

# **TOWN OF RISING SUN**

## **BOARD OF TOWN COMMISSIONERS**

**MAYOR**  
Judith M. Cox

**COMMISSIONERS**  
Deborah Craig  
James Majewski  
Thomas Mumey  
August Pierson

**TOWN ADMINISTRATOR**  
Shawn Hershberger

**PLANNER/CODE  
ENFORCER**

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January 09, 2007

**CLERK-TREASURER**  
Sandra D. Didra

Present: Tom Mumey, Debbie Craig, Jim Majewski, Augie Pierson

Town Administrator: Shawn Hershberger

Absent: Mayor Cox

Guests: See Attached List

The regular scheduled meeting of the Mayor and Commissioners of Rising Sun was held on January 9, 2007 at the Rising Sun Town Hall with all members in attendance, except Mayor Cox. In the absence of Mayor Cox, the meeting was called to order at 7:00 PM by Commissioner Mumey, followed by the pledge of allegiance and a moment of silence.

Commissioner Mumey deviated from the agenda order and addressed item #7 – Appointment of Vice Mayor. He read a memo from Mayor Cox recommending the appointment of Commissioner Mumey as Vice Mayor. A motion was made by Mr. Pierson, seconded by Mr. Majewski and carried to appoint Commissioner Mumey as Vice Mayor.

A Public Hearing was conducted to consider the Application for Rezoning submitted by Arthur Johnston and Tom Dye for Parcel #745/Lot 1/Map 10 located on the east side of Maple Heights Lane for the zoning to be changed from R-3 to CC.. With the commercial development of other lands, they are basing their request on a change in the area. A letter from Rising Sun Planning and Zoning Commission Chair, Judith Fisher was read. It was their concurrence that the rezoning would not be out of character within the area and that the applicants had demonstrated that a change in the area had occurred that was sufficient enough to grant approval of the requested rezoning. Mr. Mumey asked for public comments.

Shawn Keene of 203 Maple Leaf Drive advised that he and his neighbors were not fond of this idea. He advised that there were 2 other lots that they have found are zoned commercial. He advised that he and his neighbors had been advised that this property was unbuildable and would not be developed that it would remain open space. He voiced concerns over the width of the street, the traffic flow. He said the area already has traffic from the bank and hair salon. He reported that some of his neighbors could not be in attendance tonight and requested that the vote be put off until a later date.

Dee Emsley of Slicers Mill Road advised that she had attended the Planning and Zoning meeting where this was discussed. Due to the recent apartments she felt that the commercial area would produce more traffic than the proposed townhouse development.

Mr. Pierson advised that the Citizens Advisory Committee for the Comprehensive Plan Revision had visualized the continuance of the Central Commercial Zone along E. Main Street and he felt that this proposal would fit into that plan. He would like to see Mr. Dye & Mr. Johnston get together with Mr. Montgomery and Mr. Bears and perhaps build a bus stop building for the students in the neighborhood to use. He advised that the hearing is for the rezoning of the property only other issues will be addressed in the site plan review. He also advised that 2/3 of the property is already zoning CC and that it makes sense to make all the property the same zone, then it can be titled as one parcel.

Mr. Buddy Cathers of Stevens Road also asked about traffic and was advised that a traffic study would be required by the Town at the development phase of the project.

Mrs. Craig advised if it is re-zoned and there is a problem, we need to be sure that we don't loose control. She addressed the parking issued and advised that she was not comfortable with turning things over to the Board of Appeals and Planning & Zoning. She felt that we need an Adequate Public Facilities Ordinance. She does not know how else to stop the Planning and Zoning and the Board of Appeals from making these decisions. She said the Town Ordinances need to be changed to get things changed. She felt that she must turn the request for rezoning down, just to make a stand.

Mr. Dye advised that he and Mr. Johnston were local businessmen and that they were not going anywhere. They did not feel that more townhouses was what the Town needed and that is why they have applied for the additional CC zoning.



Shawn Keene addressed the Board again concerning the parking. He felt that the Board was turning their backs on the residents and putting it in their back yard. He again requested that the public hearing be postponed until more residents could attend.

Chris Callahan stated that since the 6.5 acre parcel was already zoning CC, the 2.3 acre parcel should be rezoned and then combined to make one parcel. The State would like to see it as one property with commercial being with commercial property.

Commissioner Craig advising that the Town needs to fix problems at Town Hall. Mr. Johnston advised that this is not a new property and that it is unfair to punish the landowner for problems at Town Hall by holding up a change or correction.

Vice Mayor Mumey advised that his job was to conduct the public hearing. He asked for a motion. A motion for approval of the rezoning request was made by Mr. Pierson. The motion died from the lack of a second. Mr. Johnston said that it was not fair for them not to bring this to a conclusion. Mr. Mumey advised that no decision had been made and the subject could be brought back at a future date.

Jim Baxter, Town Auditor, explained the audit for the fiscal year ending June 30, 2006. He advised that financially, the Town was in good standing. He advised that the year ended better than it began.

Letters of recommendation from Judith Fisher of the Rising Sun Planning & Zoning Commission and from Mayor Cox for the appointment of Robyn Paugh to serve on the Planning & Zoning Commission, were read. A motion to make the appointment was made by Mr. Majewski, seconded by Mrs. Craig and carried. Copies of Robyn's resume and correspondence are attached to these minutes.

Since Mr. Pierson was not in attendance at the 12/12/06 meeting. Therefore, the approval of the minutes will be postponed until the next meeting.

Mr. Hershberger presented revised building and zoning permit applications. They update previous ones with current fees, charges, etc. They are being presented for form and content, fees and charges can be changed or adjusted as needed. A motion to approve the forms was made by Mr. Pierson, seconded by Mr. Majewski and carried.

The Board was advised that John Denver of Delmarva Power would be attending the next meeting to discuss the situation with electric de-regulation and how the Town should deal with other companies trying to get us to purchase electric through them.

#### REPORTS:

Streets & Sidewalks - Mr. Mumey advised that he had nothing to report.

Water & Sewer - Mr. Majewski advised that the blockage in the line at the pumping station had been repaired in-house, saving the Town some money. We are still waiting for test result for the Legion wells. A fire hydrant on Ryan Drive has been replaced and one on Sunrise Circle is scheduled to be replaced..

Parks & Recreation - Mrs. Craig questioned ordering additional safety surface. Shawn will order. She questioned if the scout had been in contact with Shawn reference the gazebo with regard to a building permit. Mr. Pierson asked if the building permit fees were to be waived. He was advised that they were..

Town Administrator - Mr. Hershberger advised that he would be attending a course for Parks & Recs grant writing.

Ron Thomas advised that vandalism in the park was increasing and requested that everyone keep an eye out for those doing the vandalism.

Mr. Mumey requested that everyone using the elevator, when they want to hold the door open, do so with the button rather than physically holding the door open. This should keep the electric eye from going into a rest cycle..

Diane Ehrhart gave a update on the activities of the Rising Sun Historical Preservation Commission. A copy of her report is attached to these minutes.



There was no new business.

CITIZEN INPUT:

Mr. Callahan address Commissioner Craig on his concerns with special exceptions and variance . He questioned if signs could be placed at the pedestrians crosswalks on W. Main advising people to stop for pedestrians. The secretary asked why there were so few crosswalks on E. Main Street Lisa Tome advised that they had just finished the crosswalks in Perryville. SHA is to be contacted.

Mr. Callahan suggested that the Town consider having a “Christmas Showcase” next year where storefronts decorate for Christmas. He was referred to the Community Development Commission. Mrs. Craig requested that the secretary tell Mr. Callahan about the CDC. She advised that they meet at 5 pm on the 3rd Wednesday of each month

Mr. Ellison asked questions about the Historical Commission.

With no further business coming before the Board, a motion for adjournment was made by Mr. Pierson seconded by Mrs. Craig and carried.

Meeting was adjourned at 8:10 PM

Respectfully submitted,

Sandra D. Didra  
Secretary