

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

December 2, 2021

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on December 2, 2021, by Burgess Miller at 7:00 p.m. Present were Commissioners Kevin Stottlemyer, Christopher Goodman, Jennifer Falcinelli, Rick Dietrick and Jean LaPadula.

Public Hearing

- **Ordinance 21-10-01 – Formula Restaurants** - The Town Board is looking to protect the small-town character of Middletown by limiting the possibility of “formula restaurants” within town limits. This ordinance provides guidelines on how a formula restaurant could operate in town.

The public hearing was properly advertised as required. The Town Administrator quickly reviewed the proposed ordinance. It was asked if there had been any resistance to this ordinance. The Frederick News Post brought attention to this ordinance, but there has been no public comment from the community against this proposed ordinance.

Bob Smart, 7525 Coblenz Road, asked if Section B, subsection 3 limited the size of the gas station with a formula restaurant/convenience enough. He is concerned that these gas stations are more concerned about food and what is inside their buildings than the gas pumps themselves as these types of gas stations make a large profit from the restaurant inside. This could be a loophole that some could exploit. The Town Board recognizes that the size stated would limit those larger gas stations with restaurants from operating in town but allow smaller gas stations like the BP on East Main Street to operate.

Martin Kreiete, 112 Ivy Hill Drive, asked what the definition of a “Food Court” is as he associates food courts with shopping malls. Burgess Miller stated that a definition of “Food Court” will be added to this ordinance for clarity.

Commissioner LaPadula was concerned about the signage for this type of business. It is addressed in the sign ordinance section of the Town Code.

This ordinance will be voted upon at the December 13, 2021 Town Board meeting.

The Public Hearing ended at 7:22PM.

PERSONAL REQUESTS FOR AGENDA: None.

STAFF REPORTS:

Deputy Report –Lt. Deater reviewed her report.

Martin Kreiete, 112 Ivy Hill Drive, asked if there was anything the deputies could do to limit those vehicles with loud engines driving through town. Lt. Deater replied that there is a noise ordinance to be enforced. The deputies would need to catch the person driving the loud vehicle to address it. Mr. Kreiete also stated that he is concerned for the deputies as they approach vehicles with darkly tinted/blacked out

windows. Lt. Deater stated that deputies are trained to handle that situation and vehicles are equipped to help mitigate the danger.

Staff Planner Report – Cindy reviewed her report.

Engineer’s Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report.

Zoning Administrator’s Report – Mark reviewed his report.

CONSENT AGENDA:

- **Town Meeting Minutes**
 - *November 22, 2021 – Town Meeting*

UNFINISHED BUSINESS:

Petition from Middletown Glen for Parking on Ingalls Drive – Currently there is no parking allowed on Ingalls Drive in Middletown Glen. The Town and community deputies have received multiple complaints regarding cars illegally parked on Ingalls Drive and the safety hazards that presents. The Town has received a proposal from a Middletown Glen resident requesting the Town Board allow parking in identified areas along Ingalls Drive. There is a petition with 55 signatures also requesting the proposed parking. The Director of Public Works reviewed the proposal and provided his opinion. When Middletown Glen was designed the developers reduced the width of the streets in the development to decrease the amount of impervious surface area and meet state stormwater management requirements. The Town Attorney was solicited and provided an opinion regarding the legality of changing the No Parking on Ingalls Drive agreed to in the approved Site Plan. The Town Attorney determined that varying the design standards authority lies with the Planning Commission. She suggests that the Planning Commission determine if a hardship exists.

The Director of Public Works was tasked with providing an acceptable alternative that would provide more parking on the street in Middletown Glen which was presented this evening.

Burgess Miller stated that because of the Town Attorney’s opinion, the process going forward on this issue is as follows:

1. The Director of Public Works will provide and discuss the proposed alternative this evening.
2. The Town Board will vote on the proposed alternative. If approved there will be no modifications to this alternative going forward.
3. If approved the Town will send the alternative to the Middletown Glen HOA.
4. The Middletown Glen HOA will hold a membership vote on the alternative. If voted down, the issue ends there. If approved, then;
5. The Middletown Glen HOA will bring the alternative to the Planning Commission for approval as a Site Plan update.

The Director of Public Works reviewed the acceptable alternative created to address the parking problem. To create the alternative, he reviewed the parking plan within the Glenbrook Drive subdivision. Their streets are similarly sized. Tonight, he reviewed a map of the Middletown Glen subdivision that indicated where current parking is allowed (highlighted in green) and where the proposed new parking will be located (highlighted in yellow). The proposed parking will be on one side of the street only and was determined using those sides of the street that have less driveway entrances to homes. This allows for the maximum number of additional parking spaces – roughly 60. Parking spaces will be marked and take into consideration site distances for safety. The Town Board recognizes that this will not satisfy every

individual request, but this does not change the current traffic pattern within the subdivision and offers an alternative for more on street parking.

This will be voted upon at the December 13, 2021 Town Board meeting.

Planning Commission Appointment – There is one seat on the Planning Commission coming up for appointment/reappointment in January 2022. David Lake who is currently serving in that seat has sent an email to the Town Board stating he will not seek reappointment. The Town Board will appoint a new member to the Planning Commission at the December 13, 2021 Town Board meeting to be effective on January 5, 2022.

Comprehensive Plan – Chapter Review – Growth Area Map with Potential Equivalent Dwelling Units (EDU's) – The Town has modified the growth boundary in the new Comp Plan. The Town Administrator reviewed the list of properties within the modified growth boundary and the potential EDUs that could be annexed in the future. The calculation to determine the EDUs was calculated by taking the total acreage identified and subtracting the acreage in a flood plain which determines the net acreage. From that net acreage subtract 25% for potential infrastructure which then determines developable acreage. R-20 calculations are then applied to the developable acreage to determine EDUs.

Current properties located within the growth boundary include the AC Jets property (196 EDUs), the Topper farm(196 EDUs), the Wiles farm(114 EDUs), the other half of the Coblenz property (behind Middletown Glen)(70 EDUs), and various properties on Ifert Drive(46 EDUs). These EDUs are used to determine the ultimate water demand for the growth boundary. The Town Board asked the Town Administrator to overlay the town aquifers on this map and include their current water allocations for the next Town Board meeting.

The Staff Planner stated that in the 2010 Comp Plan the other half of the Coblenz property, if annexed, would be annexed as Medium Density Residential (R-1/R-2). This conflicts with the Town Code which states any annexation must come in as R-20. The Town Board will have to review options and update the Comp Plan to reflect the Town's designation.

This is an item on the December 13, 2021 Town Board meeting agenda.

NEW BUSINESS:

Discussion of ARPA Funding for Businesses in Town – Burgess Miller previously sent documents to the Town Board regarding the possible process used to determine ARPA grants for for-profit businesses within Middletown. This process is a modified version of the process used by Main Street to award their grant monies last year. Included for consideration would be businesses financially affect by COVID between March 2020 and October 2020. Financial institutions, insurance companies, home-based businesses and those businesses which opened after October 2020 would not be considered. It was suggested that the Town establish qualifications relating to a loss of revenue, perhaps a 20% loss. This would assist with the justification for the awarding of the grant. The Town Board was asked to review the draft business grant application and the list of potential Middletown businesses before the December 13, 2021 meeting. Any questions should be directed to Burgess Miller, or the Main Street Manager.

Review of Amendments to Personnel Policy – The Office Manager updated the Town employee handbook to remove outdated language, update staff titles and added a subsection regarding employee drug testing. The Town Board has the draft update for review. It was suggested to modify the statement under the On-Call Response and Employee Behavior relating to alcohol use while on-call to include

abstaining from illicit drug use so that it is all inclusive. It was also suggested that on page 13 to modify the statement “The following offenses shall result in immediate termination of employment.” to “The following offenses *may* result in immediate termination of employment.” It was reiterated that on page 3 of the employee handbook it states that the employee handbook provides guidance to town employees and that all employees are “at will employees” which means they can be terminated at any time.

2022 Joint Meeting Schedule – The Town Administrator reviewed the proposed dates for the joint meetings of the Town Board and the Planning Commission. The Staff Planner stated that there are usually 4 joint meetings each year. In 2022 February and March have the option for joint meetings. She suggested using the March date as part of the Comp Plan review as a possible open house for the public. She also suggested keeping the December date tentative on the chance that it is not needed. This agenda item will be added to the agenda for the December 13, 2021 Town Board meeting.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Christmas in the Valley – Saturday, December 4, 2021, 4 – 8:30 PM, Main Street, downtown Middletown.*

Workshop adjourned at 9:04 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager