



AGENDA FOR THE TOWN MEETING

April 13, 2015

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Link to Additional Information

CONSENT AGENDA

- [Financial Statements](#)
- Town Minutes
 - [March 9th – Town Meeting](#)
 - [March 23rd – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

Budget Requests for Community Groups for FY 2016

UNFINISHED BUSINESS:

- [Ordinance No. 15-04-01 – Zoning Text Amendments Residential Zoning Districts](#)
- [Wet Field Closure Policy](#)
- [Review of Fees for Permitting Services](#)
- [RFP from Davenport & Company for Loan Preparation Services](#)
- [POS Projects for FY 2016](#)

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- [Water & Sewer Tap Agreement – Coblenz Property](#)
- [Introduction of Zoning Amendments to the Commercial & Industrial Code – Schedule of Public Hearing](#)
- FY 2016 Budget Workshop – General Fund
 - [Operating Budget](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
<u>LOCAL TAX</u>			
Real Property	\$ 1,096,228	\$ 1,072,135	\$ (24,093)
Tangible Personal Property	34,505	37,845	3,340
Public Utilities	9,907		(9,907)
Franchise (Cable)	48,231	34,526	(13,705)
Penalties & Interest	<u>9,241</u>	<u>7,443</u>	<u>(1,798)</u>
	\$ 1,198,112	\$ 1,151,949	\$ (46,163)
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 40,926	\$ 19,673	\$ (21,253)
Highway Gasoline & Licenses	<u>95,043</u>	<u>113,319</u>	<u>18,276</u>
	\$ 135,969	\$ 132,992	\$ (2,977)
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 778,572	\$ 449,835	\$ (328,737)
Tax Equity Grant	<u>581,111</u>	<u>581,061</u>	<u>(50)</u>
	\$ 1,359,683	\$ 1,030,896	\$ (328,787)
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	27	(4,873)
Planning / Zoning Fees	<u>9,500</u>	<u>38,516</u>	<u>29,016</u>
	\$ 16,350	\$ 38,543	\$ 22,193
<u>PARKS AND RECREATION</u>			
Pavillion Fees	<u>\$ 1,900</u>	<u>\$ 1,380</u>	<u>\$ (520)</u>
	\$ 1,900	\$ 1,380	\$ (520)
<u>POLICE PROTECTION</u>			
State Grant	<u>\$ 25,835</u>	<u>\$ 19,188</u>	<u>\$ (6,647)</u>
	\$ 25,835	\$ 19,188	\$ (6,647)
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500	1,491	(1,009)
Miscellaneous & Donations	<u>5,000</u>	<u>10,766</u>	<u>5,766</u>
	\$ 7,500	\$ 12,257	\$ 4,757
OPERATING REVENUES	\$ 2,745,349	\$ 2,387,205	\$ (358,144)
State Grants & Interest	\$ 130,405	\$ 39,750	\$ (90,655)
TOTAL REVENUE	\$ 2,875,754	\$ 2,426,955	\$ (448,799)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 12,000	\$ 9,000	\$ (3,000)
Communications	3,480	2,296	(1,184)
Dues & Subscriptions	7,370	7,526	156
Office Supplies & Exp	3,600	2,269	(1,331)
Advertising	750	231	(519)
Meetings & Conventions	<u>9,000</u>	<u>2,187</u>	<u>(6,813)</u>
	\$ 36,200	\$ 23,509	\$ (12,691)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 6,000</u>	<u>\$ 4,000</u>	<u>\$ (2,000)</u>
	\$ 6,000	\$ 4,000	\$ (2,000)
<u>ELECTION</u>			
Clerk Fees			
Other Administrative Expenses		<u>31</u>	<u>31</u>
		\$ 31	\$ 31
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 196,663	\$ 162,777	\$ (33,886)
Postage & Printing	200	17	(183)
Communications	10,167	4,729	(5,438)
Computer Expenses	22,400	22,146	(254)
Office Supplies & Exp	30,401	15,788	(14,613)
Office Maintenance	47,262	23,974	(23,288)
Dues & Subscriptions	150		(150)
Professional Services	3,600	2,625	(975)
Meetings & Conventions	100	132	32
Water and Sewer Grant	<u>102,740</u>	<u>203,219</u>	<u>100,479</u>
	\$ 413,683	\$ 435,407	\$ 21,724
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay		98,454	98,454
Director Salary	91,107	66,768	(24,339)
Maintenance Salary	45,417	32,589	(12,828)
Communications	6,797	5,561	(1,236)
Supplies & Expenses	13,334	9,879	(3,455)
Dues & Meetings		139	139
Landscaping/Beautification			
Maintenance & Repairs	21,174	13,980	(7,194)
Tools & Equipment	<u>3,069</u>	<u>1,199</u>	<u>(1,870)</u>
	\$ 180,898	\$ 228,569	\$ 47,671

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 12,500	\$ 28,100	\$ 15,600
Legal - Development		190	190
Legal - Ordinances	7,500	1,976	(5,524)
	<u>\$ 20,000</u>	<u>\$ 30,266</u>	<u>\$ 10,266</u>
<u>PLANNING & ZONING</u>			
Salary & Fees	\$ 50,182	\$ 34,170	\$ (16,012)
Other Expenses	1,300	1,807	507
	<u>\$ 51,482</u>	<u>\$ 35,977</u>	<u>\$ (15,505)</u>
<u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 43,577	\$ 32,591	\$ (10,986)
Town Contribution	8,800	8,917	117
	<u>\$ 52,377</u>	<u>\$ 41,508</u>	<u>\$ (10,869)</u>
<u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	17,121	10,149	(6,972)
Community Deputy Program	326,657	163,152	(163,505)
	<u>\$ 363,778</u>	<u>\$ 193,301</u>	<u>\$ (170,477)</u>
<u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 277,613	\$ 200,288	\$ (77,325)
<u>RECREATION AND CULTURE</u>			
Park Salary	45,754	29,153	(16,601)
Park Electric	1,800	1,829	29
Maintenance & Repairs	39,795	16,591	(23,204)
Mowing	25,451	14,742	(10,709)
Remsberg Park - Interest	17,847	15,093	(2,754)
Remsberg Park - Principal	105,702	87,886	(17,816)
	<u>\$ 236,349</u>	<u>\$ 165,294</u>	<u>\$ (71,055)</u>

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 83,562	\$ 57,085	\$ (26,477)
Street Lighting	152,400	108,626	(43,774)
Storm Water Management	7,050	857	(6,193)
Snow Removal	63,000	76,805	13,805
Repairs & Resurfacing	94,500	361,667	267,167
Signs		3,536	3,536
Truck Repair & Operation	25,000	17,738	(7,262)
Equipment Repairs & Ops	10,000	4,888	(5,112)
Mowing	31,744	18,432	(13,312)
Interest	7,418	4,429	(2,989)
East Green St - Principal	11,500		(11,500)
Case Loader - Principal	15,158	13,973	(1,185)
	<u>\$ 501,332</u>	<u>\$ 668,036</u>	<u>\$ 166,704</u>
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,500	2,327	(173)
Community Events	38,129	33,524	(4,605)
Payroll Taxes	52,753	33,030	(19,723)
Insurance - Property	12,748	9,110	(3,638)
Insurance - Employee	114,823	93,945	(20,878)
Retirement/Pension	67,363	53,176	(14,187)
Web Page & Directory	4,000	2,875	(1,125)
Real Estate Taxes	712	712	
Other	3,500	5,133	1,633
	<u>\$ 301,628</u>	<u>\$ 238,832</u>	<u>\$ (62,796)</u>
TOTAL EXPENDITURES	\$ 2,441,340	\$ 2,265,018	\$ (176,322)
INCOME (LOSS) Exc. Cash Reserves	\$ 434,414	\$ 161,937	\$ (272,477)
CASH RESERVES	\$ 1,242,019	\$ 1,184,995	\$ (57,024)
SURPLUS / (DEFICIT)	\$ 1,676,433	\$ 1,346,932	\$ (329,501)

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,745,349	\$ 2,387,205	\$ (358,144)
OPERATING EXPENSES			
Expenses	2,441,340	2,265,018	(176,322)
OPERATING SURPLUS (LOSS)	\$ 304,009	\$ 122,187	\$ (181,822)
<u>OTHER FUND</u>			
POS - Development	\$ 78,300		\$ (78,300)
POS - Walking Trail Land Purchas	42,000		(42,000)
West Green Street Loan			
RETAINED EARNINGS	333,488		(333,488)
Interest	3,105	50	(3,055)
Other	7,000	39,700	32,700
TOTAL OTHER FUNDS	\$ 463,893	\$ 39,750	\$ (424,143)
TOTAL FUNDS AVAILABLE	\$ 767,902	\$ 161,937	\$ (605,965)
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 1,000,000	\$ 5,770	\$ (994,230)
Franklin - Patching, Mill & Over	115,000		(115,000)
Broad Street Road Construction	70,000	7,184	(62,816)
SWM Fence Replacements	9,000	(1)	(9,001)
Salt Building - Equipment Storag	35,000	1	(34,999)
Walking Trail Land Acq - East Ma	42,000	323	(41,677)
Remsberg Park Picnic Tables	3,000	(1)	(3,001)
Remsberg Park - Walking Trail an	45,000	1	(44,999)
Wiles Branch Pavilion and Tottle	24,500	(1)	(24,501)
Wiles Branch Walking Trail Resur	21,000	7,651	(13,349)
Foxfield Walking Path Overlay	23,940	(1)	(23,941)
Cone Brach Gazebo Roof Replaceme	5,000	4,886	(114)
Computer Replacements	5,200	6,980	1,780
Municipal Center - HVAC Replacem	85,000	7,219	(77,781)
Maintenance Equipment	47,000	34,925	(12,075)
Backhoe Lease	15,158	13,973	(1,185)
Historical Society Donation	5,000	5,000	
Total CIP Costs	\$ 1,550,798	\$ 93,909	\$ (1,456,889)
OPERATING & CIP SURPLUS (LOSS)	\$ 767,902	\$ 161,937	\$ (605,965)

Town of Middletown
 CIP Funds & Expenditures
 General Fund
 Fiscal Year 2015
 For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,242,019	\$ 1,184,995	\$ (57,024)
TOTAL CASH SURPLUS	<u>\$ 2,009,921</u>	<u>\$ 1,346,932</u>	<u>\$ (662,989)</u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
Water Revenue	\$ 588,919	\$ 266,994	\$ (321,925)
Sewer Revenue	565,791	266,826	(298,965)
Penalties/Reconnects	14,600	16,296	1,696
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	<u>102,740</u>	<u>102,740</u>	
TOTAL OPERATING REVENUE	\$ 1,273,625	\$ 652,856	\$ (620,769)
<u>EXPENDITURES</u>			
<u>ADMINISTRATIVE</u>			
Office Salaries	\$ 52,890	\$ 31,567	\$ (21,323)
Communications	7,100	7,757	657
Postage	10,222	10,280	58
Office Supplies/Expense	12,800	13,163	363
Legal - Other	8,500	5,630	(2,870)
Meetings & Seminars	250	392	142
Advertising	500	994	494
Uniforms	2,800	1,576	(1,224)
Dues/Subscrip/Certifications	500	435	(65)
Travel	200		(200)
Payroll Taxes	19,192	16,049	(3,143)
Insurance - Prop. & Liability	8,000	5,962	(2,038)
Insurance - Workers Comp	13,868	5,332	(8,536)
Insurance - Health	45,836	30,235	(15,601)
Retirement/Pension	22,143	18,661	(3,482)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150	3,600	450
Waterline / I & I Loans	<u>33,056</u>	<u>32,498</u>	(558)
Sub-Total	\$ 241,299	\$ 184,423	\$ (56,876)
<u>Vehicles & Equipment</u>			
1999 Truck	\$ 3,700	\$ 314	\$ (3,386)
2008 Truck	3,200	1,612	(1,588)
2013 Truck	3,400	939	(2,461)
Misc Equipment	3,700	1,097	(2,603)
Bobcat Mini-Excavator		304	304
Case Backhoe		<u>160</u>	<u>160</u>
Sub-Total	\$ 14,000	\$ 4,426	\$ (9,574)

WATER

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 9 Months Ended March 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Salaries	\$ 138,865	\$ 93,439	\$ (45,426)
Water Distribution System			
Supplies	2,500	2,231	(269)
Repairs & Maintenance	51,650	49,662	(1,988)
Water Meters	65,250	9,903	(55,347)
Water Line Break Repairs	5,000	3,451	(1,549)
Chemicals	500		(500)
Tools & Equipment	1,000	352	(648)
Sub-Total	\$ 125,900	\$ 65,599	\$ (60,301)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 31,370	\$ 16,230	\$ (15,140)
Supplies	2,000	1,862	(138)
Repairs & Maintenance	28,650	16,397	(12,253)
Chemicals	17,372	8,230	(9,142)
Tools & Equipment	2,400	1,536	(864)
Testing & Analysis	9,000	8,532	(468)
Sub-Total	\$ 90,792	\$ 52,787	\$ (38,005)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 355,557	\$ 211,825	\$ (143,732)
SEWER			
Salaries	\$ 124,154	\$ 85,760	\$ (38,394)
Sewer Collection System			
Cone Branch PS	22,000	9,066	(12,934)
Brookridge South PS	9,700	8,982	(718)
Foxfield PS	6,500	4,539	(1,961)
Sanitary Sewerlines & Manholes	10,500	8,211	(2,289)
I & I Accrual	75,000	56,250	(18,750)
Sub-Total	\$ 123,700	\$ 87,048	\$ (36,652)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 33,000	\$ 26,864	\$ (6,136)
Supplies	10,500	5,066	(5,434)
Repairs & Maintenance	44,100	27,162	(16,938)
Chemicals	39,724	17,900	(21,824)
Tools & Equipment	8,400	6,315	(2,085)
Testing & Analysis	23,000	16,620	(6,380)
Sludge Hauling Expense	<u>56,400</u>	<u>39,080</u>	<u>(17,320)</u>
Sub-Total	\$ 215,124	\$ 139,007	\$ (76,117)
West Wastewater Treatment Plant			
Electric	\$ 20,000	\$ 12,912	\$ (7,088)
Supplies	2,500	1,407	(1,093)
Repairs & Maintenance	15,450	17,032	1,582
Chemicals	49,458	34,968	(14,490)
Tools & Equipment	1,000	167	(833)
Testing & Analysis	8,758	6,014	(2,744)
Sludge Hauling Expense	<u>22,650</u>	<u>12,937</u>	<u>(9,713)</u>
Sub-Total	\$ 119,816	\$ 85,437	\$ (34,379)
TOTAL SEWER EXPENSES	<u>\$ 582,794</u>	<u>\$ 397,252</u>	<u>\$ (185,542)</u>
TOTAL WATER/SEWER EXPENSES	<u>\$ 1,193,650</u>	<u>\$ 797,926</u>	<u>\$ (395,724)</u>
CONTINGENCY FUND - 6.7%	<u>\$ 79,975</u>	<u>\$ 53,461</u>	<u>\$ (26,514)</u>
ADJUSTED WATER/SEWER EXPENSES	<u>\$ 1,273,625</u>	<u>\$ 851,387</u>	<u>\$ (422,238)</u>
NET INCOME (LOSS)	<u>\$ 0</u>	<u>\$ (198,531)</u>	<u>\$ (198,531)</u>

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 9 Months Ended March 31, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,273,625	\$ 652,856	\$ (620,769)
Operating Expenses	<u>1,193,651</u>	<u>851,387</u>	<u>(342,264)</u>
OPERATING INCOME (LOSS)	\$ 79,974	\$ (198,531)	\$ (278,505)
Debt Service Fee - New Homes	\$ 137,400	\$ 69,274	\$ (68,126)
Capital Improvement Fees	128,736	61,026	(67,710)
Improvement/Tap Fees	120,000	101,600	(18,400)
Water Meter Sales	16,700	5,452	(11,248)
Water Tower & Land Leases	168,044	74,963	(93,081)
General Fund Grant	<u>100,479</u>	<u>100,479</u>	
TOTAL OTHER REVENUE	\$ 671,359	\$ 412,794	\$ (258,565)
TOTAL FUNDS AVAILABLE	751,333	214,263	(537,070)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MVB Line of Credit			
CDA - Water Tower	98,650		(98,650)
MDE - East WWTP	200,800	(200,800)	(401,600)
Brookridge WTP	16,700		(16,700)
Interest - All Loans	<u>53,283</u>	<u>29,999</u>	<u>(23,284)</u>
TOTAL DEBT SERVICE COSTS	\$ 369,433	\$ (170,801)	\$ (540,234)
<u>WATER & SEWER PROJECTS</u>			
Reservoir - Raw Water Meter & Pot	\$ 5,500		\$ (5,500)
Booster Station - Pumping Connect	8,000		(8,000)
Reservoir - Dual Feed Cover	60,000		(60,000)
Maganese Removal System	<u>120,000</u>		<u>(120,000)</u>
TOTAL WATER & SEWER PROJECTS	\$ 193,500		\$ (193,500)
TOTAL CIP COSTS	\$ 562,933	\$ (170,801)	\$ (733,734)
TOTAL FUNDS REMAINING	\$ 188,400	\$ 385,064	\$ 196,664

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

March 9, 2015

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 9, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, Tony Ventre and Christopher Goodman.

CONSENT AGENDA

Financial Statements

Hydrant Flushing Spring 2015 – March 30th –April 3rd

Town Minutes – February 23, 2015 Regular meeting

Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Goodman and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

David Price, South Mountain Creamery – List of Events – Mr. Price provided information regarding the two big events South Mountain Creamery holds each year. The next will be May 2nd-3rd. He expects 8,000-10,000 people to be coming through the area to the event. He reported they have 35 delivery trucks with routes across Maryland, Virginia, and Washington D.C. with a total of approximately 35,000 square miles. Besides the store on site, they also offer calf feedings daily, and agricultural tours in partnership with the Frederick County Public Schools. They have partnered with Animal Planet to host both a chick cam and a calf cam on their property. There have been over 1 million hits on those links since it began. Mr. Price introduced other members of the South Mountain Creamery staff. He provided samples of mixed greens, butters, and ice cream samples for Town Board members. He ended by stating that South Mountain Creamery is willing to assist the Town however possible. Burgess Miller stated that he knows the Creamery has been working with the Main Street Program Manager to further market the creamery's programs; which will further promote the Town of Middletown.

Unfinished Business:

FY 2016 Budget Workshop – Water & Sewer Fund - After lengthy discussion between Town Board members and Joe Mason of Davenport and Company, the Town Board directed the Town Administrator to file a loan application for \$7 million dollars with DHCD.

Review of Fees for Permitting Services – The Staff Planner has reviewed and compared the fee structures of other municipalities with the Town's as it relates to permitting services. Fees vary widely among the municipalities. The Staff Planner also noted that some municipalities utilize a 2 fee structure dependent upon whether the requests are residential or commercial in nature. Discussion occurred regarding setting fees that are reasonable versus costs prohibitive as it compares to actual costs taking into account staff time and minimum costs for a Board of Appeals meeting.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

The Town Administrator researched the history of the annual funding of the contingency fund. The committee recommends that a standard percentage formula be used to calculate this every year. The percentage will be calculated using the average of the past 10 years minus the highest and lowest percentages over that time.

Recommend that any balance in the contingency fund be moved to a reserve account at the end of the fiscal year as a way to build the cash reserve. The Burgess recommended that those reserve funds be identified for use when placed there.

Recommend that the rate increase be 4% for next year. Recommend that the Capital Improvement fee be raised for next year.

Will need to find a new source for rain barrels. The Scott Key Center has them for sale for \$80.00 per barrel. They are terra cotta in color, but of good quality. It is a great organization to support.

PUBLIC WORKS – Commissioner Bussard reported:

Bulk trash pick-up is Saturday, March 21st, 2015.

PLANNING COMMISSION – Commissioner Goodman reported:

Cross Stone Commons has begun work at their construction site. No date has been set for a ribbon cutting ceremony.

PARKS & RECREATION – Commissioner Ventre reported:

Next meeting is March 17, 2015

Dog Park – It has been suggested to have an alternate field to utilize at the park to reduce wear on the grass. This requires more fencing and gates which increases project cost almost \$7,000. The Town Administrator suggested eliminating the partition fence within the large dog field, monitor for wear and tear, and, if needed, partition the yard at a later date. Has asked the Town Administrator get other bids on the project. The Town Engineer provided modification suggestions to lower the costs of the park and to make it more user friendly. Meeting minutes will be reviewed to verify if the Board has already voted approval to use POS monies for this project. If not, this will be an agenda item for the next meeting.

POS project – The Town should already be submitting any reimbursable costs on any POS projects. All projects are currently unencumbered, so there are no expenses.

FINANCE – Commissioner Dietrick reported:

Nothing more to add to what has already been discussed this evening.

PUBLIC INFORMATION – Commissioner Falcinelli

Town newsletter – The Office Manager has requested information for the upcoming newsletter be given to her as soon as possible. Checked website statistics from January 1 through February 16, 2015 to review how often the site was visited and how many times a person may have visited the site. Home page had 8,000 views during that time by 3,059 individuals. Other popular pages visited were 1. Business directory, 2. Water and sewer page, 3. Town government, 4. Community directory, 5. Town events, and 6. Trash.

NEW BUSINESS:

Update to Residential Zone Code – Schedule Public Hearings – Burgess Miller stated that the Board members have received the list of changes recommended by the Planning Commission. The changes are for Chapter 17 – Zoning. The date for the public hearing on this section is April 2, 2015. The Staff Planner reviewed the recommended changes. The Town Attorney had concerns regarding the time lag between the approval of the changes for this section and the review and approval of the Standards section of the Town Code. If a proposal comes in to the Town during that time, that project would be in limbo because the standards have not been approved. The Town Administrator suggested that changes can be approved as the review proceeds, but the effective date for the ordinance could occur after the Standards section is reviewed and approved in July. This would reduce any ambiguity.

PUBLIC COMMENT: Lewis Corl stated his neighbor's (Judy Brandenburg) concern about traffic exiting from the Middletown Parkway onto Alt Rt.40 currently does not stop and/or yield to traffic on

Alt40 when Alt40 traffic has the right of way. The concern is increased once the new shopping center is completed and traffic will increase at that intersection. He suggested that the Town post signs on Middletown Parkway reminding those drivers to stop and yield the right of way. Burgess Miller stated that the Town recognizes that problem with that intersection and it will be addressed.

The Burgess stated that the Town Board was disappointed at the County public hearing on the deer management program and rifle hunting in the region south of Route 70. The Town opposed it. The Town, town parks, and schools are all ringed by farms. This new measure is dangerous. None of the municipalities affected by this were contacted by the State delegation for their opinion. The County Executive has not taken a position on this matter. Commissioner Falcinelli suggested posting a summary of this on the Town Facebook page and sent out on the Town list serve to residents.

ANNOUNCEMENTS: none

ADJOURNMENT

Meeting adjourned at 9:36pm.

Respectfully submitted,

Drew Bowen
Town Administrator

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

March 23, 2015

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 23, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Rick Dietrick, Larry Bussard, Tony Ventre, and Christopher Goodman.

PERSONAL REQUEST FOR AGENDA:

Shawn Dennison, Scott Key Center – Rain Barrel Program – Commissioner Falcinelli stated that in previous years the Town has partnered with the Interstate Commission on the Potomac River Basin to sell rain barrels to our residents. The Interstate Commission has decided not to do rain barrels any longer, therefore this year we will partner with the Scott Key Center. Mr. Dennison brought along one of the rain barrels and went over how they are made and that they are a little different from the ones that we had purchased previously. The Town will once again sell rain barrels to our residents from April 1-30, 2015 on a first come first serve basis.

Miss McHugh – Girl Scout Storm Drain Project – Miss McHugh was present to update the Board on where she is with her project. Miss McHugh stated that she has 3 or 4 other girl scouts that would like to help with this project. Miss McHugh stated that she did get the ok from the DNR on the wording to only put Chesapeake Bay Drainage. The Board agreed to green over ivory paint color. Miss McHugh will be soliciting for some donations to help offset the cost for her project. Start time will be sometime in May or June and it must be completed by September 30, 2015.

James Bongard – Eagle Scout Project Trail Markers – Mr. Bongard presented his project idea to the Park Committee last week and they asked him to present this to the Town Board for their approval. Mr. Bongard will be installing trail markers on the Linden Blvd. trail, Remsberg Park trail, Foxfield trail and the Wiles Branch Park trail. Mr. Bongard will also be installing a bench along the Remsberg Park trail. The estimated cost of this project is \$2,500, Mr. Bongard asked if the Board would donate \$1,500 toward this project.

Motion by Commissioner Goodman to donate \$1,500 toward this Eagle Scout project, seconded by Commissioner Ventre. Motion passed (6-0).

Unfinished Business:

FY 2016 Water & Sewer Fund Budget – Commissioner Falcinelli stated that the Water & Sewer Committee is recommending a 4% rate increase, a capital improvement fee increase and that if the contingency fund has a balance move that to a reserve account each year. Burgess Miller went over the proposed Water & Sewer operating budget that shows a 3% rate increase. Drew went over the Water & Sewer CIP budget that shows several projects Well 15 iron & manganese removal, main street waterline, reservoir cover/liner replacements and stream erosion restoration at well field. Drew also stated that the spreadsheet shows what loans we have currently and when they will be paid off and the new loan for the water line & reservoir cover replacement.

Review of Fees for Permitting Services – Burgess Miller stated that included in the packet are the current rates that we charge residential and commercial properties. Town Planner Cindy Unangst is recommending that we have a tiered rate fee schedule for residential properties ranging from \$25 - \$200 and commercial properties ranging from \$25 - \$500. Cindy will go over her recommendations at the workshop in May.

NEW BUSINESS:

Amendments to the Personnel Policy – Adding Section for Part-Time Employees – Drew stated that our current Personnel Policy does not identify part-time employees, seasonal employees and also with the Town being under 20 employees we do not qualify to offer Cobra benefits to any employees that leave, but we can offer any employee to that leaves service the option to continue their insurance for 60 days with them paying the premium.

Motion by Commissioner Bussard to approve the changes presented to the Personnel Policy, seconded by Commissioner Ventre. Motion carried (6-0).

RFP from Davenport & Company for Loan Preparation Services – Drew stated that included in the packet is an RFP from Davenport & Company. Drew stated that the RFP states if the Town engages Davenport to provide Transaction Services on both the CDA Pool and the Direct Bank Loan transactions, the compensation to Davenport is \$40,000, with \$30,000 allocated to the Direct Bank Loan and \$10,000 allocated to the CDA Pool. However if the Town only engages Davenport in one of the two transactions, the minimum completion fee will be \$30,000. Commissioner Ventre asked by engaging Davenport what does it save the Town. The Board agreed to have Drew negotiate further with Davenport on the cost and also what will the Town get out of this fee if we engage with Davenport.

Schedule Public Hearing for Constant Yield Tax Rate – Burgess Miller stated that we must hold a public hearing this year on our constant yield tax rate as it is higher than the property tax rate which has not been the case previously. Public Hearing will be held on Thursday, May 7, 2015 at 7pm.

Request from Villages of Foxfield to reconsider trash pickup policy – Burgess Miller stated that the Town received a letter from the HOA from the Villages at Foxfield in regards to the trash collection. When the Villages of Foxfield was built the streets were not built to the Town standards, therefore the Town did not accept those streets. At that time the advised the developer that our trash hauler would not do curbside trash pick-up from these streets, the residents would need to bring their trash to the end of the street for pick-up. The developer worked out an agreement with the same trash hauler that picks up in Town for an extra fee to have curbside trash pick-up for these residents. This fee is an extra fee that is charged to these residents by the HOA. Drew stated that the Town pays for the unit fee as well as the tipping fees for these house the extra fee is for the extra time and fuel it takes to pick-up curbside from these residents. The residents of the Villages feel that they pay the same tax rate as all the other residents in Town who get this service free why are should they pay extra? The Board agreed to look into this and also stated that if the HOA is in agreement to have the Town sign a waiver for any damage of the streets that the Town is not responsible.

PUBLIC COMMENT:

ANNOUNCEMENTS:

Hydrant Flushing Spring 2015 – March 30th – April 3rd

ADJOURNMENT

With no further business to come before the Board, the regular meeting adjourned at 8:38 p.m.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 17, CHAPTERS 17.16, 17.28 AND 17.30 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED AND USES PERMITTED BY SPECIAL EXCEPTION IN THE R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS AND OPEN SPACE DISTRICT; TO REVISE AND RESTATE THE PURPOSE INTENDED FOR THE REGULATION OF USES IN THE R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC CHANGES IN THE CHAPTERS REGULATING LAND USE IN THE RESIDENTIAL AND OPEN SPACE DISTRICTS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.16, Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.060, 17.16.070 and 17.16.080 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through.]~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

TITLE 17 - ZONING

Chapter 17.16 Residential Districts

17.16.010 - R-20 district.

A. Purpose. The R-20 district is intended to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development.

B. Uses Permitted in the R-20 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Single-family dwellings;

2. ~~{Churches, public schools, libraries and parks}~~ **PARKS**, playgrounds, family day care homes;

3. Accessory buildings and uses;

4. Home occupations.

C. Special Exceptions in the R-20 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Community centers, **PLACES OF WORSHIP, LIBRARIES;**

2. Medical ~~{centers}~~ **CARE FACILITIES;**

3. Nursery schools, child care ~~{center;}~~ **CENTERS, PUBLIC SCHOOLS;**

4. Public utility building;

5. Active adult community;

6. Public safety services, subject to site development plan approval.

17.16.020 - R-1 district.

A. Purpose. The R-1 district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.

B. Uses Permitted in the R-1 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses

~~{1. Single family dwellings;~~

~~2. Churches, schools, libraries, museums and parks, playgrounds, family day care homes;~~

- ~~3. Planned unit developments;~~
- ~~4. Accessory buildings and uses;~~
- ~~5. Home occupations.]~~

- 1. ANY USE PERMITTED IN THE R-20 DISTRICT;**
- 2. PLANNED UNIT DEVELOPMENTS.**

C. Special Exception in the R-1 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

- ~~1. Barber shops, beauty parlors;~~
- ~~2. Medical centers;~~
- ~~3. Nursery schools, child care center;~~
- ~~4. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~
- ~~5. Public utility building;~~
- ~~6. Public safety services, subject to site development plan approval;~~
- ~~7. Community centers.]~~

- 1. ANY SPECIAL EXCEPTION USE IN THE R-20 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**
- 2. BARBER SHOPS, BEAUTY PARLORS;**
- 3. PROFESSIONAL OFFICE (PHYSICIAN, DENTIST, ARCHITECT, ENGINEER, ATTORNEY OR SIMILAR PROFESSION).**

17.16.030 - R-2 medium residential district.

A. Purpose. The R-2 district is intended to ~~{provide an attractive, pleasant living environment at a sufficient density to maintain a high standard of physical maintenance and community service. The district encourages the compact development and the optimum utilization of land appropriate for residential use by encouraging higher density green space communities and planned unit developments while simultaneously leaving sloping areas, floodplains and other unbuildable areas open and available for recreational and athletic purposes.}~~ **ENCOURAGE AND PROMOTE COMPACT DEVELOPMENT AND THE**

OPTIMUM UTILIZATION OF LAND APPROPRIATE FOR RESIDENTIAL USE BY ENCOURAGING HIGHER-DENSITY COMMUNITIES FREE FROM LAND USAGE WHICH MIGHT ADVERSELY AFFECT SUCH DEVELOPMENT.

B. Uses Permitted in the R-2 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-1 district (Chapter 17.16);
2. Two-family dwellings;
3. Duplexes;
4. Leasing of rooms by not more than two persons not members of the family

residing in the dwelling[;] .

~~{5. Planned unit development;~~

~~6. Accessory buildings and uses;~~

~~7. Home occupations.}~~

C. Special Exceptions in the R-2 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060:

1. ~~[Barber shops, beauty parlor]~~ **ANY SPECIAL EXCEPTION USE IN THE R-1 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**

2. Convalescent or nursing home;

3. Bed and breakfast;

~~4. Medical centers;~~

~~5. Nursery schools, child care center;~~

~~6. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~

~~7. Public utility building];~~

~~[8]~~ **4. Multifamily dwellings, SUCH AS APARTMENTS [condominiums] containing no more than twelve (12) individual residential units [and townhouses;] WITHIN A SINGLE BUILDING;**

~~[9. Public safety services, subject to site development plan approval;~~

~~10. Community centers.]~~

5. TOWNHOUSES.

~~[11]~~ **6. Parking lots.**

17.16.040 - R-3 high density residential district.

A. Purpose. The R-3 district is intended to ~~[make the development of land, having natural and locational advantages, economically feasible by the variety of housing types, while~~

~~continuing to encourage the provision of the basic amenities of an attractive and safe residential environment. This district encourages green space communities and planned unit development and the increased density of all such developments, making their location at the edge of residential neighborhoods, and with good access to major highways, central shopping areas, schools, and other public facilities most essential.]~~ ENCOURAGE AND PROMOTE

INCREASED DENSITY OF RESIDENTIAL COMMUNITIES HAVING NATURAL AND LOCATIONAL ADVANTAGES, WITH ECONOMICALLY FEASIBLE HOUSING TYPES, WHILE CONTINUING TO ENCOURAGE THE PROVISION OF BASIC AMENITIES IN AN ATTRACTIVE AND SAFE RESIDENTIAL ENVIRONMENT.

