



SPECIAL AGENDA FOR THE TOWN WORKSHOP

October 2, 2014

7:00 p.m.

7:00PM Community Deputy Report

7:10PM **Public Hearing - Ordinance 14-08-03**

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO PROVIDE DEFINITIONS FOR THE TERMS "ADULT ENTERTAINMENT ACTIVITIES" AND "ADULT ENTERTAINMENT BUSINESS"; TO AUTHORIZE THE USE OF PROPERTY AS AN ADULT ENTERTAINMENT BUSINESS PROVIDED IT IS NOT LOCATED WITHIN 1,500 FEET OF OTHER PROPERTY USED AS A SCHOOL, PARK, CHILD DAY CARE CENTER, CHURCH OR HOUSE OF WORSHIP, OR ANOTHER ADULT ENTERTAINMENT BUSINESS AND 600 FEET FROM RESIDENTIAL PROPERTY.

STAFF REPORTS:

[Staff Planner](#)

[Zoning Administrator](#)

[Engineer's Report](#)

[Main Street Manager](#)

Regular Workshop Items

MEMORANDUM

Date: 9/30/2014

To: Burgess and Commissioners, Middletown
From: Cynthia K. Unangst, Middletown Staff Planner
RE: Adult Entertainment Business revised text amendment

The Middletown Planning Commission on September 15, 2014 reviewed the revised Adult Entertainment Business text amendment which would provide definitions for the terms “Adult Entertainment Activities” and “Adult Entertainment Business” and authorize the use of property as an adult entertainment business provided it is not located within 1,500 feet of other property used as a school, park, child day care center, church or house of worship, or another adult entertainment business, or within 600 feet of a residential zoning district. By consensus the Planning Commission recommends approval of the proposed revised text amendment. A public hearing has been scheduled for Thursday, October 2, 2014.

Below are minutes from discussions that took place within the past three months concerning the proposed text amendment regarding adult entertainment businesses:

TOWN BOARD REGULAR MEETING - September 9, 2014

Ordinance 14-08-03 – Adult Entertainment Business – Burgess Miller stated that this Ordinance not to advocate for this type of business but to be more restrictive of where a business of this nature can go in town. Burgess Miller stated that the public hearing was held on September 4, 2014 at that time we heard from a resident asking to include language in the ordinance to be 600 feet from residential properties. The Board agreed to add this language to the Ordinance. The Ordinance now needs to go back to the Planning Commission for their review and we will have to have another public hearing.

PUBLIC HEARING - September 4, 2014

The Public Hearing of the Burgess and Commissioners of Middletown was called to order on September 4, 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, Tony Ventre, Richard Dietrick, and Christopher Goodman.

PUBLIC HEARING – Ordinance 14-08-03 – Ordinance to amend Title 17 of the Middletown Municipal Code to provide definitions for the terms “Adult Entertainment Activities” and “Adult Entertainment Business”; to authorize the use of property as an Adult Entertainment Business provided it is not located within 1,500 feet of other property used as a school, park, child day care center, church or house of worship, or another adult entertainment business.

Cindy stated that there has been some misunderstanding from the residents as to why we are proposing this ordinance. Our current ordinance does allow for “Adult Entertainment Business” within the commercial districts in Town. This is to put more strict rules as to where such business can go. Cindy also read some language from other counties in Maryland that have provisions on where such business can go. One of counties

also had a provision included in their ordinance that no such business can be within 600 ft. of a residential property.

Kevin Corcoran, 709 E. Main Street – stated that he was one of the resident that had a misunderstanding as to why the Town was wanting to approve this ordinance but now with Cindy’s explanation he understands. Mr. Corcoran also stated why not have the language in the ordinance about being away from residential properties? Mr. Corcoran stated the bigger the buffer the better.

It was the consensus of the Board to add the language in that Adult Entertainment Businesses cannot be within 600’ of any residential property.

