

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

WORKSHOP MEETING

February 7, 2019

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on February 7, 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.

PERSONAL REQUESTS FOR AGENDA:

Broad Street Citizens Group – Comments on Broad Street Preliminary Design – Ron Moss will be present at the meeting on Monday to give the suggestions from his group.

Jane Tamagna Darr – Comprehensive Plan Public Forums – Ms. Tamagna introduced herself and gave her background. Ms. Tamagna is a business consultant and has been for over 30 years. Ms. Tamagna stated that what she will do is collect the data from these public forums with residents. Ms. Tamagna stated that when she met with Burgess Miller his desire was to get the input of the citizens. Ms. Tamagna stated that there are a million ways to collect the data but, how she likes to do it is the SWOT method. Ms. Tamagna likes to get the strengths, weaknesses, opportunities and threats (SWOT) how the public sees Middletown today versus how they see Middletown in the future. Ms. Tamagna stated that the data that she collects is kept confidential she does not collect names or who says what. Ms. Tamagna stated that the information she collects will not be perfect or enough. Ms. Tamagna also recommended that these focus group meetings not be attend by elected or appointed officials of the Town.

STAFF REPORTS:

Community Deputy Report – Sgt. Hillman gave the report for January.

Staff Planner Report – Cindy gave her report as attached to agenda.

Cindy also reported that she contacted MDP regarding the Comprehensive Plan update if there was anything that Middletown needed to submit if we wanted to defer updating our Comprehensive Plan to a later time. Cindy had also forgot about the conversation between the Town Board and the Planning Commission had in 2016 which prompted us to send a letter to MDP that we did not feel the need to do a mid-cycle update in 2017 that we would plan to update our Comprehensive Plan once we received the 2020 census data.

With this information the Burgess asked if the Board would agree to postpone this to our joint May meeting with the Planning Commission.

Engineer's Report – Bruce gave his report.

Main Street Manager's Report – Becky gave her report.

Zoning Administrator's Report – Mark gave his report.

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. Burgess Miller asked the Board to review the applications for a vote at the Monday, February 11, 2019 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 from the contractor 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. The Board will vote on this at the February 11, 2019 meeting.

Comprehensive Plan Schedule Discussion – Burgess Miller stated that with the previous information that Cindy provided us earlier we will place this on hold until the joint Town Board & Planning Commission meeting in May.

Blighted Ordinance (Second reading) – Cindy reviewed this with the Board. Burgess Miller stated that this is the second reading of this proposed ordinance, if the Board has no comments, we will forward this to the Town Attorney to review and a vote at the February 25, 2019 meeting.

Employee Handbook Updates (Second reading) – Burgess Miller stated that this is the second reading of the proposed updates to the Employee Handbook. The Board will vote on these changes at the February 25, 2019 meeting.

Social Media Policy (Second reading) – Commissioner Falcinelli stated that she and Ann have been working on this and would like to hear feedback from the Board. Commissioner Falcinelli stated that there really isn't much out there on Elected/Appointed Officials pertaining to social media. Commissioner Falcinelli stated that Ann had a conference call with Archive Social last week and received a lot of good information from them regarding backing up our social media sites. We will look at this at the February 25, 2019 meeting. Commissioner Catania stated that he would like to have the Burgess & Commissioner pages (if the Commissioners elect to have one) backed up along with the Town's official Facebook page. Commissioner Falcinelli stated that she is trying to coordinate a meeting with her committee sometime next week.

Update Cost Estimate for Parking on South Church Street – Drew stated that the updated price from Bruce Carbaugh with meeting all the requirements from SHA is between \$40K-\$45k for 6 spaces. Drew stated that with the State giving \$12K that would still make this project approximately \$33K. Bruce stated that it would take around 10-12 months to get this project complete.

REPORT OF COMMITTEES:

WATER & SEWER – no report

PUBLIC WORKS – no report

SUSTAINABILITY – no report

PLANNING COMMISSION – no report

PARKS and RECREATION – no report

PUBLIC INFORMATION – no report

NEW BUSINESS:

Discussion of Panhandling Ordinance – Commissioner Goodman presented an example ordinance from Frederick City regarding Panhandling and stated that we do not currently have a panhandling problem in Town but, he is just trying to be proactive and asked the Board to consider a similar ordinance in Middletown. This will be discussed at future meetings.

Discussion of Self-Storage in General Commercial (GC) Zoning District Code Conflict – Dowd Property – Drew went over his findings with the Board in relation to the conflict in the Town Code Section 17.20.020 C and Section 17.48.340 E. Drew 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.

Mark Lancaster was present representing the developer. Mr. Lancaster was looking for how the process works moving forward and time frames.

Commissioner Dietrick stated that this is the only place that he would like to see a storage facility in town, he would not like to see a storage facility in open space in town. With it being proposed behind the Safeway shopping center you won't see it.

Mark Lancaster stated the proposed storage is 1 story except for the office area to allow for signage. Mr. Lancaster stated that the preliminary plan shows a slated fence and trees around the entire area.

The Board asked Cindy to compile self-storage and storage definitions for their review.

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

Drew stated that he and Burgess Miller met with John Rudy and Lee Ropp (owners of the parking lot at the corner of East Green Street & North Church Street). This lot was previously leased by MVB but, they no longer need the space. Mr. Rudy & Mr. Ropp are willing to lease it to the Town for \$8,760 year which equals \$1.50 a space per day. The Town would be responsible for mowing the grass and removing the snow. Parking lot repairs would be up to the property owners. Mr. Rudy & Mr. Ropp are willing to lease this property to the Town for 5 years with one (1) renewable term for another five (5) years. The Board will make their decision on this at the meeting on Monday, February 11, 2019.

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Workshop adjourned at 9:42pm.

Respectfully submitted,

Ann Griffin
Office Manager