

TOWN OF RISING SUN

BOARD OF TOWN COMMISSIONERS

MAYOR

Judith M. Cox

COMMISSIONERS

Deborah Craig
James Majewski
August Pierson
Stewart Yust

TOWN ADMINISTRATOR

Calvin Bonenberger, Jr.

CLERK-TREASURER

Sandra D. Didra

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November 27, 2007

Present: Judy Cox, Skip Yust, Jim Majewski, Debbie Craig, Augie Pierson

Town Administrator: Calvin Bonenberger, Jr.

Guests: See Attached List

The regular scheduled meeting of the Mayor and Commissioners of Rising Sun was held on November 27, 2007 at the Community Fire Company of Rising Sun with all members in attendance. The meeting was called to order at 7:00 PM by Mayor Cox, followed by the pledge of allegiance and a moment of silence. Mayor Cox asked that the soldiers overseas and our elected officials be remembered.

With no additions or corrections, the minutes of the 11/13/07 meeting were approved as presented.

A Public Hearing was conducted to consider the request for a text amendment to the Zoning Ordinance. Ordinance 2007-02: AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 12 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO PERMIT, BY SPECIAL EXCEPTION, PRIVATE EDUCATIONAL FACILITIES TO OPERATE IN MORE THAN JUST RESIDENTIALLY ZONED AREAS.

Mr. Bonenberger explained that approval of the text change did not allow the applicant to operate a private education facility. Approval of the requested text change allows the applicant to apply for a special exception for such an operation.

Jay Emery, legal council for the applicant, explained the text amendment and why his client was seeking such an amendment. Such approval would also create a consistency with other zoning classification throughout the county.

Mr. Pierson advised that he felt this issue was just common sense, that if it was allowed in a residential zone, why not a light industrial zone.

Mr. Callahan agreed with Mr. Pierson and added that such a use would help to keep the bus and other traffic away from the residential area thus protecting the children.

Mr. Warnick added that the traffic from the Light Industrial would be of a greater capacity than that from the school.

Mayor Cox asked Mr. Bonenberger how this use fit into the Town's Comprehensive Plan. Mr. Bonenberger advised that the only questionable item from the Comp Plan was "The Town will protect land with unique potential for economic and industrial development from encroachment by other land use activities." Mr. Bonenberger questioned if the private educational facilities fell within the spirit of the industrial use and advised that it would be something that the Board of Appeals should take into consideration when considering the special exception.

Mrs. Craig questioned if it is the Board's job just to give permission to seek the special exception in the light industrial zone. She was advised that was correct.

A motion was made by Mr. Pierson, seconded by Mrs. Craig and carried by a vote of 4 yeas and 0 nays, to approve adoption of Ordinance 2007-02 which amends the text in the Zoning Ordinance to allow private educational facilities to operate in more than just residentially zoned areas.

Mr. Bonenberger introduced Ordinance 2007-03: AN ORDINANCE OF THE TOWN OF RISING SUN ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 6 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODES AS THE STANDARDS AND REGULATIONS FOR GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE TOWN OF RISING SUN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH. A summary of this ordinance will be

published in a local newspaper and a public hearing for the adoption thereof shall be scheduled at the next meeting to be held on December 11, 2007.

COMMITTEE REPORTS:

Mayor - Mayor Cox advised that the Planning and Zoning Board had conducted interviews for the two vacant positions on that Board. They have recommended Mr. Allen Authenreath and Mr. David Warnick to fill those two expired positions.

A motion was made by Mr. Pierson to approve the appointment of Mr. Allen Authenreath to fill the vacant position on the Planning and Zoning Board that expired in July of 2006. Mr. Authenreath's term will run until June 30, 2011. The motion was seconded by Mrs. Craig and carried.

A motion was made by Mr. Pierson to approve the appointment of Mr. David Warnick to fill the vacant position on the Planning and Zoning Board that expired in July 2007. Mr. Warnick's term will run until June 30, 2012.

Finance – Nothing to report

Streets & Sidewalks - Mr. Yust advised that the 2nd town meeting on the results of the traffic study for Walnut & Main Streets and Cherry and Queen streets will take place at the conclusion of this meeting. He also reported that we are still waiting to hear from the contractor with regard to the restoration of the municipal parking lot.

Water & Sewer - Mr. Majewski reported that Mr. Bonenberger had prepared a graph showing the various well levels in the Town. The wells have begun to show signs of recovery. Mr. Majewski made a motion to remove the mandatory drought restrictions placed upon the residents back in September of 2007, but to continue to encourage voluntary participation in water conservation until we can resolve our long term water issues. The motion was seconded by Mrs. Craig and carried by a vote of 3 yeas and 1 nay. Mr. Yust voted against the motion

Mr. Majewski also updated everyone on the progress of the Sewer and Water Management Team.

Public Safety - Mr. Pierson reported that the police department continues to step up their patrols for expired parking along Main Street. He also advised that the Town is still seeking applicants for the vacant 6th police officer position.

Parks & Recreation - Mrs. Craig reported that Mr. Fowler has almost completed the "Just a Day Dream Away" project in the Community Park. She advised that the basketball court lights have now been set to come on at 5 PM. She also reported on the repairs that had been done in the Diddie Richardson Park.

Town Administrator - Mr. Bonenberger reported that he has prepared bids to go out for waste collection. He has addressed the project in 3 separate and distinct areas 1 – trash; 2- recyclables and 3-yard waste. He advised that the Town plans to pay the tipping fees at the landfill which will allow us to keep better track of the reported load of recyclables, etc. Vendors will also identify a maximum fuel cost in the contract which could be for 1, 2, 3, or 4 years. He hopes to have the bids packets out soon with a target date of awarding the contract in early January.

Planning & Zoning - Mr. Bonenberger reported that the Planning and Zoning meeting scheduled for 12/24 has been cancelled due to the Christmas holiday. The meeting has been rescheduled for 12/10/07. The next meeting will be the 4th Monday in January 2008

Board of Appeals - Mr. Bonenberger advised that he has received 3 applications for which he must schedule hearings.

Community Development - Mr. Bonenberger reported that McDonald's had a trial opening for family and friends tonight and should be open soon. A grand opening is being planned.

Code Enforcement – No report.

Historical Preservation Commission – Mrs. Ehrhart reported that the November dance was a great success. A copy of her report is attached and made a part of these minutes. The museum will be open on 12/14 and 12/16

Mayor Cox thanked those who helped with the Town Hall Christmas decorations: Sandi, Calvin, Ron and Chris.

Old Business – nothing to report..

New Business – Sandi reminded everyone of the Carol Sing on December 4.

Mr. Bonenberger showed a power point graph on the water levels in all of the Town wells. He also showed a slide of the work on the mural in the Town park.

PUBLIC HEARING – TRAFFIC STUDY:

Mr. Bonenberger gave a power point review of the previous presentation by KCI representatives. He advised that the purpose of these meetings was for the community to come together to solve a problem. He also showed new pictures of the intersections with emphasis on sight distances

Mr. Callahan advised that he felt there was no benefit to one-way streets. The problem will not go away because of increased traffic. The street system needs to be revamp. He suggested using Colonial Way as a by-pass so that vehicles have another route besides through the center of Town. The accidents have been driver error. He suggested fixing the parking signage, etc. He reminded everyone of the close proximity of the Boys and Girls Club to the Cherry Street intersection.

Ken Jenkins stated that he guessed he was the reason for everyone being her because of his mother's traffic accident at Cherry & Queen Streets. He recapped his previous presentation. He disagrees with "piece-mealing" and suggests that the most aggressive approach be used. He suggested that the Town allow the decision to be made by professional engineers and consultants.

Jim Kyte advised that he did not like the article in the Cecil Whig concerning the post office which he did not say. He suggested that the Town allow right turn only at both intersections. Left turning traffic will then have to go through the Center Square light to turn left.

Allen Authenreath advised that this was his first meeting. He travels in Town during the day and utilizes the red light to make turns onto Rt. 273. He agrees with Jim to institute no left turns on both intersections and to move the sign at PNC Bank. He felt that no one would be 100% happy.

David Warnick advised that from past experience with DelDot that for a small stretch of road, 300-400 feet, put in a passive system, 15 mph forces people to slow down.

Bud McFadden thanked Calvin for a great job. He advised that the PNC Bank would work with the Town on the sign location. He hopes that we can work with the State to get the stop bars moved up to a point where you can see oncoming traffic. He advised that he hardly ever sees anyone parked on the apron of Mr. Foard's property. He suggested that the 2 parking spaces be removed on Queen Street and the one on Main Street and if necessary resize or restrict vehicle size on Main.

Jim Gibney advised that he seconded what Bud said.

Mr. Foard also thought that Calvin had done an excellent job. He felt that the traffic study was well worth the Town's time and expense for the job done. He advised that people use his property as a thoroughfare. The only time the apron is used is for a large service and then for overflow for a very short period of time. He will work with the Town on the use of the apron.

Lisa Tome questioned what time of day and what day the pictures in the power point were taken. She was advised around 3 pm on Saturday. The UPS truck was 11:30 on a Thursday. The other pictures were taken on Saturday, Sunday and today (Tuesday).

With regard to the water issues, Lisa asked if the level had anything to do with population. Mr. Bonenberger advised that they are in the process of gathering information focusing on meter readings.

Mr. Pierson addressed Mr. Callahan concerning using Colonial as a by-pass saying that you don't want to fix one problem and then create another problem. The use of Colonial Way, would involve also using a primarily residential street. Mr. Pierson also asked Mr. Gibney and Mr. McFadden what effect the changes would have on their businesses. Both advised they would be ok with the changes.

Mr. McFadden that the traffic at the red light holds his customers hostage in his parking lot. Even the Do Not Block Driveway sign does not help and that has not changed with left turn arrow.

Further discussion ensued concerning the installation of crosswalks. The public was advised that the changes, except the removal of parking spaces, would only be during peak hours not 24 hours per day. The Board will hold another meeting to come up with a plan and will talk with the State about the timing of the traffic light.

With no other business coming before the Board the meeting was adjourned.

The meeting adjourned at 9.15 PM.

Respectfully submitted,

Sandra D. Didra,
Secretary