Planning Commission meeting – July 21, 2014:

Adult Entertainment Business Text Amendment – On July 14, 2014 the Town Board introduced the draft text amendment regarding Adult Entertainment businesses. It has been forwarded to the Planning Commission for review and recommendation. Recommendation from the Planning Commission is required due to the location of this specific ordinance in the Zoning section of the Middletown Municipal Code Book. The Staff Planner stated that the research on the effects adult entertainment businesses have on communities has been completed by other municipalities so it does not have to be completed here. The Town can use that information in making any determination. The ordinance includes significant definitions relating to adult entertainment activities and businesses. The Town Board has recommended that adult entertainment businesses not be allowed within 1,500 feet of any school, park, child day care center, church or house of worship or another adult entertainment business. This means that these types of businesses would effectively not be allowed in town.

Action: Commissioner Miller motioned to accept the Adult Entertainment Business Text Amendment as presented and to forward it to the Town Board for approval. Seconded by Commissioner Smart. Motioned carried (4-0-1), Commissioner Goodman abstained.

TOWN BOARD REGULAR MEETING - July 14, 2014

Introduction of Ordinance - Adult Entertainment Business – Burgess Miller stated that this is to amend the Ordinance currently in place to put restrictions on where a business of this nature can go. Burgess Miller stated that with the current ordinance an Adult Entertainment business could go in any commercially zoned district. The amended ordinance states that “Adult Entertainment Business” cannot be located within 1,500 feet of other property used as a school, park, child day care center, church or house of worship, or another adult entertainment business.

Tawn Oconner, 101 S. Jefferson Street – asked if we could increase 1,500 feet to 5,280 feet. Burgess Miller stated that we researched this and we cannot deny this type of business but we can be very restrictive with our rules. Burgess Miller stated that the case law shows 1,500 feet as a reasonable amount of feet away from other property like parks, child day care center, schools, and house of worship.

ORDINANCE NO. 14-08-03

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO PROVIDE DEFINITIONS FOR THE TERMS “ADULT ENTERTAINMENT ACTIVITIES” AND “ADULT ENTERTAINMENT BUSINESS”; TO AUTHORIZE THE USE OF PROPERTY AS AN ADULT ENTERTAINMENT BUSINESS PROVIDED IT IS NOT LOCATED WITHIN 1,500 FEET OF OTHER PROPERTY USED AS A SCHOOL, PARK, CHILD DAY CARE CENTER, CHURCH OR HOUSE OF WORSHIP, OR ANOTHER ADULT ENTERTAINMENT BUSINESS.

RECITALS

WHEREAS, the Burgess and Commissioners of the Town of Middletown are concerned with the potential adverse secondary effects of adult oriented entertainment businesses which may elect to locate in the Town of Middletown; and

WHEREAS, the Burgess and Commissioners have reviewed the evidence of the adverse secondary effects of adult oriented businesses found in various studies, experiences and reports made available to them and which have been considered by other municipalities and local governments, including but not limited to:

- “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis” Eric S. McCord and Richard Tewksbury; *Crime & Delinquency*, October 2013; vol. 59, 7: pp. 1108-1125., first published on November 29, 2012.
- “Adult Business Study” Town and Village of Ellicottville, Cattaraugus County, New York January 1998.
- Testimony to Illinois State Senate Public Health Committee March 2012 re: Illinois Senate Bill 3348 of Richard McCleary, (Professor of Criminology, Environmental Health Science, and Planning, University of California, Irvine) and Lori Sexton, (Assistant Professor at the University of Missouri, Kansas City).
- “Crime-Related Secondary Effects Of Sexually-Oriented Businesses” - Report To The County Attorney Palm Beach County, Florida ; Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D. August 15, 2007.

- “The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence”, Alan C. Weinstein and Richard McCleary Cleveland-Marshall College of Law, Cleveland State University, October 2011.
- A report on the secondary impacts of adult use businesses in the city of Denver January 1998.
- Caroline County, Maryland Ordinance #2005-002 and findings stated therein;

and

WHEREAS, court decisions considering issues relative to the secondary effects of adult oriented businesses hold that such secondary effects are a legitimate basis for regulating such businesses. Such cases include, but are not limited to:

- *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002)
- *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000)
- *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)
- *Steiner v. County Commissioners of Caroline County*, 490 F.Supp.2d 617 (D.Md.,2007)
- *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010)
- *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009);

and

WHEREAS, the material reviewed by the Burgess and Commissioners show that adult oriented businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties and property values, urban blight, litter, and sexual assault and exploitation; and

WHEREAS, the Town of Middletown has a population of 4,136 as of the last census (2010) and is relatively small in size having a geographic area of 1.741 square miles; and

WHEREAS, the Town of Middletown has no police department and must rely upon a resident Frederick County Sheriff's deputy as its primary means of law enforcement, and law enforcement efforts and effectiveness will be increasingly strained with any increase in criminal activity; and

WHEREAS, the Burgess and Commissioners, in an effort to prevent such secondary adverse effects in the Town of Middletown, and to protect and promote the safety, health, morals, and general welfare of the citizens of the Town of Middletown, have determined that the nature of adult oriented businesses requires the enactment of certain zoning restrictions relating thereto and that adult oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17 of the Middletown Municipal Code be, and hereby is, amended as follows.

SECTION I. Title 17, Chapter 17.04, Section 17.04.030, "Definitions" of the Middletown Municipal Code is hereby amended by adding thereto the definition of "Adult Entertainment Activities" and by adding thereto the definition of "Adult Entertainment Business", "Adult Oriented Business" or "Sexually Oriented Business". Said definitions shall be codified and inserted in Section 17.04.030 of the Code alphabetically. The remaining provisions of Section 17.04.030 remain unchanged.

TITLE 17 ZONING

Chapter 17.04

Section 17.04.030 – Definitions

“Adult Entertainment Activities” means:

A. Any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

B. Any performance, conduct, activity, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

1. in which an individual or individuals appear in a state of nudity or partial nudity; or
2. that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - (a) human genitals in a discernable state of sexual stimulation or arousal; or
 - (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
3. consists of contact with animals or inanimate objects.

“Adult Entertainment Business” also known as “Adult Oriented Business” or “Sexually Oriented Business” means a business establishment whose primary business and stock in trade is dependent upon Adult Entertainment Activities. By way of example, and not by way of limitation, the following shall be considered as an adult entertainment business:

A. An arcade or other place to which the public is permitted or invited and where photographs, motion pictures or other image-producing devices are maintained to, for money or other value, show images depicting or describing Adult Entertainment Activities.

B. A bar, club, cabaret, lounge, dance hall, restaurant, or other similar establishment or place of business which features dancers, strippers or similar entertainers or employees that engage in Adult Entertainment Activities, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

C. A motion picture theater or similar commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, CDs, DVDs, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of Adult Entertainment Activities.

D. A retail store or similar commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe Adult Entertainment Activities, and novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with Adult Entertainment Activities.

SECTION II. Title 17, Chapter 17.32, of the Middletown Municipal Code is hereby amended by adding thereto the following as Section 17.32.225.

TITLE 17 ZONING

Chapter 17.32 Design Standards Generally

Section 17.32.225 – Adult Entertainment Business

A. It is the purpose of this ordinance to regulate Adult Entertainment Business in order to promote the health, safety, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Entertainment Business within the town. It is the intent of the Burgess and Board of Commissioners in adopting this ordinance to enact a content neutral ordinance that imposes time, place and manner restrictions in order to address the adverse secondary effects of Adult Entertainment Business. It is not the intent of the Burgess and Board of Commissioners to suppress any speech protected by the First Amendment to the United States Constitution or Article 40 of the Maryland Declaration of Rights. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

b. Adult Entertainment Businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another Adult Entertainment Business or within 600 feet of the property line of any property located in a Residential zoning district. For the purpose of this sub-section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Business is conducted to the nearest property line of the school, park, child day care center, church or house of worship, other Adult Entertainment Business or property in a Residential zoning district.

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

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission
From: Cindy Unangst, Staff Planner
Date: 9/30/2014
RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green – SWM Concept Plan – approved by County October 15, 2010
Water Tap agreement approved by Burgess & Commissioners – March 2012
Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013
Final FRO Plan approved – April 21, 2014

Foxfield Section 4- 7 homes still to be built.
2nd year FRO review – 68% compliance – 196 additional trees were planted (May 2014)
With additional trees planted, the rest of the FRO LOC was released – June 2014

Site Plans and Minor Subdivisions:

Asian Café/Model Garage – Revised parking lot site plan approved – September 15, 2014

AMVETS Expansion Plans – Revised Site Plan approved – May 19, 2014 (Plans expire 5/19/2017)

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006
Improvement Plans approved and signed – September 16, 2008
SWM waiver received from County – May 12, 2011
SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013
Revised Site Plan submitted – September 10, 2014
Simplified Delineation/Combined Forest Conservation Plan submitted–September 10, 2014

Fire Station – Concept plan submitted to PC for comments – April 22, 2013
Fire Station plat conditionally approved – October 16, 2013
Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County - December 1, 2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010

Horman Apartments- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008
Forest Conservation Plan approved – October 20, 2008
Revised Architectural Plans submitted and reviewed – June 16, 2014

Middletown H.S. Stadium Concession Stand Expansion Plan – approved June 18, 2012
(Plans expire June 18, 2015)

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
SHA comment letter received February 18, 2014

Newton Property (Cross Stone Commons) – Concept Plan submitted – October 1, 2012
BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)
Addition Plat conditionally approved by PC – November 18, 2013
Revised Site Plan conditionally approved by PC – November 18, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Improvement Plans conditionally approved by PC – July 21, 2014

Potomac Gun Depot – plans conditionally approved – February 18, 2013
Revised site plan conditionally approved – June 17, 2013; (Plans expire June 17, 2016)

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)

Schoonover property – Addition Plat submitted – September 23, 2014

Subway property - Garden Center – Revised Site plan conditionally approved – May 19, 2014
(Plans expire – May 19, 2017)

Thompson Funeral Home Parking Lot – revised site plan conditionally approved April 22, 2013
SWM Plans conditionally approved by Frederick County – October 29, 2013

Verizon Small Cell Antenna Installation – site plan reviewed – June 16, 2014
Revised site plan conditionally approved – July 21, 2014; (Plans expire – July 21, 2017)

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009
Public hearing date - Monday, October 11, 2010
Annexation petition denied – October 11, 2010

Text Amendments:

Zoning Code review – ongoing

Active Adult text amendment – received language from Farhad – October 28, 2013
Town Board sent text amendment back to the PC due to disagreement with placement of text amendment in the Town Code – June 23, 2014. No response from PC – July 2014.

Public Hearing held – September 4, 2014

Burgess & Commissioners approved revised text amendment – September 8, 2014

Adult Uses text amendment – PC recommended approval of text amendment - July 21, 2014
Public Hearing held – September 4, 2014
Town Board revised text amendment and sent back to PC for recommendation-Sept. 8, 2014
PC recommended approval of revised amendment – September 15, 2014
Public Hearing scheduled for October 2, 2014

Gun sales restrictions – PC deferred discussion of potential regulations to November meeting

Reports: none

Meetings: Maryland/Delaware APA Conference – October 28-29, 2014

Town of Middletown Zoning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Ron Forrester, Zoning Administrator

Date: 10/2/2014

RE: Monthly Zoning Update – September 2014

BOA Hearings: None.

Zoning Violations:

- (1) Thompson Parking Lot –final site preparation activities are underway on parking lot.
- (2) Unapproved Freestanding Directional Sign, Franklin Street. Sign erected by Middletown Volunteer Fire Company (MVFC) on Franklin Street opposite entrance to Firemen’s Way to provide direction to their Activities Building. No sign permit (zoning certificate) was request before sign erected. Violation letter send to the MVFC on July 9, 2014. Information on need for sign permit and other supporting information attached to letter. Paul Fink from MVFC talked with me on July 14th about the sign. He understood they were in violation of the municipal code erecting the sign without a permit. I also discussed with him the need for an approval letter from the owner of the property the sign was erected on since the sign was not on their property but was in front of the Chesterbrook Apartments. I also noted that the sign is also partially obscured by three other directional signs in close proximity to the MVFC sign when driving from South Church Street to Activities Center. Sign permit/Zoning Certificate filed on 15 Aug 14. MVFC sent email to Burgess on 8 Aug 14 requesting town approve sign being erected in town right-of-way. Burgess and Commissioners approved sign being erected on town right-of-way across from Fireman’s Way on 4 Sep 14. Sign Permit/Zoning Certificate approved on 15 Sep 14. Closed.
- (3) Utility trailers parked on property in side yards/pick-up truck parked on grass in side yard. 208 South Jefferson Street. Violation letter sent to homeowner on 31 Jul 14. A series of emails have been exchanged with property owner clarifying how trailers need to be screened and what the definition of screening is from the municipal code. On subsequent visit on 28 Aug 14, pick-up truck not parked on grass, one of the utility trailers on the property still needs to be properly screened from adjoining properties. A second violation letter sent on 25 Sep 14 to homeowner. Open.
- (4) Utility trailer stored in side yard/truck parked beside garage on grass. 5 North Pointe Terrace. A violation letter sent to property management office on 29 Aug 14. Follow-on site visit on 9/8/14 showed that violations had been addressed. Truck parked in driveway and utility trailer no longer parked next to garage. Closed.
- (5) Recreational Vehicle Parked next to garage and not appropriately screened from adjoining properties – 6 North Pointe Terrace. Homeowner previously sent a violation letter on 20 June 2014 advising him that it was a violation of the Municipal Code, Section 17.32.140 to park/store a recreational vehicle (boat and trailer) in the side and rear yards of any residential lot unless it was appropriately screened from adjoining properties. In conversation with owner on June 23rd, owner said he was going to sell the boat and trailer in the next month or so. On subsequent site visit in early July, it was noted that the boat and trailer were no longer stored on property and the violation was closed. A site visit on 19 Sep14 noted that a boat and trailer were once again stored on a paved parking area next to the garage not appropriately screened from adjoining properties in accordance with Section 17.32.140 of the Municipal Code. A second violation letter sent on 25 Sep 14 to property owner. Open.
- (6) Recreational Vehicle (camper trailer) parked on rear of driveway and not appropriately screened from adjoining properties. 13 Linden Blvd. Homeowner sent a violation letter on 26 Sep 14 advising owner that it was a violation of the Municipal Code, Section 17.32.140 to park/store a recreational vehicle (camper trailer) in

the side and rear yards of any residential lot unless it was appropriately screened from adjoining properties. I talked with homeowner on 30 Sep 14 who plans to construct temporary carport for screening trailer. We reviewed plans for and location of proposed carport on property. Open.

(7) Motor vehicle parked on grass next to garage. 208 Broad Street. Violation letter sent to homeowner advising owner that it was a violation of the Municipal Code, Section 17.32.060(J)(2) to park a motor vehicle on grass, mulch, or any other surface that is not gravel or paved. Open.

(8) Boat and trailer parked in front yard/setback area of property. 201 Prospect Street. Violation letter sent to property owner on 29 Sep 14 that it is a violation of Section 17.32.140 to park or store recreational equipment in front setback area of property. Letter also advised homeowner that if he elects to store/park boat and trailer in side setback area of lot, that it must be appropriately screened from adjoining properties and that his trailer had expired tags. Open.

Miscellaneous:

(1) Classic Barber Shop temporary freestanding sign request. Section 17.36.140, Exempt signs, under subparagraph 8, identifies exempt temporary business signs not requiring a sign permit as A-frame, sandwich board, or T-frames. Freestanding temporary business signs are not addressed in zoning ordinance. All exempt signs, however, shall comply with the other applicable requirements of chapter 17.36. Owner of barbershop was asked to provide dimensions of sign as well as a letter from landlord saying he will allow a freestanding temporary sign to be displayed on his property. Owner of barbershop told that his proposed temporary freestanding sign is not specifically address in the municipal code. Open.

September 2014 Zoning Certificates	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Morris & Jean DeSemene Jr. – install 4’ tall fence (white vinyl picket) with two gates	11 Ali Drive	Town	9/2/14	9/2/14	no
Timothy Wilson – install 58 roof-mounted solar panels	209 B Washington Street	122290	9/2/14	9/2/14	yes
Middletown VFC – erect directional sign on Franklin Street for Activities Center	13 South Church Street	Town	8/15/14	9/5/14	no
Travis Warren/Sarah Payne – place two pre-fab 6’ x 12’ wood sheds at rear of property	29 East Main Street	Town	9/4/14		no
Cari-Ann Yarmus – install 22 roof-mounted solar panels	16 Walnut Pond Court	122525	9/8/14	9/8/14	yes
Sammuel & Janice Crone – construct a 18’ x 40’ addition on rear of house	309 Broad Street	122713	9/12/14	9/19/14	yes
Model Garage – install new suspended ceiling and infilling doors and windows to cut down on noise	3 Garage Drive	122845	9/18/14	9/19/14	yes
Janice Crone – place 10’ x 16’ pre-fab shed on property	309 Broad Street	122857	9/18/14	9/19/14	yes

Elmer Atkins – replace existing 12' x 20' deck with same size deck	3 Caroline Drive	122871	9/19/14	9/23/14	yes
Stephan Berte – install 71 roof mounted solar panels	201 Ali Drive	123072	9/25/14	9/25/14	yes
Robert Himmelwright – install 38 roof mounted solar panels	221 Rod Circle	123131	9/26/14	9/29/14	yes

Zoning Certificate submitted to ZA -- actions pending					
Ron Terbush – repair porch, <i>demolish & remove existing open shed</i> , remove and replace fence in back yard	100 East Main Street		3/28/14		yes
Erik Jenkins - installing a new 12' x 16' deck on back of house	8 Linden Blvd		5/14/14		yes
Nancy R. Newton – general construction permit for CVS Pharmacy building at proposed Cross Stone Commons Shopping Center	800 East Main Street		7/30/14		yes
Travis Warren and Sarah Payne – construct two 6' x 12' wood sheds in alley right-of-way at rear of property	29 East Main Street		9/4/14		no

**Public Works Monthly Report
October 2, 2014**

COMPLETED WORK

Streets and Utilities, Facilities

Install reservoir potable waterline, paint curbs and facilities, over seed War Memorial, Broad St Speed enhancements, Heritage Preparation

Water and Sewer

Painting of facilities, removed auger from muffin monster for maintenance, remove blower for 14,000 hour maintenance service Tank transducer and sensing line, router collection lines, monitoring well measurements. Lead and Copper report completed

Projects

Reservoir: Potable water installed, process piping on the schedule.

Patching Contract: Patching 80% complete, Franklin and Broad completed by midweek (Oct 15), Retaining Wall installation at Elm St.

Plant Instrumentation: Installation of new instruments at Well 15 to replace obsolete. November install.

Maintenance: Strip and paint Booster station PRV. Remove and recaulk coping and expansion joints at Filter Bldg.

Unbudgeted Expenses:

Patching Contract: Unplanned expenses for asphalt that was insufficient depth at Franklin and Eastern (approx \$36,000)

Sludge cost for FY \$11,310.00 36000 gal hauled, 17850 gal bedded **Total hauled 117000gal Bedded 121380gal**

Water Use (Average Daily for the Month, Flows stated in gallons per day)

Permit Limits (gal) 387,000/504,000 AD/MMU 250,000 AD 250,000 AD

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	291,000	301,000	137,000	129,000	270,000	270,000	235,000	258,000
February	286,000	283,000	137,000	138,000	280,000	353,000	288,000	331,000
March **	284,000	290,000	137,000	138,000	276,000	270,000	190,000	226,000
April **	305,000	322,000	137,000	132,000	185,000	264,000	129,000	271,000
May	306,000	309,000	132,000	137,000	210,000	324,000	176,000	403,000
June	297,000	308,000	132,000	136,000	204,000	230,000	179,000	261,000
July	292,000	294,000	115,000	134,000	197,258	197,000	157,000	167,000
August	293,000	294,000	98,000	115,000	168,000	172,000	133,000	138,000
September	310,000	306,000	69,000	101,000	140,900	159,800	122,000	145,000
October **	311,000	312,000	79,000	62,000	215,000	180,000	248,000	167,000
Novembr**	278,000	288,000	120,000	61,000	233,000	184,000	243,000	114,000
December	287,000	278,000	126,000	97,000	217,000	318,000	147,000	282,000

Avg Daily/yr 295000 298750 118250 115000 216347 243483 187250 230250
 Avg Yr Flw 107.68 109.04 43.16 41.98 78.97 88.87 68.35 84.04

**Hydrants flushed this month

April 11 696,000, April 12 563,000 gal Oct 12 778,000, April 13 684,039, Oct 13 660,700 April 14 709,560

Planned Work

Install Well 15 instruments, install relief valve at Well 15, Process water piping at Reservoir, Sewer Cleanout repairs in Foxfield, Muffin Monster conveyor brush replacement. Sanitary Sewer Root Prevention, Stop Bar installation, restriping of streets, Memorial Park Fountain Installation, Booster Station: Control Valve 4 pilot to be rebuilt,

PROJECTS

Open Projects

W WWTP: Control panel rebuilt, rewiring the junction box.

Develop Grease Trap Ordinance and Education Program: No Action

West Green Street: Plans to be reviewed. No action.

Water System: Hydraulic Model: No action, **System:** Reservoir pumping was even for .

Brookridge PS: Control Panel Upgrade. No action

Sidewalk Inspections: reinspections 24 completed.

Main St. Waterline Replacement: Meeting with ARRO on October 9 for proposal for design of waterline replacement

Streetscape: Attended project update meeting on September 18 (65% complete), advisory meeting held on September 24. Utility Coordination Meeting scheduled for October 23.

Street CIP: Broad Street RFP, Meeting with ARRO on October 9.

Well 15 Filters: Have sketch plans 90% complete, need to create the control scheme and turn over to Engineer for formal plans and construction permit to be submitted to MDE. No action

Reservoir Repairs: Final draft has been received. Final review not completed. No action

2015 Dump Truck: Truck at upfitter and currently being built with hydraulics and body.

SSO and I&I: RFP needed - No action. Drafting SS Overflow Policy for staff use.

Lead and Copper: Submitted report. Town is within acceptable limits for both lead and copper.

Reservoir Waterline: Potable waterline complete. Process water incomplete, October or November install schedule.

Drainage Issues: none

Equipment: Sold 10ft and 8 ft salt spreaders for \$7,400.00. Request this be credited to snow removal budget for sidewalk snow removal equipment.

Memorial Park: Memorial water fountain purchased, installation location approved.

Patching Contract: Expect completion by Oct 10.

MDE /Permits: Reapplied for FrCo waste Disposal Permit.

Developments

Cross Stone: Received resubmittal for review (Aug 25). No action

Coblentz Road Subdivision: Received revised Asbuilts. No action

Coblentz Property: Second review completed.

Fire Department Activities Building: Sent letter to Fire Department for final inspection punchlist.

Planned Work

Fire Hydrant ID tag and numbering system

Water System: Manganese Removal Well 15 – Design, install

Patching Contract

W Green St: Review plans

Purchase of equipment for sidewalk snow removal

Regulatory: Grease Ordinance completion.

E WWTP: design spray system for clarifier,



TO: The Burgess and Commissioners
FROM: Becky Reich, Main Street Manager
DATE: October 2, 2014
RE: Workshop Report

ECONOMIC DEVELOPMENT:

- The Economic Development Committee met on September 30, 2014 and reviewed a new Main Street Business Inventory form. The form contains questions about how businesses feel about the current business climate, thought provoking questions about downtown's assets and perceived challenges. It also touches on information about client profiles and advertising, as well as a section on specific program ideas that Main Street can implement. The Committee is very energized and we plan to conduct interviews throughout the month of October and November. The information we collect will also be helpful with Main Street Middletown's updated website project.
- Business Appreciation Week is scheduled for the last week in October. I would like the Burgess and Commissioners to read a Proclamation for Business Appreciation Week.
- Main Street Middletown is implementing an annual award of Community Business Partner of the Year that will be awarded during Business Appreciation Week.
- We are working with the Main Street businesses to collect Main Street business materials hand out at the Frederick County Chamber of Commerce Business Expo. With expected attendance between 1000-1500 people, we believe this is a good opportunity to spread the word about the varied businesses we have in Middletown.

PROMOTIONS:

- A delegation of employees from the Maryland Historical Trust is planning a visit to Middletown on Friday, October 3, 2014 to view the Sesquicentennial products. I will be meeting with them to tour the Town and explain the merits of our Sesquicentennial products.
- Main Street Middletown attended the following events: The Great Frederick Fair, and Heritage Festival. We received numerous compliments on our exhibit at the Frederick Fair.
- Main Street Middletown Promotions Committee is looking for volunteers to help us creatively promote the Main Street District, not just through events, but other types of campaigns.
- The Promotions Committee is meeting on Monday, October 6, 2014 to go over our Annual Work plan.

DESIGN:

- The Design Committee is happy to announce we have a new Committee member, Deborah Winram. She is a local artist in Frederick with connections to the Middletown Valley. She is a strong advocate of historic preservation, and we believe will be a great asset to the Design Committee.
- The Design Committee reviewed a revised application for the banner design for Gladhill's furniture.

- The Design Committee is still searching for an editor to assist with the Design Guidelines. We have earmarked a small stipend to help with this task.
- The Design Committee meets Thursday, October 9, 2014

ORGANIZATION:

- The Main Street Board of Trustees held an informal meeting in September while decorating the Heritage Festival-Main Street float.
- Main Street Middletown has applied for a Maryland Office of Tourism award for the Sesquicentennial project.
- Main Street Middletown has applied for a Maryland Tourism Council award for the Sesquicentennial project.
- Main Street Middletown has applied for a Maryland Historical Trust award for the Sesquicentennial project.
- Main Street Middletown has applied to be a conference speaker at the National Main Street Conference in Atlanta, Georgia, March 2015.
- Main Street Middletown manager, and several other Main Street Board members attended the SHA task force meeting held September 24, 2014. Main Street Manager has been in contact with the project architectural historian, Jon Schmidt, looking specifically for information about examples of historic wrought iron railings.

GRANTS:

- Main Street Middletown has applied for a Technical Assistance Grant. We should hear the results of the grant application process mid-November
- Main Street Middletown attended a grant workshop for the Heart of the Civil War Heritage Area mini-grant.