

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN WORKSHOP MEETING MINUTES

WORKSHOP MEETING

September 3, 2020

The virtual workshop meeting of the Burgess and Commissioners of Middletown was called to order on September 3, 2020, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

PUBLIC HEARING

Ordinance 20-08-01 – Building Height Definition Amendment – The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town. The Burgess and Commissioners approved of the changes which deletes references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six (36) feet instead of thirty-five feet which is presently the limit in most districts. Thirty-six feet was suggested so the need for variances from the Board of Appeals is decreased. The building height and story definitions used by Frederick City are proposed to be used instead of the Town Code's current definitions. In light of the meeting that Burgess Miller had with a potential developer regarding the redevelopment of Memorial Hall, the Staff Planner provided two options for allowing taller buildings in the downtown area by Code; that is, buildings taller than the currently proposed 36 feet which would mitigate applicants having to go in front of the Board of Appeals for an exception.

1. Add a new section to the Code that would address commercial buildings in older sections of Town similar to Section 17.32.190 – Modifications to yard requirements in areas of older residential developments.

Example: Height Modifications for Existing Buildings. When appropriate, the planning commission may approve an increase in height of the building, in excess of 36 feet, to allow for renovations in conformance with the best use of the property.

2. Add a downtown revitalization zone to the Code which would treat those properties differently than other areas of Town, such as allowing for taller buildings over 36 feet and allowing for an increase in the footprint of existing buildings.

Example: The purpose of the Downtown Revitalization Zone is to promote the use and reuse of existing structures in the Downtown area as designated on the Comprehensive Plan and Zoning Map. An addition of up to 25% of the existing ground floor building footprint will be permitted to an existing structure that remains on the property as the principal structure. Additions which result in increased height of the existing structure shall be permitted subject to site plan review by the planning commission.

There is not enough time before the next Town Board meeting to develop the idea of a downtown revitalization zone. The Planning Commission would need to be involved to review the language. The process would take 2-3 months. The Main Street Program Manager suggested adding historic preservation as part of the discussion as well, to make ensure other measures are in place to preserve

important characteristics of the structures but also allowing development. Details and criteria need to be developed as this potential downtown revitalization zone would affect every other building in the district. Commissioner LaPadula suggested the inclusion of expedited hearings and reviews as part of this process.

Commissioner Falcinelli suggested the formation of a workgroup which would address the issues facing these types of properties and a potential overlay zone. The workgroup, at a minimum, would be chaired by Commissioner Falcinelli and include the Staff Planner, the Main Street Program Manager, and members of the Planning Commission.

The public hearing adjourned at 7:31pm.

PERSONAL REQUESTS FOR AGENDA:

Doug Hutzell – Frederick, Seibert & Associates, Inc. – Wiles Branch Park Stream Bank Restoration -

History: This project would assist the Town in completing credits towards Maryland's MS4 requirements. MS4 requires towns to decrease their impervious areas within a town by up to 20%. There is a list of things towns can do to mitigate their impervious surface amounts. This stream restoration project would be completed in multiple phases with the end goal of improving stormwater management quality and water quality of Wiles Branch. This project would meet all MS4-2025 requirements and identify and resolve other issues along the creek bed. The survey and design proposal would investigate the stream area and assist in identifying areas to address. At the last Town Board meeting it was asked if the cost would be less if the engineers only surveyed the creek up to and stopping short of the wastewater treatment plant. At that same meeting it was suggested that the entire area be surveyed and reviewed, including the wastewater treatment plant. Then it can be determined which items will be included with the stream restoration and which items would be included as part of the new wastewater treatment plant. There are normally State and Federal monies available to offset some of the costs of construction of water treatment facilities. The Town Board requested to have the engineers revise the design estimate and include only the creek leading up to the wastewater treatment plant. They were also asked to attend tonight's Town Workshop.

Doug Hartzell of Frederick, Seibert & Associates was present for the meeting. He has had the opportunity to walk the identified area of the stream and was asked to give his educated opinion. The water shed is approximately 1.22 miles. There is much erosion and down cutting along the banks along the walking trail and near the sewer line. Work needs to be done to stabilize the banks and protect Town infrastructures, if not now definitely soon. The flows in the creek are increasing and storms coming through the area are becoming more intense. This increases the erosion going on. Mr. Hartzell recommends surveying the entire project and then breaking it down in to phases to manage construction costs.

The Director of Public Works was surprised the Town Board was investigating splitting the survey and design in to two pieces. He stated if the engineering is completed now it becomes a project of record with a permit. This permit can be modified as needed in the future to address completing the project in phases. The Town will have to identify the location of the new wastewater treatment plant. It would move upstream 50 feet maximum from its current location. There are limited locations that it can be placed. He recommended the engineers design the whole thing rather than piecemealing it.

This will be an item on the September 14th Town Board Meeting.

STAFF REPORTS:

Deputy Report – A Deputy report was provided to the Burgess and Commissioners prior to the meeting. No Deputy was present to review.

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 – No report given.

CONSENT AGENDA:

- **Budget Amendment 21-01** – This is for the reallocation of funds for additional costs for the Community Deputy Program. The contract was \$6,162.00 more than budgeted for. The Town was notified that Highway User Revenue funds for Middletown for FY2021 were increased an additional \$25,643.44. This will cover the cost of the Community Deputy Program contract increase. This item will be reviewed at the September 14th Town Board meeting.
- **Town Meeting Minutes**
 - *August 24, 2020 – Town Meeting*

UNFINISHED BUSINESS:

Discussion of Off-Site Sale of Liquor – Several parties are interested in the liquor license still available in the Middletown district. A survey for town residents will be developed to see if there is any interest in having the Town further pursue off-site liquor sales within town limits. Several years ago, there was a draft text amendment developed that would allow liquor sales as a special exception in commercial districts. One of its criteria was that liquor sales could not occur within 1000 feet of a residential area, house of worship, or school property. This limits the location to the Safeway shopping center, Cross Stone Commons, or the Dowd property. The Town Administrator is researching the referendum question voted down several years ago. If town residents want off-site liquor sales within town limits a text amendment would have to be created, a public hearing held, and once approved the licensing would be handled by the Liquor Board.

Comprehensive Plan – Chapter Review - The Town Board was provided draft copies of Chapters 3 and 4 of the 2020 Comprehensive Plan to begin reviewing. The Staff Planner reviewed the changes and updates proposed. Burgess Miller recommended that the Town utilize its social media outlets to remind residents that their input is important in the process. A Comp Plan survey will be available to residents for feedback after the next Planning Commission Workshop. Once active/live, it will be accessed through the town website through the end of October. Town Board members were previously emailed a copy for review. Again, any comments or suggestions on these chapters or the survey please get them to the Town Planner.

NEW BUSINESS:

September is National Recovery Month – This is a grass roots initiative within the county to reduce substance abuse related deaths and overdoses and supports those in addiction recovery and their families. This observance will occur during the month of September (National Recovery Month). The purple light bulbs will be installed at the Municipal Center. Everyone is encouraged to wear purple every Friday to bring awareness and understanding of mental health and substance abuse disorders, and to celebrate those living in recovery.

Changes to the Town’s Water & Sewer Billing Policy – With the Covid State of Emergency in effect and knowing that families have been impacted by this epidemic the Water & Sewer Standing Committee wanted to address the issue of those water/sewer accounts which will have large balances once the state of emergency is lifted. The committee recommends having minimum requirements in place prior to the state of emergency being lifted. They suggested that at a minimum a monthly payment must be paid by the resident and that any payment plan granted must be paid in full within a year.

Covid Procedures for Outstanding Water & Sewer Bill Balances – The Water & Sewer Standing Committee provided a draft set of procedures for accounts with outstanding balances over 90 days related to the Governor’s prohibition on Water Service Disconnections for the Town Board to review. A draft payment plan agreement for residents was also provided for review and comment. This will be an agenda item on the September 14th Town Board Meeting.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Please Complete Your Census Information – Middletown is currently at 85.2% for self-completion. Census workers are now visiting residences to assist with the census completion.*
- *Middletown Valley Ministerium Community Day of Service – September 12, 2020. It will be a town clean-up day instead of helping neighbors with personal home projects. Currently there are 77 volunteers registered. More volunteers are always welcome. Volunteers will meet at Holy Family Community at 9am on the 12th for their supplies and then proceed to their zones to begin their work.*

Workshop adjourned at 9:08 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager