, where, and when to place bids, (iii) the date,  
42 time, and place of the opening of bids, (iv) the location of the real estate or interest, and (v) the  
43 legal description of the real estate or interest as recorded in the land records of Harford County.  
44 Said bids shall be sealed and filed by bidders with the Director of Administration.

45 C. All bids shall be opened and read aloud at City Hall on the date and time specified in the bid  
46 requests. The highest bid that meets all specifications shall constitute an acceptance of the  
47 City's offer to sell the subject real estate or interest, subject to all bid specifications and the  
48 conditions contained in this section.

49 D. Anything contained in this Section to the contrary notwithstanding, if it is determined by not  
50 less than five of the members of the City Council in the authorizing resolution to be in the best  
51 interest of the City, the City Council may (i) reject any and all bids if, in its opinion, it is in the  
52 best interests of the City to do, or (ii) waive the provisions of this Section pertaining to bid  
53 requirements and may authorize a sale by negotiated contract or a shortened notice schedule.

54 E. Unless the approving resolution expressly provides otherwise, the settlement or closing for the  
55 property or interest therein that is the subject of the sale, transfer, or conveyance shall take  
56 place within one (1) year from the date of the election approving the same.

57 F. Unless the approving resolution expressly provides otherwise, all City-owned real estate and  
58 interests therein shall be sold, transferred, and conveyed "as is" as to its title and physical  
59 condition.

60 G. The sale, transfer or conveyance of said real estate or interest therein shall occur only after  
61 approval of a majority of legal voters casting ballots at a general or special election held for  
62 that purpose. Public notice of proposed sale, transfer or conveyance and the election  
63 concerning same shall be made in a newspaper having general circulation in the City of Havre  
64 de Grace, published at least once a week for at least three (3) consecutive weeks immediately  
65 prior to the election. Notice shall also be publicly displayed at City Hall for three (3)  
66 consecutive weeks prior to the election. The notice shall include the following information: (i)  
67 the location of the real estate or interest, (ii) the legal description of the real estate or interest  
68 as recorded in the land records of Harford County, (iii) the current appraised value of the real



69 estate or interest for tax purposes as determined by the Maryland State Department of  
70 Assessments and Taxation, (iv) the proposed purchase price, and (v) the proposed use of the  
71 real estate or interest.

72 H. Unless the time is extended by resolution of the Mayor and City Council for good cause in the  
73 exercise of its discretion, if the settlement or closing does not take place within one (1) year  
74 from the date of the election approving the subject sale, transfer, or conveyance, or in the event  
75 the purchaser fails to fulfill all bid requirements and the conditions contained in this Section,  
76 the authorizing resolution and any and all agreements, rights, obligations, and liabilities  
77 between the City and the proposed grantee for the sale, transfer, or conveyance of the subject  
78 property or interest therein shall thereupon be deemed terminated, extinguished, and of no  
79 further force or effect. If in the event all requirements as outlined in this Section have not been  
80 fulfilled, settlement or closing shall not take place.

81 I. A referendum shall not be required under the following circumstances:

- 82 (1) The sale, transfer or conveyance of any drainage or utility easement.
- 83 (2) The sale, transfer or conveyance of real estate by virtue of deeds and boundary line  
84 agreements which establish property lines and right-of-way lines.
- 85 (3) The sale, transfer or conveyance of real estate acquired in connection with the tax sales  
86 or the foreclosure of tax liens.

87 **[J. Upon the completion of any sale, transfer or conveyance of City real estate pursuant to**  
88 **this section, all net profits therefrom shall be held separate and apart from the general**  
89 **funds of the City and reserved for the exclusive use and purpose of acquiring or funding**  
90 **the condemnation of property or an interest therein for a public purpose pursuant to City**  
91 **Charter Section 73.]**

92 **NOW, THEREFORE**, it is determined, decided, and resolved by the City Council that the  
93 aforementioned is hereby approved.

94 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_, 2024.

95 SIGNED by the Mayor and attested by the Director of Administration this \_\_ day of \_\_\_\_, 2024.

96 ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

99 \_\_\_\_\_  
100 Christopher Ricci  
101 Director of Administration

\_\_\_\_\_  
William T. Martin  
Mayor

102  
103 Introduced/First Reading: 6/3/2024

104 Public Hearing:

105 Second Reading/Adopted:

106 Effective Date:

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1158 concerning Amending Sections of Chapter 25  
Marina Commission**

(Public Hearing)

Date: **6/18/2024**

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

Purpose:

- FYI  
 **Read and Comment as Needed**  
 **Action Required by July 1, 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. 1158

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 SECTIONS OF CITY CODE CHAPTER 25 MARINA COMMISSION

On: June 17, 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 July 1, 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 BE IT ORDAINED, that Chapter 25 is hereby amended as follows:  
33

34 Article XII Marina Commission

35  
36 **§ 25-73 Organization and members.**

- 37 i. The Commission shall consist of no more than 12 members: **[eight] eleven** voting  
38 members, **[two] one** nonvoting member[s and one member, the chairperson, who  
39 shall have voting rights only in the event of a tie vote] (all of whom, hereinafter,  
40 may be referred to as a "member" or the "members").  
41

42 B. The Commission shall include:

- 43 (1) **[Five] Eight** members of the public, four of whom are customers of the Yacht  
44 Basin/Marina, of which at least two of whom shall be citizens of the City of Havre de  
45 Grace (hereinafter referred to as "City"), three at large members, and one member of the  
46 business community who is not a customer of the Yacht Basin/Marina. These members  
47 shall each have voting privileges.
- 48 (2) **[Two] Three** members of the City staff, one being The Director of Administration or the  
49 Director's designee, and one being the Director of the Department of Public Works or  
50 the Director's designee and one being the Director of the Department of Finance or the  
51 Director's designee. Except for the Director of Administration [T]these members shall  
52 have voting privileges.
- 53 (3) One member of the City Council, who shall have voting privileges and shall be a  
54 member of the City Council's Parks and Harbor Committee.
- 55 (4) **[Two nonvoting members, one being the Director of the Department of**  
56 **Administration or the Director's designee and one additional City Councilperson.**  
57 **These members shall have no voting privileges, except as described below, but may,**  
58 **otherwise, participate fully in the business of the Commission.]**

59 **§ 25-74 Officers; proceedings; quorum.**

- 60 A. In June of each year, the Commission shall elect a Chairperson from its members for one year,  
61 who shall be eligible for re-election and who shall be responsible for the convening of each  
62 meeting. The Chairperson shall not be the City Council member who serves on the  
63 Commission. [In the event of a tie vote on issues before the Commission, this member  
64 shall have the right, but not the requirement, to cast a vote]. The Commission members  
65 shall select one member to serve as temporary chairperson in the absence of the Commission  
66 chairperson[man].  
67
- 68 B. The Commission shall adopt its own rules of procedure and keep a record of the proceedings.  
69
- 70 C. A quorum at any meeting shall be a minimum of **[four] seven** voting members, at least two  
71 of whom shall be citizen members. **[The presence of the chairperson does not count in the**  
72 **determination of a quorum.]**  
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**NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the foregoing amendments are hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_\_, 2024.

SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

\_\_\_\_\_  
Christopher Ricci  
Director of Administration

\_\_\_\_\_  
William T. Martin  
Mayor

Introduced/First Reading: 6/17/2024

Public Hearing:

Second Reading/Adopted:

Effective Date:

Legislative History

Ordinance No. 921, enacted 11/15/2010

Ordinance No. 1143, enacted 4/2/2024

**PUBLIC SUMMARY - CLOSED SESSION**

**MINUTES OF HAVRE DE GRACE CITY COUNCIL MEETING**

**Monday, June 3, 2024**

City Hall  
711 Pennington Avenue  
Havre de Grace, MD 21078

Time of Closed Session: 8:53 P.M.

Place: City Hall, Mayor's office.

Purpose: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials; to consult with counsel to obtain legal advice; and to consult with staff and the City Attorney about potential or pending litigation.

Persons Attending: Council President Ringsaker and Council Members Boker; Boyer; Robertson, Jones; Schneegas. Also present: Mayor Martin, R. Taylor, City Attorney Ishak, C. Ricci, A. Rybczynski,

Vote to go into Closed Session: Council President Ringsaker, 2<sup>nd</sup> by Council Member Boker, with all six Council Members present voting in favor, and 0 voting against. Motion passes 6-0.

Authority under Section 3-305 for the closed session: General Provision Article 3-305(b)(1), (7) and (8) (refer to Closing Statement).

Topics actually discussed:

1. The City Council first considered the promotion of Captain Jonathan Krass to Chief of Police upon the retirement of Chief Walter.

Action taken: Motion by CM Robertson, seconded by CM Jones to approve Captain Krass as the new Chief of Police upon Chief Walter's retirement. Motion carried 6-0.

2. The Council members next consulted with City staff and City Attorney concerning the status of the contract with Aberdeen for the purchase and delivery of City Water.

Action taken: Motion by CP Ringsaker, seconded by CM Jones to authorize the Administration to continue discussions with Aberdeen to negotiate additional contract terms consistent with the spirit of the current contract and subject to further review and action by the City Council. Motion passes 6-0.

3. The City Attorney next updated the Council members on the status of the Jones Tax Appeal matter.

Action taken: None.

4. The City Attorney updated the Council members on the status of the Pensell appeal.

Action taken: None.

Council Member Robertson moved to adjourn the closed session, second by Council Member Jones. Motion carries 6-0.

Time of Adjournment of Closed Session: 9:45 PM

## **PRESIDING OFFICER'S ORAL STATEMENT**

### **FOR CLOSING A MEETING**

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

Motion to go into a closed session upon adjournment of the open session on **Monday, June 3, 2024** to consider the following matters:

1. To discuss a personnel matter.
2. To consult with counsel to obtain legal advice.
3. To consult with City staff and the City Attorney about pending or potential litigation.

**This meeting will be closed under General Provisions Article Section 3-305(b):**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals”;**
- (7) To consult with counsel to obtain legal advice; and**
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation**

**The reason for closing the meeting is:**

Discussions concerning personnel matters are entitled to confidentiality. Consultations with the City Attorney regarding advice and pending or potential litigation are entitled to confidentiality under the attorney client privilege.

**THE CITY COUNCIL WILL NOT RESUME OPEN SESSION AFTER THE CLOSED SESSION AND VOTES, IF ANY, WILL BE RECORDED IN PUBLIC AT THE COUNCIL MEETING ON JUNE 17, 2024.**



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

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

1. **Recorded vote to close the meeting:** Date: 6/3/24; Time of Vote to Close: 8:40 PM;  
Location: City Hall Council Chambers, 711 Pennington Avenue, Havre de Grace, Maryland 21078;  
Motion to close meeting made by: CP Ringsaker ; Seconded by: CM Boker ;  
Members in favor: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N),  
Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N) ;  
Abstaining: N/A ;  
Absent: N/A .

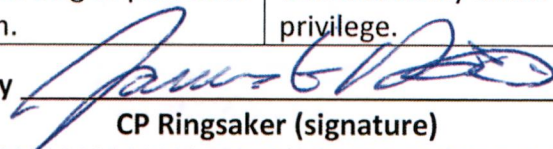
2. **Statutory authority to close session (check all provisions that apply):**  
**This meeting will be closed under General Provisions Art. § 3-305(b) only:**
- (1)  "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals";
  - (2)  "To protect the privacy or reputation of individuals concerning a matter not related to public business";
  - (3)  "To consider the acquisition of real property for a public purpose and matters directly related thereto";
  - (4)  "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State";
  - (5)  "To consider the investment of public funds";
  - (6)  "To consider the marketing of public securities";
  - (7)  "To consult with counsel to obtain legal advice";
  - (8)  "To consult with staff, consultants, or other individuals about pending or potential litigation";
  - (9)  "To conduct collective bargaining negotiations or consider matters that relate to the negotiations";
  - (10)  "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans";
  - (11)  "To prepare, administer, or grade a scholastic, licensing, or qualifying examination";
  - (12)  "To conduct or discuss an investigative proceeding on actual or possible criminal conduct";
  - (13)  "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter";
  - (14)  "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →



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

Citation (insert # from above)	Topic	Reason for closed-session
§3-305(b) (1)	To discuss a personnel matter – contract for the Chief of Police.	Discussions concerning personnel matters involving specific individuals are entitled to confidentiality.
§3-305(b) (7)	To consult with counsel to obtain legal advice.	Consultations with the City Attorney regarding advice are entitled to confidentiality under the attorney client privilege.
§3-305(b) (8)	To consult with City staff and the City Attorney about pending or potential litigation.	Consultations with the City Attorney regarding pending or potential litigation are entitled to confidentiality under the attorney client privilege.

4. This statement is made by , Presiding Officer.  
 CP Ringsaker (signature)

\*\*\*\*\*

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

Start Time of closed session: 8:53 PM

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

Purpose(s): To discuss a personnel matter, to consult with counsel to obtain legal advice, and to consult with council about pending or potential litigation.

Members who voted to meet in closed session: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N);

Abstaining: N/A;

Absent: N/A;

Persons attending closed session: Boker, Boyer, Jones, Ringsaker, Robertson, Schneegas  
 (cross out those not in attendance)

**OTHERS:** City Attorney; A. Rybczynski; R. Taylor; C. Ricci; Mayor Martin

Authority under § 3-305 for the closed session: (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals; (7) to consult with counsel to obtain legal advice; and (8) to consult with council about pending or potential litigation.

Topics actually discussed: See Minutes

Actions taken (if any): See minutes

See minutes

Each recorded vote: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N)

Motion to adjourn made by: CM Robertson; Second by: CM Jones; Time: 9:45

Members who voted to adjourn: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N)





**June 17, 2024**

**Public Hearing Proceedings**

711 Pennington Avenue, Havre de Grace, Maryland

7:00 p.m.

**Public Hearing for Ordinance No. 1157 concerning Amending Chapter 25 Planning Commission & Board of Appeals was called to order on June 17, 2024, 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.**

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 25 PERTAINING TO BOARD OF APPEALS AND PLANNING COMMISSION

**Comments from Citizens:**

Chip Place, 301 Cigar Loop, Havre de Grace, spoke in regards to the number of days notice given being reduced from 15 days to 10 days and suggested it stay at 15 days to give adequate notice.

Public Hearing closed at 7:02 p.m.

**June 17, 2024**

**Council Meeting Proceedings**

**The regular meeting of the Mayor and City Council was called to order on June 17, 2024, at 7:03 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 CP Ringsaker.**

CP Ringsaker requested the reading of the votes of the City Council Closed Session Meeting minutes of June 3, 2024 be moved to his comments at the end of the meeting; there were no objections.

**Approval of Minutes**

City Council Meeting Minutes – CM Boker moved to approve the Council Meeting minutes of June 3, 2024. Second by CM Schneegas. Motion carried 6-0.

City Council Public Hearing Minutes – FY 2025 Budget – CM Jones moved to approve the Council Public Hearing minutes of June 10, 2024 on Ordinance No. 1156 related to the FY 2025 Budget. Second by CP Ringsaker. Motion carried 4-0. CM Schneegas and CM Robertson abstained due to their absence.

**Comments from Citizens**

No comments.

**Appointments**

CM Jones made a motion to approve the reappointment of Pat Fair, Carolyn Foley, and Wynona Hilton-Stanley to the Arts Commission. Second by CM Schneegas. Motion carried 6-0.

**Presentations**

Green Team member Carol Zimmerman gave a presentation on the Todd Park Food Forest. CM Boyer commented on the need for the food forest when Amtrak begins construction on the Lewis Lane bridge. Green Team member Danielle Wolfe gave a presentation on the Composting program. Both programs are very successful.

## Resolutions

### **Calendar Resolution concerning Approving Support of any Effort to Enhance Outdoor and Indoor Space for Youth at Oakington Park**

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER TO APPROVE SUPPORT OF ANY EFFORT TO ENHANCE OUTDOOR AND INDOOR SPACE FOR YOUTH AT OAKINGTON PARK

A motion to introduce was made by CM Robertson. Second by CM Jones. Motion carried 6-0. The resolution was given number 2024-10. A motion to adopt was made by CP Ringsaker. Second by CM Robertson. CM Robertson read the letter from the Youth Commission to Harford County government. After a roll call vote, motion to approve carried 6-0.

## Ordinances

### **Ordinance No. 1156 concerning Establishing the City Budget for FY 2025: Second Reading**

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE BY THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTION 37 OF THE HAVRE DE GRACE CITY CHARTER FOR THE PURPOSE OF ESTABLISHING THE CITY BUDGET FOR FISCAL YEAR 2025, BY DESIGNATING THE ANNUAL PROJECTION OF ANTICIPATED REVENUES AND PROPOSED AUTHORIZED EXPENSES FOR THE CITY OF HAVRE DE GRACE FOR FISCAL YEAR 2025

A motion to introduce was made by CM Robertson. Second by CP Ringsaker. Motion carried 6-0. A motion to adopt was made by CP Ringsaker. Second by CM Schneegas. CM Robertson made an amendment to reduce professional services in Administration by \$291,600, increase professional services in Economic Development & Tourism by \$110,000, increase professional services in Planning by \$130,000, and increase professional services in Finance by \$51,600 leaving a remaining balance in professional services in Administration of \$410,000. Second by CM Boker. After explanation, discussion, and a roll call vote, the motion to approve the amendment failed with CP Ringsaker, CM Schneegas, and CM Boker voting nay. After a roll call vote, motion to approve carried 6-0.

### **Ordinance concerning Amending Chapter 25 Marina Commission: 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, SECTIONS 33, 34 AND 71 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND SECTIONS OF CITY CODE CHAPTER 25 MARINA COMMISSION

A motion to introduce was made by CM Schneegas. Second by CM Jones. Motion carried 6-0. The ordinance was given number 1158. A motion to adopt was made by CP Ringsaker. Second by CM Boker. After a roll call vote, motion to approve carried 5-1 with CP Ringsaker voting nay. The public hearing will be on July 1, 2024 at 7:00 p.m.

## New Business

**Special Event** - Dr. Chris Ricci presented the special event application:

Havre de Grace Lighted Boat Parade, September 27, 2024, 5:00 p.m.-11:00 p.m., Concord Point Park.

A motion to approve was made by CP Ringsaker. Second by CM Schneegas. Motion carried 6-0.

## Directors Report

**Chris Ricci, Director of Administration:** Dr. Ricci recognized and thanked the DPW staff for going above and beyond with a pump failure at the Native Dancer pump station – they worked around the clock to repair the issue and mitigate overflow – we received a letter from MDE that based on the lab samples, no further mitigation is required. The Arts Collective is dedicating our newest public art - Samara at 1 pm at the Lock House on June 22. Upcoming STAR Centre shows include Yellow Brick Road on June 22 and Rogue Swan – a modern vaudeville on June 28 & 29 – the ticket cost on the 28<sup>th</sup> is a donation of whatever you can afford; tickets for all the STAR Centre events are available at starcentremd.com. The Police Department was recognized for their work during First Friday– they were very visible and did a good job of keeping it orderly. Happy birthday wishes were given to Bridgette Johnson.



**Tim Bourcier, Director of Planning:** Mr. Bourcier thanked Mr. Place for his comments – the intent was to make the notice period match for the Board of Appeals and Planning Commission – the Department is open to the change from 10 days to 15 days. There was a meeting with Greenway Farm that the Department of Planning didn't know about in time to attend regarding a possible traffic signal at the intersection of Martha Lewis and Rt. 40 – Mr. Bourcier informed everyone that this intersection and the one farther down at Blenheim Farm Lane going into Bulle Rock are part of the Safe Streets for All Action Plan – they aren't sure if a traffic signal is the correct solution, the Action Plan is with SHA and they ultimately make the decision; Delegate Andre Johnson has requested a meeting with us and we will provide this information to him in the meeting; there is also a meeting with the developer and SHA next week to discuss the issues and traffic studies. We've been accepted into the CLG program, which is part of the Maryland Historical Trust and received a \$20,000 grant to help implement the comprehensive plan. CM Boyer requested that at the meeting with Delegate Johnson we get his support to push the need to address the signal at Rt. 40 and Ontario – Mr. Bourcier commented that the intersection was part of the Safe Streets for All Action Plan – the county and SHA staff toured the intersection and they plan to do further study on it, and he will mention all this to Delegate Johnson.

**Bridgette Johnson, Director of Economic Development & Tourism:** Ms. Johnson was not in attendance.

**George DeHority, Director of Finance:** Mr. DeHority thanked the Council for passing the budget ordinance. He reported on the current financial condition of General Fund 1, Water/Sewer Fund 9, and Marina Fund 8. The General Fund balance is \$2,184,800, which is \$183,300 below budget. The Water/Sewer Fund 9 balance is \$3,302,100, which is \$213,900 below budget. The Marina Fund 8 balance is \$802,600, which is \$6,200 above budget. CM Boker inquired on how often the state reviews the bay fee on the water bill; Mr. DeHority doesn't believe it's been reviewed since its implementation and would need to be asked of Annapolis if a decrease is desired.

**EJ Millisor, Director of Public Works:** Mr. Millisor was not in attendance due to a DPW situation.

**Chief Teresa Walter, Havre de Grace Police Department:** Chief Walter reported that she will be retiring effective July 7, 2024. It has been an amazing 19 years. She has enjoyed her time here - it's an amazing city. They have done a lot over the years to keep crime low and keep the city safe. There are a lot of people she could thank. She thanked the officers – we have a phenomenal agency. The Mayor and Council were thanked for making decisions and letting them know what the public is thinking. The citizens were also thanked – the police are very close with our communities and the citizens always show appreciation and gratitude. The person replacing her is one of the best in law enforcement in the state of Maryland and she would put him up against any law enforcement professional in the country.

### **Business from Mayor Martin**

Mayor Martin thanked the Chief for everything and letting citizens know about her retirement. He explained the Council went into closed session at the last meeting to accept the contract of the new Chief – our current Capt. Jon Krass will be the new Chief of Police. The summer is starting, the weather is getting warm, and it is a busy time of year in HdG. We've had a number of issues with the water and sewer the last couple weeks and crews have been working around the clock; the pump issues aren't due to bad equipment, but people damaging the equipment by flushing wipes and towels down the toilet, which clog and burn up the pump – we have met with Bulle Rock HOA to let them know not to flush wipes or towels down the toilet. The Wastewater Treatment Street crew, consisting of 6 men, worked around the clock from last Saturday throughout this past week and we are now on top of the problem. Looking forward to summer in HdG. We'll have another Council meeting before the July 6 Independence Day Parade. We have a lot of great things going on in the City of HdG and it's a good time to be here.

### **Business from Council**

**Council Member Boyer:** CM Boyer attended the Southern County Taskforce meeting on June 13 in Edgewood with CM Jones; a lot of great things are happening in the southern county that we could duplicate. She participated in the meeting regarding the Martha Lewis intersection – it was a good opportunity to see a lot of the problems at the intersection; the community was thanked for continuing to put pressure on our state delegates and senators.

**Council Member Schneegas:** CM Schneegas wished a happy summer to everyone. There are a lot of job opportunities for college students and high schoolers. Summer Concerts in the Park is Friday at 7:30 at Tydings Park with Cadillac Cruisers and is free. The Community Resource Fair is June 26 at Somerset Manor, 101 Stansbury Court; it is free and offers a lot of information. There are volunteer opportunities throughout HdG. She wished everyone a happy summer. She wished happy birthday to Bridgette Johnson. CM Schneegas' birthday is June 22 and she just celebrated 25 years of teaching public school.



**Council Member Robertson:** CM Robertson did not have any comments.

**Council Member Boker:** CM Boker attended the AP American Government class on June 6 – it was a fantastic experience with about 12 students discussing national issues and he had a chance to talk to them; Sheriff Gahler, County Council President Vincenti, and Patrick Kane also attended. Happy birthday to Bridgette Johnson. Kudos to the DPW staff for their work – he never hears them complain. Congratulations to Chief Walter. He thanked our Police Department, first responders, Ambulance Corps, and Susquehanna Hose Company.

**Council Member Jones:** CM Jones commented that there will be a lot of activity throughout the county on the weekend and on the day celebrating Juneteenth, which is June 19; she also shared information on the history of Juneteenth – it is the oldest internationally celebrated commemoration of the ending of slavery in the United States; June 19, 1865 is when Union soldiers landed in Galveston, Texas with news that the war had ended and the enslaved were free – this was 2½ years after President Lincoln’s Emancipation Proclamation on January 1, 1863.

**Council President Ringsaker:** CP Ringsaker reported the Senior All-Star Girls lost tonight against Chesapeake City, but they aren’t eliminated. The pickle ball court at the Community Center is going where the Friends of the Library has their shed, so he will be cleaning it out Wednesday and Thursday if anyone wants to help. Chief Walter was congratulated on her well-deserved retirement – we are immensely grateful for her service to HdG and are better for her time with us.

CP Ringsaker read the votes from the Council Closed Session meeting on June 3, 2024. [The closed session minutes were mistakenly not voted on and will be voted on at the Council meeting on July 1, 2024.]

**Motion to Move into Closed Session**

CP Ringsaker made a motion to move into closed session at 8:27 p.m. under General Provision Article Section 3-305(b)(1) to discuss a personnel matter. Second by CM Jones. Motion carried 6-0. [See closing statement below.]

**Adjournment**

CP Ringsaker made a motion to adjourn at 8:28 p.m. Second by CM Jones. 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.**

**PRESIDING OFFICER’S ORAL STATEMENT**

**FOR CLOSING A MEETING**

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

Motion to go into a closed session upon adjournment of the open session on Monday, June 17, 2024 to consider the following matter:

1. To discuss a personnel matter.

This meeting will be closed under General Provisions Article Section 3-305(b):

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

The reason for closing the meeting is:

Discussions concerning personnel matters are entitled to confidentiality.

**THE CITY COUNCIL WILL NOT RESUME OPEN SESSION AFTER THE CLOSED SESSION AND VOTES, IF ANY, WILL BE RECORDED IN PUBLIC AT THE COUNCIL MEETING ON JULY 1, 2024.**

**PUBLIC SUMMARY – CLOSED SESSION**  
**MINUTES OF HAVRE DE GRACE CITY COUNCIL MEETING**

Monday, June 17, 2024

City Hall  
711 Pennington Avenue  
Havre de Grace, MD 21078

Time of Closed Session: 8:27 P.M.

Place: City Hall, Mayor's office.

Purpose: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials.

Persons Attending: Council President Ringsaker and Council Members Boker; Boyer; Robertson, Jones; Schneegas. Also present: Mayor Martin, City Attorney Ishak, C. Ricci, A. Rybczynski.

Vote to go into Closed Session: Council President Ringsaker, 2<sup>nd</sup> by Council Member Jones, with all six Council Members present voting in favor, and 0 voting against. Motion passes 6-0.

Authority under Section 3-305 for the closed session: General Provision Article 3-305(b)(1) (refer to Closing Statement).

Topics actually discussed:

1. The City Council first considered the extension of the contract for the Director of Planning.

Action taken: Motion by CM Roberston, second by Council Member Jones, to approve the three-year extension of Director Bourcier's contract. Motion carries 6-0.

2. The Council members next considered the renewal of the contract for the Director of Economic Development.

Action taken: Motion by Council Member Robertson, second by Council Member Schneegas, to authorize two options to Director Johnson for renewal of the contract. Motion carries 6-0.

Council Motion by Council Member Robertson, second by moved to adjourn the closed session, second by Council Member Boker. Motion carries 6-0.

Time of Adjournment of Closed Session: 9:00 PM



**PRESIDING OFFICER'S ORAL STATEMENT**

**FOR CLOSING A MEETING**

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

Motion to go into a closed session upon adjournment of the open session on **Monday, June 17, 2024** to consider the following matter:

1. To discuss a personnel matter.

**This meeting will be closed under General Provisions Article Section 3-305(b):**

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

**The reason for closing the meeting is:**

Discussions concerning personnel matters are entitled to confidentiality.

**THE CITY COUNCIL WILL NOT RESUME OPEN SESSION AFTER THE CLOSED SESSION AND VOTES, IF ANY, WILL BE RECORDED IN PUBLIC AT THE COUNCIL MEETING ON JULY 1, 2024.**

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

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

1. **Recorded vote to close the meeting:** Date: 6/17/24; Time of Vote to Close: 8:27 PM;

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

Motion to close meeting made by: CP Ringsaker; Seconded by: CM Jones;

Members in favor: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N);

Abstaining: NA;

Absent: NA;

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

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

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

(2)  "To protect the privacy or reputation of individuals concerning a matter not related to public business";

(3)  "To consider the acquisition of real property for a public purpose and matters directly related thereto";

(4)  "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State";

(5)  "To consider the investment of public funds";

(6)  "To consider the marketing of public securities";

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

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

(9)  "To conduct collective bargaining negotiations or consider matters that relate to the negotiations";

(10)  "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans";

(11)  "To prepare, administer, or grade a scholastic, licensing, or qualifying examination";

(12)  "To conduct or discuss an investigative proceeding on actual or possible criminal conduct";

(13)  "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter";

(14)  "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →



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

Citation (insert # from above)	Topic	Reason for closed-session
§3-305(b) (1)	To discuss a personnel matter – contract for the Director of Economic Development & Tourism and the Director of Planning	Discussions concerning personnel matters involving specific individuals are entitled to confidentiality.

4. This statement is made by *James P. DeS...*, Presiding Officer.  
CP Ringsaker (signature)

\*\*\*\*\*

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

Start Time of closed session: 8:35 PM

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

Purpose(s): To discuss a personnel matter.

Members who voted to meet in closed session: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N);

Abstaining: NA;

Absent: NA;

Persons attending closed session: Boker, Boyer, Jones, Ringsaker, Robertson, Schneegas

(cross out those not in attendance)

OTHERS: Mayor Martin, A. Rybczynski, City Attorney; Ricci

Authority under § 3-305 for the closed session: (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.

Topics actually discussed: see minutes

Actions taken (if any): see minutes

Each recorded vote: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N) see minutes

Motion to adjourn made by: Jim Robertson Second by: Jim Boker; Time: 8:57

Members who voted to adjourn: Johnny Boker (Y/N), Casi Boyer (Y/N), Vicki Jones (Y/N), Jim Ringsaker (Y/N), Jason Robertson (Y/N), Tammy Lynn Schneegas (Y/N)



# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Resolution concerning Approving a License Agreement for  
119/123 Market Street (Graw Alley)**

Date: **6/27/2024**

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

Purpose:

- FYI  
 **Read and Comment as Needed**  
 **Action Required by July 1, 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

RESOLUTION NO. 2024-\_\_\_

Introduced by \_\_\_\_\_ Council Member Schneegas

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO CONTINUE THE “SIGNATURE SIDEWALK” AS PART OF THE GRAW ALLEY PUBLIC ART PROJECT AND MAKE PUBLIC SPACE IMPROVEMENTS AT 119/123 MARKET STREET RIGHT-OF-WAY**

**WHEREAS**, the LICENSEE is the owner of the property located at 119/123 Market Street in Havre de Grace, Maryland; and

**WHEREAS**, the LICENSEE has completed a permit application and has obtained approval from the City to encroach on City right-of-way for the continuation of the “signature sidewalk” and public space improvements at 119/123 Market Street right-of-way; and

**WHEREAS**, the continuation of the “signature sidewalk” and public space improvements at 119/123 Market Street are in accordance with the description in the permit application, and will not adversely impact the right-of-way; and

**WHEREAS**, the continuation of the “signature sidewalk” and public space improvements at 119/123 Market Street will promote the health, safety, and welfare of the public and serve the City’s general purposes; and

**WHEREAS**, the LICENSE was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the LICENSE in accordance with Resolution No. 2020-21; and

**WHEREAS**, the License attached as Exhibit A conforms to the requirements of Resolution No. 2020-21 and the Department of Planning Memorandum dated June 17, 2024 attached as Exhibit B describes the location of the continuation of the “signature sidewalk” and public space improvements at 119/123 Market Street; and

**WHEREAS**, the Council has authorized the Mayor to execute such LICENSE, which LICENSE will not become binding until it is signed by the Mayor and attested by the Director of



41 Administration.

42

43 **NOW THEREFORE**, it is determined, decided, and resolved by the City Council that the  
44 License is hereby approved and the Mayor is authorized to execute such License, which License  
45 will not become binding until it is signed by the Mayor and attested by the Director of  
46 Administration.

47

48 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_\_ day of \_\_\_\_, 2024.

49

50 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_ day of \_\_\_\_, 2024.

51

52

53 ATTEST:

THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE, MARYLAND

54

55

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57 \_\_\_\_\_  
Christopher Ricci  
58 Director of Administration

59 \_\_\_\_\_  
William T. Martin  
60 Mayor

59

60

61 Introduced: 7/1/2024

62 Passed/Adopted:

63

64 Effective Date:



# City of Havre de Grace

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

410-939-1800  
410- 575-7043

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## LICENSE AGREEMENT

This AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2024,  
between the Mayor and City Council of Havre de Grace, Maryland (“City”) and Allen Fair  
 (“Licensee”).

WHEREAS, the LICENSEE is the owner of the property located at 119/123 Market Street  
in Havre de Grace, Maryland; and

WHEREAS, the LICENSEE has completed a permit application and has obtained approval  
from the City to encroach on City right-of-way for the continuation of the “signature sidewalk”  
and public space improvements at 119/123 Market Street right-of-way; and

WHEREAS, the continuation of the “signature sidewalk” and public space improvements  
at 119/123 Market Street are in accordance with the description in the permit application, and will  
not adversely impact the right-of-way; and

WHEREAS, the continuation of the “signature sidewalk” and public space improvements  
at 119/123 Market Street will promote the health, safety, and welfare of the public and serve the  
City’s general purposes; and

WHEREAS, the LICENSE was listed on the agenda at a City Council meeting and the City  
Council has approved the general terms of the LICENSE in accordance with Resolution No. 2020-  
21; and

WHEREAS, the Council has authorized the Mayor to execute such LICENSE, which  
LICENSE will not become binding until it is signed by the Mayor and attested by the Director of  
Administration.



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

**1. Property**

The City grants to the LICENSEE a LICENSE to encroach into the City’s right-of-way at 119/123 Market Street.

**2. Terms of Use**

Licensee agrees:

- a. Application for a LICENSE of City property shall be accompanied by a \$50.00 administrative fee.
- b. The LICENSEE is required to pay all costs associated with the LICENSE and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.
- c. The right-of-way and items placed in the right-of-way shall be properly secured and not create a public nuisance. The right-of-way shall also be kept in good condition at all times and maintained as necessary.
- d. The off-street parking will be available for public use, not specifically for Graw Alley.
- e. The City reserves the right to require the owner to remove the LICENSED items at any time at the owner’s sole expense
- f. Any alterations to the proposed plan outside what’s provided in application for this LICENSE, must be approved prior to installation by City Council. The City reserves the right to request the LICENSEE to reapply for City Council approval based on proposed alterations.
- g. Any future proposed installation in the City right-of-way will require the City Council to review and approve an amended LICENSE Agreement prior to receiving any permits nor starting construction, this includes sidewalk resurfacing, patching, etc.

**3. Indemnity.**

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

61           **4. Restoration.**

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

66           **5. Maintenance.**

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

72           **6. Term**

73           This Agreement shall expire December 31, 2025, unless the City terminates or modifies  
74 this Agreement. In its sole discretion, the City Council may renew or extend this Agreement upon  
75 the request of the Licensee.

76           **7. Permitted Use.**

77           The temporary permitted use allowed by this Agreement is limited to the following:  
78 continuation of the “signature sidewalk” and public space improvements at 119/123 Market Street.  
79 Any disagreement between the parties about the type of use, the location of the use, or any special  
80 conditions required, shall be resolved by the City’s Director of Planning or his designee in his sole  
81 discretion.

82           **8. Entire Agreement.**

83           The Parties agree that this document contains the entire Agreement.

84

85

86 **9. No Waiver**

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

89 **10. Venue/Choice of Law**

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

92 **11. No Assignment**

93 This License may not be assigned by the Licensee without the express written consent of  
94 the City, which continuation may be permitted by the City in its sole discretion if the proposed  
95 assignee continues the current use of the property for the remainder of the License term.

96 **12. Specific Enforcement/Breach of Contract/Attorneys’ Fees**

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

101 WITNESS our hands and seals.

102  
103 WITNESS/ATTEST: LICENSEE: \_\_\_\_\_

104  
105  
106 \_\_\_\_\_ Signature

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109 WITNESS/ATTEST: MAYOR AND CITY COUNCIL OF  
110 HAVRE DE GRACE, MARYLAND

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114 \_\_\_\_\_  
115 Christopher Ricci William T. Martin  
116 Director of Administration Mayor

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120 APPROVED AS TO LEGAL SUFFICIENCY:

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122

123 \_\_\_\_\_  
April C. Ishak, City Attorney

124

125 THIS LICENSE AGREEMENT RELATES TO

126 PERMIT #2024-\_\_\_\_\_

ATTACHMENT B



City of Havre de Grace

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

410- 939-1800

DEPARTMENT OF PLANNING  
MEMORANDUM

June 17, 2024

To: Chris Ricci, Director of Administration

From: Eric V. Lawrence, Associate City Planner

**Re: 119/123 Market Street (Graw Alley) - License Agreement (Allen Fair)  
Request for a license to use 25 feet by 358 feet section of the City's Right-of-Way in front of the "Graw Alley" and along Bourbon Street to add steps, patios, parking and use the space as part of the Public Art Project**

The Department of Planning has received an application for permission to continue the "Signature Sidewalk" within the City's right-of-way as part of the Graw Alley Public Art Project and make public space improvements. Should the City Council approve the requested License Agreement, the following conditions are recommended:

- a. Application for a LICENSE of City property shall be accompanied by a \$50.00 administrative fee.
- b. The LICENSEE is required to pay all costs associated with the LICENSE and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.
- c. The right-of-way and items placed in the right-of-way shall be properly secured and not create a public nuisance. The right-of-way shall also be kept in good condition at all times and maintained as necessary.
- d. The off-street parking will be available for public use, not specifically for Graw Alley.
- e. The City reserves the right to require the owner to remove the LICENSED items at any time at the owner's sole expense
- f. Any alterations to the proposed plan outside what's provided in application for this LICENSE, must be approved prior to installation by City Council. The City reserves the right to request the LICENSEE to reapply for City Council approval based on proposed alterations.
- g. Any future proposed installation in the City right-of-way will require the City Council to review and approve an amended LICENSE Agreement prior to receiving any permits nor starting construction, this includes sidewalk resurfacing, patching, etc.

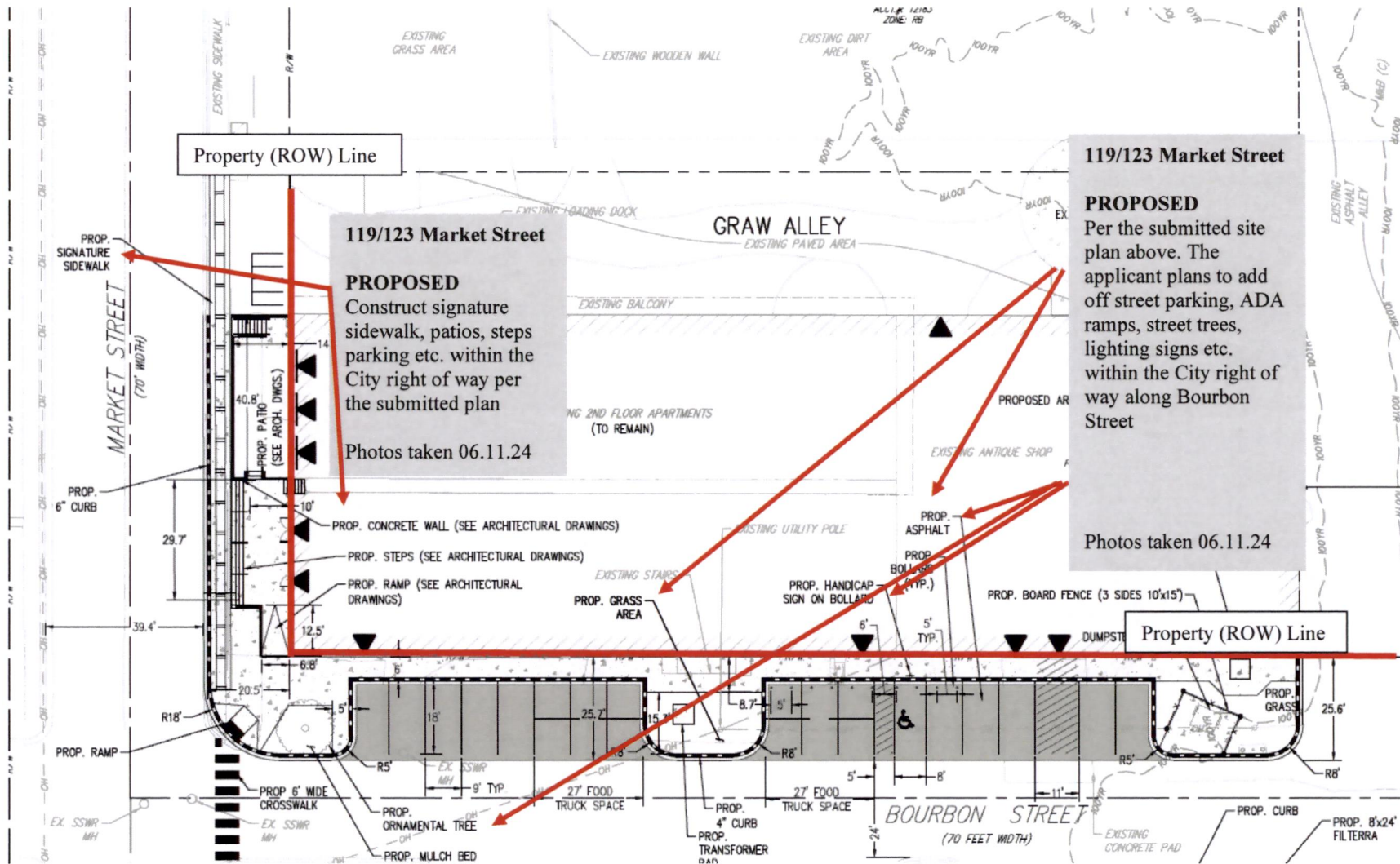


**Resolution No. 2024-**

A copy of the site plan indicating the dimensions and location of the proposed improvements, 2023 aerial photograph and site photos of the subject's property are included with this memo.

cc: Tamara Brinkman, Executive Assistant  
Adam Rybczynski, Senior Aide to the Mayor  
Marisa Willis, CFM, Planner  
Colleen Critzer, Permits Clerk  
Tim Bourcier, Director of Planning  
Joe Conaway, Chief of Public Works  
EJ Millisor, Director of Public Works

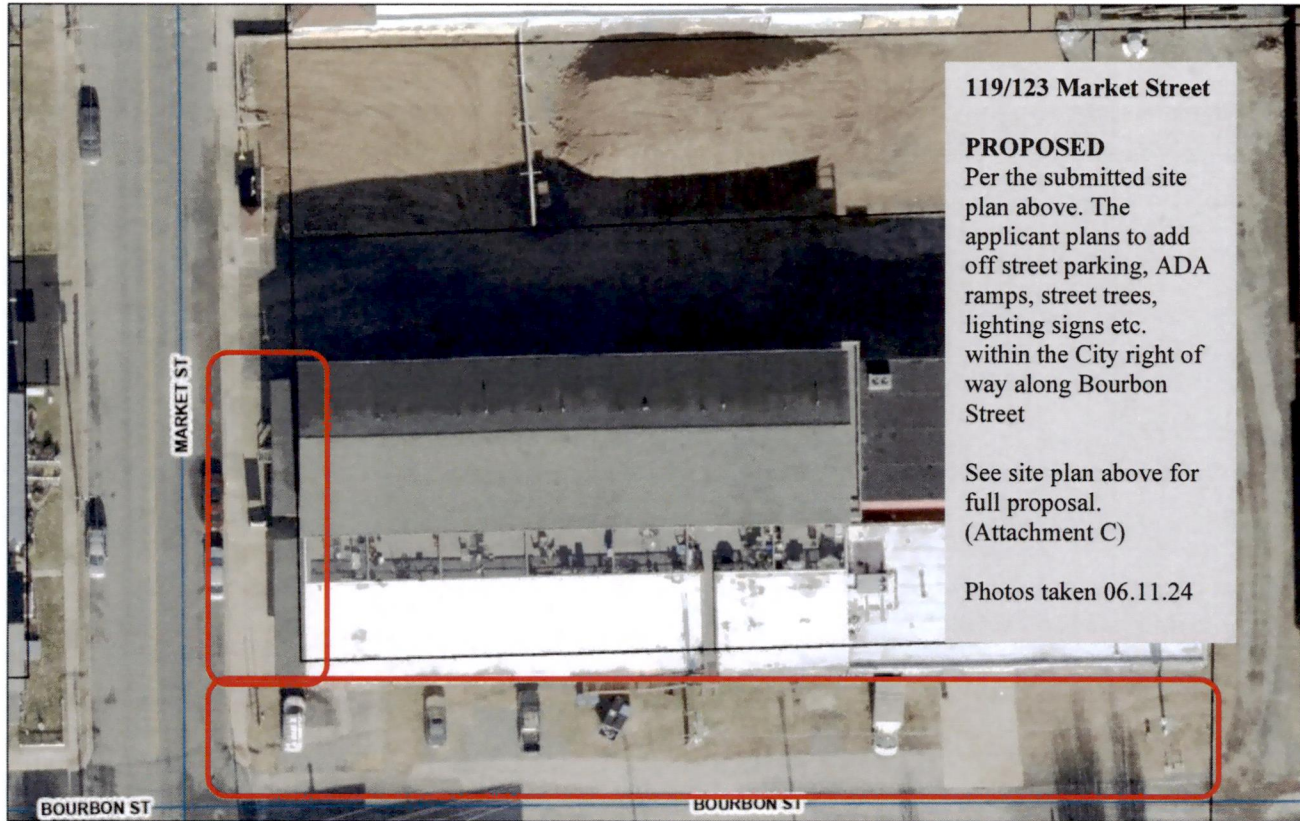
SITE PHOTO OF PROPOSED LOCATION AND DIMENSIONS





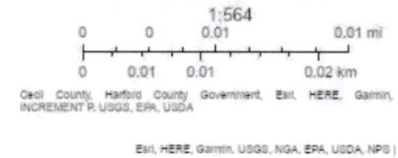
2023 AERIAL PHOTOGRAPH

2023 Aerial - 119/123 Market St.



6/11/2024, 2:51:34 PM

Centerline Cadastral  
Harford County Boundary



SITE PHOTOS



119/123 Market Street

**PROPOSED**  
Construct signature sidewalk, patios, steps parking etc. within the City right of way per the submitted plan

See site plan above for full proposal. (Attachment C)

Photos taken 06.11.24



# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Resolution concerning Approving a License Agreement for  
412 N. Union Avenue**

Date: **6/27/2024**

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

Purpose:

- FYI  
 **Read and Comment as Needed**  
 **Action Required by July 1, 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

RESOLUTION NO. 2024-\_\_

Introduced by \_\_\_\_\_ Council Member Schneegas

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33 AND 34 OF THE CITY CHARTER AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO REPLACE A FRONT PORCH AT 412 N. UNION AVENUE RIGHT-OF-WAY**

**WHEREAS**, the LICENSEE is the owner of the property located at 412 N. Union Avenue in Havre de Grace, Maryland; and

**WHEREAS**, the LICENSEE has completed a permit application and has obtained approval from the City to encroach on City right-of-way for the replacement of a front porch at 412 N. Union Avenue right-of-way; and

**WHEREAS**, the replacement of a front porch at 412 N. Union Avenue is in accordance with the description in the permit application, and will not adversely impact the right-of-way; and

**WHEREAS**, the replacement of a front porch at 412 N. Union Avenue will promote the health, safety, and welfare of the public and serve the City’s general purposes; and

**WHEREAS**, the LICENSE was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the LICENSE in accordance with Resolution No. 2020-21; and

**WHEREAS**, the License attached as Exhibit A conforms to the requirements of Resolution No. 2020-21 and the Department of Planning Memorandum dated June 17, 2024 attached as Exhibit B describes the location of the front porch at 412 N. Union Avenue; and

**WHEREAS**, the Council has authorized the Mayor to execute such LICENSE, which LICENSE will not become binding until it is signed by the Mayor and attested by the Director of Administration.





**EXHIBIT A**

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**City of Havre de Grace**

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410-939-1800

WWW.HAVREDEGRACEMD.COM

**LICENSE AGREEMENT**

This AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, between the Mayor and City Council of Havre de Grace, Maryland (“City”) and 412 North Union Avenue LLC (“Licensee”).

WHEREAS, the LICENSEE is the owner of the property located at 412 N. Union Avenue in Havre de Grace, Maryland; and

WHEREAS, the LICENSEE has completed a permit application and has obtained approval from the City to encroach on City right-of-way for the replacement of a front porch at 412 N. Union Avenue right-of-way; and

WHEREAS, the replacement of a front porch at 412 N. Union Avenue is in accordance with the description in the permit application, and will not adversely impact the right-of-way; and

WHEREAS, the replacement of a front porch at 412 N. Union Avenue will promote the health, safety, and welfare of the public and serve the City’s general purposes; and

WHEREAS, the LICENSE was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the LICENSE in accordance with Resolution No. 2020-21; and

WHEREAS, the Council has authorized the Mayor to execute such LICENSE, which LICENSE will not become binding until it is signed by the Mayor and attested by the Director of Administration.

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

30 **1. Property**

31 The City grants to the LICENSEE a LICENSE to encroach into the City's right-of-way at  
32 412 N. Union Avenue.

33 **2. Terms of Use**

34 Licensee agrees:

- 35 a. Application for a LICENSE of City property shall be accompanied by a \$50.00  
36 administrative fee.
- 37 b. The LICENSEE is required to pay all costs associated with the LICENSE and the  
38 property, including but not limited to maintenance, repair, utilities, taxes, and  
39 insurance.
- 40 c. The right-of-way and items placed in the right-of-way shall be properly secured and  
41 not create a public nuisance. The right-of-way shall also be kept in good condition at  
42 all times and maintained as necessary.
- 43 d. The encroachment should not be any more than the current encroachment.
- 44 e. The City reserves the right to require the owner to remove the LICENSED items at any  
45 time at the owner's sole expense.
- 46 f. Any alterations to front porch replacement outside what's provided in application for  
47 this LICENSE, must be approved prior to installation by City Council. The City  
48 reserves the right to request the LICENSEE to reapply for City Council approval based  
49 on proposed alterations.
- 50 g. Any future proposed installation in the City right-of-way will require the City Council  
51 to review and approve an amended LICENSE Agreement prior to receiving any  
52 permits nor starting construction, this includes sidewalk resurfacing, patching, etc.

53  
54 **3. Indemnity.**

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

60 **4. Restoration.**

61 The Licensee shall be responsible for all costs or expenses to restore the City right-of-way  
62 after termination of the permitted use. The City may undertake the restoration and all costs and

63 expenses shall be assessed against the Licensee and the property owner, and such costs will become  
64 a lien on the property until fully paid.

65 **5. Maintenance.**

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

71 **6. Term**

72 This Agreement shall expire December 31, 2025, unless the City terminates or modifies  
73 this Agreement. In its sole discretion, the City Council may renew or extend this Agreement upon  
74 the request of the Licensee.

75 **7. Permitted Use.**

76 The temporary permitted use allowed by this Agreement is limited to the following:  
77 replacement of a front porch at 412 N. Union Avenue. Any disagreement between the parties about  
78 the type of use, the location of the use, or any special conditions required, shall be resolved by the  
79 City's Director of Planning or his designee in his sole discretion.

80 **8. Entire Agreement.**

81 The Parties agree that this document contains the entire Agreement.

82 **9. No Waiver**

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

85 **10. Venue/Choice of Law**

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



88 **11. No Assignment**

89 This License may not be assigned by the Licensee without the express written consent of  
90 the City, which continuation may be permitted by the City in its sole discretion if the proposed  
91 assignee continues the current use of the property for the remainder of the License term.

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

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

97 WITNESS our hands and seals.

98

99 WITNESS/ATTEST: LICENSEE: \_\_\_\_\_

100

101

102 \_\_\_\_\_

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\_\_\_\_\_  
Signature

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106 WITNESS/ATTEST: MAYOR AND CITY COUNCIL OF  
107 HAVRE DE GRACE, MARYLAND

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111 \_\_\_\_\_  
112 Christopher Ricci  
113 Director of Administration

\_\_\_\_\_  
William T. Martin  
Mayor

114

115

116 APPROVED AS TO LEGAL SUFFICIENCY:

117

118 \_\_\_\_\_

119 April C. Ishak, City Attorney

120

121 THIS LICENSE AGREEMENT RELATES TO  
122 PERMIT #2024-0410



**Attachment B**  
**City of Havre de Grace**

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

410-939-1800

**DEPARTMENT OF PLANNING**  
**MEMORANDUM**

June 17, 2024

To: Chris Ricci, Director of Administration

From: Eric V. Lawrence, Associate City Planner

**Re: 412 North Union Avenue, 2024-0410 - License Agreement**  
**Request for a license to use a section of the City's Right-of-Way along**  
**North Union Avenue to replace an 8-foot by 20-foot front porch**

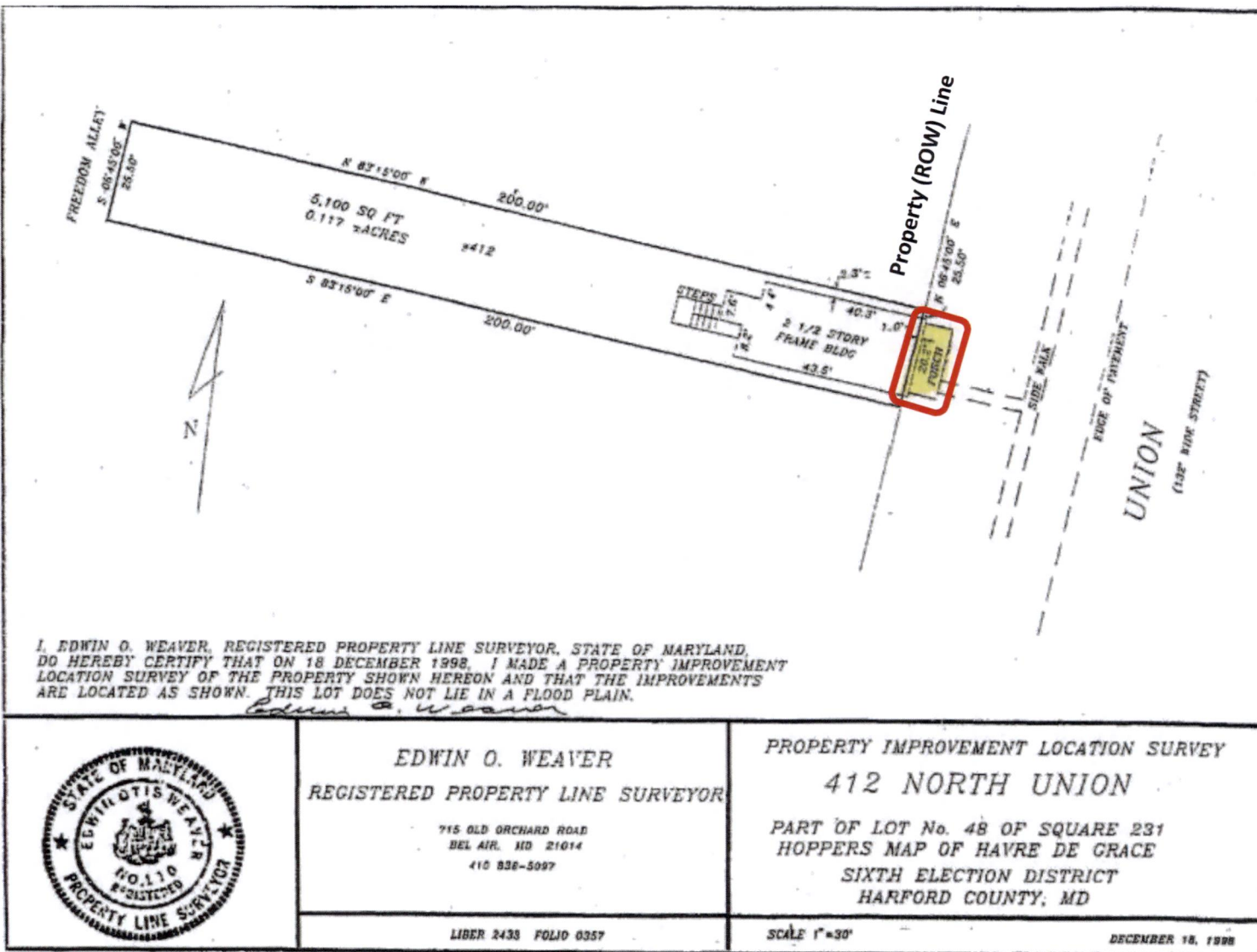
The Department of Planning has received an application for permission to replace a front porch that is 160 square feet, eight feet long by twenty feet wide within the City's Right-of-Way. Should the City Council approve the requested License Agreement, the following conditions are recommended:

- a. Application for a LICENSE of City property shall be accompanied by a \$50.00 administrative fee.
- b. The LICENSEE is required to pay all costs associated with the LICENSE and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.
- c. The right-of-way and items placed in the right-of-way shall be properly secured and not create a public nuisance. The right-of-way shall also be kept in good condition at all times and maintained as necessary.
- d. The encroachment should not be any more than the current encroachment.
- e. The City reserves the right to require the owner to remove the LICENSED items at any time at the owner's sole expense.
- f. Any alterations to front porch replacement outside what's provided in application for this LICENSE, must be approved prior to installation by City Council. The City reserves the right to request the LICENSEE to reapply for City Council approval based on proposed alterations.
- g. Any future proposed installation in the City right-of-way will require the City Council to review and approve an amended LICENSE Agreement prior to receiving any permits nor starting construction, this includes sidewalk resurfacing, patching, etc.

A copy of the site plan indicating the dimensions and location of the proposed front porch replacement, 2024 Aerial photograph and site photos of the subject's property are included with this memo.

cc: Tamara Brinkman, Executive Assistant  
Adam Rybczynski, Senior Aide to the Mayor  
Marisa Willis, CFM, Planner  
Colleen Critzer, Permits Clerk  
Tim Bourcier, Director of Planning  
Joe Conaway, Chief of Public Works

SITE PHOTO OF PROPOSED LOCATION AND DIMENSIONS





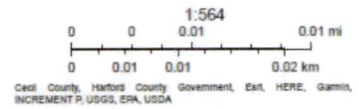
2024 AERIAL PHOTOGRAPGH

2024 Aerial - 412 N Union Ave.



6/11/2024, 2:05:08 PM

- Centerline
- Harford County Boundary
- Cadastral





**SITE PHOTOS**



**412 North Union  
Avenue  
(2024-0410)**

**Replacement:**  
Front porch and steps  
Sidewalk connectivity  
will be retained  
Photos taken 06.11.24

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Resolution concerning Approving a License Agreement for  
654 Water Street**

Date: **6/27/2024**

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

Purpose:

- FYI  
 **Read and Comment as Needed**  
 **Action Required by July 1, 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: See supplemental material on next page from Chief Walter.



## **Supplemental Material for License Agreement Resolution for Water Street Seafood Restaurant**

Email from Chief Walter

Date: Mon, Jun 24, 2024 at 2:45 PM

Subject: Re: Water Street Seafood Parking Enforcement

To: Eric Lawrence <[ericl@havredegracemd.com](mailto:ericl@havredegracemd.com)>

Cc: Jonathan Krass <[jkrass@havredegracemd.com](mailto:jkrass@havredegracemd.com)>

Hello Eric,

Thank you for sharing the request from Water Street Seafood restaurant. We acknowledge the request to use the City's right-of-way for a waiting area. While we understand the restaurant's desire to utilize the space, we share concerns about potential safety issues.

The busy nature of Water Street, coupled with reported incidents of speeding and on-street parking, raises significant safety concerns. Allowing the use of the right-of-way may further exacerbate these issues, potentially compromising pedestrian safety and contributing to traffic disturbances.

From the request, we understand that the owners are willing to move the barriers, benches, etc., off the right-of-way and into their driveway when not in use. Then, perhaps they will consider simply using their driveway as their waiting area.

We appreciate you sharing the request.

Chief Walter

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2024-\_\_\_

Introduced by \_\_\_\_\_ Council Member Schneegas

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE, MARYLAND, PURSUANT TO SECTIONS 33  
AND 34 OF THE CITY CHARTER AND THE LOCAL  
GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF  
MARYLAND FOR APPROVAL OF A LICENSE AGREEMENT TO  
CONSTRUCT A WAITING AREA FOR PATRONS AT 654 WATER  
STREET RIGHT-OF-WAY**

**WHEREAS**, the LICENSEE is the owner of the property located at 654 Water Street in  
Havre de Grace, Maryland; and

**WHEREAS**, the LICENSEE has completed a permit application and has obtained  
approval from the City to encroach on City right-of-way for the construction of a waiting area for  
patrons at 654 Water Street right-of-way; and

**WHEREAS**, the construction of a waiting area for patrons at 654 Water Street is in  
accordance with the description in the permit application, and will not adversely impact the right-  
of-way; and

**WHEREAS**, the LICENSE was listed on the agenda at a City Council meeting and the  
City Council has approved the general terms of the LICENSE in accordance with Resolution No.  
2020-21; and

**WHEREAS**, the License attached as Exhibit A conforms to the requirements of Resolution  
No. 2020-21 and the Department of Planning Memorandum dated June 17, 2024 attached as  
Exhibit B describes the location of the construction of a waiting area for patrons at 654 Water  
Street; and

**WHEREAS**, the Council has authorized the Mayor to execute such LICENSE, which  
LICENSE will not become binding until it is signed by the Mayor and attested by the Director of  
Administration.

**NOW THEREFORE**, it is determined, decided, and resolved by the City Council that the  
License is hereby approved and the Mayor is authorized to execute such License, which License  
will not become binding until it is signed by the Mayor and attested by the Director of  
Administration.

42  
43 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_\_ day of \_\_\_\_\_, 2024.

44  
45 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_ day of \_\_\_\_\_, 2024.

46  
47  
48 ATTEST: THE MAYOR AND CITY COUNCIL  
49 OF HAVRE DE GRACE, MARYLAND

50  
51 \_\_\_\_\_  
52 Christopher Ricci William T. Martin  
53 Director of Administration Mayor

54  
55  
56 Introduced: 7/1/2024  
57 Passed/Adopted:  
58  
59 Effective Date:



**EXHIBIT A**



**City of Havre de Grace**

711 PENNINGTON AVENUE, HAVRE DE GRACE, MARYLAND 21078

410-939-1800

WWW.HAVREDEGRACEMD.COM

**LICENSE AGREEMENT**

This AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, between the Mayor and City Council of Havre de Grace, Maryland (“City”) and Theresa Ray (“Licensee”).

WHEREAS, the LICENSEE is the owner of the property located at 654 Water Street in Havre de Grace, Maryland; and

WHEREAS, the LICENSEE has completed a permit application and has obtained approval from the City to encroach on City right-of-way for the construction of a waiting area for patrons at 654 Water Street right-of-way; and

WHEREAS, the construction of a waiting area for patrons at 654 Water Street is in accordance with the description in the permit application, and will not adversely impact the right-of-way; and

WHEREAS, the LICENSE was listed on the agenda at a City Council meeting and the City Council has approved the general terms of the LICENSE in accordance with Resolution No. 2020-21; and

WHEREAS, the Council has authorized the Mayor to execute such LICENSE, which LICENSE will not become binding until it is signed by the Mayor and attested by the Director of Administration.

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

27 **1. Property**

28 The City grants to the LICENSEE a LICENSE to encroach into the City’s right-of-way at  
29 654 Water Street.

30 **2. Terms of Use**

31 Licensee agrees:

- 32 a. Application for a LICENSE of City property shall be accompanied by a \$50.00  
33 administrative fee.
- 34 b. The LICENSEE is required to pay all costs associated with the LICENSE and  
35 the property, including but not limited to maintenance, repair, utilities, taxes,  
36 and insurance.
- 37 c. The LICENSEE is required to ensure their liability insurance extends out into  
38 the street and provide the City with a certificate of insurance listing the City as  
39 an additional insured and supported by an additional insured endorsement if  
40 needed.
- 41 d. The “Waiting Area” shall be limited to 6-feet wide out from the retaining wall  
42 facing Water Street towards the road and located along 652 & 654 Water Street  
43 buildings within the right-of-way. The “Waiting Area” in the City right-of-way  
44 shall not adversely affect the 12-foot wide “sidewalk/walkway” nor roadway.  
45 The “Waiting Area” shall remain open and in good condition, without  
46 substantial damage that may adversely impact walkability in terms of  
47 accessibility, safety, and connectivity. Where accidental damage of  
48 “sidewalk/walkway” occurs, the owner and/or Licensee shall replace the  
49 damaged “sidewalk/walkway” to the satisfaction of the Department of Planning  
50 and meet all applicable standards for safety, accessibility and connectivity.
- 51 e. The right-of-way and items placed in the right-of-way including benches,  
52 barriers, umbrellas, planters, bike racks, etc. shall be properly secured to not  
53 create a public nuisance or adversely affect pedestrians, bicyclist and motorists.  
54 Safe access to the proposed “Waiting Area” via “sidewalk/walkway” shall  
55 remain open and not impeded by vehicle parking along the Water Street right-  
56 of-way, to preserve the overall “sidewalk/walkway” safety, connectivity and  
57 accessibility.
- 58 f. The adjacent City owned parking lot located at 649 Water Street shall reserve a  
59 minimum of 2 ADA accessible parking spaces adjacent to the  
60 “sidewalk/walkway” and identified as such for ease of accessibility and safety  
61 to the proposed “Waiting Area” within the City right-of-way.
- 62 g. A minimum of two “NO PARKING” signs shall be installed along the  
63 “sidewalk/walkway” in front of the subject’s property so no vehicles park,  
64 block, or impede the “sidewalk/walkway” for pedestrians and patrons accessing  
65 the “Waiting Area” from Erie Street intersection, 649 Water Street parking lot,

66 and Otsego Street intersection. The right-of-way area in front of the subject's  
67 property shall also be kept in good condition at all times.

68 h. All items, including linear bench style seating, planters, bicycle racks and signs  
69 shall be approved by the Department of Planning and Public Works prior to  
70 installation. The City reserves the right to require the owner to remove the  
71 LICENSED items at any time at the owner's sole expense.

72 i. Any alterations to the "Waiting Area" outside what's provided in application  
73 for this LICENSE, must be approved prior to installation by City Council. The  
74 City reserves the right to request the LICENSEE to reapply for City Council  
75 approval based on proposed alterations.  
76

77 **3. Indemnity.**

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

83 **4. Restoration.**

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

88 **5. Maintenance.**

89 The Licensee shall maintain any facility or object in, above, or in the City right-of-way and  
90 related to the use in a manner that is attractive, clean, safe, workmanlike, and in good repair. The  
91 Licensee shall insure that the facility or object in, above, or in the City right-of-way related to the  
92 use is in compliance with all applicable federal, State, County and City laws, rules, ordinances, or  
93 regulation which are hereby incorporated into this Agreement.  
94



95           **6. Term**

96           This Agreement shall expire December 31, 2025, unless the City terminates or modifies  
97 this Agreement. In its sole discretion, the City Council may renew or extend this Agreement upon  
98 the request of the Licensee.

99           **7. Permitted Use.**

100           The temporary permitted use allowed by this Agreement is limited to the following:  
101 construction of a waiting area for patrons at 654 Water Street. Any disagreement between the  
102 parties about the type of use, the location of the use, or any special conditions required, shall be  
103 resolved by the City’s Director of Planning or his designee in his sole discretion.

104           **8. Entire Agreement.**

105           The Parties agree that this document contains the entire Agreement.

106           **9. No Waiver**

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

109           **10. Venue/Choice of Law**

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

112           **11. No Assignment**

113           This License may not be assigned by the Licensee without the express written consent of  
114 the City, which continuation may be permitted by the City in its sole discretion if the proposed  
115 assignee continues the current use of the property for the remainder of the License term.

116           **12. Specific Enforcement/Breach of Contract/Attorneys’ Fees**

117           In any legal action to enforce the terms of this License, for declaratory action, or to recover  
118 damages for breach of the terms of this License filed by any party, the City shall be entitled to

119 recover reasonable attorneys' fees and costs from the Licensee or its successor or assigns for its  
120 successful prosecution or defense of such claims.

121 WITNESS our hands and seals.

122

123 WITNESS/ATTEST: LICENSEE: \_\_\_\_\_

124

125

126 \_\_\_\_\_

\_\_\_\_\_  
Signature

127

128

129

130 WITNESS/ATTEST: MAYOR AND CITY COUNCIL OF  
131 HAVRE DE GRACE, MARYLAND

132

133

134 \_\_\_\_\_

\_\_\_\_\_  
William T. Martin

135

136 Christopher Ricci  
137 Director of Administration

Mayor

138

139

140

141 APPROVED AS TO LEGAL SUFFICIENCY:

142

143 \_\_\_\_\_

144 April C. Ishak, City Attorney

145

146 THIS LICENSE AGREEMENT RELATES TO

PERMIT #2024-\_\_\_\_\_



## Attachment B

# City of Havre de Grace

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

410-939-1800

### DEPARTMENT OF PLANNING MEMORANDUM

June 17, 2024

To: Chris Ricci, Director of Administration

From: Eric V. Lawrence, Associate City Planner

**Re: 654 Water Street (Water Street Seafood) - License Agreement  
Request for a license to use a section of the City's Right-of-Way along  
Water Street to construct a 12-feet by 20-feet "Waiting Area" for patrons**

The Department of Planning has received an application for permission to construct a "Waiting Area" that is approximately 240 square feet in total equating to 12 feet wide by 20 feet long. The applicant also plans to install temporary-removable benches and barricades within the City's (45) feet right-of-way as part of the existing Water Street Seafood restaurant. Should the City Council approve the requested License Agreement, the following conditions are recommended:

- a. Application for a LICENSE of City property shall be accompanied by a \$50.00 administrative fee.
- b. The LICENSEE is required to pay all costs associated with the LICENSE and the property, including but not limited to maintenance, repair, utilities, taxes, and insurance.
- c. The LICENSEE is required to ensure their liability insurance extends out into the street and provide the City with a certificate of insurance listing the City as an additional insured and supported by an additional insured endorsement if needed.
- d. The "Waiting Area" shall be limited to 6-feet wide out from the retaining wall facing Water Street towards the road and located along 652 & 654 Water Street buildings within the right-of-way. The "Waiting Area" in the City right-of-way shall not adversely affect the 12-feet wide "sidewalk/walkway" nor roadway. The "Waiting Area" shall remain open and in good condition, without substantial damage that may adversely impact walkability in terms of accessibility, safety, and connectivity. Where accidental damage of "sidewalk/walkway" occurs, the owner and/or Licensee shall replace the damaged "sidewalk/walkway" to the satisfaction of the Department of Planning and meet all applicable standards for safety, accessibility and connectivity.
- e. The right-of-way and items placed in the right-of-way including benches, barriers, umbrellas, planters, bike racks, etc. shall be properly secured to not create a public nuisance or adversely affect pedestrians, bicyclist and motorists. Safe access to the proposed "Waiting Area" via "sidewalk/walkway" shall remain open and not impeded by vehicle parking along the Water Street right-of-way, to preserve the overall "sidewalk/walkway" safety, connectivity and accessibility.



- f. The adjacent City owned parking lot located at 649 Water Street shall reserve a minimum of 2 ADA accessible parking spaces adjacent to the “sidewalk/walkway” and identified as such for ease of accessibility and safety to the proposed “Waiting Area” within the City right-of-way.
- g. A minimum of two “NO PARKING” signs shall be installed along the “sidewalk/walkway” in front of the subject’s property so no vehicles park, block, or impede the “sidewalk/walkway” for pedestrians and patrons accessing the “Waiting Area” from Erie Street intersection, 649 Water Street parking lot, and Otsego Street intersection. The right-of-way area in front of the subject’s property shall also be kept in good condition at all times.
- h. All items, including linear bench style seating, planters, bicycle racks and signs shall be approved by the Department of Planning and Public Works prior to installation. The City reserves the right to require the owner to remove the LICENSED items at any time at the owner’s sole expense.
- i. Any alterations to the “Waiting Area” outside what’s provided in application for this LICENSE, must be approved prior to installation by City Council. The City reserves the right to request the LICENSEE to reapply for City Council approval based on proposed alterations.

A copy of the Applicants request, photograph indicating the dimensions and location of the requested ‘Waiting Area’, 2024 aerial photograph, site photos and Department of Planning recommended layout and sidewalks diagram of the subject’s property are included with this memo.

cc: Tamara Brinkman, Executive Assistant  
Adam Rybczynski, Senior Aide to the Mayor  
Marisa Willis, CFM, Planner  
Colleen Critzer, Permits Clerk  
Tim Bourcier, Director of Planning  
Joe Conaway, Chief of Public Works  
EJ Millisor, Director of Public Works

**USE REQUEST & SITE PHOTO OF PROPOSED LOCATION AND DIMENSIONS BY  
APPLICANT**



*Water Street Seafood*  
HAVRE DE GRACE, MD

5/1/2024

Theresa Ray  
654 Water Street  
Havre de Grace, MD 21078  
443-907-2473

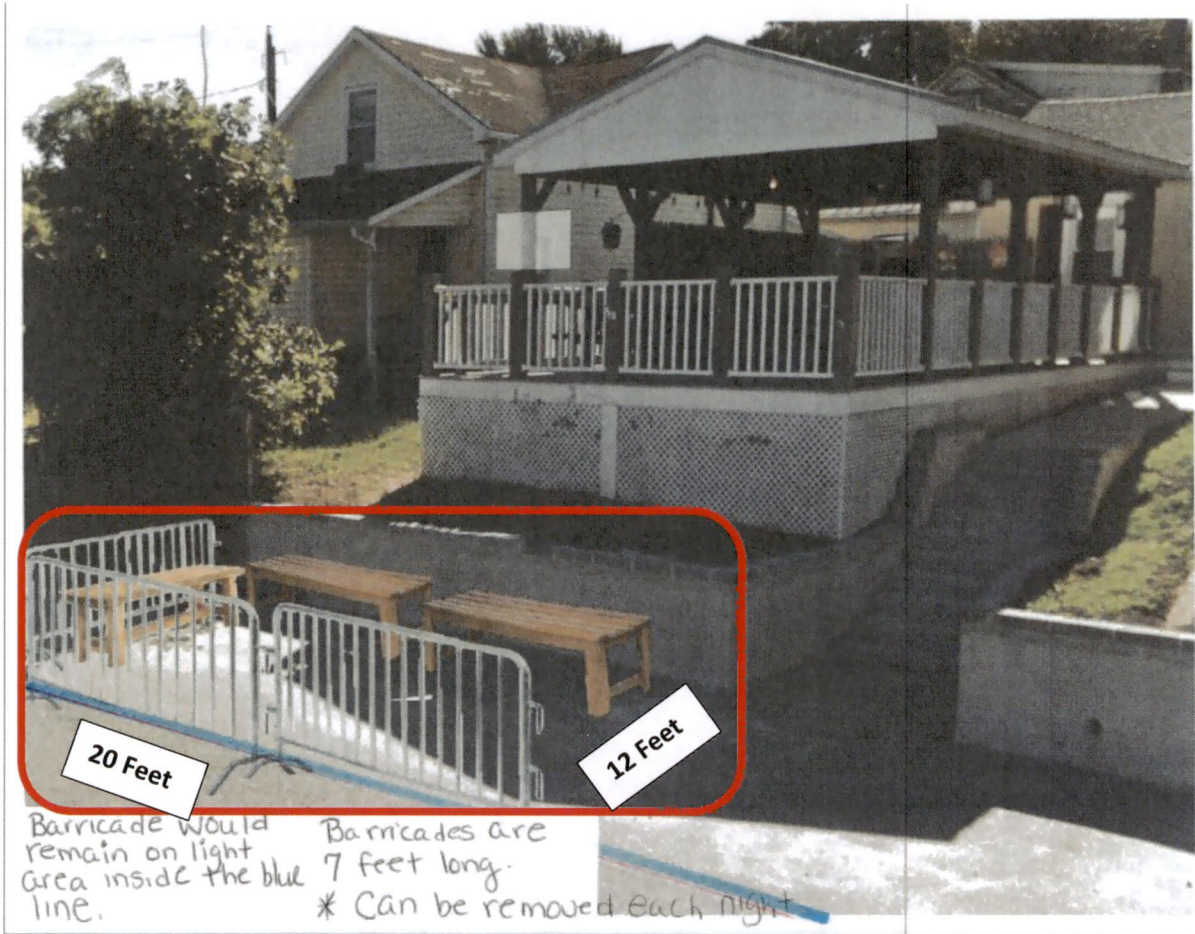
To whom it may concern:

I, Theresa Ray owner of Water Street Seafood is requesting permission to create a temporary waiting area in front of the restaurant on the weekends only. We often experience a wait during our busiest times here at the restaurant. With many of our patrons being senior citizens, they often find it difficult to stand while waiting for a table to clear. I am asking for the city's consideration in allowing us to erect a waiting area like the attached picture. We would use this area from 4-8pm on Friday and 11am to 9pm on Saturday and Sunday through the busy summer months only. We have no problem disassembling it over night and storing it on our deck or in our driveway. We also will not allow alcohol to be consumed in this area. Thank you for your consideration, and I look forward to a response soon.

Kindest regards,

Theresa Ray

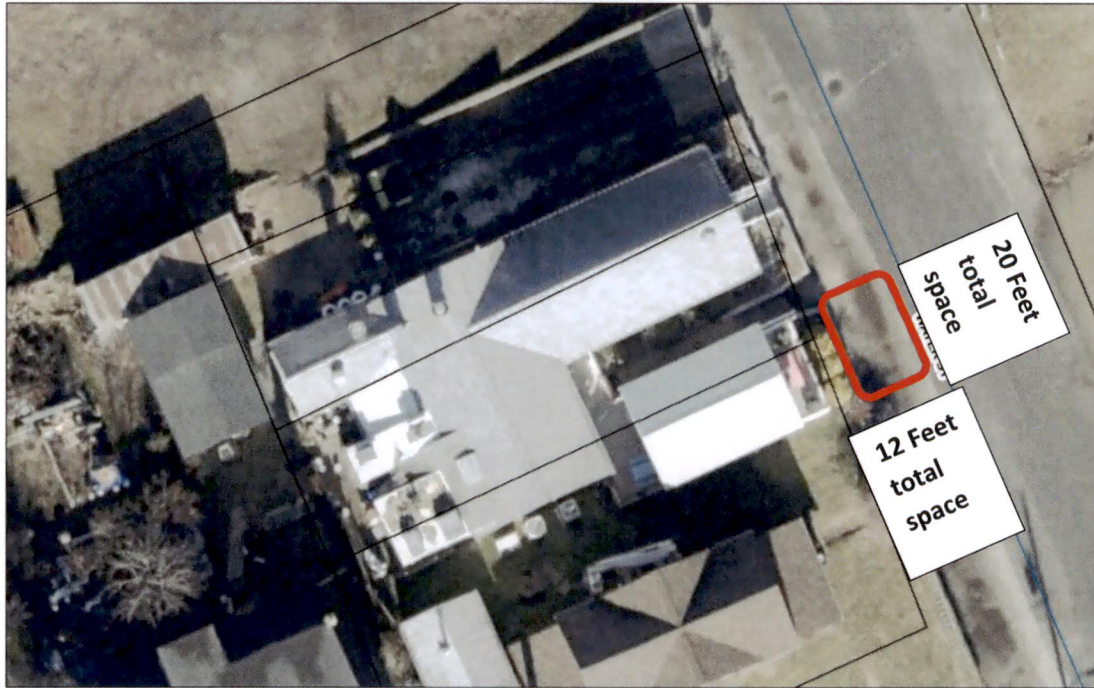
USE REQUEST & SITE PHOTO OF PROPOSED LOCATION AND DIMENSIONS BY APPLICANT





2024 AERIAL PHOTOGRAPGH

2024 Aerial - 654 Water St.



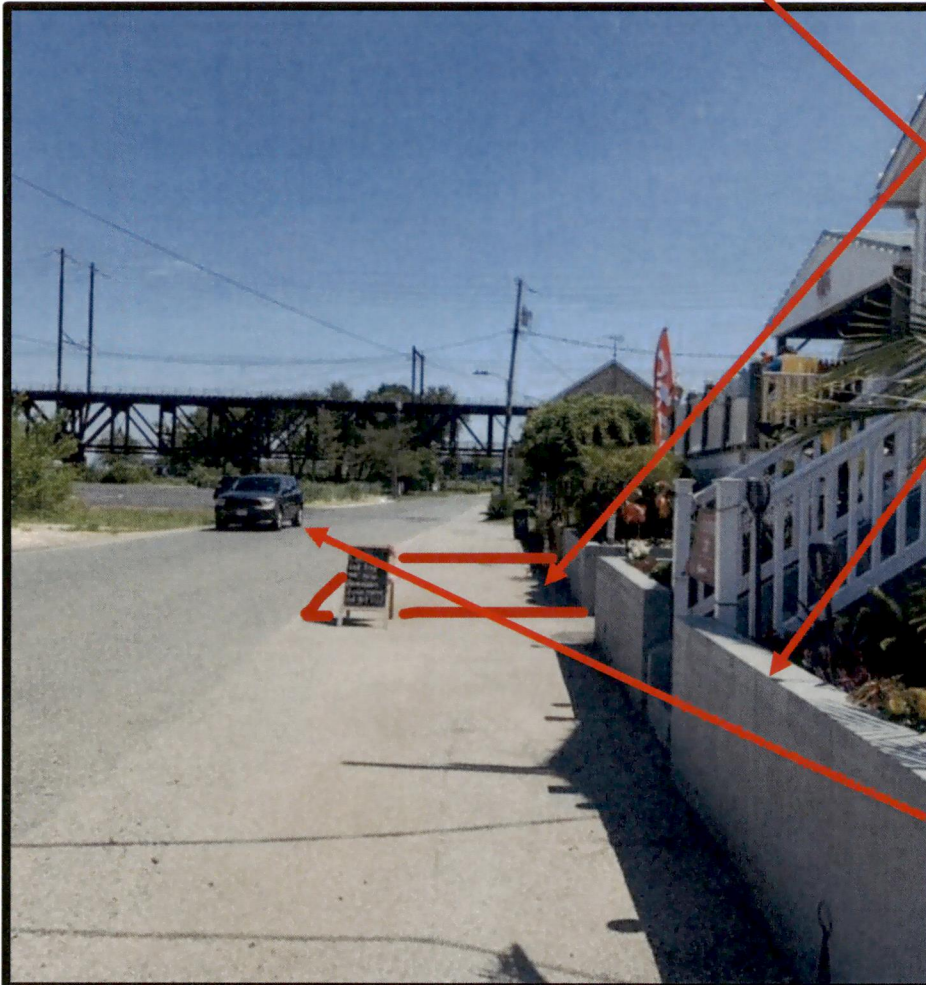
6/11/2024, 3:18:20 PM

Centerline  
Cadastral  
Harford County Boundary

1.282  
0 0 0 0.01 mi  
0 0 0.01 0.01 km  
Cadd County, Harford County Government, Esri, HERE, Garmin,  
INCREMENT P, USGS, ERA, USDA

Cadd County, Harford County Government, Esri, HERE, Garmin, USGS, NGA, ERA, USDA, NPS

**SITE PHOTOS**



**654 Water Street**

**Proposed Patron** waiting area along Water Street within City ROW limited to 6 feet wide out from the building to the East. Reduced from 12 feet per the Applicants' request

And extended along the adjacent retaining wall.

**Sidewalk/walkway** connectivity accessibility and safety to be retained and enhanced

Reduce on street Parking to ensure access to adjacent sidewalks

Photos taken 06.11.24



**SITE PHOTOS**



**654 Water Street**

**NO PARKING** on street to maintain sidewalk/walkway, connectivity, accessibility and safety to parking lot and existing sidewalks

**Bicycle Rack** consideration given to installing artistic bicycle racks for cycling patrons- approx. 6 feet by 2 feet minimum space per bike

**Proposed Patron** "Waiting Area" along Water Street within City ROW limited to 6 feet wide out from the building to the East towards the Chesapeake Bay

**Vegetative Buffer**  
Consider using ~3-6 feet planter boxes or containers to enhance the aesthetics while providing safety and retaining accessibility and connectivity

Photos taken 06.11.24






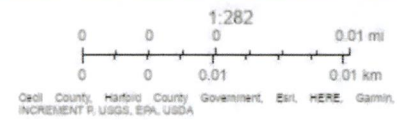
**ATTACHMENT F**  
**PLANNING DEPARTMENT RECOMMENDED PROPOSED USE**

2024 Aerial - 654 Water St. Proposed



6/12/2024 11:06:50 AM

-  "NO PARKING" Signs
-  Linear "bench style" seating
-  Planters - Vegetative



Cecil County; Harford County Government; Esri; HERE; Garmin; USGS; NGA; EPA; USDA; NPS |





# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1157 concerning Amending Chapter 25**  
**Board of Appeals and Planning Commission**  
**(2<sup>nd</sup> Reading)**

Date: **6/18/2024**

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

Purpose:

- FYI  
 **Read and Comment as Needed**  
 **Action Required by July 1, 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: See suggested amendments on next page.



To: Council Members

From: Tim Bourcier, Director of Planning

Date: June 17, 2024

Re: Suggested Amendments to Ordinance No. 1157 - Amending Chapter 25 Planning  
Commission & Board of Appeals

---

Change the lines below from 10 to "*15 calendar days*":

- Line 41
- Line 42
- Line 158
- Line 159
- Line 162

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1157

Introduced by \_\_\_\_\_ Council President Ringsaker \_\_\_\_\_

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CHAPTER 25 PERTAINING TO BOARD OF APPEALS AND PLANNING COMMISSION**

On: June 3, 2024  
at: 7:00 p.m.

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

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on June 17, 2024 at 7:00 p.m., and concluded on June 17, 2024 at 7:02 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 BE IT ORDAINED, that Chapter 25 is hereby amended as follows:

33

34 Article IV Board of Appeals

35

36 § 25-16 **General requirements and procedures.**

37

38 D. Notice of a public hearing on any special exception, variance, or when applicable,  
39 administrative review, shall be given by certified mail (with return receipt) and by first class  
40 US Mail to the petitioner, the owner of the property and all abutting and confronting property  
41 owners of the property under consideration at least **[15] 10 days[']** prior to the date of the  
42 public hearing. Notice shall also be published on the City's webpage at least 10 days['] prior  
43 to the date of the public hearing. In addition, notice of such hearing shall be posted by the  
44 Department of Planning with a sign provided by the Board of Appeals staff on the property  
45 under consideration:

46

47 E. The Department of Planning shall prepare a staff report that incorporates background  
48 information on the subject property, provides a recommendation for approval or denial, and  
49 incorporates recommended conditions as necessary. The report shall include an analysis of  
50 environmental features, zoning, consistency with the Comprehensive Plan, and existing and  
51 proposed land uses on the subject property and within the neighborhood. The report shall be  
52 forwarded to the Board and the petitioner at least five days prior to the hearing before the  
53 Board [Commission].

54

55 Article V Planning Commission

56

57 § 25-22 Jurisdiction and powers.

58 There is hereby created a Municipal Planning Commission for the City of Havre de Grace,  
59 hereinafter referred to as the "Planning Commission". **["Commission."]** Its territorial jurisdiction  
60 shall extend over all property located within the incorporated limits of the City of Havre de Grace  
61 or as otherwise provided under Maryland State law.

62

63 § 25-23 **[Membership]** Creation; composition; appointment and removal of members;  
64 compensation; election of Chair and Vice Chair.

65

66 A. Membership of the Planning Commission shall consist of seven members and one alternate  
67 member who shall be appointed by the Mayor and confirmed by the City Council for five-  
68 year terms.

69

70 **B. [A. The Commission shall consist of seven members,]** [o]One of whom [may] shall be a  
71 member of the City Council of Havre de Grace, Maryland, to serve in an ex officio capacity  
72 concurrent with his or her official term.

73 (1) The ex officio member may not vote on any question in the result of which the  
74 ex officio member has an immediate personal or financial interest.

75 (2) **[(ii)]** When an ex officio member abstains from voting on a question under  
76 subparagraph [(i)] (1) of this paragraph, the ex officio member shall disclose  
77 the recusal.



78 (3) The ex-officio member may not act as Chair or Vice Chair of the Planning  
79 Commission.

80 C. Subject to the exception set forth in subparagraph D below, each appointed member of the  
81 Planning Commission shall be a full-time resident of the City of Havre de Grace at the time  
82 of appointment and during the term of the member. For the purpose of this subsection,  
83 "full-time resident" means declaring the City of Havre de Grace the person's primary  
84 residence for tax purposes. If residency changes such that the member is no longer a full-  
85 time resident during the member's term, then the position will be deemed vacant and the  
86 vacancy will be filled as provided under this Section, provided however, that such member  
87 may be able to fall within the exception under subparagraph D upon the Mayor's approval.

88 D. The Mayor and City Council may choose to appoint no more than two members from  
89 outside the incorporated limits of the City as part of the seven person membership as  
90 discussed in Section 25-23(A); however, the appointee(s) must reside within the Havre de  
91 Grace zip code.

92 E. Members of the Planning Commission may be removed for cause by the City Council after  
93 a public hearing upon written charges. Grounds for removal are set forth in the Land Use  
94 Article of the Maryland Annotated Code, § 2-102(d), as amended.

95 F. The City Council shall appoint a new member to fill the unexpired term of any member  
96 who leaves the Planning Commission for any reason or upon a vacancy as set forth in  
97 subparagraph C above.

98 G. Pending appointment of a new member, an alternate member shall fill the vacancy until a  
99 new member is appointed. If an alternate member is absent or recused, the City Council  
100 may designate a temporary alternate.

101 H. All members shall serve the Planning Commission without compensation.

102 I. The Planning Commission shall elect a Chairperson and Vice Chairperson at the first  
103 meeting of the Board each calendar year. The Chairperson or Vice Chairperson shall not  
104 be an ex-officio member.

105  
106 **[B. The term of each member of the Commission is five years or, in the case of the City**  
107 **Council member serving in an ex officio capacity, until his or her successor takes office.]**

108 **[C. All members of the Commission shall serve without compensation and may be**  
109 **removed by the Mayor and City Council for inefficiency, neglect of duty, or malfeasance**  
110 **in office.]**

111 **[D. Upon the death, resignation or removal of any Commissioner, the Mayor shall, as**  
112 **soon as is practical, appoint a Commissioner to complete the term of office of the former**  
113 **member. Upon the expiration of the term of office of any Commissioner, a successor shall**  
114 **be appointed by the Mayor to serve a five-year term. All Commissioners shall be eligible**  
115 **for reappointment.]**

116 [E. The Mayor may appoint one alternate member of the Commission who may sit on the  
117 Commission and vote in the absence of any member of the Commission. The Mayor may  
118 also appoint a temporary alternate to sit on the Commission and vote when the alternate  
119 is absent.]

120 [F. All appointments to the Commission made by the Mayor shall be subject to the advice  
121 and consent of the Council.]

122  
123 [§ 25-24 Officers.]

124 [In January of each year, the Commission shall elect a Chairperson and Vice Chairperson  
125 from its members for one year, who shall be eligible for re-election.]

126  
127 § 25-24 [25] Powers and duties.

128 The Commission shall have the following powers and duties:

129 A. The Commission shall review all applications for amendments to the zoning text and map  
130 and report the Commission's findings and recommendations. Any recommendations can  
131 be stated to the ex officio member during a Planning Commission hearing or the Planning  
132 Commission can take an official vote on recommendations to the Mayor and City Council.

133 [B. The Commission shall review all applications for variances, conditional uses, special  
134 exceptions, and modifications of nonconforming uses and shall report the  
135 Commission's findings and recommendations to the Board of Appeals. The  
136 Commission shall review all such applications under the same guidelines applicable  
137 to the Board of Appeals.]

138 [C. The Commission shall review all appeals from decisions of the Zoning Administrator  
139 and report the Commission's findings and recommendations to the Board of  
140 Appeals.]

141 B. Site Plan Approval per Chapter 155 of the City Code.

142 C. Subdivision review and approval per Chapter 173 of the City Code.

143 D. The Commission shall hear and decide matters upon which it is required to pass under  
144 provisions of City ordinances.

145 E. The Commission shall have all powers, functions and duties as provided from time to time  
146 by the Maryland Land Use Code Annotated. [Article 66B of the Annotated Code of  
147 Maryland.]

148 [§ 25-26 Subdivision control.]

149 [From and after the time when the Planning Commission shall have control over subdivisions  
150 as provided in the subdivision control provisions of said Article 66B, the jurisdiction of the  
151 Commission over plats shall be exclusive within the territory under its jurisdiction, and until  
152 that time all such plats shall be first approved by said Commission before approval by the  
153 Mayor and City Council of Havre de Grace.]

154



155 § 25-25 Notification requirements.  
 156 Notice of a public hearing on any Planning Commission matter shall be given by certified mail  
 157 (with return receipt) and by first class US Mail to the petitioner, the owner of the property and all  
 158 abutting and confronting property owners of the property under consideration at least 10 days prior  
 159 to the date of the public hearing. Notice shall also be published on the City's webpage at least 10  
 160 days prior to the date of the public hearing. In addition, notice of such hearing shall be posted by  
 161 the Department of Planning with a sign provided by the Department of Planning staff on the  
 162 property under consideration at least 10 days prior to the date of the public hearing.

163  
 164 § 25-26 Meetings and hearings.

165 **[A. In the event the Commission receives a request for approval of a subdivision plat, the**  
 166 **following action shall be taken preparatory to holding a hearing thereon:]**

- 167 (1) [The Commission shall fix a reasonable time for a hearing.]  
 168 (2) [The property which is the subject of the subdivision shall be posted conspicuously  
 169 by a zoning notice in a form approved by the Mayor and City Council at least 10  
 170 days before the date of the hearing.]  
 171 (3) [Notification of a hearing shall be made by certified mail to the applicant, and to  
 172 the owners of those properties contiguous to the property with which the hearing  
 173 is concerned. The addresses for the owners of these contiguous properties shall be  
 174 as specified in the assessment records of the Supervisor of Assessments. Such  
 175 notice shall be postmarked at least seven days prior to the hearing. The cost of  
 176 certified mail notices shall be borne by the applicant. The term "contiguous  
 177 properties," as used herein, includes properties separated from the subject  
 178 property by a street, lane, alley or roadway of any type.]  
 179

180 A. [B] The following procedures shall be used by the Commission in conducting hearings:

- 181 (1) All hearings of the Commission shall be open to the public. At the hearing, any party  
 182 may appear and be heard in person or by representative.  
 183 (2) The Chairperson or, in the Chairperson's absence, the [Acting] Vice Chairperson may  
 184 administer oaths and request the attendance of witnesses.  
 185 (3) For assistance in reaching decisions, the Commission may request testimony at its  
 186 hearing for purposes of securing technical aid or factual evidence from City  
 187 commissions, departments or agencies.  
 188 (4) The Commission shall keep records of all of its official actions, all of which shall be  
 189 filed with the Department of [Economic Development and] Planning and shall be  
 190 public record.  
 191 (5) Postponement of hearings shall be at the discretion of the Chairperson of the  
 192 Commission in cases of extreme hardship or upon good cause shown. The Commission  
 193 may, upon its own initiative, postpone a scheduled hearing at any time. Assessment of  
 194 cost for advertisement of rescheduled hearings shall be in the discretion of the  
 195 Commission.  
 196 (6) The Commission may continue a hearing to another time or date once such hearing has  
 197 been started; however, the Commission shall announce the date and hour of  
 198 continuance of such hearing while in session.  
 199 (7) The Commission shall adopt additional rules which may be necessary to exercise the  
 200 Commission's function which rules shall not be inconsistent with this Article V.



201 § 25-27 Reserved

202  
203 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that the  
204 foregoing amendments to the City Code are hereby approved.

205  
206 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_ day of \_\_\_\_\_, 2024.

207  
208 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_ day of \_\_\_\_\_,  
209 2024.

210  
211  
212 ATTEST: MAYOR AND CITY COUNCIL  
213 OF HAVRE DE GRACE

214  
215 \_\_\_\_\_  
216 Christopher Ricci  
217 Director of Administration

218  
219 \_\_\_\_\_  
220 William T. Martin  
221 Mayor

222 Introduced/First Reading: 6/3/2024

223 Public Hearing: 6/17/2024

224 Second Reading/Adopted:

Effective Date:

