



Mayor and Commissioners Town Board Meeting Agenda

March 13, 2024
7:00 p.m.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENCE:

APPROVAL OF MINUTES:

1. February 28, 2024 Regular Meeting

APPOINTMENT & OATH OF OFFICE:

1. Kimberly A. Davis, Town Commissioner, Term Expires, March 11, 2026

PUBLIC COMMENT:

GUEST:

PUBLIC HEARING:

INTRODUCTION OF ORDINANCES:

ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution 2024-03-01 Adjustment of various progression scales to reflect Annotated Code of Maryland Labor and Employment Article; Title 3; Subtitle 4; Section 3-413 – starting wage \$15.00/hour

REPORTS:

Mayor

Commissioners

Town Administrator

Assistant Town Administrator

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UNFINISHED BUSINESS:

NEW BUSINESS:

Town Administrator

1. Elect Vice Mayor, pursuant to Section 407 of the Town Charter
2. Request for approval - North East Chamber of Commerce Event Application – Second Friday’s on “The Green”
3. Adopt Program Citizen Participation Plan
4. Adopt Residential Anti-Displacement and Relocation Assistance Plan
5. Chesapeake City Water Tours, LLC – Request for Lease Renewal
6. Request for approval - Water Allocation: 120EM, LLC for 16/18 South Main Street, North East Requesting One (1) Equivalent Residential Unit (270 gpd)
7. Personnel Matter - Promotion

MISCELLANEOUS:

APPROPRIATIONS:

1. ARPA(*) Funds Request – repair concrete floor at the Upper Bay Museum in the North East Community Park
2. ARPA Funds Request – repaint exterior and roof of Boat Building at the North East Community Park
3. ARPA Funds Request – replace five (5) valves & four (4) actuators at the Leslie Water Treatment Plant
4. ARPA Funds Request – convert remaining twenty (20) 5/8 inch water services to Sensus meters
5. Amending Resolution Number 2023-08-01 to reduce borrowing from \$33,000.00 to \$2,500.00 from the General Fund by the Stormwater Management Fund for MS4 Educational Materials. The funding will be provided by ARPA.

(*) American Rescue Plan Act of 2021

BUSINESS FROM THE FLOOR:

ADJOURNMENT:

ADA NOTICE – The Mayor and Commissioners are committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a public hearing or public meeting announced by the Mayor and Commissioners, and who wish to receive auxiliary aids, services, or accommodations is invited to contact the Town of North East at least 48 hours in advance by calling 410-287-5801 or through the Maryland Relay Service (1-800-735-2258 TTY/Voice).

Sent via email: Cecil Whig and Cecil T.V. Sent via fax – 103.7 WXCX



**TOWN OF NORTH EAST
PUBLIC HEARING NOTICE
NORTH EAST PLANNING COMMISSION
MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST**

The North East Planning Commission shall conduct a public hearing on April 2, 2024 for the purpose of receiving public comment on amendments to the North East Zoning Ordinance: ORDINANCE 2024-04-01 and ORDINANCE 2024-04-02

The Mayor and Commissioners will also conduct a public hearing regarding the North East Zoning Ordinance: ORDINANCE 2024-04-01 and ORDINANCE 2024-04-02 on April 24, 2024.

Both public hearings shall be conducted at 7:00 p.m. at the North East Town Hall Meeting Room, 106 South Main Street, North East, Maryland. The Public is invited to attend.

ORDINANCE 2024-04-01: Article 3. Definitions. Adding definitions for Cannabis Grower, Cannabis Processor, Cannabis Independent Testing Laboratory, Dispensary, and Cannabis On-Site Consumption Establishment. Article 6. Supplementary Regulations. Adding Section 6-38 regulations for a Cannabis Grower, Cannabis Processor, Cannabis Independent Testing Laboratory, Dispensary, and Cannabis On-Site Consumption Establishment. Adding language to Article 6-28. Home Occupation, to prohibit Cannabis uses outlined in Section 6-38 as home occupations. Amending Article 5. District Regulations. Section 5-11. "HI" Heavy Industrial District. Paragraph 6. Special Exceptions: Adding subsection F. to provide for cannabis uses permitted as a special exception. Amending the Table of Contents, Paragraph Re-lettering and re-numbering, page numbers and index pages to reflect changes to the text.

ORDINANCE 2024-04-02: Article 3. Definitions. To add a definition for a Cigar Shop as a commercial establishment which exclusively sells cigars, cigar accessories and cigar equipment, and to provide for on-premises cigar testing and cigar lounge; amending Article 5. District Regulations Part 1-Zoning Districts; Section 5-8. "GC" General Commercial District Regulations and Section 5-9. Highway Commercial District Regulations; adding cigar shop as a use permitted, by right. Amending Article 6. Supplementary Regulations. Section 6-26. Adult Oriented Commercial Enterprises and Services. Adding text to exclude Cigar Shops, as defined in Definitions, from the Smoking Shop and/or Smoke Shop and Smoke Lounge definitions and uses. Amending the Table of Contents, Paragraph Re-lettering and Re-numbering, Page numbers and index pages to reflect changes to the text.

A copy of the draft Ordinances is available below and is also available for public inspection Monday through Friday from 8:30 a.m. until 4:30 p.m. at the Town Hall, Town of North East, 106 South Main Street, North East, Maryland. A copy is also available on the Town of North East website at northeastmd.org

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Melissa B. Cook-MacKenzie,
Town Administrator



ORDINANCE 2024-04-01

AN ORDINANCE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST FOR THE PURPOSE OF AMENDING THE TOWN OF NORTH EAST ZONING ORDINANCE:

WHEREAS, THE 2023 MARYLAND GENERAL ASSEMBLY ENACTED SENATE BILL 516 (ENROLLED CHAPTERS 254/255) WHICH ENACTED COMPREHENSIVE CANNABIS REFORM LEGISLATION INCLUDING, BUT IS NOT LIMITED TO, DELINEATING THE REGULATED ACTIONS THAT POLITICAL SUBDIVISIONS OF THE STATES MAY TAKE REGARDING CANNABIS BUSINESS; AND

WHEREAS MD. CODE ANN., ALCOHOLIC BEVERAGES AND CANNABIS §36-401 ESTABLISHES A STANDARD AND MICRO LICENSE TYPES FOR CANNABIS GROWERS, PROCESSORS, DISPENSARIES, INCUBATOR SPACES, AND ON-SITE CONSUMPTION; AND

WHEREAS MD. CODE ANN., ALCOHOLIC BEVERAGES AND CANNABIS §36-405 ESTABLISHES THAT A POLITICAL SUBDIVISION MAY ESTABLISH REASONABLE ZONING REQUIREMENTS FOR CANNABIS BUSINESSES; AND

WHEREAS, MD CODE ANN., ALCOHOLIC BEVERAGES AND CANNABIS §36-407 ESTABLISHES THAT ON-SITE COMSUMPTION OPERATIONS MAY BE PROHIBITED BY A COUNTY; AND

WHEREAS, MD. CODE ANN., ALCOHOLIC BEVERAGES AND CANNABIS §36-410 ESTABLISHES MINIMUM LOCATION CRITERIA FOR DISPENSARIES THROUGHOUT THE STATE; AND

WHEREAS, AMENDMENTS TO THE ZONING ORDINANCE HAVE BEEN PROPOSED TO AMEND ARTICLE 3. DEFINITIONS. TO PROVIDE DEFINITIONS FOR CANNABIS GROWER, CANNABIS PROCESSOR, CANNABIS INDEPENDENT TESTING LABORATORY, DISPENSARY, AND CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT. ARTICLE 6. SUPPLEMENTARY REGULATIONS. ADDING LANGUAGE TO ARTICLE 6-28. HOME OCCUPATION, WHICH WILL PROHIBIT CANNABIS USES OUTLINED IN SECTION 6-38 AS HOME OCCUPATIONS. ADDING SECTION 6-38. REGULATIONS FOR A CANNABIS GROWER, CANNABIS PROCESSOR, CANNABIS INDEPENDENT TESTING LABORATORY, DISPENSARY, AND CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT. AMENDING ARTICLE 5. DISTRICT REGULATIONS. SECTION 5-11. "HI" HEAVY INDUSTRIAL DISTRICT PARAGRAPH 6. SPECIAL EXCEPTIONS: ADDING SUBSECTION F. TO PROVIDE FOR CANNABIS USES PERMITTED AS A SPECIAL EXCEPTION.

AMENDING THE TABLE OF CONTENTS, PARAGRAPH RE-LETTERING AND RE-NUMBERING, PAGE NUMBERS AND INDEX PAGES TO REFLECT CHANGES TO THE TEXT.

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST THAT THE FOLLOWING AMENDMENTS ARE MADE TO THE NORTH EAST ZONING ORDINANCE:

ARTICLE 3. DEFINITIONS. Adding the following definitions:

Cannabis Grower – An entity licensed under Maryland Cannabis Administration that cultivates, or packages cannabis and is authorized by the Maryland Cannabis Administration to provide cannabis to other cannabis licensees and registered independent laboratories.

Cannabis Independent Testing Laboratory – A facility, an entity, or a site registered with the Maryland Cannabis Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.

Cannabis On-Site Consumption Establishment – An entity licensed under §36-401(c)(4) of the Maryland Cannabis Administration to distribute cannabis products for on-site consumption other than consumption by smoking indoors.

Cannabis Processor – An entity licensed under Maryland Cannabis Administration that transforms cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the Maryland Cannabis Administration to provide cannabis to licensed dispensaries and register independent testing laboratories.

Dispensary – A Dispensary is:

1. Any entity licensed under the Maryland Cannabis Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including but not limited to, edibles, tinctures, aerosols, oils, and ointments, related supplies, and educational materials for the use by qualifying patients, caregivers, or consumers through a storefront or delivery service based on licensed type.; or
2. Any other entity that acquires, possesses, repackages, transports, sells, distributes or dispenses any hemp-derived product, or any other product that is created by a chemical reaction that changes the molecular structure of any chemical

substance derived from cannabis sativa, intended for human consumption.

AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST, MARYLAND, that the proposed amendment to ARTICLE 5. DISTRICT REGULATIONS. PART I-ZONING DISTRICTS outlines the location:

Section 5-11. "H-I" Heavy Industrial District Regulations. Paragraph 6. Special Exceptions: adding sub-paragraph **f. Dispensary, Cannabis Grower, Cannabis Independent Testing Laboratory, Cannabis on-site consumption establishment, Cannabis Processor (See Section 6-38).**

ARTICLE 6. SUPPLEMENTARY REGULATIONS. Amending Section 6-28. Home Occupation. Adding language to the end of Paragraph 1. **Any proposed use regulated by the Maryland Cannabis Administration or is a dispensary shall not be permitted as a home occupation.**

ARTICLE 6. SUPPLEMENTARY REGULATIONS. Adding **Section 6-38. Cannabis Dispensary, Cannabis Grower, Cannabis Independent Testing Laboratory, Cannabis On-Site Consumption Establishment, Cannabis Processor**

1. **A cannabis grower facility may be permitted as a special exception in the "HI" Heavy Industrial District, provided:**
 - a. **The minimum site area shall be ten (10) acres.**
 - b. **Structures erected or to be used shall be at least one hundred (100) feet from any property line.**
 - c. **The cumulative total of structures is limited to three hundred thousand (300,000) square feet.**
 - d. **Uses shall be confined to a structure.**
 - e. **Site plan approval is required by the North East Planning Commission.**
 - f. **A cannabis growing facility may not be located within a one (1) mile radius of another cannabis growing facility.**
 - g. **Access from an arterial or collector road is prohibited. Access must be from an internal road servicing the "HI" Heavy Industrial Zoning District site.**
 - h. **Off-street parking shall be one hundred (100) feet from any property line.**

i. A Bufferyard meeting the Bufferyard E standard shall be required:

i. From all roads.

ii. From contiguous residential uses or zoning districts.

j. A facility that is licensed as both a medical cannabis grower and a medical cannabis processor may be co-located in the same structure.

k. Signage

i. Only one on-site ground sign limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for cannabis or cannabis products shall be displayed on any sign in a publicly visible location. The allowable total sign area of this sign shall not exceed sixty four (64) square feet. Sign shall be approved by the North East Planning Commission.

ii. The maximum height of the sign shall be eight (8) feet as measured from where the sign meets the ground.

iii. Any sign required by law or required or recommended by a government agency or utility company, is allowed.

iv. Any sign or signs identifying that the premises are protected by a security company is allowed, and the aggregate area of such signs are limited to three (3) square feet.

1. A copy of the license issued by the Maryland Cannabis Administration shall be submitted prior to issuance of a Town Construction Authorization or Cecil County Building Permit.

2. A Cannabis Processor & Cannabis Independent Testing Laboratory may be permitted as a special exception in the "HI" Heavy Industrial District, provided:

a. The minimum site area shall be five (5) acres.

b. Structures erected or to be used shall be at least one hundred (100) feet from any property line.

c. The cumulative total of structures is limited to fifty thousand (50,000) square feet.

d. Uses shall be confined to a structure.

e. A site plan must be approved by the North East Planning Commission.

f. Facilities shall be located at least two thousand, five hundred (2,500) feet from another cannabis processing facility.

