

***BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND***

TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

February 3, 2022

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on February 3, 2022, by Burgess Miller at 7:00 p.m. Present were Commissioners Kevin Stottlemeyer, Christopher Goodman, Jennifer Falcinelli, Rick Dietrick and Jean LaPadula.

Public Hearing

Ordinance 21-01-01 – Inoperable Vehicles - The existing Town Code is vague and ineffective for enforcement from a zoning standpoint when addressing unregistered/inoperable vehicles on private property. The updated ordinance prohibits unregistered or inoperable vehicles from being parked or stored on private property unless concealed from public view in a fully enclosed garage, shed, barn or similar covered structure. It is also forbidden to use public streets or parking lots for unregistered or inoperable vehicle storage. The Zoning Administrator reviewed the draft ordinance. The effective date of the ordinance will be 6 months after the ordinance is passed to give residents the opportunity to make arrangements to remove the vehicle or construct the required enclosed storage building.

The Burgess asked if there were any questions from residents or others in attendance. Hearing no questions, the public hearing for this ordinance ended at 7:08PM.

This ordinance will be voted upon at the February 14, 2022 Town Board meeting.

- **Ordinance 21-01-02 – Fences** – This amendment cleans up the Town Code and places almost all fence requirements in one location. Fencing special exceptions and fencing for pools will be referenced in this section but stay in their corresponding sections of the Town Code. This amendment addresses those properties on corner lots with technically two front yards and includes diagrams for clarification. Front yard fencing was raised to not exceed 4 feet in height and must be “see through” in nature such as split rail, wrought iron, or picket. Reference to opaque fencing will be removed. It includes 35-foot triangular/vision safety areas on front yard corners to address line of sight safety issues. It was suggested to add a statement referencing any covenants that prohibits front yard fences would take precedence over the Town Code. Most Town Board members want to keep the current town code height of 3-foot in a front yard. It had been suggested to add new definitions for both “Side Yard Corner Lot” and “Rear Yard Corner Lot” to provide clarification. Both the Zoning Administrator and Town Administrator warned that changing the terminology could have a cascade effect throughout the Town Code and the design manual. It was suggested that the Town Attorney be asked to review and give an opinion. Commissioner LaPadula noted that this does not address those town properties that are corner properties that are bordered on three sides by streets. That triangular safety area would not apply to the rear of the yard that is on a corner. It was suggested to add a statement that the triangular/vision safety area should be applied to any intersection where it is required.

The Burgess asked if there were any questions from residents or others in attendance.

Jason Giffi, 1 Woodmere Circle, asked what the concern about front fences was and raising the front yard fence height to 4 feet. With children and family pets there are safety issues that can be addressed by raising front yard fences to 4 feet in height. There are ways to tastefully have a fence without limiting front yard fences.

Becky Myers, 2 Woodmere Circle, previously sent Town Board members a memorandum with comments regarding this proposed ordinance. That memorandum was included in tonight's agenda packet and was reviewed. She stated that the proposed fencing ordinance section addressing corner lots deprives property owners of corner lots the use/enjoyment of a significant part of their property should they need/want fencing. Applying front yard restrictions to the street-adjacent side of the corner lot back yards is the issue. Mrs. Myers agrees something needs to be done to clarify the code regarding fences. Setbacks should not apply to fences. Discussion continued regarding modifying the ordinance so that can fences can project into the secondary front yard. Exceptions could be written but keep the true front yard fence height at 3 feet. Mrs. Myers offered to create an update to the proposed ordinance.

Bob Smart, 7525 Coblenz Road, stated that front yard fences should remain at the current 3-foot height. He has concerns with changing the terminology and its effect throughout the Town Code. Special exceptions would address those few cases not covered by Town Code as Town Code does not address 100% of the town properties all the time.

Burgess Miller asked Mrs. Myers to craft an update to this proposed ordinance and provide it to the Zoning Administrator for review.

This ordinance could be voted upon at the February 14, 2022 Town Board meeting, but if needed, the vote could be moved to a later date.

The Public Hearing ended at 8:05PM.

PERSONAL REQUESTS FOR AGENDA: None.

STAFF REPORTS:

Deputy Report –Deputy McCarrick reviewed his report.

Staff Planner Report – Cindy reviewed her report.

Engineer's Report – Bruce reviewed his report.

Main Street Manager Report – Becky reviewed her report. She also provided an update on the Middletown Heritage Museum and the items purchased for the collection.

Zoning Administrator's Report – Mark reviewed his report.

