

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

February 25, 2019

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on February 25, 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, Rick Dietrick and Tom Catania.

CONSENT AGENDA:

Financial Statements

Girls on the Run 5K Race

Budget Amendments

Town Meeting Minutes – January 28, 2019 – Town meeting

February 7, 2019 – Town workshop

February 13, 2019 – Public Information Committee Meeting

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Catania. Motion carried 6-0.

PERSONAL REQUESTS FOR AGENDA:

Partnerships with Frederick County Chamber of Commerce – Rick Weldon, President & Eric Soter, Board of Directors – Mr. Weldon was present to invite the Main Street Organization to their meetings with a free membership.

Broad Street Citizens Group – Comments on Broad Street Preliminary Design – Ron Moss, 213 Broad Street – stated that he had help of a few other residents along Broad Street developing the questionnaire that was sent out. Mr. Moss stated that Virginia Cuff, 222 Broad Street, Amy Camarote, 226 Broad Street and Stephen Ramsey, 114 Locust Street were involved and will be presenting the results of the questionnaire and suggestions.

Ms. Cuff stated there are 31 residences along Broad Street, 30 of those are currently occupied. Mr. Moss stated that they sent out a questionnaire to the 30 residents and received 23 back. Below are the questions and results of the questionnaire sent.

- Do you approve of having the lower portion of Broad Street narrower? - 73.9% - No
- Do you approve of having bump outs? – 69.6% - No
- Do you feel that a narrower street will slow speeders? – 73.9% - No
- Do you approve of having sidewalks on the northwest side from Franklin to Main? – 47.8% - Yes
- Do you approve of having speed bumps on the street? – 47.8% - No and 52.2% - Yes
- Do you approve of installing a 3 way stop sign at Broad and Linden and/or at Broad and Locust? – 35.8% - No and 52.2% Yes.
- Do you approve of restricting on-street parking on the East side of the street? – 60.9% - No
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Ms. Camarote, 226 Broad Street - stated that they are opposed to narrowing the lower portion of Broad Street as that would be going against what our current design manual says. Ms. Camarote and Mr. Ramsey (114 Locust Street) presented some suggestions to the Board – install speed bumps, drop speed limit, 3-

way stop sign at Broad Street & Locust Street and increase police presence. Ms. Camarote stated that Broad Street is mixed with old and new families and they expressed their thanks for this opportunity to give their input into this project.

Brandi Wynne, 205 Broad Street – stated that she would like to see sidewalk down the NW side of Broad Street, she doesn't want to see bump outs like on West Green Street and she also asked if the bushes at the Rudy house at the corner of Broad & Franklin were going to be removed?

Burgess Miller stated that the reason for suggesting sidewalks and also putting the bump outs in is to meet our MS4 permit that we are required to meet by the State & Federal government by 2025. Burgess stated that we (the Town) has to reduce the storm water management flow by 20%.

Doug Martin, 103 Broad Street – asked if there was any tree planting included in this project? Burgess Miller said no.

Edward McDonald, 106 Broad Street – stated that he feels 25mph is too fast for this street that kids could jump out or run out from behind parked cars and he's afraid that one may get hit.

Burgess Miller thanked the residents of Broad Street for their work and suggestions on this project.

UNFINISHED BUSINESS:

Vacancy for Alternate to the Town's Ethics Commission (Vote) – Drew stated that we have received 4 applications for this position. Drew stated that the volunteer applications were not put out in the packets as they have personal information that should not be shared. Drew stated that we received applications from Matthew Gray, Dan Rudakevych, Norman Hunt and Kelly Losquadro.

Motion by Commissioner Bussard to recommend Norman Hunt as the alternate, seconded by Commissioner Goodman. Motion carried 5-1(Catania voted against).

Updated Cost Estimate for Parking on South Church Street (Vote) – tabled to March meeting.

MOU for Storm drain at 306 West Main Street (Vote) – Drew stated that the Board reviewed this months ago and agreed to proceed partnering with the State to repair the collapsed storm drain. The Town requested an MOU which is in front of us. Drew stated that previously the state had estimated a cost of \$55,300 to repair which the Board approved. The State now has firm numbers and according to the proposed MOU the total cost of the Town for this project is \$65,952, therefore we need to do a budget amendment for \$10,652. Drew stated that with the Elm Street parking lot upgrades coming in under budget we can move the \$10,652 from that project to this storm drain project.

Motion by Commissioner Catania to accept the MOU as presented for \$65,952, seconded by Commissioner Goodman. Motion carried 6-0.

Comprehensive Plan Schedule Discussion – Burgess Miller stated that with the previous information that Cindy provided us in our letter to MDP the Comprehensive Plan will be updated 2022-2024 which we would be able to include the 2020 census data. Commissioner Catania stated that he would like to keep this on hold until our joint meeting in May. Commissioner Falcinelli stated that if we told the State that we were going to update our Comp Plan in 2022-2024 is there any reason to move the process up. Burgess Miller stated that we will discuss at the Joint Meeting in May with the Planning Commission.

Blighted Ordinance (Second reading) – Burgess Miller stated that we have not received this from the Town Attorney therefore, it will be tabled to next moth.

Employee Handbook Updates (Second reading) – Burgess Miller stated that this is the second reading of the proposed updates to the Employee Handbook. Ann stated that the only change to this is we added the Employee Social Media Conduct to the policy. The Board will vote on this at the March meeting.

Social Media Policy & Archiving (Second reading) – Commissioner Falcinelli stated that she, Ann and Bob Smart met previously in the month to review the social media policy. Commissioner Falcinelli stated that there really isn't much out there on Elected/Appointed Officials pertaining to social media. The only thing that we could really find is that an Elected/Appointed Official should have a separate page for personal use from their Elected/Appointed position. Ann went over the information that she received from Archive Social about backing up our social media accounts. Ann also stated that Commissioner

Catania had asked at the workshop if the Burgess & Commissioner accounts could also be backed up? Ann contacted Archive Social and yes, they recommend that any Elected official account should be backed up. The Board will vote on this at the March meeting.

NEW BUSINESS:

Review Leasing Offer for Parking Lot – Corner of North Church Street & East Green Street (Vote)

– Burgess Miller stated that we have had discussions with the owners of the parking lot at the corner of East Green Street and North Church Street. The lease agreement in front of us is \$8,760 per year we would take care of removing the snow and cut the grass and the owners would be responsible for any repairs needed to the asphalt/curb & gutter.

Rebecca Myers, 2 Woodmere Circle – asked if this lot had any handicap parking spaces? Drew stated that because this is a leased lot it is not required to have handicap spaces.

Motion by Commissioner Bussard to approve the lease agreement for \$8,760 per year, seconded by Commissioner Catania. Motion carried 6-0.

Commissioner Goodman stated that he feels this is a big step in the right direction for the Town to support our downtown businesses.

Discussion of Panhandling Ordinance – tabled.

Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property

– Burgess Miller went over Drew’s findings with the Board in relation to the conflict in the Town Code Section 17.20.020 C and Section 17.48.340 E. Burgess stated that the developer of the Dowd Estate has filed a preliminary site plan proposing self-storage on the property which is zoned GC. Under GC (17.20.020 C) Special Exceptions, it listed all the special exception uses as principal, if approved by the Board of Appeals; but when you look under specific standards for Special Exceptions (17.48.340 E), it states that self-storage may be permitted only as an accessory use. The Town Board requested the opinion of the Town Attorney on how to address this conflict. The Town Attorney pointed out, under statutory construction, the status last enacted is deemed to have replaced the inconsistent term of the former.

Drew stated that section 17.20.020 C was passed in 2007 and Section 17.48.340 E was passed in 1997. Therefore, under statutory construction, a self-storage facility can be allowed as a primary use as a special exception in the GC district.

Drew stated that staff has no recommendation, but offers the following opinions for the Town Board to consider:

1. Do nothing. Use the concept of statutory construction to deem the self-storage as a principal use to be permitted only as an accessory use to be inconsistent.
2. Remove line E from 17.48.340, that would remove any inconsistency.
3. Redebate the entire issue of self-storage in GC and decide what you want today and enact and repeal a new ordinance with what the Town Board wants today.

Drew also suggested that the Town define self-storage and storage in the zoning section of the code. Commissioner Catania stated that he would like to remove line E from section 17.48.340 and add definitions for self-storage and storage.

John Huegelmeyer, 110 Manda Drive – stated that he had concerns with the portion of the parking of winnebago’s, boats, etc. on the west side of this property as the residential area that abuts up to this will be able to see that.

Lewis Corl, 110 Linden Blvd. – stated that this will have a visual impact therefore he feels there should be an excessive number of trees planted around.

Richard Favarulo, 103 Manda Drive – asked if there could be berm put in place to raise the trees higher to shield more.

Commissioner Catania stated that he is in favor of removing line E from 17.48.340, that would remove any inconsistency and also developing definitions for storage and self-storage.

Commissioner Falcinelli stated that there seems to be a misconception out there that the Town sold this property. Commissioner Falcinelli stated that the Town actually tried to buy it several years ago to build a maintenance shop but the owners at the time would not sell the property. Since that time this property has changed hands and as long as the owner or developer meet the General Commercial zoning regulations, we cannot tell them what to put on this property. This property has been zoned General Commercial since 1973.

POS Annual Program Requests – Commissioner Goodman stated that they will meet in March to decide what projects we should apply for POS funds.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Workshop adjourned at 9:16pm.

Respectfully submitted,

Ann Griffin
Office Manager