- g. Access from an arterial or collector road is prohibited. Access must be from an internal road servicing the “HI” Heavy Industrial District site.**
- h. Off-street parking shall be one hundred (100) feet from any property line.**
- i. A Bufferyard meeting the Bufferyard E standard shall be required:
 - i. From all roads.**
 - ii. From contiguous residential uses or zoning districts.****
- j. Signage
 - i. Only one on-site ground sign limited to displaying the following information: name of business; logogram of business; and business’ address, hours of operation and contact information. Other than the foregoing information, no advertising for cannabis or cannabis products shall be displayed on any sign in a publicly visible location. The allowable total sign area of this sign shall not exceed a maximum size of sixty four (64) square feet.**
 - ii. Sign shall be approved by the North East Planning Commission.**
 - iii. The maximum height of the sign shall be eight (8) feet as measured from where the sign meets the ground.**
 - iv. Any sign required by law or required or recommended by a government agency or utility company, is allowed.**
 - v. Any sign or signs identifying that the premises are protected by a security company is allowed, and the aggregate area of such signs is limited to three (3) square feet.**
 - vi. Any sign, including temporary signage, shall be in conformance of these provisions.****
- k. A copy of the license issued by the Maryland Cannabis Administration shall be submitted prior to issuance of a Town Construction Authorization or Cecil County Building Permit.**

3. A dispensary may be permitted as a special exception in the “HI” Heavy Industrial District provided:

- a. This is an eligible dispensary location pursuant to Cecil County’s “councilmanic” district requirements.**
- b. The minimum site area shall be one (1) acre.**
- c. There shall be only one (1) structure located on site and the dispensary shall be the only use within the structure. The use of the property for multiple tenants or uses is prohibited.**

- d. Structures erected or to be used shall be at least seventy five (75) feet from any property line.
- e. The structure is limited to ten thousand (10,000) square feet.
- f. Dispensary use shall be confined to a structure.
- g. Sales of accessory items that are not regulated by the Maryland Cannabis Administration are prohibited, excluding apparel, paraphernalia, souvenirs, or similar items.
- h. Areas of waste storage shall not be greater than two hundred (200) square feet in a self-enclosed area that shall be secured from tampering and locked when not in use.
- i. Special exceptions for this use may not exceed three (3) years, subject to renewal.
- j. Site plan approval is required by the North East Planning Commission.
- k. Facilities shall be located:
 - i. At least one-thousand feet (1,000) feet from a dwelling, playground, recreation center, library, public park, pre-existing primary or secondary school in the state, or licensed day care center or registered family child care home under title 9.5 of MD. Education Code Ann., or any land area located outside of the Town of North East Corporate Limits.
 - ii. At least one thousand five hundred feet (1,500) from another cannabis dispensary
- l. Access shall be from an arterial road or internal road servicing the "HI" Heavy Industrial District site.
- m. A Bufferyard meeting the Bufferyard E standard shall be required:
 - i. From all roads.
 - ii. From contiguous residential uses or zoning districts.
- n. Signage
 - i. Only one on-site ground sign limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for cannabis or cannabis products shall be displayed on any sign in a publicly visible location. The allowable total sign area of this sign shall not exceed a maximum size of forty (40) square feet.
 - ii. Sign shall be approved by the North East Planning Commission.
 - iii. The maximum height of the sign shall be eight (8) feet as measured from where the sign meets the ground.

- iv. **Any sign required by law or required or recommended by a government agency or utility company, is allowed.**
- v. **Any sign or signs identifying that the premises are protected by a security company is allowed, and the aggregate area of such signs is limited to three (3) square feet.**
- o. **Parking shall be at least fifty (50) feet from any property line.**
- p. **A copy of the license issued by the Maryland Cannabis Administration shall be submitted prior to issuance of a Town Construction Authorization and Cecil County Building Permit.**

4. A cannabis on-site consumption establishment is prohibited in the Town of North East.

ARTICLE 7. ADVERTISING AND SIGNS. Section 7-16. Signs-prohibited practices. Adding **paragraph 5. Any discernible advertising for cannabis, cannabis products, or cannabis appurtenances in a publicly visible location, except as outlined in article 6. Section 6-38.**

Bolded portions indicate those portions which shall be added to the text.

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that THE TABLE OF CONTENTS, PARAGRAPH RE-NUMBERING AND RE-LETTERING, PAGE NUMBERS AND INDEX PAGES shall be amended to reflect all amendments.

BE IT ALSO ORDAINED AND ESTABLISHED THAT THIS Ordinance is adopted this ____ day of _____, 2024, and shall become effective ten (10) calendar days after its adoption.

BE IT FURTHER ENACTED that all acts or ordinances or parts of acts or ordinances are hereby repealed to the extent of such inconsistency; and that the adoption of the Ordinance shall not effect or prevent any pending or future prosecution of, or action to abate, any existing violation of said existing Zoning Ordinance as amended, if the violation is also a violation of the provisions of this Ordinance.

MAYOR AND COMMISSIONERS
OF THE TOWN OF NORTH EAST

Attest:

PLANNING COMMISSION PUBLIC HEARING: April 2, 2024

INTRODUCED TO MAYOR AND COMMISSIONERS: April 10, 2024

MAYOR AND COMMISSIONERS PUBLIC HEARING: April 24, 2024

APPROVED BY THE MAYOR AND COMMISSIONERS: _____

EFFECTIVE DATE: _____ (10 days after approval)



ORDINANCE 2024-04-02

AN ORDINANCE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST FOR THE PURPOSE OF AMENDING THE TOWN OF NORTH EAST ZONING ORDINANCE. ARTICLE 3. DEFINITIONS. TO ADD A DEFINITION FOR A CIGAR SHOP; AMENDING ARTICLE 5. DISTRICT REGULATIONS PART 1-ZONING DISTRICTS; SECTION 5-8. "GC" GENERAL COMMERCIAL DISTRICT REGULATIONS AND SECTION 5-9. HIGHWAY COMMERCIAL DISTRICT REGULATIONS; ADDING CIGAR SHOP AS A USE PERMITTED BY RIGHT. AMENDING ARTICLE 6. SUPPLEMENTARY REGULATIONS. SECTION 6-26. ADULT ORIENTED COMMERCIAL ENTERPRISES AND SERVICES. TO EXCLUDE CIGAR SHOPS FROM THE SMOKING SHOP AND/OR SMOKE SHOP AND SMOKE LOUNGE USE. AMENDING THE TABLE OF CONTENTS, PARAGRAPH RE-LETTERING AND RE-NUMBERING, PAGE NUMBERS AND INDEX PAGES TO REFLECT CHANGES TO THE TEXT.

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that the following amendments are made:

Amending ARTICLE 3. DEFINITIONS to add the following definition:

Cigar Shop: A cigar shop is a commercial establishment which exclusively sells cigars, full sized cigars, hand rolled cigars, cigar accessories and cigar equipment. A cigar shop is not permitted to sell items outlined in Article 6. Section 6-26. Smoking shop/Smoke Shop, Smoke lounge. A cigar shop is permitted to have an on-premises cigar lounge and on-premises cigar tasting.

Amending ARTICLE 5. DISTRICT REGULATIONS PART 1-ZONING DISTRICTS; SECTION 5-8. "GC" General Commercial District Regulations; Paragraph 1. The following uses are permitted by right: Adding sub-paragraph **n. Cigar Shop (see Article 3. DEFINITIONS)**

Amending ARTICLE 5. DISTRICT REGULATIONS PART 1-ZONING DISTRICTS; SECTION 5-9. "HC" Highway Commercial District Regulations. Paragraph 1. The following uses are permitted by right: Adding sub-paragraph **ccc. Cigar Shop (see ARTICLE 3. DEFINITIONS)**

Amending ARTICLE 6. SUPPLEMENTARY REGULATIONS. SECTION 6-26. ADULT ORIENTED COMMERCIAL ENTERPRISES AND SERVICES. Adult Oriented Commercial Enterprises and services shall be defined as follows: Paragraph 7. Smoking Shop or smoke shop. Adding text to end of paragraph: **(excluding Cigar Shops as defined in ARTICLE 3. DEFINITIONS.)**

Smoking Shop and/or Smoke Shop. Adding text to end of paragraph: **(This definition excludes Cigar Shops as defined in ARTICLE 3. DEFINITIONS)**

Smoke lounge: Adding text to end of paragraph: **(This definition excludes Cigar Shops as defined in ARTICLE 3. DEFINITIONS).**

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Bolded portions indicate those portions which shall be added to the text.

MAYOR AND COMMISSIONERS
OF THE TOWN OF NORTH EAST

Attest:

PLANNING COMMISSION PUBLIC HEARING: April 2, 2024

INTRODUCED TO MAYOR AND COMMISSIONERS: April 10, 2024

MAYOR AND COMMISSIONERS PUBLIC HEARING: April 24, 2024

APPROVED BY THE MAYOR AND COMMISSIONERS: _____

EFFECTIVE DATE: _____ (10 days after approval)