

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

TOWN MEETING MINUTES

REGULAR MEETING

August 26, 2019

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 26, 2019, 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, Christopher Goodman, and Rick Dietrick.

PUBLIC HEARING:

Ordinance No. 19-07-02 – Self Storage Text Amendments – An ordinance to amend Title 17 of the Middletown Municipal Code to add definitions for the terms “Personal Property”, “Self-Storage Units”, and “Storage”; to amend Title 17, Chapter 17.48, Section 17.48.340 to delete and repeal the requirement that self-storage facilities may only be permitted as an accessory use to a primary business.

Burgess Miller stated that we have discussed this item since January. Burgess Miller stated that self-storage is allowed in our current code as an accessory use, what this Ordinance does is moves it to a primary use. Drew stated that this hearing was properly advertised. Burgess Miller stated that we have memo from Cindy Unangst, Staff Planner with some minor changes being recommended by the Planning Commission.

Commissioner Falcinelli asked Drew to clarify how this all started. Drew stated that we had a developer bring to our attention the discrepancy within the Town Code regarding storage facilities as a primary versus accessory use. Drew stated that he reviewed this with the Town Attorney and the Board decided they wanted to fix the language in the code.

John Huegelmeyer, 110 Manda Drive – stated that he & his wife built their house in 1996. Since that time there have been several things proposed on the AC Jets property. Mr. Huegelmeyer asked if this Ordinance is approved tonight this essentially clears the way for the developer to build on the Dowd Property? It was stated that the developer could build a storage facility on that property today without the corrections being made in Ordinance 19-07-02. Mr. Huegelmeyer stated that he and his neighbors have some concerns about noise, odors and other potential issues. Mr. Huegelmeyer stated they would like to see a berm with screening, earth tones on buildings and the vehicle storage move to the opposite side of the property. Commissioner Goodman stated that all of this will be taken care of during the site plan approval stage and suggested that Mr. Huegelmeyer attend the upcoming Planning Commission meetings. Lori Benedetto, 621 Glenbrook Drive – stated that just because it’s allowed do, we need it? Burgess Miller stated that we cannot dictate what the developer does on their property.

William Heaton, 703 East Main Street – asked how provisions are made on the developer? Burgess Miller stated that they are made during the site plan review by the Planning Commission. Mr. Heaton then asked if those provision are not met by the developer what actions are taken? Drew stated that if the provision outlined on the site plan are not met and the developer is operating its business this then turns to become a zoning issue and our zoning administrator can issue fines.

Public Hearing adjourned 7:32pm.

CONSENT AGENDA:

- *Financial Statements*
- *Request for Closure of Prospect Street for Block Party – Saturday, September 28, 2019 from 4-8pm.*
- *Town Meeting Minutes – August 1, 2019 – Town Workshop
August 12, 2019 – Town Meeting*

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Falcinelli. Motion carried 5-0.

PERSONAL REQUESTS FOR AGENDA:

Brian Lizzi, 102 Prospect Street – stated that he has seen people pass the library then turn into St. Thomas More parking lot turn around and drive the wrong way on Prospect Street to get to the library. Mr. Lizzi is wondering if we can put up more signage or have a deputy site there? The Director of Public Works will review the signage on Prospect Street to ensure the signs are appropriate.

Mr. Lizzi also asked about an alley if it was a public alley or not? Drew stated that the alley Mr. Lizzi is referring to is a public alley way that is not owned or maintained by the Town. Burgess Miller stated that we will provide notification to the affected residents that this is a public alley and should always remain clear.

UNFINISHED BUSINESS:

Ordinance 19-07-02 – Self Storage Text Amendment(vote) – Motion by Commissioner Goodman to approve Ordinance 19-07-02 as amended by a memo dated 8/20/19 from Cindy Unangst, Staff Planner, seconded by Commissioner Bussard. Motion carried 5-0.

Introduction of Ordinance 19-07-03 – Investment Policy Amendments (vote) – Drew stated that this is to amend Title 3, Chapter 3.04 of the Middletown Municipal Code to authorize the utilization of insured cash sweep (ICS) services as part of the Town’s Investment Policy; to make corrections to antedated references to the Annotated Code of Maryland.

Motion by Commissioner Goodman to approve Ordinance 19-07-03 as presented, seconded by Commissioner Falcinelli. Motion carried 5-0.

Water & Sewer Billing Software – Credit Accounts (vote) – Commissioner Falcinelli stated that she received an email from a resident that the Town over billed her by \$0.02 per quarter. Town staff investigated it and discovered that because our rates are odd numbers the billing system rounds up. Staff did an audit of several accounts and realized that most accounts were over charged \$0.03 for 3 years equals \$0.36. Commissioner Falcinelli stated that the water & sewer committee recommended not doing anything, but the Board feels differently.

Motion by Commissioner Falcinelli to credit each water & sewer account \$0.36, which covers \$0.03/Quarter over the three (3) year statute of limitation, seconded by Commissioner Goodman. Motion carried 5-0.

Speed Sign Data – Middletown Glen Ingalls Drive - Drew reviewed the data collected from the speed camera with the Board. Drew stated that the data does show that the 85% percentile is 15mph. The Board would like to hold a public meeting with the residents on Ingalls Drive to get their input on Thursday, October 3, 2019 at 7:00PM.

Discussion of Electronic Vehicle Charging Stations and Upgrades – Drew stated that he met with Dave Kline with Potomac Edison last week regarding EV Charging Stations. Potomac Edison will install them free of charge and those who use the stations will pay for use by credit card. Staff was directed to identify locations for proposed EV Stations and present that information to the Board. The Board will review these recommendations next month.

NEW BUSINESS:

Sidewalk Inspections – Burgess Miller stated that when we started the sidewalk inspection program back in 2012 the residents along Main Street received a pass due to the Streetscape project. Now that part of that project is complete there are a few residents along Main Street that are on corner lots and their sidewalk along the side need repaired. Drew stated that staff is looking for some direction from the Board on how to proceed. It was stated that any resident on the East side of Town that has corner lot from Pine Avenue east should receive a letter with a reasonable time frame to make the necessary repairs to their sidewalks. Staff will begin a re-inspections of side street sidewalks for properties were the Streetscape Project has been completed.

Discussion of Installation of LED Enhanced Crosswalk – Middletown Parkway & Glenbrook Drive – Burgess Miller stated that in our budget we approved there is money to install LED Crosswalk signs that are solar powered at 3 locations throughout Town. Bruce received a quote today for 1 location (2 signs) the price is \$11,025.19, for 3 locations (2 signs at each location) the price is \$30,897.01. This price includes installation and a 5-year warranty.

Lori Benedetto, 621 Glenbrook Drive – stated that this year the high school and middle school kids will not have bus service to school they will now be walking to/from school.

Motion by Commissioner Goodman to approve this quote received of \$30,897.01, motion received no second.

Motion by Commissioner Falcinelli to approve up to \$30,897.01 but would like Staff to check with the County to see if we could possibly piggy back with them at a cheaper cost (staff is to report back at the September 5, 2019 workshop) and also to ask the County to share the cost of the sign on Holter Road, seconded by Commissioner Goodman. Motion carried 5-0.

Discussion of Crosswalk on East Green Street – The Board would like the Public Works Committee to look at a possible location for a crosswalk along East Green Street.

PUBLIC COMMENTS:

Burgess Miller states that the Town Attorney has announced his retirement at the end of September. Mr. Clapp has given us 1 recommendation but, would like to reach out to a few more. Burgess Miller asked of the Board wanted to be included in the interviews or are they ok with he and Drew doing the interviews and bring our recommendation back to the Board. It was the consensus of the Board to have Burgess Miller & Drew perform the interviews and bring their recommendation to the Board.

Eric Ware, 6 Washington Street – stated that he appreciates the Town looking into the idea of a crosswalk along East Green Street as he has a child that will be walking to/from school.

Commissioner Bussard states that he came across a resident blowing their grass into the roadway.

Commissioner Bussard stated that it was so thick you could not see the yellow line on the road.

Commissioner Bussard stated that this is very dangerous and would like to put a little blurb in the next Quarterly Update reminding residents not to blow their grass into the street as it is a safety issue.

ANNOUNCEMENTS:

Month of September – Frederick County Goes Purple

Month of September – Emergency Preparedness

Heritage Festival – Saturday, September 28, 2019 from 10am.-5pm.

Meeting adjourned at 8:40pm.

Respectfully submitted,

Ann Griffin
Office Manager