



## AGENDA FOR THE TOWN MEETING

Revised  
April 14, 2014  
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

- Appointment of Burgess-Pro-Tempore
- Discussion of Standing Committee Assignments
- Public Hearing Scheduled for May 12, 2104 at 7:00PM – Ordinance on Active Adult Text Amendment
- Community Sign Request – Middletown Chamber of Commerce
- Request from Hollow Creek for Outdoor Music
- Town Minutes
  - March 24, 2014 – Public Hearing & Town Meeting

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- Ordinance 14-03-01 – Development Review Fees
- Ordinance 14-04-02 – Sandwich Board Regulations
- Discussion of Traffic Concerns on South Jefferson Street
- Review of Johnson Controls Project Development Agreement
- POS FY 2015 Projects

### 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:**

- Oath of Office for Commissioners
- **Replacement of Server and Three (3) Workstations**
- **Appointment of Preservation Tax Credit Commission Members**

**PUBLIC COMMENTS:**

*Please state Name and Address for the Record*

**ANNOUNCEMENTS:**

- *Hydrant Flushing – April 14 – 18, 2014*
- *Rain Barrels Available for Purchase at Town Offices*

**ADJOURNMENT**

**Meetings for the month of April 2014**

- |                                       |                                  |               |
|---------------------------------------|----------------------------------|---------------|
| • <i>Planning Commission Workshop</i> | <i>Wednesday, April 16, 2014</i> | <i>7:00PM</i> |
| • <i>Planning Commission</i>          | <i>Monday, April 21, 2014</i>    | <i>7:00PM</i> |
| • <i>Main Street Board</i>            | <i>Thursday, April 24, 2014</i>  | <i>7:00PM</i> |
| • <i>Water &amp; Sewer Committee</i>  | <i>Wednesday, April 23, 2014</i> | <i>7:00PM</i> |
| • <i>Town Board Meeting</i>           | <i>Monday, April 28, 2014</i>    | <i>7:00PM</i> |



## Community Sign Interest Application

**Name of Organization:** Middletown Area Chamber  
of Commerce

**Brief Description of Organization:**  
Promote growth for area  
businesses and connect members  
with the community.

**Contact Person:** Brad Myers

**Address:** 205C S Church St.  
Middletown, MD 21769

**Phone Number:** 301-371-0041

**E-Mail:** brad.myers@edwardjones.com

A large black circle containing the text 'Middletown Area Chamber of Commerce' in a serif font. The letters 'M', 'A', and 'C' are significantly larger than the other letters and are arranged vertically on the left side of the circle. The words 'Middletown', 'Area', 'Chamber of', and 'Commerce' are stacked horizontally to the right of the large letters.

Middletown  
Area  
Chamber of  
Commerce



## **Burgess and Commissioners of Middletown, Maryland**

### **Cone Branch Park Community Sign Placement Policy**

**Adopted August 14, 2006**

**Revised September 11, 2006**

The Burgess and Commissioners have constructed eight (8) brick monuments for the placement of community signs for non-profit groups in the Cone Branch Park located at the intersection of Cone Branch Drive and East Main Street. The following are the procedures to be used for the placement of community signs:

- 1. The community group requesting a sign must submit in writing their request to the Burgess and Commissioners.*
- 2. The community group must be a non-profit and reside within the Town limits.*
- 3. The Burgess and Commissioners will review the request and a conceptual drawing of the sign at a Town Meeting for approval or denial.*
- 4. If approved, the community group will deliver to the Town, at the organization's expense, a 30" diameter metal sign (14 or 16 gauge).*
- 5. Town employees will install the sign.*
- 6. Since there are more community groups approved for sign placement than brick monuments, the Town will rotate these signs six (6) times a year (January, March, May, July, September, November). The criteria for rotation will be first-in first-out.*
- 7. Approval or denial is at the sole discretion of the Burgess and Commissioners.*
- 8. The following organizational signs will not be included in the bi-monthly rotation: Lion's Club, Christ Reformed Church, and Amvets.*



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

March 19, 2014

RECEIVED

MAR 24 2014

TOWN OF MIDDLETOWN, MD.

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

Dear Sirs:

Hollow Creek Golf Club is requesting permission for Outdoor Music on the Patio starting May 2, 2014, and every Friday night until September 26, 2014.

As in the past, we will begin at 8:00 pm and end at 11:00pm.

We will continue to follow all decibel level restrictions as well as adhere to the current complaint process.

Thank you for your attention to this matter. If you have questions or concerns, please contact Cathy Gannon or Matt Crutchfield at 301-371-0400.

Sincerely,

Cathy Gannon  
Operations Manager  
Hollow Creek Golf Club

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### **REGULAR MEETING**

**March 24, 2014**

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on March 24, 2014, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Richard Dietrick, Tony Ventre and Christopher Goodman.

### **PUBLIC HEARING**

**Ordinance 14-03-01** – An Ordinance to repeal and re-enact, with amendments, Title 17, Chapter 17.52 of the Middletown Municipal Code pertaining to the assessment and collection of fees for the submission and review of documents relating to various land use, planning and zoning matters; to establish a fee schedule for such fees, including the assessment of an electronic filing fee for certain submissions.

Town Planner Cindy Unangst stated that the Planning Commission and the Town Board have been discussing for some time the need to update the town's development review fees. The fees have not been updated since 2006 and upon review of the fees that other municipalities are charging, it has been apparent that our fees are lower than most. Included with the updated fees, the Planning Commission has recommended that an electronic filing fee be added in lieu of paper copies of plans for the Planning Commission and the town engineer.

Mike Tabor, 205 S. Church Street – asked what the definition of internal/external improvements entailed? Mr. Tabor felt like that should be spelled out.

The Burgess and Commissioners will vote on Ordinance 14-03-01 at their April 14, 2014 meeting.

### **CONSENT AGENDA**

*Town Minutes* – March 10, 2014

Pam Dietrick, Middletown Rec. Council president stated that she asked for POS funds for the skate spot and that was not included in the minutes.

Commissioner Falcinelli motioned to accept this consent agenda with the correction to the minutes as stated, seconded by Commissioner Bussard and passed unanimously.

### **PERSONAL REQUEST FOR AGENDA:**

**Johnson Controls – Middletown Feasibility Presentation** – Mr. Heston Crandon, Senior Account Executive presented the Burgess & Commissioners with his findings of saving the Town money on energy costs with proposed solutions that will reduce the budget. Johnson Controls asked the Board to execute the project development agreement (PDA). The executed PDA does not obligate the Town to pay the fee specified in the agreement, but instead is an acknowledgement by the Town that the fee shall be incorporated into JCI's project cost, in the event JCI and the Town execute an energy performance contract.

**Unfinished Business:**

**Budget Workshop – Review of Operating Budgets** – Drew stated that included in the packets is the first draft of FY2015 budget. Drew stated that the Water & Sewer budget shows a 3% increase as well as going monthly for the entire Town beginning Jan. 1, 2015.

**Review of proposed text amendment on Active Adult & Cluster Developments** – Cindy stated that the Planning Commission has reviewed the proposed Active Adult text amendment submitted by Memar Corporation which would establish that parcels of land less than 100 acres could be used in their entirety for active adult communities as long as the total density remained below two units per acre. By consensus the Planning Commission recommends approval of the proposed text amendment with a modification and the inclusion of the cluster development regulations within the active adult specific standards section of the code.

Cindy stated that she disagrees with the placement of the cluster development regulations as part of the active adult regulations and feels that they should be a separate section of the code, in line with Planned Unit Developments, in order to be able to address any potential types of cluster developments which could occur elsewhere in the future. This will be forwarded to the town's attorney for his review. A public hearing will be scheduled once the town's attorney has reviewed it.

**POS Requests for FY 2015** – Commissioner Ventre submitted the Parks and Rec. Committee's requests for their consideration. The following is the list of proposed projects from Parks & Rec.: 1)walking path in Wiles Branch Park from the basketball court to the existing walking path at the location of the community garden; 2)repurposing Natelli field to tennis courts(subject to funding by Mr. Natelli); 3)small pavilion at Wiles Branch Park on the hill overlooking the ball field; 4)picnic tables in Wiles Branch Park at the southwestern end of the ball field near the treatment pond; 5)crossing bridge for the walking trail into Remsberg Park; 6)stone faced bench in Remsberg Park; and 7)benches along the walking trail in Remsberg Park (this is subject to whether the eagle scout candidate is intent on completing his eagle scout project).

Commissioner Ventre stated that there is \$345,000 available in POS which would be split between 12 Municipalities.

Bob Smart, 7525 Coblenz Road – asked if the County could get POS funding for the skate spot. Commissioner Ventre stated that he met with Paul Dial with Frederick County Parks about the skate spot. Mr. Dial stated that the County is very adamant about not including the skate spot as part of the master plan until 100% funding has been received. Mr. Dial stated that the County will not be funding any of this project. After much discussion the Board decided to allow wooden benches along the trail in Remsberg Park to allow the eagle scout project to be finished.

**Discussion of Cross Stone Commons – Access off East Main Street (US Alt. 40)** – Cindy stated that she met with State Highway on another project here in town and they spoke about this project. SHA has denied the right in only from Main Street (US Alt.40) for Cross Stone Commons. Cindy stated that if the developer does not get the right turn only access they will need to come back in with a revised site plan. Cindy stated that the developer would like to have a sit down meeting with SHA to discuss this as if they are unable to get the right turn only this will kill the deal with CVS. The Board agreed to have Burgess Miller send a letter to SHA endorsing the right turn lane for this project.

**Review of Draft Ethics Ordinance** – The State has reviewed our draft ethics ordinance and is acceptable. The Board will vote on at the April 28<sup>th</sup> meeting.

**New Business:**

**Municipal Building Security Policy & Information** – Drew provided the Board with Keycard Access frequently ask questions, building usage information sheet and key access form. The Board agreed to allow staff handle this as we see fit.

**Discussion of Parking in Downtown** – Burgess Miller stated that he had Drew include the original drawing from the Brenengan's showing parking decks where the current fire department is located. Burgess Miller stated that we will revisit this at a later time.

**Appointment of Election Judges** – Burgess Miller stated that the following people have volunteered to serve as election judges for the upcoming election on April 7, 2014: Doris Keast, Linda Despeaux, Laura Lake, Jean Smart and Alex Kunderick.

Motion by Commissioner Bussard to approve the list of election judges, seconded by Commissioner Falcinelli. Motion carried 6-0.

**Discussion of Wellness Program for Employees** – Drew stated that since we are self insured one of the things that Benecon would like the Town to do is implement a wellness program for our employees. Drew is suggesting that we start with any of the employees get a yearly psychical that we give them a \$75 gas card. By general consent the Board agreed and this program will start July 1, 2014.

**ANNOUNCEMENTS**

- *Public Hearing-South Jefferson Street traffic concerns –April 3, 2014 at 7pm.*
- *Public Hearing – Sandwich Board signs – April 3, 2014 7:25pm.*
- *Hydrant Flushing – April 14-18, 2014*

**ADJOURNMENT**

With no further business to come before the Board, the meeting adjourned at 9:15pm.

Respectfully submitted,

Ann Griffin  
Office Manager

## STAFF REPORT

Date: 3/26/2014

To: Burgess and Commissioners, Middletown  
From: Cynthia K. Unangst, Middletown Staff Planner  
RE: Development Review Fees text amendment

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**The Middletown Planning Commission and the Town Board have been discussing for some time the need to update the town's development review fees. They have not been updated since 2006 and upon review of the fees that other municipalities are charging, it has been apparent that our fees are lower than most. The Planning Commission decided to look to the new fees that Myersville is charging as the basis for the updated fees in which to recommend to the Burgess & Commissioners. Town Attorney John Clapp has recommended that Section 17.52, pertaining to review fees, be repealed and replaced with a newer "slimmed down" version. The current language in Section 17.52 is very outdated, and the staff planner agrees that the proposed language will be the most efficient means to update the Code.**

**As part of the updated fees, the Planning Commission has recommended that an electronic filing fee be added in lieu of paper copies of plans for the Planning Commission (PC) members and ARRO Engineering. The PC researched the fees associated with the printing of plans and has recommended a flat rate of \$15.00/sheet for all plan submittals. Their hope is that the revenue garnered from this electronic filing fee can accumulate to cover the purchase of iPads and file transfer services for the PC. The Town Board agreed last fall to review the proposal to purchase iPads during the next budget cycle.**

**In reviewing the proposed ordinance, Staff had realized that the review fee for Home Occupation questionnaires had inadvertently been omitted from the Review Fee List. A fee of \$50 for review of Home Occupations has now been added to the proposed ordinance.**

**ORDINANCE NO. 14-03-01**

**AN ORDINANCE TO REPEAL AND RE-ENACT, WITH AMENDMENTS, TITLE 17, CHAPTER 17.52 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO THE ASSESSMENT AND COLLECTION OF FEES FOR THE SUBMISSION AND REVIEW OF DOCUMENTS RELATING TO VARIOUS LAND USE, PLANNING AND ZONING MATTERS; TO ESTABLISH A FEE SCHEDULE FOR SUCH FEES, INCLUDING THE ASSESSMENT OF AN ELECTRONIC FILING FEE FOR CERTAIN SUBMISSIONS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.52 of the Middletown Municipal Code be, and hereby is, **REPEALED**.

**SECTION II. BE IT FURTHER ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland the following be, and it hereby is, enacted as Title 17, Chapter 17.52 of the Middletown Municipal Code.

**TITLE 17 ZONING**

**Chapter 17.52 - Fees**

**17.52.010 Generally.**

To partially defray the expense of administering various planning and zoning services, review and permitting processes, and administrative hearings and procedures, fees shall be paid to the Town of Middletown as specified in this Chapter. All fees required to be paid by this Chapter shall be paid to the Town of Middletown and must be paid upon submission of the applicable applications and/or materials for review or action. No consideration and/or action on any application for review or issuance of a permit or other request shall be taken by the Town until such applicable fees are paid in full.

17.52.020 Services for which fees charged.

The services for which fees are charged by the Town shall include, but not be limited to, the following:

A. Issuance of a Building Permit or Zoning Certificate for any structural alterations or improvements or other changes as required by Chapter 17.08 of this Code;

B. Inspection and approval of construction prior to the issuance of a Construction Permit;

C. Administrative procedures to include appeals to the Board of Appeals, requests for Text Amendments, applications for rezoning, applications for annexation, requests to amend the Water and Sewer Master Plan, recording of documents and review of Public Works Agreements and Homeowner Association documents;

D. Review of land use and subdivision plats and plans.

17.52.030 Submissions to Planning Commission.

All plans submitted for review and approval by the Planning Commission and all applicable fees for such review and approval must be received at the Middletown Town Office no later than noon on the Monday two weeks prior to the monthly meeting of the Planning Commission. The Planning Commission meets the third Monday of every month at 7:00 p.m.

17.52.040 Fee Schedule

The fees for the services to be rendered as set forth in this Chapter are as stated in the following Fee Schedule.

BURGESS AND COMMISSIONERS OF MIDDLETOWN, MARYLAND  
 FEES FOR VARIOUS LAND USE, PERMITTING,  
 SUBDIVISION AND ZONING PROCEDURES

<u>Permits</u>	<u>Fee</u>
<b><u>Residential Permits</u></b>	
Internal Improvements	\$25.00
External Improvements	\$25.00
<b><u>New Residence Permits</u></b>	
Single-Family Unit-	\$200.00
Multi-Family Unit-	\$200.00 + \$100.00/additional unit
Demolition	\$50.00
<b><u>Commercial Permits</u></b>	
Internal Improvements	\$100.00
External Improvements	\$100.00
Structure Conversion	\$100.00
New Commercial	\$500.00
Demolition	\$100.00
Change of Use	\$50.00 + all other applicable fees
Home Occupation	\$50.00 + all other applicable fees

<u>Construction</u>	<u>Fee</u>
<b><u>New Subdivision</u></b>	
Construction Inspection	1% of Total Cost Estimates for Stormwater Management, Sediment & Erosion Control and Public Improvements

<u>Development</u>	<u>Fee</u>
<b><u>Concept Plan</u></b>	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<b><u>Site Plan</u></b>	
Residential	\$250.00 + \$10/unit + \$15.00/Sheet Electronic Filing Fee
All Other	\$350.00 + \$50/acre + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<b><u>Preliminary Plan Review</u></b>	
All Subdivisions	\$350.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<b><u>Mass Grade Plan Review</u></b>	
All Subdivisions	\$250.00 + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<b><u>Improvement Plan Review</u></b>	\$300.00/page + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<b><u>Forestry Plan Review</u></b>	
Simplified Forest Plan	\$200.00 + \$15.00/Sheet Electronic Filing Fee
Preliminary Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Final Forest Plan	\$200.00 + \$4.00/acre + \$15.00/Sheet Electronic Filing Fee
Inspection Fee	\$50.00 per inspection +1% of Total Cost Estimates for Plant Material and Planting
<b><u>Final Plat Review</u></b>	
Combined Prelim/Final	\$250.00 + \$50/lot + \$200.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
Correction Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Addition Plat	\$100.00 + \$10/lot + \$15.00/Sheet Electronic Filing Fee
Final Plat	\$300.00 + \$25/Lot + \$100.00 Engineering Fee + \$15.00/Sheet Electronic Filing Fee
<b><u>Resubmission</u></b>	50% of original fee + 25% of Original Legal Fee and/or Engineering Fee + \$15.00/Sheet Electronic Filing Fee

<u>Administrative</u>	<u>Fee</u>
<b><u>Board of Appeals</u></b>	
Variance	\$100.00 + \$100 advertising for non principal structure \$200.00 + \$100 advertising for principal structure
Special Exception	\$300.00 + \$100 advertising
Administrative Error	\$200.00 + \$100 advertising
<b><u>Text Amendment</u></b>	\$300.00 + \$200 advertising + \$150.00 Legal Fee
<b><u>Rezoning Request</u></b>	\$400.00 + \$20/acre + \$200.00 advertising
<b><u>Annexation Review</u></b>	\$1,000.00 + \$50/acre + \$150.00 Legal Fee + \$200.00 advertising
<b><u>Recording Fees</u></b>	
Plats	\$75 fee + \$5/plat
All other Documents	\$50.00/document
<b><u>Public Works Agreement Review</u></b>	\$225.00 + \$150.00 Legal Fee
<b><u>HOA Document Review</u></b>	\$225.00 + \$150.00 Legal Fee
<b><u>Water &amp; Sewer Master Plan Change</u></b>	\$500.00 + \$100.00 Engineering Fee

**SECTION III. 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 \_\_\_\_\_, 2014**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**EFFECTIVE DATE: \_\_\_\_\_, 2014**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess

## STAFF REPORT

Date: 3/4/2014

To: Burgess and Commissioners, Middletown  
From: Cynthia K. Unangst, Middletown Staff Planner  
RE: Sandwich board text amendment

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The Middletown Planning Commission on January 20, 2014 reviewed the Sign regulations in relation to temporary sandwich board signs and recommends the following changes to the Town Board for their review, approval, and inclusion in the Town Code. The Planning Commission would like the Town Board to move ahead with the proposed changes at this time, instead of waiting until the time that the Town Board moves thru the Zoning Update process. For the most part, the revisions are based on the new sign regulations approved for the Town of Myersville. At the Town Board meeting on February 10<sup>th</sup>, the Burgess & Commissioners made no changes to the proposed text. Mr. Clapp sent us two ordinances with one adopting, verbatim, the language that the Planning Commission proposed. He also sent one in which he made a few revisions to "clean" it up a bit. The substance is the same, and I feel that the "cleaned" up version is the best one moving forward.

Below are minutes from discussions that took place within the past four months concerning the proposed text amendment regarding sandwich boards:

### **November 18, 2013 Planning Commission meeting – Zoning Code Review – 17.36 Signs –**

Discussion arose concerning the special exemption given to an off-Main Street business that has signs displayed on Main Street during the day. Chairman Carney asked what the original period of time the business was given for displaying the sign. Cindy stated 1 month if they were open 5 days a week, but a longer time was given since they are open 3 days per week now.

- **Zoning Enforcement:** Commissioner Miller asked if there was enforcement of the ordinance regarding signage for businesses on US 40 Alt. Cindy replied that the Town Board voted a stay of any enforcement as they see it as town business development. The Zoning Administrator agrees with the decision of the Town Board. Chairman Carney asked that zoning enforcement be an agenda item for the joint Town Board/ Planning Commission meeting in January.
- **Special Exemptions Process:** Commissioner Smart stated that nowhere in the ordinance does it specify a process applicants must complete to receive approval from the Planning Commission for special exemptions. Discussion continued regarding incorporating an exemption process for Planning Commission approval for special exemptions for all signs. The Planning Commission cited possible abuse of the system by businesses in the future. Review of town ordinance 17.36.130G. sign permit procedures will be added as an agenda item for the December Planning Commission meeting.

**January 20, 2014 Planning Commission meeting – Zoning Code Review – 17.36 Temporary Sign permit procedures** – Cindy reviewed the definitions of sandwich board signs and the modified permit procedures for displaying these signs on business property and off business property. This information is based on Myersville’s regulations.

- **Zoning Code Verbiage:** Commissioner Lake suggested removing the statement that temporary sandwich board signs not be displayed for more than 12 hours in a day from both sections regarding temporary signs located on that business property and temporary signs located off business property as point b. in each section states when the signs have to be removed daily. Chairman Carney stated that the words “upside down T” be added in parentheses after the words “T-frame signs” in section 7 of signs placed in front of a business property and also in section C subsection 4 for clarification.
- **Sign Size:** Measurements were taken of several sandwich signs businesses currently used around the Town of Middletown. They were all generally the same size. The Planning Commission discussed setting a maximum size for the entire town to use. The maximum size will be 30 inches wide by 48 inches high.

**Action:** Commissioner Smart motioned to forward the modified temporary sign permit procedures to the Town Board for recommendation as further clarified. Commissioner Miller seconded. Motion carried (4-0-1). Commissioner Goodman abstained.

**February 10, 2014 Burgess & Commissioners meeting - Proposed Text Amendment to Sign Regulations for Sandwich Board’s** – Burgess Miller stated that the permit for Sandwich Board signs will be free, each business will be allowed 2 boards offsite within ¼ mile of business. The Board accepted the proposed text amendment for Sandwich Boards. The public hearing will be held on March 6, 2014 at 7pm.

**ORDINANCE NO. 14-04-02**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.36, PERTAINING TO A-FRAME, T-FRAME AND SANDWICH BOARD SIGNS; TO AMEND THE DEFINITION OF SUCH SIGNS; TO PROVIDE FOR CONDITIONS UNDER WHICH DISPLAYING SUCH SIGNS REQUIRE AND DO NOT REQUIRE A PERMIT ISSUED BY THE TOWN OF MIDDLETOWN.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.36 of the Middletown Municipal Code be, and hereby is, 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 17.36 Signs.**

**17.36.020 Definitions.**

"A-frame/sandwich board/T-frame sign." A sign that is constructed in the shape of an "A", also referred to as a "sandwich board" sign, **OR AN UPSIDE-DOWN "T"; AND WHICH IS** composed of two back to back sign faces oriented in opposing directions aligned in the shape of the letter "A" or **AN UPSIDE-DOWN "T" AND WHICH IS GENERALLY** ~~[This sign is]~~ used to identify goods and services available ~~[on the property on which the sign is located.]~~ **AT THE BUSINESS ESTABLISHMENT OR OTHER ENTITY DISPLAYING OR SPONSORING THE SIGN.**

*{All other definitions in section 17.36.020 remain unchanged}*

**17.36.140 Exempt signs.**

A sign permit shall not be required for the following signs; provided, however, that all such signs shall comply with the other applicable requirements of this chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

2. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;

3. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;

4. Political signs that do not exceed six (6) square feet in size;

5. Garage/yard sale signs that do not exceed six (6) square feet in size. Such signs may be displayed only one-day prior to the sale and must be removed within one day after the sale;

6. Incidental signs as defined herein;

7. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;

8. ~~[A frame, sandwich board, or T frame signs as defined herein;~~

~~9.]~~ Government sponsored banners affixed to light standards promoting community events.

#### 17.36.150 Temporary signs.

A. *{Unchanged}*

B. A permit is not required for the following types of temporary signs:

1 – 6 *{Unchanged}*

**7. A-FRAME/SANDWICH BOARD/T-FRAME SIGNS WHICH ARE PLACED IN FRONT OF OR ADJACENT TO A BUSINESS ESTABLISHMENT FOR THE ANNOUNCEMENT OF DAILY SPECIALS OR FEATURED PROMOTIONS PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:**

**A. THE SIGN IS SITUATED ON THE SAME PROPERTY AS THE BUSINESS WHICH IT IS ADVERTISING;**

**B. THE SIGN IS ONLY DISPLAYED DURING THE BUSINESS HOURS OF THE ESTABLISHMENT AND IS REMOVED AND STORED WITHIN THE PRINCIPAL OR COVERED ACCESSORY BUILDING OF THE ESTABLISHMENT DURING NON-BUSINESS HOURS;**

**C. THE SIGN IS NOT PLACED IN A LOCATION THAT IMPEDES VEHICULAR OR PEDESTRIAN TRAFFIC, IMPEDES ACCESS TO PARKING OR OBSTRUCTS THE SIGHTLINES OF EITHER;**

**D. THE SIGN IS NOT FASTENED TO OR ERECTED ON A SIGN POLE;**

**E. THE SIGN IS ONLY PLACED AT GRADE AND IS NOT ELEVATED OR SUSPENDED ABOVE GRADE AND DOES NOT PROTRUDE OR PROJECT FROM ANY OTHER STRUCTURE;**

**F. THE PLACEMENT OF THE SIGN COMPLIES WITH THE SETBACK REQUIREMENTS OF ITS RESPECTIVE ZONING DISTRICT;**

**G. THE SIGN IS NO GREATER THAN 30 INCHES WIDE AND 48 INCHES HIGH IN SIZE.**

**C. A permit is required for the following types of temporary signs:**

*1 – 3 {Unchanged}.*

**4. A-FRAME/SANDWICH BOARD/T-FRAME SIGNS WHICH ARE PLACED AT A LOCATION OTHER THAN THE PROPERTY LOCATION OF THE BUSINESS SPONSORING THE SIGN AND WHICH ANNOUNCES DAILY SPECIALS, FEATURED PROMOTIONS, OR THE LOCATION OF THE BUSINESS. THE ISSUANCE AND HOLDING OF A PERMIT FOR SUCH SIGNS IS SUBJECT TO THE FOLLOWING CONDITIONS BEING MET:**

**A. THE SIGN IS SITUATED IN A TC TOWN COMMERCIAL DISTRICT OR A GC GENERAL COMMERCIAL DISTRICT AND IS SITUATED WITHIN A ¼-MILE RADIUS OF THE BUSINESS WHICH IT IS ADVERTISING;**

**B. ONLY ONE SIGN IS PERMITTED FOR ANY ONE STREET;**

**C. ONLY TWO OFF-SITE SIGNS ARE PERMITTED FOR ANY ONE BUSINESS ESTABLISHMENT;**

**D. THE INDIVIDUAL, OWNER, OR OTHER PERSON OR ENTITY SPONSORING THE SIGN MUST PROVIDE TO THE TOWN WRITTEN AUTHORIZATION FROM THE PROPERTY OWNER PERMITTING THE PLACMENT OF THE SIGN ON THE OWNER'S PROPERTY;**

**E. THE SIGN IS ONLY DISPLAYED DURING THE BUSINESS HOURS OF THE ESTABLISHMENT SPONSORING THE SIGN, AFTER WHICH HOURS THE SIGN MUST BE REMOVED;**

**F. THE SIGN IS NOT PLACED WITHIN ANY PUBLIC RIGHT-OF-WAY AND IS NOT PLACED IN A LOCATION THAT IMPEDES**

**VEHICULAR OR PEDESTRIAN TRAFFIC, IMPEDES ACCESS TO PARKING OR OBSTRUCTS THE SIGHTLINES OF EITHER;**

**G. THE SIGN IS NOT FASTENED TO OR ERECTED ON A SIGN POLE;**

**H. THE SIGN IS ONLY PLACED AT GRADE AND IS NOT ELEVATED OR SUSPENDED ABOVE GRADE AND DOES NOT PROTRUDE OR PROJECT FROM ANY OTHER STRUCTURE;**

**I. THE PLACEMENT OF THE SIGN COMPLIES WITH THE SETBACK REQUIREMENTS OF ITS RESPECTIVE ZONING DISTRICT;**

**J. THE SIGN IS NO GREATER THAN 30 INCHES WIDE AND 48 INCHES HIGH IN SIZE.**

D. Signs shall not be mounted on any type of utility pole or pole used to display or support traffic control signs or devices.

**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 \_\_\_\_\_, 2014**

**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**EFFECTIVE DATE: \_\_\_\_\_, 2014**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

By: \_\_\_\_\_  
John D. Miller, Burgess

**PHASE 1 PROJECT DEVELOPMENT AGREEMENT  
BETWEEN**

**Town of Middletown**  
31 W Main St  
Middletown, MD 21769

**AND**

**Johnson Controls, Inc.**  
1101 Hampton Park Blvd  
Capital Heights, MD 20743

The purpose of this Project Development Agreement (PDA), is to confirm the intent of Johnson Controls, Inc. (JCI) and Town of Middletown (the Town) to develop a guaranteed energy and operational savings Performance Contract. This agreement will provide the basis of the scope of the PDA, the obligations of both parties, the financial metrics to be met, the intended outcomes and timeline.

**1. Scope of Work**

- A. The parties desire to develop guaranteed energy and operational savings for the Town of Middletown to acquire its street lights from Potomac Edison and install a solar PV generating system at the Holter Road Waste Water Treatment Plant.
- B. JCI will conduct a detailed engineering feasibility study of the existing systems that include a comprehensive audit and analysis of all existing systems, equipment, operations and utility costs. JCI will identify technical solutions in order to maximize energy and cost savings as well as operational and maintenance savings.
- C. Within ninety (90) calendar days after the effective date of this Agreement, JCI shall prepare and deliver to the Town a project implementation proposal that include:
- Options for the Town to acquire, own and operate its existing street lights;
  - Options for the Town to acquire, own and operate a Solar PV electricity generating system, net metered and connected to the Holter Road Waste Water Treatment Plant;
  - Options for reductions in operating costs related to the existing operation and maintenance of street lights;
  - Options for possible additional infrastructure improvements that can be funded in whole or in part from program savings;
  - Such other options as shall be agreed upon, from time to time, by the parties with respect to a particular Town facility or facilities.
  - A project proforma to document all project costs on an for each year of the project. The estimated costs of financing the project shall be included. The total project costs shall be amortized over the term of the project. The following costs shall be itemized:
    - (a) Energy and Water savings (dollars)
    - (b) Operational and maintenance savings (dollars)
    - (d) Debt service
    - (e) Annual Maintenance costs (if applicable)
    - (f) Annual Monitoring and Verification (M&V) costs

## **2. Records and Data**

During the development of the investment grade proposal, the Town will furnish to JCI, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. JCI will provide a separate document with the required information and Town of Middletown shall make every effort to provide that information within 7 days of the request.

## **3. Preparation of Implementation Agreement (Energy Performance Contract)**

Along with the other Scope of Work required under this Agreement, JCI will develop the framework of the subsequent Implementation Agreement and the Financing Agreement if applicable. These Agreements shall be co-developed by JCI and Town of Middletown during the PDA. These documents will vary dependent on the desired Town of Middletown structure, but where possible shall be standardized JCI documents for most expedient delivery.

## **4. Price and Payment Terms**

Town of Middletown agrees to pay to JCI the sum of Thirty Six Thousand dollars (\$36,000.00) within 60 days after the delivery to Town of Middletown of the documentation described under paragraph 1 of this Agreement. However, Town of Middletown will have no obligation to pay this amount if:

- A. JCI and Town of Middletown enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery of the documentation described under paragraph 1 of this Agreement. Costs for the PDA will be transferred to the total cost of the Implementation Contract and be subject to the payment terms outlined in the Contract.
- B. JCI determines that it's not feasible to develop an investment grade proposal that meets the financial terms outlined in "C" below and via written notice elects to cancel the proposal development.
- C. JCI fails to present an Implementation Agreement with a sufficient amount of energy and operational cost savings (and any upfront capital contributions from the Town) to payback all project costs over a term not to exceed 15 years with a financing interest rate at or below 3.5% APR.

## **5. Indemnity**

JCI and Town of Middletown agree that JCI shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of JCI. Neither JCI nor Town of Middletown will be responsible to the other for any special, indirect, or consequential damages.

## **6. Disputes**

If a dispute arises under this Agreement, the parties shall promptly attempt in good faith to resolve the dispute by negotiation. All disputes not resolved by negotiation shall be resolved in accordance with the Commercial Rules of the American Arbitration Association in effect at the time, except as modified herein. All disputes shall be decided by a single arbitrator. A decision shall be rendered by the arbitrator no later than nine months after the demand for arbitration is filed, and the arbitrator shall state in writing the factual and legal basis for the award. No discovery shall be permitted. The arbitrator shall issue a scheduling order that shall not be modified except by the mutual agreement

of the parties. Judgment may be entered upon the award in the highest State or Federal court having jurisdiction over the matter. The prevailing party shall recover all costs, including attorney's fees, incurred as a result of this dispute. If the parties do not agree to arbitration, then the dispute shall be litigated in the District or Circuit Court of Maryland.

## **7. Confidentiality**

This agreement creates a confidential relationship between JCI and Town of Middletown. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. JCI may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

JCI and Town of Middletown understand that this is a confidential project and agree to keep and maintain confidentiality regarding its undertaking of this project. JCI shall coordinate its services only through the designated Town of Middletown representative and shall provide information regarding this project to only those persons approved by Town of Middletown. JCI will be notified in writing of any changes in the designated Town of Middletown representative.

## **8. Timeline**

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA) – 3/30/2014
- JCI to deliver investment grade proposal with firm costs –05/30/2014
- Board approval – 06/23/2014
- Finalize Agreements and begin Implementation – 07/2014
- Anticipate Completion and begin System Operation – 12/2014

These timeframes may be modified by subsequent work plans approved by the parties.

## **9. Miscellaneous Provisions**

This Agreement cannot be assigned by either party without the prior written consent of the other party. This Agreement is the entire Agreement between JCI and Town of Middletown and supersedes any prior oral understandings, written agreements, proposals, or other communications between JCI and Town of Middletown. Any change or modification to this Agreement will not be effective unless made in writing. This written instrument must specifically indicate that it is an amendment, change, or modification to this Agreement.

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

**Town of Middletown**

By: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**JOHNSON CONTROLS, INC.**

By: Charles F. Farina

Signature: \_\_\_\_\_

Title: Regional General Manager

Date: \_\_\_\_\_

# innovative

INCORPORATED

## QUOTE

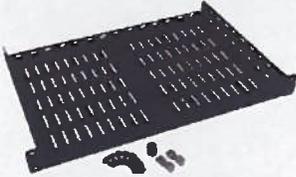
QUOTE #	AAAQ4057
DATE	Sep 11, 2013

222 East Oak Ridge Drive, Hagerstown MD 21740  
 t. 301-739-7414 w. [www.innovativeinc.net](http://www.innovativeinc.net)

To Drew Bowen  
 Town of Middletown  
 Middletown Municipal Center 31 West  
 Main  
 Middletown, MD 21769  
 United States  
 Phone (301) 371-6171

SALESPERSON	P.O. Number	PAYMENT TERMS	DUE DATE
Jason		Net 15	

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<b>Virtualization, Windows Active Directory, and Exchange Upgrade</b>			
2	HP ProLiant DL380p G8 2U Rack Server - 1 x Intel Xeon E5-2620 v2 2.1GHz - 2 Processor Support - 48 GB Standard - Serial Attached SCSI (SAS) RAID Supported Controller - Gigabit Ethernet - RAID Level: 0, 1, 1+0 - Dual Power Supplies. 4 300GB SAS HDD (900GB usable, RAID5)   <p>The HP ProLiant DL380p Gen8 sets the next generation standards of 2U 2-socket rack servers for the industry. With enhanced configuration flexibility, unmatched performance, and leading energy efficient design the DL380p Gen8 offers the perfect solution for the dynamic compute requirements of today's demanding datacenters.</p>	\$5,156.63	\$10,313.26
2	HP Integrated Lights-Out Advanced Pack - License - 1 Server	\$399.00	\$798.00
1	VMware vSphere v.5.0 Essentials Bundle - License - 3 Host - Virtualization Software License	\$495.00	\$495.00
1	VMware vSphere v.5.0 Essentials Kit - Subscription License - 1 License - 1 Year (recurring)	\$95.00	\$95.00
2	Microsoft Windows Server 2012 Standard 64-bit	\$951.83	\$1,903.66
10	Microsoft Windows 2012 Server - License - 1 User CAL - Volume - MOLP: Open Business - PC - Single Language	\$36.68	\$366.80
1	Exchange Server Standard 2013	\$756.45	\$756.45
10	Microsoft Exchange Server 2013 Standard - License - 1 User CAL -	\$84.77	\$847.70
1	One Time Online Backup Setup Fee - Monthly online backup estimate to be \$250-\$300 per month based on current amount of used data	\$495.00	\$495.00
<b>Standard 4 Post Rack and Accessories</b>			

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	<p data-bbox="185 149 1104 180"><b>Tripp Lite 4-Post Open Frame Rack Cabinet - 19" 42U - 78.5" Tall by 24" Wide by 43" Deep</b></p>  <p data-bbox="516 195 1117 747">SmartRack Premium open frame rack is a heavy duty open frame rack designed for secure, high density server and networking applications in IT environments. Designed with provisions to integrate power distribution and cable management. SmartRack Premium open frame racks make ideal homes for mission-critical equipment. Vendor-neutral square hole/cage nut mounting for guaranteed compatibility with all EIA-310-D compliant 19" equipment. Premium open frame racks ship fully assembled for rapid deployment and roll into place on heavy-duty casters. Toolless mounting slots allow quick installation of PDUs and vertical cable managers. Adjustable mounting rails include an easy-view depth index to eliminate time-consuming measurements. Integrated baying tabs facilitate combining premium open frame racks in rows for standard data center baying applications. SmartRack premium open frame racks hold up to 3000 lbs and support cooling, cable management, power distribution and monitoring features that keep critical servers and network equipment operating nonstop.</p>	\$1,321.20	\$1,321.20
1	Shipping Estimate	\$225.00	\$225.00
1	<p data-bbox="185 804 1104 856"><b>Tripp Lite NetDirector 1U Rackmount LCD Console - 1 Computer(s) - 17" Active Matrix TFT Color LCD - 1 x HD-15 Keyboard/Mouse/Video - 1U Height</b></p>  <p data-bbox="516 869 1101 1094">Tripp Lite's B021-000-17 1U Rackmount Console features an integrated 17" LCD panel, full 88-key keyboard, and touch pad, all in a 1U rackmountable housing. The included KVM cable kit allows for connection to a PS/2 computer or KVM, and a PS/2 to USB adapter is included, which can be used to connect to a USB computer or KVM. Constructed of heavy-duty steel housing. 1 year limited warranty.</p>	\$691.93	\$691.93
1	<p data-bbox="185 1173 620 1205"><b>Tripp Lite Cantilever Fixed Rack Shelf - 1U</b></p>  <p data-bbox="516 1220 1088 1331">Fixed Shelf, 1U Cantilever mount, Cold rolled steel with black finish. Required mounting hardware included. Supports up to 40 lbs. Use two shelves back to back to create a deep fixed shelf in 2POST racks.</p>	\$58.13	\$58.13
1	<p data-bbox="185 1522 844 1554"><b>Tripp Lite Fixed Heavy-Duty Shelf supports up to 250 lbs. - Black</b></p>  <p data-bbox="516 1568 1101 1709">Tripp Lite's SmartRack SRSHELF4PHD accommodates tower units, monitors and other equipment. The fixed heavy-duty shelf offers 25.5 inches of shelf depth and supports up to 250lbs. SRSHELF4PHD is designed for 4 post rack mounting. Required mounting hardware is included.</p>	\$129.60	\$129.60

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	<p>Tripp Lite PDU Basic 120V 15A 13 Outlet - 13 x NEMA 5-15R - 15 - 1U 19" Rack-mountable</p>  <p>Tripp Lite's PDU1215 AC power distribution unit offers 15 amp, 120 volt capacity in a versatile multi-mount cabinet. Detachable mounting flanges are configurable for wallmount, under-counter or 1U/0U rackmount installation. Uses only 1 rack space (1U) when installed in any 19 inch rack, with the potential for 0U mounting in the cable management area of most rack enclosures. Detachable flanges with pre-punched access holes and adjustable depth channels allow user configuration in dozens of potential mounting schemes. Attractive housing with all rear-facing outlets measures only 4.5 inches in depth. Unfiltered electrical pass-through without a power switch makes PDU1215 ideal for distributing alternate waveform UPS or generator power in rack enclosures, network closets and more. Includes 12 rear-facing NEMA5-15R outlets and one front-facing, 15-ft. AC power cord, 15 amp circuit breaker, grounding lug and rugged all-metal case design. PLUG/OUTLETS - Input: NEMA 5-15P/Output: 13 NEMA5-15R (12 rear-facing, one front-facing) ELECTRICAL - 120V AC, 50/60Hz, 15A (Requires NEMA 5-15R wall receptacle) FORMAT - Supports 19 in. rackmount (1U/0U), wallmount, under-counter and more</p>	\$80.87	\$80.87
24	Cat5E Cable - 15ft, Black	\$11.90	\$285.60
1	Misc Materials Charge (Plastic Conduit, fasteners, etc)	\$100.00	\$100.00
<b>XP Replacements</b>			
3	HP ProDesk 600 G1 Tower, I5-4570, 4GB Memory, 500GB Hard Drive, DVD+-RW, Windows 7, 3 Independent Display Support Standard (1 VGA and 2 Displayports 1.2), 3-3-3 Warranty.	\$901.60	\$2,704.80
3	*Optional* Upgrade from 4GB to 8GB of RAM	\$57.08	\$171.24
3	Microsoft Office 2013 Home & Business 32/64-bit - 1 Machine - Office Tool - PC - English	\$219.99	\$659.97
3	<p>HP 20" LED LCD Monitor - 16:9 - 5 ms - Adjustable Display Angle - 1600 x 900 - 200 Nit - 600:1 - WSXGA - DVI - VGA - 26 W - Black - ENERGY STAR, EPEAT Silver, China Energy Label (CEL), CECP</p>  <p>Sophisticated quality, without the sophisticated price tag This stylish, affordable monitor offers everyone the chance to enjoy everyday computing in a whole new light. The HP W2072a LED Backlit Monitor was built with a refined design in mind and quick set-up features for a simple solution when connecting to your HP desktop or notebook.</p>	\$145.81	\$437.43
2	HP Video Cable DisplayPort Male Video - DVI-D (Single-Link) Female Digital Video - 7.48"	\$23.75	\$47.50
			

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
2	HP Video Cable Adapter - 3.94 ft - DisplayPort Male - HD-15 Female VGA  	\$36.25	\$72.50
<b>Integration</b>			
105	Technical Support Estimate - integrate new servers including InHance, Timbertine, MVRS, Exchange, Antivirus, Backups, File, Print services - including any necessary workstation work. Install/migrate rack including relocation of wiring. Replace 3 workstations (Drew, Cindy, Ann)	\$130.00	\$13,650.00
<b>SUBTOTAL</b>			\$36,706.64
<b>SALES TAX</b>			\$0.00
<b>TOTAL</b>			\$36,706.64

To accept this quotation, sign here and return: \_\_\_\_\_

**Thank You For Your Business!**



## Historic District Commission

### Purpose

The Burgess and Commissioners of Middletown wish to establish a Historic District Commission for the express purpose of reviewing and approving applications for a Middletown Historic District Tax Credit. Any and all applications filed for a historic tax credit would be reviewed by the Commission and a determination made as to whether or not to grant approval. The Commission will determine whether the location of the property on which the improvements are made is within the legally constituted local historic district.

### Composition

The Burgess shall appoint, with confirmation by the Commissioners, four (4) members, all of whom shall be taxpayers and residents of the Town, each to serve for three (3) years or until a successor takes office. In addition, the Burgess and Commissioners may designate one member of the Town Board to serve on the Historic District Commission.

### Compensation

All members shall serve with such compensation as the Burgess and Commissioners deem appropriate. All members shall be eligible for reappointment.

### Current Members of the Preservation Tax Credit Commission

*Tony Ventre*  
*Marcie Stutzman*  
*Bob Smart*  
*Jim Justice*  
*Terms Expires May 2011*

### *New Appointments at April 2011 Town Meeting*

*Tony Ventre – Town Board Liaison*  
*Larry Bussard*  
*Marcie Stutzman*  
*Bob Smart*  
*Jim Justice*  
*Terms Expire May 2014*

## Middletown Code

### **3.12.040 Historic district tax credit.**

A. The town of Middletown shall grant a property tax credit under this section against the Middletown tax imposed on real property on which an improvement is made to an existing structure that is located in a historic district. "Historic district" is defined as any district located within the corporate limits of the town of Middletown and which is so identified or designated on the National Register of Historic Places or by the Maryland Historical Trust.

B. The property tax credit granted under this section shall be the following percentage of the increase that is due to the improvement:

1. One hundred (100) percent of the increase in the assessment of the real property in the 1st and 2nd taxable years that the improved structure is subject to the town property tax;
2. Eighty (80) percent of the increase in the assessment of the real property in the 3rd taxable year that the improved structure is subject to the town property tax;
3. Sixty (60) percent of the increase in the assessment of the real property in the 4th taxable year that the improved structure is subject to the town property tax; and
4. Forty (40) percent of the increase in the assessment of the real property in the 5th taxable year that the structure is subject to the town property tax.

C. The tax credit shall be ended after the first to occur of either:

1. The 5th taxable year that the improved structure is subject to the municipal property tax;
2. The property is conveyed; or
3. The structure is destroyed.

D. Any person, organization or entity eligible for a tax credit under this section shall file with the town office an application for the tax credit for each taxable year. Such application shall be made prior to or on October 1 of any given taxable year. If no application is received on or before that date, any credit otherwise permitted hereunder for that year shall not be allowed. The application shall be made under oath or affirmation and shall be made on forms prepared and supplied by the town. The application shall be referred to the preservation tax credit commission for review and consideration.

E. There is established a preservation tax credit commission. The commission shall consist of members, all of whom shall be residents or employees of the town of Middletown. The burgess, with the consent of the board of commissioners, shall appoint each member of the commission and shall designate one member as chairperson. The term of each member shall be three years or until his or her successor is appointed. A majority of the commission members shall constitute a quorum for the transaction of business. Any vacancy on the commission shall be filled by appointment by the burgess with the consent of the board of commissioners.

F. The duties of the preservation tax credit commission shall be:

1. To review all applications for the historic district tax credit authorized by this chapter;
2. To determine whether the property for which application is made is eligible for that tax credit;
3. To report such eligibility to the appropriate county agency or taxing authority;
4. To take such other administrative action as may be required to implement this chapter; and
5. To perform such other duties as may be requested by the burgess and commissioners.

(Ord. 05-04-04 § 1, 2005)