CONSENT AGENDA:

- **ARPA Project Progress Report** – The ARPA progress report has been updated. Items highlighted in green are projects in progress. Items highlighted in blue are completed projects. Items not highlighted are projects that have had no action taken on them but will be completed using ARPA monies. Items highlighted in yellow are items that were originally placed on the list but will no longer be pursued. These projects highlighted in yellow will be removed from the ARPA progress report. The Director of Public Works asked for clarification regarding the Brookridge South Pump Station Upgrade. It is highlighted in yellow, but staff is still moving forward on it. The Town Administrator stated that due to the ARPA timeframe the entire project may not be completed in time. That portion not completed using ARPA funds can be funded

using Water & Sewer CIP money. The Director of Public Works notified the Town Board that the budget for the Remsburg Park Waterline has already been exceeded due to higher quote costs and material expenses.

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

UNFINISHED BUSINESS:

Comprehensive Plan – Municipal Growth Element – The Staff Planner reviewed the changes to the updated Middletown 20-Year land Use Comprehensive Plan map. She suggested that since this item will be reviewed in depth at Monday’s Joint Town Board/Planning Commission meeting, that further discussion and review of this chapter be tabled for this evening. The Town Board agreed.

NEW BUSINESS:

Request for Main Street Reimbursement – The Main Street Program Manager reviewed the Main Street Program’s formal request for reimbursement of expenses incurred during the Covid-19 National Health Emergency in support of Middletown small businesses. Main Street converted funds from its Capital budget and used it for direct business relief. It converted grant funds it received to increase advertising of Middletown restaurants open for takeout during the pandemic for 2 months straight (both digitally and in print). Main Street also converted grant funds used for operational expenses in lieu of capital improvements to 19 West Main Street. This grant was unrestricted in how the monies could be used. There were no events held which could have generated income, and Main Street had a massive loss of revenue generated from the hotel tax. The total amount of the reimbursement request is \$40,275.00. ARPA funds would be used to fund this reimbursement. Commissioner Falcinelli stated that Main Street was able to assist businesses in time of need and moved things around in their budget to accomplish that assistance. She is not opposed to the reimbursement.

Motion: Commissioner LaPadula motioned to approve the Main Street Program request for reimbursement totaling \$40,275.00 as presented. Seconded by Commissioner Goodman. Motion carried (6-0).

Proposal for Safety Lighting at Wiles Branch Park – With the incidents that occurred at Wiles Branch Park, unlimited park access and limited lighting in the rear of the park property, the Director of Public Works researched lighting options at Wiles Branch Park. He presented his recommendations to the Town Board for review. He recommends installing two 15-foot light poles and fixtures in two 6-foot-deep concrete foundations (one by each parking area) and installing two directional flood lights on the end of pavilion. The cost would be \$16,875.00. He received a quote on the project. The quote is good for 30 days. A cost reduction of \$5,000.00 would occur if one of the light poles was removed from the quote. The lead time for this is 3 months. The cost for materials keeps increasing.

Motion: Commissioner Stottlemyer motioned to approve the proposed lighting at Wiles Branch Park at a cost of \$16, 875.00 as presented. Seconded by Commissioner Goodman. Motion carried (6-0).

Request for Waiver of Section 13.04.020 – 35 East Main Street – The property owner of 35 East Main Street is requesting a waiver of section 13.04.020 of the Town Code as it applies to his property. The Town received a letter from the property owner’s attorney making the request. This property currently has 2 water connections servicing the property. One is to the main residence on the property, the second is to a rental apartment at the rear of the property. During the Streetscape project the previous owner was

notified of the one connection per property as is required per Town Code. A vault was installed curbside, and the meter to the main residence was moved to there. The second connection (off of a second line) was never addressed. The property was sold to the current owners. The new owners were not aware of the requirement. The cost to make the changes to meet the Town Code is large. The Water Sewer Committee has reviewed the request and recommends granting the waiver. Staff also recommend granting the waiver.

The Town Board agreed by consensus to move this to the consent agenda for the February 14, 2022 Town Board meeting.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *T-Mobile Sim Card Replacement for all Town devices – Town Board members were reminded to bring their town iPads to the office so that the sim card can be switched to a T-Mobile sim card.*
- *Appointment on the Middletown Board of Appeals (BOA) – Jon Minchoff will be elevated from the BOA Alternate to full member of the BOA at the February 14, 2022 Town Board Meeting.*

Workshop adjourned at 9:04 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager