

Minutes of the February 25, 2009 Planning Commission

Meeting called to order at 7:00 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich, Jeff Garrett, and Mickey Newport were present. The following were also in attendance: Joe Mangini, Town Manager; Missy Vanskiver, Asst. Clerk; Kathy Smith, Town Commissioner; Joanne Stepp; Shane Johnston; Dale Mumford; and Nancy Gearhart (in at 8:35).

Approval of the Minutes

A motion for the December minutes was made by Martin, unanimously approved. Toby said he had a correction for the 'Member Appointment' section of the January minutes. He said that Nancy Gearhart stated she would be interested if there were an opening; she doesn't want to replace a sitting member. It was decided to add "when there is a vacancy" to the January minutes. A motion to approve the January minutes with the amendment was made by Martin, seconded by Mickey, unanimously approved.

Town Manager's Report

Joe provided an update on building permits and various projects.

Building Permits Report – There hasn't been much activity recently.

Caroline Technology Park – Joe said that he would be meeting with the County Administrator February 26th to discuss the Technology Park.

WWTP Phase I Spray Field Upgrade – The WWTP is going well; the fourth progress meeting was recently held, and the project is almost 70% complete.

Rails to Trails – This project has gone back out for redesign; the rails will remain in place and the trail will be redesigned around them. The state has given Ridgely additional money for the design. Currently, the plan would be to have Cindy Todd do the redesign, and present that amended plan to the Rails to Trails Committee and the Town Commissioners. Upon approval from the Committee and the Commissioners, the redesign would be sent to DNR and MDOT for approval; Bids would be in April or May. Joe has talked with the state about having the sub-lease agreement placed on the agenda for the Board of Public Works; that has not yet been scheduled. The sub-lease needs to be in place before construction can begin.

Telephone Building – The town is returning the funds (\$750) on the Telephone Building project. There were certain things that just couldn't be done on time, and the amendment to change the project was also not given to the town in time. Next fiscal year, the town can apply for those funds.

Joe sent a letter in December asking Gov. O'Malley to include three projects in the Stimulus Plan: the Spray Field Upgrade, the Water Storage Tank project and the Public Safety Building project. A letter of confirmation has been received from MDE. This letter indicated that the Governor's office sent the projects to MDE for review, as long as the pre-applications are received by February 28th. The pre-application for the spray field upgrade has been submitted months ago; the pre-application for the water storage tank will be sent by Feb. 26th.

Martin asked if additional funds for the re-design of the Rails to Trails project were a fixed amount; Joe said the amount is up to \$10,000. There was discussion concerning the project.

Old Business

Ridgely Park - Toby wanted to discuss Ridgely Park before moving on to the Comprehensive Plan. He referenced some information he provided to the Planning Commission regarding Ridgely LLC. Toby stated that even though there is currently a DRRA for Ridgely Park, the situation has changed, and nothing in the DRRA is going to happen as originally agreed, i.e. the number of units, the improvements, etc. He stated that Ridgely LLC does not have a license to legally do business in Maryland and that the town has entered into an agreement with an entity that has not paid its personal property taxes, therefore forfeiting its license to do business in this state. Toby said that he thinks this is a serious problem/liability, especially as far as the DRRA is concerned; it's like a fraud is being supported by claiming there is a DRRA. He referenced a prior discussion about not being able to cancel the DRRA because Caroline County would subsequently obtain for the Tech Park what had been Ridgely Park's allocation. Toby said that he would like to recommend that the Planning Commission request that the Town Commissioners declare the DRRA null and void.

Martin stated that he is not sure the town has the authority to unilaterally declare the DRRA null and void. He referenced the section of the DRRA which addresses termination. Toby asked with whom the town is dealing. Martin said that as far as he knows, it doesn't make a difference. He thinks that the town could still get sued for not following conditions of an agreement to which the Commissioners agreed, but he's not sure. Mickey asked if they (Ridgely LLC) were in this situation at the time the agreement was signed; Toby said that seems to be the case. There was some discussion. Martin said that he would be willing to make a motion that the legal status of the agreement be investigated.

Kathy said that if possible fraud is being discussed then this matter needs to go to the Commissioners and the town attorney. Toby asked if Joe knew about this situation; Joe said no. Joe said that he feels this issue is serious enough to place a telephone call to Jack Hall immediately. Dale stated that the town has an attorney, and this matter should be in his hands ASAP; he also expressed his concerns with the DRRA. There was discussion concerning the DRRA and the Ridgely Park project. Mickey made a motion that there be no more discussion without Jack Hall, seconded by Jeff, unanimously approved.

Kathy asked if the Cow Barn was going to be discussed. Shane said that can be dealt with first if desired.

Cow Barn Façade Easement – Shane said that the last memo sent to the Planning Commission on Nov. 24th addressed the last of the substantive changes. He believes that everything has been covered, unless Jack Hall has any changes, it should be ok. Kathy said that she thought this would have been settled by now. Joe said that there were a few changes that Jack Hall suggested; it can be on the agenda for March and Joe is going to recommend it be approved. Kathy asked what type of changes Jack Hall suggested. Joe said the changes were small or legal issues – correction of the name, etc.

Shane distributed an overview of the 2009 Legislative Session, stating that there will be quite a few bills introduced. He said the best way to summarize it, is to say that the state is going to be tightening up on planning issues. Shane reviewed some of the bills and there was some discussion. Jeff asked what the opinions are of the local representatives; Shane said he is not sure. Joe asked what happens to all the work done on the Comprehensive Plan if these bills are passed; Shane said there shouldn't be any problems with the Comprehensive Plan.

Comprehensive Plan – Shane informed the Planning Commission that a revised Transportation section had been sent via PDF; changes made to that section of the old Comprehensive Plan were red-lined and all the ‘musts’ from the old plan have been included. Shane stated that he believed language was just added, not stricken. Shane said he has prepared a presentation for the draft Comprehensive Plan for the Public Information Meeting.

Toby said he had just a few questions/suggestions. He suggested the addition of ‘Airport/Technology Park’ to page 2-3, item #3. There was some discussion about page 2-4, and it was decided to add ‘skateboarding’ to that section. Toby stated that the Carriage House should be added to the list of historic sites and structures, page 7-6. Toby also mentioned the addition of Lane Lumber & Millworking, based on JOK Walsh’s suggestion. Martin suggested the replacement of ‘box car’ with caboose, also on page 7-6. He also said that his understanding, per one of JOK Walsh’s presentations, is that Marblehead is completed and occupied. Martin stated that New Roads is no longer operating in Ridgely. He also mentioned corrections to the table in section 1-4 and to the Brodie properties referenced in section 3-11. Martin asked about the mentioning of the village of Ridgely in the vision statement. Toby said that the Village Planning District is just about everything in the original ‘square’ of Ridgely. Originally, the Design Guidelines applied only to that planning district; recently that was changed to include the entire town. Martin stated that section 9-13, Land Use/Planning Areas, a town center residential district and central business district are mentioned, but not a village planning district. Toby suggested replacing “concept of the” with “historic core of Ridgely’s original planned village.” Martin asked about section 4-10, there was some discussion concerning the maps. Toby asked if a new picture of the Ridgely House (painted) could be included. Mickey referenced corrections to section 4-3, stating that Lockerman is in Denton, and North Caroline High School has a Ridgely address.

Toby asked how to progress, procedurally. Martin asked if there would be a separate public meeting before the draft of the Comprehensive Plan was sent to the Commissioners. Shane suggested checking with the CZM grant to make sure everything is covered on that end. If the Planning Commission is ok with the plan and it’s ok to go forward, the plan is sent to the state for a 60-day clearinghouse review. A motion to send the draft of the Comprehensive Plan, contingent upon changes and review was made by Mickey, seconded by Martin, unanimously approved.

Toby asked about the letter for the stimulus package that Joe had mentioned earlier in the Town Manager’s Report. Joe said that all the information has to be in by February 28th and that the town will probably receive notification within the next three months. Joe said that the Public Safety Building may be part of the Community Development Block Grant, which has a deadline of Sept. 30th.

New Business

Sign Permit for 19 Central Avenue/Sam’s Spot – A building permit for a sign at 19 Central Avenue was reviewed. A motion to approve the permit application was made by Mickey, seconded by Martin, unanimously approved.

Joe stated that the fence between 204 E. Sixth Street and the Ridgely Cemetery has been finished. He also said that Red Brick Pizza will open March 4th and Queenstown Bank will open mid-March.

Building Permit for Interior Finish Work/204 E. Sixth St. Unit C – A building permit for interior finish work at 204 E. Sixth Street, Unit C was reviewed. A motion to approve the building permit was made by Martin, seconded by Mickey, unanimously approved.

Roundtable Discussion

Martin said, that as Shane had mentioned earlier, part of the pending legislation is that the state is requiring education for Planning Commissioners. Martin said that as a member of the APA he may be able to get a discount on certain planning education CD's.

Adjournment

A motion to adjourn was made by Jeff, seconded by Martin. Meeting adjourned at 8:47.

Sincerely,

Missy Vanskiver
Asst. Clerk