B. Uses Permitted in the R-3 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-2 district (Section 17.16.030(B));
2. Townhouses;
3. Multifamily dwellings such as apartments ~~{and condominiums}~~ containing

no more than twelve (12) individual residential units **WITHIN A SINGLE BUILDING.** ~~{;}~~

- ~~4. Planned unit development;~~
- ~~5. Accessory uses and building;~~
- ~~6. Home occupations.]~~

C. Special Exceptions in the R-3 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. ~~{Barber shops, beauty parlors}~~ **ANY SPECIAL EXCEPTION USE IN THE R-2 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES AND PARKING LOTS;**

~~2. Boarding house, lodging house;~~

~~3. Clubs, lodges, fraternal organizations;~~

~~4. Convalescent or nursing home;~~

~~5. Bed and breakfast;~~

~~6. Hospital, sanitarium;~~

~~7. Medical centers;~~

~~8. Nursery schools, child care center;~~

~~9. Professional office (physician, dentist, architect, engineer, attorney, or similar profession);~~

~~10. Public utility building;~~

~~11. Public safety services, subject to site development plan approval;~~

~~12. Business and warehouse facilities;~~

~~13. Community centers.]~~

2. CLUBS, LODGES, FRATERNAL ORGANIZATIONS;

3. BUSINESS WITH WAREHOUSE FACILITIES.

17.16.060 - Off-street parking and loading.

A. There shall be provided in the residential district off-street parking and loading in accordance with the schedule in Chapter 17.32

B. The parking and storage of not more than one **UNREGISTERED** ~~{unlicensed}~~ or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.

17.16.070 - Required lot area, lot width and yards.

The following table shows lot area, lot width and yard requirements:

REQUIRED LOT AREA, LOT WIDTH AND YARDS¹ IN RESIDENTIAL DISTRICTS

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth ³ (feet)	Each Side Yard ² (feet)	One Rear Yard (feet)
R-20 District					
Single-family dwelling	20,000 ⁴	100 ⁵	35	12	40
R-1 District					
Single-family dwelling	10,000	75	35	12	40
R-2 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 ⁶	60	35	12	40
Duplex {and condominiums}	6,000	60	35	12	40
R-3 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 ⁷	60	35	12	40
Duplex {and condominiums}	6,000	60	35	12	40
Multifamily dwelling {other than condominiums}	4,000 ⁸	—	35	12	40
Townhouses	(See Section 17.16.080)				
Other Uses					
Schools, PLACES	—	—	40	100	100

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth ³ (feet)	Each Side Yard ² (feet)	One Rear Yard (feet)
OF WORSHIP, LIBRARIES					
{Churches}	—	—	{40}	{100}	{100}
{Other permitted uses having structures}	{6,000}	{75}	{35}	{12}	{25}

1 Exceptions to yard requirements are allowed for certain uses (Section 17.24.030).

2 Side yard is measured from closest point of structure to side lot line.

3 Does not include street right-of-way. Corner lots shall provide two front yards; the front yard setbacks for single-family dwellings, and multi-family dwellings shall be equal to the height of the dwelling but in no case shall the front yard setback be less than thirty-five (35) feet measured from the curb line.

4 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots from fifteen thousand (15,000) to twenty thousand (20,000) square feet in area provided the average lot size of the development exceeds twenty thousand (20,000) square feet only upon approval of the planning commission.

5 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots with the lot width of eighty (80) to one hundred (100) feet, only upon approval of the planning commission.

6 In the R-2 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

7 In the R-3 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

8 In the R-3 residential district, multi-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

The design requirements for ~~{duplexes and}~~ townhouses would be as follows in Section 17.16.080.

17.16.080 - Townhouse development.

A. *{Unchanged}*

B. *{Unchanged}*

C. Lot Width and Setbacks. The minimum lot width for individual townhouse units is eighteen (18) feet. End units shall provide a minimum side yard setback of ~~twenty-two (22)~~ **TWELVE (12)** feet. All units shall have a front yard setback of twenty (20) feet and a rear setback of thirty (30) feet. When adjacent to a street external to the development, the side yard setback shall be twenty-five (25) feet.

D. Row Lengths and Design. There shall be no more than eight townhouse units nor less than three townhouse units in a row. Rows shall be designed so that no more than two attached townhouse units shall have the same front building line. The offset in building lines shall be no less than eighteen (18) inches unless waived by the planning commission. There shall be a minimum ~~twelve (12)~~ **TWENTY-FOUR (24)** foot open space ~~{connection}~~ between all end units and townhouse lots. A minimum twelve (12) foot open space ~~{connection}~~ shall be provided for behind the rear yards of all units for access to rear of townhouse lots.

E. *{Unchanged}*

F. Maintenance of Common Areas. If the townhouse development provides for common area, properties or facilities, they shall be conveyed to an incorporated private nonprofit homeowners' association through which each lot owner is automatically a member subject to a charge of a proportionate share of common property maintenance. Such homeowners' association agreements shall be reviewed by the town. Where the extent of the common areas ~~{are}~~ **IS**

limited in size, they may be conveyed to the town subject to agreement of the town. A minimum ten (10) foot open space connection shall be provided for behind the rear yards of all units.

G. *{Unchanged}*

H. *{Unchanged}*

I. *{Unchanged}*

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.28, Sections 17.28.020 and 17.28.030 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through.]~~ New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 – ZONING

Chapter 17.28 Open Space District

17.28.020 - Uses permitted in the OS district.

No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

A. Farms, tree and plant nurseries;

B. Parks, playgrounds, golf courses, public and private recreational uses and cemeteries;

C. Game, wildlife, and nature study preserves and reservations;

D. Schools, [~~churches~~] **PLACES OF WORSHIP**, community centers, **MUSEUMS**, **LIBRARIES** and other public buildings, and those accessory uses commonly associated with them;

E. Flood control, water protection works, sewage treatment plants and other municipal public works;

F. Public safety services, subject to site development plan approval.

17.28.030 - Uses permitted by special exception.

The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060 of this code:

A. Greenhouse, nursery;

B. Medical [~~centers~~] **CARE FACILITIES**;

C. Public utility buildings, structures and services.

SECTION III. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.30, Section 17.30.040 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being [~~in brackets and stricken through.~~]:

TITLE 17 – ZONING

Chapter 17.30 Agricultural (AG) District

17.30.040 - Required lot area, [~~lot width,~~] yards and other restrictions.

The following restrictions are applicable in the agricultural district:

A. – G. {Unchanged}

SECTION IV. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Middletown Fields – Fit for use procedures

Determining Fields are in condition for play

1. Facility Director – Don Delauter
2. Executive Board
3. Director of Sport

Field Condition

1. Standing Water
2. Muddy Fields
3. Snow
4. Anything that may cause long term damage to the field

Communication of Field Conditions for Use of Play

1. Facility Director to communicate daily to Heather
2. Heather to send email to Town Administrator
3. Town will post signs closing or opening fields, post on Town Website Front Page
4. Heather to post on MVAA website Front Page
5. Town and MVAA will advertise procedures in the Middletown Citizen

Management of Fields – Heather Houck

What do we do if MVAA team is playing on fields NOT in playing condition

1. Contact Heather Houck, Don Delauter, or Executive Board
2. MVAA Executive Board/ Director to alert coach of playing condition

What do we do if NON-MVAA team is playing on fields NOT in playing condition

1. Board Member to alert Heather Houck, Don Delauter or Executive Board
2. Contact Town Emergency – ph: 301-293-3818
3. Town will alert local authorities

Middletown Planning Office

MEMORANDUM

Date: 3/31/2015

To: Burgess & Commissioners

From: Cynthia K. Unangst, Middletown Staff Planner

RE: TWO-TIER FEE SCHEDULE FOR SPECIAL EXCEPTIONS

Here are my thoughts on how the fee schedule can be revised to provide for a two-tier system for special exception applications:

Residential special exceptions can be charged a fee of \$150 plus the \$100 advertising fee.

Non-residential special exceptions can be charged a fee of \$300 (current fee) plus the \$100 advertising fee.

The following are the special exception uses in our Code with designations for the ones that could be considered 'residential':

17.48.010 Compliance with specific standards required.

17.48.015 Active adult community.

17.48.020 Animal kennels and clinics.

17.48.030 Barber shops and beauty parlors.

17.48.040 Boarding house and lodging house. - RESIDENTIAL

17.48.050 Bed and breakfast homes.

17.48.060 Bulk petroleum storage.

17.48.070 Clubs, lodges and fraternal organizations.

17.48.080 Convalescent or nursing home.

17.48.090 Gasoline station.

17.48.100 Greenhouse or nursery.

17.48.120 Hospital and sanatorium.

17.48.130 Hotel and motel.

17.48.140 Industrial park.

17.48.150 Lumber and other building material—Retail.

17.48.160 Medical centers.

17.48.170 Nursery schools and child care centers.

17.48.180 Private and commercial schools.

17.48.190 Professional office.

- 17.48.200 Public utility buildings.
- 17.48.210 Replacement of nonconforming use.
- 17.48.220 Residential uses (in the GC district). - RESIDENTIAL
- 17.48.230 Shopping centers.
- 17.48.240 Vehicle repair and service—GC and SC/LM districts.
- 17.48.250 Vehicle repair and service—Town commercial district.
- 17.48.260 Vehicle sales.
- 17.48.270 Accessory retail sales and repair.
- 17.48.280 Farm supply and hardware sales.
- 17.48.290 Repair services.
- 17.48.300 Light manufacturing.
- 17.48.310 Multifamily dwellings and townhouses. - RESIDENTIAL
- 17.48.320 Restricted vehicles in residential districts. - RESIDENTIAL
- 17.48.330 Antique malls.
- 17.48.340 Self-storage.
- 17.48.350 Commercial tour bus parking.
- 17.48.360 Fences. - RESIDENTIAL
- 17.48.370 Offices for interior design services.
- 17.48.380 Business and warehouse facilities.
- 17.48.390 Community centers.
- 17.48.400 Solar collection systems, freestanding. - RESIDENTIAL
- 17.48.410 Parking lots in R-2 districts.

My suggestion would be to delineate which uses are RESIDENTIAL within the fee schedule rather than in the zoning code itself.



Municipal Center
31 West Main Street
Middletown, MD 21769
P: 301-371-6171
F: 301-371-6474

Town of Middletown Maryland

PLANNING, ZONING AND ADMINISTRATIVE FEE POLICY

As of May 1, 2014 the payment process for residential and commercial building permits, subdivision and development plan reviews, recordation, routing services, annexation petitions, and various administrative procedures are as follows:

PERMITS

Under the Administration and Enforcement Chapter (17.08) of the Middletown Municipal Code, **ALL** structural alterations or improvements and/or new uses created or placed on any property, must first obtain permit approval from the Town of Middletown.

All residential and commercial zoning certificates will be processed and paid for through the Town of Middletown with building permits being processed through the Frederick County Department of Permits and Inspections office. The Fee Schedule adopted by the Burgess and Commissioners of Middletown consists of permit fees that include, but are not limited to:

Residential- internal, external, new single, new multi-family and demolition \$25.00-200.00

Commercial- internal, external, conversion, demolition, and use change \$25.00-500.00

New Commercial- construction \$500.00

Miscellaneous- There will be a \$25.00 minimum charge for any fee issued.

Home Occupation Questionnaire- all home business applications \$50.00

All requirements for zoning certificates, permits, and questionnaires are subject to determination of the Town of Middletown and Frederick County Permits and Inspections Department.

CONSTRUCTION FEE

All applicable construction fees, as designated by the Fee Schedule adopted by the Burgess and Commissioners of Middletown, shall be made payable to the Town of Middletown. These fees must be paid upon approval of Construction Inspection before any consideration and/or action in the issuance of construction permits are granted. These fees include but are not limited to:

- **Construction Inspection-** 1% of Total Construction Cost Estimates; SWM, Sediment & Erosion, and Public Improvements must be made payable to the Town of Middletown, prior to issuance of grading permit.

ADMINISTRATIVE PROCEDURES

All applicable administrative fees, as designated by the Fee Schedule adopted by the Burgess and Commissioners of Middletown, shall be made payable to the Town of Middletown. Applicant must also pay advertising fees and fixed legal and/or engineering fees outlined for each service to partially defray cost of the Town utilizing contracted consultants for review of documents/plans. These fees must be paid upon submission of the appropriate applications and/or materials for review, before any consideration and/or action in the approval process is granted. These administrative fees include, but are not limited to:

Board of Appeals

- **Variance-** application must be obtained through the Middletown Municipal Center w/ fee of \$100.00 for non-principal structure and \$200.00 for principal structure + an advertising fee of \$100.00, made payable to the Town of Middletown upon, completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.
- **Special Exception-** application must be obtained through the Middletown Municipal Center w/ fee of \$300.00 + an advertising fee of \$100.00, made payable to the Town of Middletown, upon completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.
- **Administrative Error-** application must be obtained through the Middletown Municipal Center w/ fee of \$200.00 + an advertising fee of \$100.00, made payable to the Town of Middletown, upon completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.

Text Amendment

- **Text Amendment-** applicant must submit proposed text change w/ fee of \$300.00 + an advertising fee of \$200.00 + \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions.

Rezoning Fee

- **Rezoning-** applicant must submit proposed zoning change w/ fee of \$400.00 + \$20.00/acre + an advertising fee of \$200.00, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions for approval process. All legal fees accrued by the Town must be paid by the applicant prior to final approval.

Annexation Fee

- **Annexation-** applicant must submit proposed annexation w/ fee of \$1,000.00 + \$50.00/acre + \$200 advertising fee and \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions for approval process.

Water & Sewer Master Plan

- **Map Amendment-** applicant must submit a proposed map amendment w/ fee of \$500.00 + \$100 engineering fee for consideration of changes to the Water/Sewer Master Plan Map that is not in sequence with the regular six-month review process for change in services.

Recording Fee

- **Plats-** applicant must submit plats (5 mylars) to be recorded w/ fee of \$75.00 made payable to the Town of Middletown and a \$5.00 fee made payable to Frederick County Clerk of the Court, to the Middletown Municipal Center for recordation procedures conducted by Middletown Planning Staff.
- **All other Documents-** applicant must include a fee of \$50.00/document, made payable to the Town of Middletown, upon submission to the Middletown Municipal Center for all other miscellaneous services conducted by Middletown Staff.

Public Works Agreement Review Fee

- **PWA Review-** applicant must submit a Public Works Agreement w/ standard fee of \$225.00 + \$150 legal fee for each PWA, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Middletown Staff, and forwarding to applicable commissions and agencies for approval process.

Home Owners Association Document Review Fee

- **HOA Review-** applicant must submit a HOA Document w/ standard fee of \$225.00 + \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Middletown Staff, and forwarding to applicable commissions and agencies for approval process.

PLAN REVIEW

All review fees for plans submitted to the Middletown Planning staff for review and approval will be assessed by the Town of Middletown, based on the Fee Schedule adopted by the Burgess and Commissioners of Middletown. Those fees considered applicable, as well as fees for all other agencies, will be directly collected by the Town of Middletown, and made payable to the appropriate agency. These fees must be paid upon submission of the appropriate applications and/or materials for review, before any consideration and/or action in the approval process is granted. These fees include, but are not limited to:

Concept Plan Fee

- **Concept Plan-** applicant must include a standard fee of \$250.00 + \$200 engineering fee, made payable to the Town of Middletown, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

Site Plan Fee

- **Residential-** applicant must include a standard fee of \$250.00 + \$10.00/unit, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **All Other-** applicant must include a standard fee of \$350.00 + \$50.00/acre + \$200 engineering fee, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Alteration-** Any change made to an approved Site Plan one year after approval, will be considered a New Site Plan, with all fees being applicable.

Preliminary Plan Fee

- **Subdivision-** applicant must include a standard fee of \$350.00 + \$50.00/lot + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

Mass Grading Plat Fee

- **Subdivision and Site-** applicant must submit a standard fee of \$250.00 + \$200 engineering fee, made payable to the Town of Middletown + all applicable agency fees, Computations, and Cost Estimate to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Upon approval of the cost estimate by the Town of Middletown and Frederick County DPW, applicant will be billed by the Town of Middletown and Frederick County DPW for all review services w/ checks to be made payable to the appropriate review agencies. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

Improvement Plan Fee

- **Improvement Plans-** applicant must submit a one time fee of \$300.00/page + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans, Computations, and Cost Estimate to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Upon approval of the cost estimate by the Town of Middletown and Frederick County DPW, applicant will be billed by the Town of Middletown for Frederick County DPW, for all review services w/ checks to be made payable to the appropriate review agencies. Nine (9) printed copies + 5 copies of SWM computations, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

Forest Plan Review Fee

- **Simplified Forest Plan-** applicant must include a standard fee of \$200.00 made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Preliminary Forest Plan-** applicant must include a standard fee of \$200.00 + \$4.00/gross acre, made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Final Forest Plan-** applicant must include a standard fee of \$200.00 + \$4.00/gross acre, made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

- **Inspection-** 1% of total cost estimate must be made payable to the Town of Middletown prior to signature of approved Forest Plan. There is a \$50.00 fee for EACH inspection conducted by the Town during the 2 year maintenance period.

Final Plat Review Fee

- **Combined Prelim/Final Plat-** applicant must include a standard fee of \$250.00 + \$50.00/lot + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Correction Plat-** applicant must include a standard fee of \$100.00 + \$10.00/lot, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Addition Plat-** applicant must include a standard fee of \$100.00 + \$10.00/lot, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Final Plat-** applicant must include a standard fee of \$300.00 + \$25.00/lot + \$100 engineering fee, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies + 5 mylars for signature, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

Resubmission Fee

- **Resubmission of Plans-** applicant must include 50% of standard fee + 25% of legal and/or engineering fee, made payable to the Town of Middletown, upon EACH resubmit of all Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. All resubmissions must include the same number of copies of plans as originally submitted plus an additional copy for each agency being addressed as well as Computations and response letters, where applicable.

Soil Conservation District

- **All Plans-** applicant must submit all plans and applicable fees to the Town of Middletown for submittal to Catocin & Frederick SCD for review and approval.

- Any response comments from the applicant and SCD must be forwarded to the Town.

PLANNING & ZONING

All Plans and Fees submitted for review and approval by the Middletown Planning Commission **MUST** be received at the Town Office of Middletown no later than **NOON** on the Monday two weeks before the monthly Middletown Planning Commission meeting, which is the third Monday of every month, at 7:00 P.M.

To partially defray the expense of administering various Planning and Zoning services, these fees shall be paid to the Town of Middletown as specified in each section of this Fee Policy. The amount of the fees shall be as established, from time to time, by resolution of the Burgess and Commissioners of the Town of Middletown. Any and all action required by the Town will not be conducted until all applicable fees have been paid in full, unless otherwise waived by the Town.

Town of Middletown, MD

Transaction Services -- Pricing Addendum

March 17, 2015

The Town and Davenport entered into an agreement on April 29, 2014, a copy of which is attached hereto, that called for Davenport to provide Financial Advisor services to the Town. The scope of services was divided into two parts: a Part I Comprehensive Financial Review and Plan of Finance, and Part II Transaction Services. As of the date shown above, Davenport's work for Part I services is acknowledged by the Town to be complete.

The Town has determined that it wishes to move ahead on financing of the three projects studied during the Part I work. Consistent with the April 2014 agreement, the Town and Davenport now wish to reach agreement on compensation to Davenport for Part II Transaction Services. The services to be provided are listed in the attached April 2014 agreement. The Town has decided to apply to the Maryland CDA pool for financing of two of the projects and the third will be financed through a direct bank loan or lease.

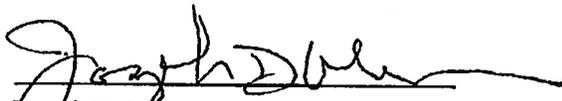
Compensation

If the Town engages Davenport to provide Transaction Services on both the CDA Pool and Direct Bank Loan transactions, total compensation to Davenport would be on a flat fee basis in the amount of \$40,000, with \$30,000 allocated to the Direct Bank Loan and \$10,000 allocated to the CDA Pool, provided, however, that if the Town only engages Davenport in one of the two transactions, the minimum completion fee will be \$30,000, irrespective of which transaction Davenport is engaged to provide services. The other compensation provisions of the attached April 2014 agreement regarding out of pocket and administrative expenses continue to apply.

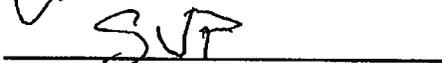
The Town may pay Davenport's fee and expenses from budget appropriations or from proceeds of one or more borrowings, at its sole option. Payment of fees to Davenport is due only upon successful closing of one or both transactions.

If this is agreeable, please indicate by signing and returning one copy of this letter to my attention.

Sincerely,



Joseph D. Mason



Senior Vice President

Accepted By:

Signature

Title

DAVENPORT & COMPANY

SINCE 1863

Maryland Executive Park
The Chester Building
8600 LaSalle Road Suite 324
Towson, Maryland 21286-2011
T 410 296-9326
www.investdavenport.com

April 17, 2014

Mr. Andrew J. Bowen
Town Administrator
31 West Main Street
Middletown, MD 21769

Dear Mr. Bowen:

For your consideration, this Engagement Letter outlines Davenport & Company's ("Davenport") proposed Scope of Services related to a Financial Advisory relationship with the Town of Middletown (the "Town"). We would welcome any feedback or commentary from you, members of Town Staff and the Town Board and we can revise this Engagement Letter as necessary in order to best meet the Town's needs.

Scope of Services: Part I

The Town will engage Davenport & Company to provide a Comprehensive Financial Review and Plan of Finance, as described in the following points:

- Review and analyze the Town's historical financial results and budgetary performance;
- Review the Town's fund balance levels and assessed value trends;
- Review the Town's outstanding debt portfolio and screen for any potential refunding candidates;
- Establish a geographic and demographic peer group for the Town to provide context for the Comprehensive Financial Review;
- Discuss the Town's debt capacity and debt affordability;
- Discuss upcoming borrowing plans for new money projects (i.e. West Green Street project, Streetlight project, Main Street water line project, etc.) and the impact on the Town's debt capacity and debt affordability;
- Establish a Plan of Finance for the Town's upcoming new money projects and potential refunding candidates (if any). The Plan of Finance may include options for an issuance of new money and/or refunding bonds through a direct bank loan, participation in a Maryland CDA pool financing or other methods of sale, as appropriate;
- Propose and discuss Financial Policy Guidelines for the Town to consider formally adopting; and,
- Present the Comprehensive Financial Review and Plan of Finance to Town Staff and the Town Board at work sessions and Board meetings.

Scope of Services: Part II

In the event that the Town elects to proceed with some or all elements of the Plan of Finance developed by Davenport and the Town desires to retain Davenport to assist with one or more refunding and/or new money financings, the following services would be provided:

- Create a detailed schedule of events and coordinate with all members of the working group (Davenport, Town Staff, Bond Counsel, Town Attorney, etc.) to ensure a clear delegation of responsibilities and compliance with any legislative/legal requirements;
- Advise the Town with respect to obtaining financing through a direct bank loan, participation in a Maryland CDA pool financing or other method of sale (including a "dual track approach" that would have the Town simultaneously pursue both a direct bank loan and a Maryland CDA pool financing);
- In the event of a direct bank loan approach, develop a detailed Request for Proposals spelling out the Town's preferred terms, conditions and debt structure for distribution to local, regional, and national banking institutions;
- Provide credit and summary financial information for distribution to banks to assist them in their lending decisions. This would include responding to questions posed by bank credit officers and others on the Town's behalf;
- Review all bids received and negotiate, on the Town's behalf, where appropriate those terms and conditions that are outside the scope of the Town's solicitation;
- Summarize and rank the bids and provide a recommendation as to the best overall bid for the Town's consideration, including a comparison to a potential Maryland CDA pool issuance;
- In the event of a Maryland CDA pool approach, assist the Town in completing the application to participate in the program;
- Coordinate with CDA and their Financial Advisor to make clear the Town's preferred debt structure as a participant in the pool;
- Prepare all detailed financing schedules required for Bond Counsel to document the financing(s) and render a tax-exemption opinion;
- Coordinate closing procedures with Bond Counsel, CDA and other members of the working group to ensure that funds are properly received and disbursed at closing;
- Provide ongoing technical assistance to Town Staff after closing, including preparation of new debt service schedules to facilitate the completion of the Town's financial records; and,
- Other tasks, as required, to assist the Town in successfully completing its refunding and/or new money financings.

Since the tasks and services identified in "Scope of Services: Part II" above will ultimately depend on the findings and results of our Comprehensive Financial Review and Plan of Finance from "Part I", we would suggest that compensation for "Part II" be revisited at the conclusion of "Part I". Davenport's compensation for "Part II" will be negotiated and agreed upon in writing at the time of the Town's refunding and/or new money financings.

Compensation

Davenport typically charges an hourly rate for Financial Advisory engagements like our proposed Comprehensive Financial Review and Plan of Finance. We would propose a blended hourly rate of \$250 per hour for all work by Davenport professionals as outlined in the "Scope of Services: Part I" above. We would cap our fee at a not-to-exceed amount of \$14,000.

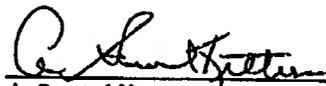
Davenport also seeks reimbursement for our out-of-pocket expenses such as driving mileage and meals at cost. The nature of our work also entails Administrative Expenses such as computer time, printing and other costs that are not easily allocable on a client-by-client basis. For this reason, Davenport bills an amount equal to 4% of our fee to cover Administrative Expenses.

Our proposed not-to-exceed fee for "Part I" would include up to four visits to the Town for in-person meetings with Town Staff and the Town Board. Additional visits, meetings and/or tasks that fall outside of our proposed Scope of Services will be subject to a separate Engagement Letter and compensation arrangement to be negotiated and agreed upon in advance of these additional services. Davenport does not anticipate sending an invoice for our work until we have completed all items identified in the Scope of Services section to the Town's satisfaction (i.e. no "in progress" billings). This agreement can be terminated upon 30 days written notice.

Conclusion

Davenport has vast experience and a keen understanding of Maryland municipal finance and we believe that we can be a valuable resource to you and Town Staff.

Please do not hesitate to contact me at (410) 296-9426 or my colleague Joe Mason at (571) 223-5893 if you have questions or would like to discuss any of this information. If you agree to the proposed Scope of Services and Compensation outlined herein, please sign the letter and return it to us. I will countersign it and return a copy for your files.


A. Samuel Ketterman
Senior Vice President
Davenport & Company LLC

Date: 4/29/2014


Andrew J. Bowen
Town Administrator
Town of Middletown, MD

Date: 4/28/14

cc: Joseph D. Mason, Senior Vice President, Davenport & Company
Philip R. Weisshaar, Associate Vice President, Davenport & Company



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

DIVISION OF PARKS & RECREATION

W. Paul Dial, Director

- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

MEMORANDUM

TO: POS Project Coordinators

FROM: Bob Hicks, CPRP - Assistant Director

DATE: February 13, 2015

SUBJECT: Submission of FY2016 POS Annual Program

RECEIVED

FEB 13 2015

TOWN OF MIDDLETOWN, MD.

The Frederick County Division of Parks and Recreation staff is requesting that those municipalities who are interested in obtaining POS funding for FY2016 (which begins July 1, 2015) to develop their Annual Programs by completing the enclosed Project Information Forms for each project for which funding is requested. Electronic files for the memo, forms and instructions are also being sent by E-mail. Please contact me to confirm that you have received this information

Please remember that if a project was submitted in the past and it was not allocated funding, then it must be resubmitted for FY2016, if you so choose. The appropriate municipal officials should be informed since this information is being sent only to local Project Coordinators or the Mayor/Burgess if a coordinator has not been designated. If your municipality is not interested in obtaining POS funding for FY2016 then disregard this information.

The forms must be returned to our offices by Friday, May 1, 2015. A summary of all municipal requests and the completed forms will be forwarded to the chairman of the Ad Hoc Committee for POS Annual Program Allocations - Frederick County Chapter- Maryland Municipal League (MML). The committee will make a decision on project funding. POS allocation for Frederick County in FY 2016 has not yet been determined.

If any of your POS projects have been allocated funding, I cannot overemphasize the importance of submitting your applications as soon as possible, to encumber POS funds. Please know that it takes several months for applications to be processed and approved by the state once they are submitted. Project expenditures cannot be incurred unless you receive a Letter of Acknowledgment from the Director of POS (issued upon receipt of a completed application) or final application approval from the State Board of Public Works. **Once POS projects are approved and expenses to them are incurred, our office is strongly encouraging municipalities to expedite any reimbursement requests through DNR as soon as possible.**

Please contact me if you have any questions. Phone: 301-600-6816; E-Mail: rhicks@frederickcountymd.gov. Thank you for your cooperation.

(over)

Middletown Commons Holdings, LLC

3905 National Drive, Suite 105
Burtonsville, Maryland 20866
301-476-7715

March 23, 2015

VIA FEDERAL EXPRESS

Andrew J. Bowen
Town Administrator
Town of Middletown
31 West Main Street
Middletown, Maryland 21769

RECEIVED

MAR 23 2015

TOWN OF MIDDLETOWN, MD.

Re: Coblentz Property

Dear Drew:

Per my March 23, 2015 email enclosed please find the Confirmation of Multi-Year Water Tap Agreement which has been signed on behalf of Middletown Commons Holdings, LLC. Please return a fully executed copy to my attention when it is available for our records.

Please let me know if you have any questions.

Sincerely,



Richard J. Thometz
Operations Manager

/tlt

Enclosure

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

CONFIRMATION OF MULTI-YEAR WATER TAP AGREEMENT

THIS CONFIRMATION OF MULTI-YEAR WATER TAP AGREEMENT (“Agreement”) is made this _____ day of _____, 2015 (“Effective Date”), by and between the **BURGESS AND COMMISSIONERS OF MIDDLETOWN**, a body politic and corporate of the State of Maryland (hereinafter the “Town”), and **MIDDLETOWN COMMONS HOLDINGS, LLC**, a Maryland limited liability company (hereinafter the “Developer”), successor in interest to Hailey Development, L.C., a Maryland limited liability company (“Hailey”). Hailey hereby joins in this Agreement in order to consent to and confirm the provisions hereof.

RECITALS

WHEREAS, Hailey and the Town entered into that certain Multi-Year Tap Agreement, dated April 16, 2012 (“Original Tap Agreement”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference;

WHEREAS, at the time the Original Tap Agreement was entered into, Hailey was the contract purchaser of the Property described in the Original Tap Agreement;

WHEREAS, Hailey assigned its right to purchase the Property and all rights and obligations appurtenant to the Property, including but limited to its right, title and interest in and to the Original Tap Agreement and the Taps provided therein, to Developer and Developer accepted such assignment and subsequently acquired and is now the fee simple owner of the Property and all such rights and obligations;

WHEREAS, Developer now intends to develop the Property to create a residential development consisting of eighty-one (81) (in contrast to the eighty (80) set forth in the Original Tap Agreement) residential lots pursuant to the zoning requirements for properties within the “R-3, High Density Residential District” and the “Neo-traditional Residential Overlay (NTR) District” which has been applied to part of the Property (the “Project”);

WHEREAS, on March 18, 2013, the Middletown Planning Commission approved the preliminary plan for the Project and delivered a letter to Developer, attached hereto as **Exhibit B**, and incorporated herein by reference, which provides that the Town conducted a review and analysis of the Town’s water and sewer capacities and determined that a Water and Sewer Capacity Certification could be issued to the Developer for the Project due to the increased water supply with the review conducted by the Maryland Department of the Environment;

WHEREAS, the Town has provided to Developer written notice of the availability of future water taps for sale and offered to sell eight-one (81) future water taps to Developer for the Project, as provided on **Exhibit C**, and incorporated herein by reference;

WHEREAS, Developer has exercised its right of first refusal for the eighty-one (81) water taps that are needed for the Project, within twenty (20) calendar days of its receipt of the written notice from the Town of the availability of the future water taps, as provided on Exhibit C, and incorporated herein by reference;

WHEREAS, Developer has made certain payments towards the purchase of the future water taps under the Original Tap Agreement, as provided on the Account Ledger attached hereto as Exhibit D, and incorporated herein by reference (“Water Tap Payments”);

WHEREAS, the Water Tap Payments are to be credited toward the first water tap fees the Developer incurs for each water tap purchased at the time a building permit is issued for a lot located within the Project;

WHEREAS, as provided in the Middletown Municipal Code and the Original Tap Agreement, the payment of each water tap shall be at the Town’s prevailing rate and the Town’s normal process at the issuance of a building permit for a lot within the Project;

WHEREAS, the Town and the Developer have determined that certain amendments to the Original Tap Agreement would be in their best interest and have agreed to amend the Original Tap Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the parties do hereby agree for themselves, their successors and assigns, as follows:

1. The recitals set forth above are incorporated into this Agreement and made a part hereof as those fully set forth herein.
2. The parties agree that the Town has reserved and will allocate eighty-one (81) water taps for the Project as provided on Exhibit B and Exhibit C (“Allocated Water Taps”). An Allocated Water Tap shall be sold and issued at the time that a building permit is issued for a lot within the Project. In its sole discretion, Developer shall be entitled to purchase one or more Allocated Water Taps prior to the issuance of a building permit for a lot.
3. The parties agree that the Developer has paid Forty-five Thousand Five Hundred Ninety-two and 64/100 Dollars (\$45,592.64) to the Town, as shown on Exhibit D, which amount shall be credited towards the payment of any first water tap fees as contemplated herein.
4. The Developer shall pay each future water tap fee at the Town’s prevailing water tap fee charge applicable at the time that Developer purchases each future water tap fee (“Prevailing Rate”) subject to the crediting of the Water Tap Payments thereto.
5. This Agreement may be assigned by the Developer to a third party assignee provided that such assignee is the Developer’s successor in title to the Property, and

further provided that such assignee expressly assumes any and all remaining obligations of the Developer pursuant to this Agreement at the time of such assignment. This Agreement may be assigned by Developer to Developer's lender as security for any of Developer's legitimate development financing purposes for the Property. Developer shall give written notice to the Town of any such assignment and shall provide such information pertaining to the assignment as may be reasonably requested by the Town.

6. Any notices which may be required to be given or delivered to the other party under this Agreement shall be made as follows:

If to Town, to: Burgess and Commissioners of Middletown
31 West Main Street
Middletown, Maryland 21769

If to Developer, to: Middletown Commons Holdings, LLC
3905 National Drive, Suite 105
Burtonsville, Maryland 20866

7. This Agreement shall be given effect and construed by application of the laws of Maryland, and any action or proceeding arising hereunder shall be brought in the courts of Frederick County, Maryland.
8. Any document referred to herein as being attached hereto as an exhibit or otherwise designated herein as an exhibit hereto is hereby made a part hereof.
9. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns.
10. No determination by any court, governmental body or otherwise that any provision of this Agreement is invalid or unenforceable in any instance shall affect the validity or enforceability of (a) any other such provision, or (b) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with, applicable law.
11. This Agreement contains the entire understanding between the parties. There are no representations, terms, conditions, statements, warranties, promises, covenants or understandings, oral or written, other than those expressly set forth herein. No modification or waiver of any of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement. The failure of either party to insist in any one or more instances upon the strict performance of any of the terms of this Agreement by the other party shall not be construed as a waiver or relinquishment of such term or terms for the future, and the same shall nevertheless continue in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above by their respective authorized representatives

[SIGNATURES APPEARS ON THE FOLLOWING PAGES]

Witness:

MIDDLETOWN COMMONS HOLDINGS, LLC,
a Maryland limited liability company

[Handwritten Signature]

By: [Handwritten Signature] (Seal)
Print Name: RICHARD TNOMETZ
Title: Operations Manager

STATE OF Maryland, COUNTY OF Prince Georges, TO WIT:

On this 20th day of March, 2015, before me, a notary public in and for the State of Maryland and County of Prince Georges, personally appeared, Richard S Thometz known to me (or satisfactorily proven) to be the operations manager of Middletown Commons Holdings, LLC, a Maryland limited liability company, and that such person, being authorized to do so, executed the foregoing Deed of Easement on behalf of said corporation for the purposes therein contained.

WITNESS my hand and Notarial Seal.

[Handwritten Signature]

Notary Public

My Commission Expires: TERESA L THOMAS

NOTARY PUBLIC
PRINCE GEORGE'S COUNTY
MARYLAND
My Commission Expires Aug. 23, 2015

Attest:

Town of Middletown

Administrative Officer

By: _____ (Seal)
John D. Miller, Burgess

STATE OF MARYLAND, COUNTY OF FREDERICK, MARYLAND TO WIT:

I HEREBY CERTIFY that on this _____ day _____, 2015, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared John D. Miller, Burgess of the Town of Middletown, a municipal corporation of the State of Maryland, and acknowledged the foregoing instrument to be the act of said body politic and corporate. And at the same time, he made oath in due form of law that he is the Burgess of said municipal corporation and is duly authorized to make this acknowledgment on its behalf.

Witness my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

f:\document\clients\middletown commons holdings, llc\water tap agreement with town of middletown\confirmation of multi-year water tap agreement.03.10.15.docx

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.20 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED AND USES PERMITTED BY SPECIAL EXCEPTION IN THE TC TOWN COMMERCIAL ZONING DISTRICT AND IN THE THE GC GENERAL COMMERCIAL ZONING DISTRICT; TO REPEAL PROVISIONS RELATING TO OVERNIGHT PARKING OF MOTOR VEHICLES AND THE MAXIMUM SIZE OF SIGNS IN THE MB MIXED BUSINESS ZONING DISTRICT; TO REVISE THE STANDARDS AND REQUIREMENTS FOR SITE PLANS IN THE COMMERCIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC AND NON-SUBSTANTIVE REVISIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.20, Sections 17.20.010, 17.20.015, 17.20.020, 17.20.050 and 17.20.060 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~in brackets and stricken through.~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS**:

TITLE 17 – ZONING

Chapter 17.20 - COMMERCIAL DISTRICTS

17.20.010 - TC town commercial district.

A. *{Unchanged}*

B. Uses Permitted in the Town Commercial District. No building or structure may be erected or used or occupied except for one or more of the following principal uses subject to site plan approval in accordance with Section 17.20.050 of this Code:

1. All residential uses;
2. Public buildings, structures and services;

3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating, electrical;

4. Office and business services: contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;

5. Eating and drinking establishments;

6. Personal services: laundry, barber, beauty, funeral;

7. Repair services: electrical appliances, furniture, upholstery, jewelry, clothing, shoe;

8. Professional offices and services: medical, dental, legal, engineering, veterinary, architectural, design;

9. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys; books (subject to Section 17.20.080);

10. Private and commercial schools: business, dance, trade;

11. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed, or disposed of on or off premises (not, however, to include auto wrecking, junk and other salvage storage or truck or shipping terminals) (subject to Section 17.20.080);

12. Places of worship;

13. Public safety services, subject to site development plan approval;

14. Community centers[-];

15. FARMERS' MARKETS;

16. MUSEUMS.

C. Special Exceptions in the Town Commercial District. The board of appeals may authorize the following special exceptions in accordance with the provisions of Section 17.44.060

1. Greenhouses, nurseries;

2. Bed and breakfast;

~~3. Rooming, boarding or lodging house}~~

~~{4.}~~ 3. Clubs, lodges, fraternal organizations;

~~{5.}~~ 4. NURSERY SCHOOLS AND Child care centerS;

~~{6.}~~ 5. Light vehicle repair limited to a maximum of two and one-half (2.5) ton capacity. Repair and service shall include lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires. Also included are major repairs, involving the repair or replacement of engine, transmission, chassis or body work.

17.20.015 - MB mixed business district.

A. – D. *{Unchanged}*

E. Special Conditions. The following special conditions shall apply to all structures or uses within the MB district. These special conditions are intended to assure that development in the MB district will be aesthetically pleasing and compatible with neighboring properties, will create employment opportunities in businesses which cause no nuisances or nuisance-like atmospheres, and which furthers the objectives of the comprehensive plan.

The primary purpose of the MB district is to provide for gross leasable areas (GLA) of one thousand five hundred (1,500) or more square feet. Smaller users are subject to restricted signage requirements applicable to the MB district and to the parking requirements for the particular use.

1. - 3. *{Unchanged}*

4. Parking spaces shall conform to the requirements of Chapter 17.32 for commercial, professional, and institutional uses. For business offices and permitted manufacturing uses, the following parking requirements shall apply:

a. For buildings designated exclusively for office use, parking shall be based upon one space per two hundred fifty (250) square feet of gross usable building area and shown on the approved site plan. For nonexclusive office buildings parking shall be based upon one space per one hundred fifty (150) square feet of gross rentable building area, as shown on the approved site plan. However, if parking based upon the actual use is less (if a specific user is known at the time of site plan approval), then only that area need to be paved. The remaining area shall be graded and seeded for future parking expansion.

~~{b. No overnight parking of any vehicle shall be permitted without a permit issued by the town.}~~

F. *{Unchanged}*

G. Signs. [~~The maximum size of any sign is thirty (30) square feet per unit or for each individual user.~~] All signs shall conform to the provisions of Chapter 17.36 of the Middletown Municipal Code.

17.20.020 - GC general commercial district.

A. *{Unchanged}*

B. Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Clubs, lodges, fraternal organizationS;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation—theaters, bowling alleys, amusements;
10. Places of worship;
11. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to Section 17.20.080);
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to Section 17.20.080);

13. Public safety services, subject to site development plan approval~~[-]~~ ;
14. **FARMERS' MARKETS;**
15. **MUSEUMS;**
16. **MEDICAL CARE FACILITIES.**

C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Residential uses;
- ~~{2.} Hospitals, sanitariums;~~
- ~~{3} 2.~~ Gasoline stations;
- ~~{5} 3.~~ Greenhouses, nurseries;
- ~~{5} 4.~~ Private and commercial schools—dance, business trade;
- ~~{6} 5.~~ Shopping centers;
- ~~{7} 6.~~ ~~{Construction}~~ **LUMBER** and **OTHER** building material—retail;
- ~~{8} 7.~~ Vehicle repairs and services;
- ~~{9} 8.~~ Hotels and motels;
- ~~{10} 9.~~ Vehicle sales;
- ~~{11} 10.~~ Animal kennels and clinics;
- ~~{12} 11.~~ Nursery **SCHOOLS**, child care center**S**;
- ~~{13} 12.~~ Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
- ~~{14} 13.~~ Self-storage rental spaces for storage of personal goods.

17.20.050 - Site plans required in commercial districts.

Whenever any use~~[, except residential]~~ is to be established within a TC SC/LM or GC district, a site plan of development must be submitted to the planning commission and approved by them. The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. New principal structures in the GC AND TC ~~{zone}~~ DISTRICTS shall be ~~{subject to architectural review by the planning commission.}~~ **DESIGNED AND CONSTRUCTED SO AS TO PRESENT AN AESTHETICALLY PLEASING AND FINISHED APPEARANCE AS VEIWD FROM ALL SIDES. LOADING DOCKS, SERVICE AREAS OR OTHER SIMILAR FEATURES SHALL BE SCREENED FROM VIEW FROM ALL PUBLIC STREET AND ADJOINING RESIDENTIAL DISTRICTS. TO ENSURE AESTHETICALLY PLEASING DEVELOPMENT COMPATIBLE WITH ADJACENT OR NEIGHBORING BUILDINGS, ALL APPLICATIONS FOR SITE PLAN APPROVAL SHALL INCLUDE ARCHITECTURAL RENDERINGS OR OTHER INFORMATION CONCERNING THE DESIGN AND MATERIALS OF THE PROPOSED BUILDING.** The site plan shall conform to all specifications and requirements of the district and of Chapter 16.28, Design Standards, and Chapter 16.32, Improvements, of the Middletown subdivision regulations codified in Title 16 of this code.

A. Site Plan Format. In addition to the requirements stated in this section the site plan shall comply with the plat requirements of Chapter 16.16 of the town subdivision regulations.

B. Site Plan Fee. At the time of submitting a site plan to the planning commission, the developer shall pay a fee to the town to partially defray the cost of examination and consideration of the site plan. The amount of the fee shall be as established from time to time by resolution of the burgess and commissioners.

17.20.060 - Required lot area, lot width, and yards in commercial districts.

The following requirements apply in commercial districts:

	Minimum Lot Area	Minimum Lot Width	Front Yard Depth**	Each Side Yard**	One Rear Yard in Depth**
TC general commercial*	None	None	To be determined by planning commission	5 feet	25 feet
MB mixed business	1 acre	100 feet [#]	30 feet [#]	30 feet [#]	30 feet [#]

GC general commercial***	None	None	40 feet	20 feet	40 feet
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* Residential uses in the TC [~~neighborhood business~~] district shall meet lot area requirements of the R-3 district.

** Yards adjacent to a residential district (not lot) are measured from structure or parking area, whichever is closest to the lot line, and must be equal to the height of the building or required dimension, whichever is greater.

*** Yard requirements in the GC district are measured from the parking area or structure, whichever is closest to the lot line.

See Section 17.20.015(C)(2). Any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet. The one hundred (100) foot minimum lot width may be modified by the planning commission.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.24 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED BY SPECIAL EXCEPTION IN THE SERVICE COMMERCIAL/LIGHT MANUFACTURING ZONING DISTRICT; TO REVISE THE SIDE YARD SET BACK RESTRICTIONS FOR COMMERCIAL RECREATIONAL USES IN THE INDUSTRIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC AND NON-SUBSTANTIVE REVISIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.24, Sections 17.24.010 and 17.24.030 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being [~~in brackets and stricken through.~~] New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS**:

TITLE 17 – ZONING

7.24.010 - Service commercial/light manufacturing district.

A. Purpose. The SC/LM district is intended to provide areas for business services, light manufacturing, and other commercial uses which are relatively nuisance-free and compatible with surrounding residential uses. Uses permitted in this district shall have common characteristics which include low traffic generation, limited noise and environmental impacts, and development which is scaled to serve local patrons. Outdoor storage of material and general retail merchandising would not be appropriate in these areas. Areas so designated shall have convenient access to a major road as identified on the town's master plan. The mixing of residential- and business-oriented traffic on municipal streets shall not be encouraged.

B. Uses Permitted in the SC/LM District. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

1. Storage, wholesale and warehouse buildings—indoor storage of goods and material which will be sold, processed, or disposed of off-premises (not, however, to include auto wrecking, junk and other salvage storage or truck or shipping terminals);

2. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;

3. Commercial ~~[/]~~ recreation—indoor facilities only;

4. Public buildings, structures and services;

5. Light assembly and fabricating—clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys ~~[;]~~ books. (~~[s]~~ Subject to Section 17.20.080);

6. Public safety services, subject to site development plan approval.

C. Special Exceptions in the SC/LM District. The board of appeals may authorize the following special exceptions in accordance with the provisions of Section 17.44.060

1. Vehicle repair and service;

2. Accessory retail sales and repair of materials stored or warehoused on the premises;

3. Farm supply and hardware sales;

4. Bulk storage and retail sale of oil, petroleum, gasoline and similar liquids and compressed gases;

5. Light manufacturing;

6. Repair services—furniture, ~~[and]~~ upholstery, **ELECTRICAL**, ~~[household]~~ appliances, ~~[radio]~~ **JEWELRY REPAIR, CLOTHING, SHOE**;

7. Private and commercial schools – **DANCE, BUSINESS, TRADE**;

8. Self-storage rental spaces for storage of personal goods~~[;]~~ ;

9. **INDUSTRIAL PARK**;

10. **ANTIQUUE MALLS**;

11. **COMMERCIAL TOUR BUS PARKING.**

17.24.030 - Required lot area, lot width and yards in industrial districts.

	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	One Front Yard (Depth—Feet)	Each Side Yard (Feet)	One Rear Yard (Feet)
SC/LM uses	Not specified	Not Specified	25 ft.	1/3 of the height of the building but not less than 10 ft.	25 ft.
Commercial[r] recreation	Not Specified	100 ft.	25 ft* unless adjoining residential district, when building setback must be increased to 75 ft.	1/3 of the height of the building but NOT less than 10 ft. adjoining a commercial district and minimum 20 ft. when adjoining R districts	25 ft. except when adjoining an R district, when minimum setback must be increased to 50 ft.

* Twenty-five (25) feet of front yard must be naturally landscaped and contain no parking. Additional landscaping may be required for yards in the site plan review process. Parking is to be provided for indoor soccer facilities in Section 17.32.060(B) at one space per three hundred (300) square feet of gross floor area.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
REVENUE					
LOCAL TAXES					
Real Property	1,111,313	1,110,666	1,065,541	1,107,737	1,154,966
Tangible Personal Property	35,392	34,505	36,140	34,505	35,540
Public Utilities	10,664	9,907	-	10,055	10,356
Franchise (Cable)	45,419	48,231	34,527	48,231	48,062
Discounts	(13,585)	(14,438)	(13,438)	(14,438)	(15,011)
Penalties & Interest	1,652	9,241	6,853	9,241	9,607
	1,190,855	1,198,111	1,129,622	1,195,330	1,243,521
STATE SHARED TAXES					
Amusement Taxes	33,016	40,926	19,673	33,725	16,500
Highway User Taxes	132,049	95,043	107,016	107,016	154,758
	165,065	135,969	126,689	140,741	171,258
COUNTY SHARED TAXES					
Income Taxes	774,117	778,572	447,100	707,318	721,465
Tax Equity	584,765	581,111	581,061	581,111	555,964
	1,358,882	1,359,683	1,028,161	1,288,429	1,277,429
LICENSES, PERMITS & FEES					
Filing/Permit Fees	7,688	4,000	3,975	6,814	6,500
Beer, Wine & Liquor	-	1,950	-	1,950	1,950
Traders	6,898	4,900	27	4,900	4,900
Planning & Zoning	31,995	5,500	33,231	35,000	13,106
	46,581	16,350	37,233	48,664	26,456
PARKS & RECREATION					
Pavillion Fees	1,860	1,900	1,050	1,900	1,900
POLICE PROTECTION					
State Grant	24,236	25,835	12,918	25,835	25,835
MISC INCOME					
Other (Bank Grant, Animal, Citations)	2,016	2,500	1,491	2,500	2,500
LGIT Health Insurance Rebate	13,531	-	19,477	-	-
FredCo Municipal Recycling Reimbursement		5,000	10,759	5,000	5,000
Community Events	13,386				
MISC	28,933	7,500	31,727	7,500	7,500
OPERATING REVENUE	2,816,412	2,745,347	2,367,400	2,708,400	2,753,899
EXPENSES					
LEGISLATIVE					
Commissioner's Fees	12,000	12,000	8,000	12,000	12,300
Communications	3,394	3,480	2,032	3,480	3,480
Dues & Subscriptions	7,420	7,370	7,325	7,370	7,370
Office Supplies/Expenses	2,731	3,600	2,064	3,600	3,600
Advertising	513	750	231	750	750
Meetings & Conventions	4,633	9,000	2,187	9,000	9,000
	30,691	36,200	21,839	36,200	36,500
EXECUTIVE					
Burgess	6,000	6,000	3,500	6,000	6,667
ELECTION EXPENSES					
Clerk Fees	350	-	-	-	450
Printing, Supplies, Advertising	59	-	-	-	250
	409	-	-	-	700
GENERAL/ADMINISTRATIVE SERVICES					
Capital Outlay	14,075	-	-	-	-
Administration Salary	199,118	196,663	143,072	196,663	227,019
Postage & Printing	74	200	17	200	200
Communications	7,824	10,167	3,745	10,167	10,471
Computer Expenses	26,983	22,400	20,687	25,349	22,600
Supplies & Expense	23,750	30,401	14,130	24,223	27,200
Maintenance & Repairs	42,395	47,262	18,344	47,262	52,680
Professional Services	6,809	3,600	2,325	4,155	3,600
Dues & Subscriptions	111	150	-	150	150
Meetings & Seminars	26	100	132	100	100

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
Water and Sewer Grant	100,000	102,740	203,219	203,219	80,000
	421,165	413,683	405,671	511,488	424,020
OPERATIONS / MAINTENANCE					
Maintenance - Capital Outlay			95,654		
Director Salary	86,659	91,107	59,336	91,107	93,227
Maintenance Salary	40,297	45,417	28,108	48,185	35,015
Communications	6,878	6,797	5,279	9,050	9,000
Supplies	6,540	13,334	9,195	13,334	13,000
Dues/Training/Certifications	1,509	1,545	124	1,545	1,500
Landscaping / Beautification		-		-	-
Maintenance & Repairs	13,900	7,849	7,827	5,365	14,317
Mowing	10,646	11,780	7,228	11,780	12,133
Tools & Equipment	3,256	3,069	1,199	2,055	3,161
	169,685	180,898	213,950	182,422	181,354
PROFESSIONAL SERVICES					
Independent Accounting	13,000	12,500	28,100	12,500	12,500
Legal - Development & Ordinance	8,892	7,500	1,596	7,500	7,500
	21,892	20,000	29,696	20,000	20,000
PLANNING & ZONING					
Salaries	39,200	42,382	26,556	42,382	41,146
Bd Members Compensation	7,800	7,800	4,200	7,800	7,800
Zoning Expenses	2,593	1,300	1,726	2,959	3,109
	49,593	51,482	32,482	53,140	52,055
MAIN STREETS MANAGER					
Mainstreet - Capital Outlay					
Salary	41,190	43,577	29,282	43,125	43,522
Town Contribution	9,523	8,800	8,761	8,800	10,000
Wayfinding Signs Grant Contribution					4,000
Public Parking Lot Addition					118,734
	50,713	52,377	38,043	51,925	176,256
PUBLIC SAFETY					
Fire Department Donation	15,000	20,000	20,000	20,000	20,000
School Crossing Guards	13,747	17,121	8,849	17,121	17,408
Deputy Contract Services	316,375	326,657	163,152	326,657	365,101
	345,122	363,778	192,001	363,778	402,509
SANITATION & WASTE REMOVAL					
Trash Collection & Disposal					
Recycling Pickup Station	7,201	5,000	4,669	5,000	5,000
Regular Pick-up	132,025	130,862	97,146	130,862	132,026
Landfill - Tipping Fees	79,575	93,226	49,676	85,158	91,350
Yard Waste (April - Dec)	30,024	30,024	19,703	33,024	30,024
Eco-Bags	18,011	18,501	9,846	18,501	18,501
	266,836	277,613	181,041	272,545	276,901
RECREATION & CULTURE					
Park Capital Outlay	234,263				
Park Interest	20,968	17,847	13,683	17,847	14,632
Park Loan Payments	102,582	105,702	79,000	105,702	108,917
Park Salary	49,802	45,754	27,507	45,754	46,911
Park Electric	1,807	1,800	1,600	2,327	1,800
Park Supplies/Equipment	3,832	5,000	4,231	4,561	5,000
Park Mowing Contract	22,113	25,451	14,742	25,451	26,215
Park Repairs & Maintenance	28,316	34,795	7,635	34,795	39,100
	463,683	236,349	148,398	236,437	242,575
HIGHWAYS & STREETS					
Streets Capital Outlay	398,137	-		-	-
Vehicle/Equipment Capital Outlay		-		-	-
Salaries - Regular	90,310	83,562	53,441	83,562	93,356
Street Lighting	160,240	152,400	95,578	163,848	165,600
Storm Water Management	7,688	7,050	857	7,050	4,670
Snow Removal	80,759	63,000	35,397	67,115	70,000
Mowing (SWM & Streets)	27,648	31,744	18,432	31,744	32,696
Repairs & Resurfacing	34,504	90,000	361,574	361,574	53,800
Signs	5,367	4,500	3,509	4,500	3,500
Truck Repair & Maintenance	40,460	25,000	16,771	25,000	50,700
Equipment Repairs & Maintenance	2,281	10,000	3,693	10,000	10,000

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
Street Loan - Principal	11,000	11,500	-	11,500	12,000
Street Loan - Interest	9,016	7,418	4,429	7,418	6,941
Case Loader -Principal & Interest	14,555	15,158	13,973	15,158	15,158
	881,965	501,332	607,654	788,468	518,421
MISCELLANEOUS					
MT Historical Society	5,000	5,000	5,000	5,000	5,000
Donations	-	100	-	100	100
Mileage - Travel	2,698	2,500	2,227	2,500	2,783
Web Page / Directory / Public Information	4,445	4,000	2,875	4,000	3,721
Community Events	36,268	38,129	33,213	38,129	38,129
Payroll Taxes	41,414	52,753	29,327	52,753	54,257
Insurance					
Property	12,559	11,500	8,210	12,250	12,618
Health	98,119	102,879	86,638	118,522	107,234
Worker's Compensation	14,784	11,944	9,435	11,944	11,605
Professional	-	1,248		1,248	1,248
Pension	49,131	67,363	52,288	67,363	65,725
Real Estate Taxes	2,356	712	712	712	1,242
Miscellaneous	10,116	3,500	2,775	3,500	3,500
	316,890	301,628	232,700	318,021	307,161
TOTAL OPERATING EXPENSES	2,373,169	2,441,340	2,106,974	2,840,425	2,645,118
TOTAL OPERATING SURPLUS	443,243	304,008	260,426	(132,025)	108,781