



## **AGENDA FOR THE TOWN WORKSHOP**

**May 4, 2017**

**7:00 p.m.**

### **Community Deputy Report**

### **PUBLIC HEARINGS**

- [Constant Yield Tax Rate](#)

### **STAFF REPORTS:**

[Staff Planner](#)

Engineer's Report

Main Street Manager

[Zoning Administrator](#)

### **Regular Workshop Items**

---

## **MUNICIPAL NEWSPAPER NOTICE REQUIREMENTS**

Headline must be all capital letters and bold type as shown.  
Remainder must be both upper and lower case characters.  
Notices must be 12 point. Municipal advertisements must be  
a minimum of 1/8 page in size and  
**must not be placed with legal notices or classified ads.**

---

### **BURGESS AND COMMISSIONERS OF MIDDLETOWN NOTICE OF A PROPOSED REAL PROPERTY TAX INCREASE**

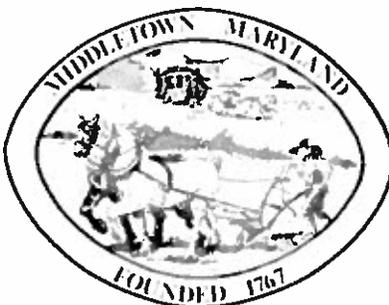
The Burgess and Commissioners of Middletown proposes to increase real property taxes.

1. For the tax year beginning July 1, 2017, the estimated real property assessable base will increase by 4.28%, from \$529,113,363 to \$551,771,904.
2. If the Burgess and Commissioners of Middletown maintains the current tax rate of \$0.2320 per \$100 of assessment, real property tax revenues will increase by 4.28% resulting in \$52,568 of new real property tax revenues.
3. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.2225, the constant yield tax rate.
4. The Burgess and Commissioners of Middletown is considering not reducing its real property tax rate enough to fully offset increasing assessments. The Burgess and Commissioners of Middletown proposes to adopt a real property tax rate of \$0.2320 per \$100 of assessment. This tax rate is 4.28% higher than the constant yield tax rate and will generate \$52,568 in additional property tax revenues.

A public hearing on the proposed real property tax rate increase will be held at 7:00PM on Thursday, May 4, 2017 at Municipal Center located at 31 West Main Street, Middletown, MD 21769.

The hearing is open to the public, and public testimony is encouraged. Persons with questions regarding this hearing may call 301.371.6171 for further information.

---



## **MEMORANDUM**

**DATE:** March 14, 2017  
**TO:** Burgess and Commissioners  
**FROM:** Andrew J. Bowen, Town Administrator  
**SUBJECT:** Constant Yield Tax Rate – FY 2018

---

### **ISSUE**

As required by State Law – Tax Property Article §§2-205 and 6-308, municipal corporations may set any tax rate for personal property without regard to the constant yield tax rate. Each year the Town must hold a public hearing to set the tax rate for the Town of Middletown.

### **BACKGROUND**

*The Town of Middletown holds a public hearing each year for establishing the tax rate to be used for the next fiscal year. Since 1993, the tax rate for Middletown has remained unchanged at \$0.232/\$100 of assessed value. The increase in tax revenue has come from increased assessment values and additional homes constructed. The public hearing has been advertised for Thursday, May 4, 2017 at 7:00pm.*

### **RECOMMENDATION**

Town Staff does not recommend an increase in the tax rate and leaves the decision of reducing the tax rate to the Burgess and Commissioners. In addition to approval of the Town's tax rate for Fiscal Year 2018, the Town Staff is asking for approval of the following discount and interest rate schedule for payment of taxes – both Personal Property and Tangible Personal Property.

*SEE ATTACHED SCHEDULE OF FEES*

---



## Burgess and Commissioners of Middletown, Maryland

Fiscal Year 2018  
Tax Rates

|   |           |                                       |
|---|-----------|---------------------------------------|
| <b>Town of Middletown - Property Tax Rate</b> | <b>\$</b> | <b>0.232</b> per \$100 assessed value |
|---|-----------|---------------------------------------|

|   |           |                                       |
|---|-----------|---------------------------------------|
| <b>Town of Middletown - Personal Tangible Property Tax Rate</b> | <b>\$</b> | <b>0.580</b> per \$100 assessed value |
|---|-----------|---------------------------------------|

| Months       | Discount Rate | Interest Rate |
|--------------|---------------|---------------|
| July-17      | 2.00%         |               |
| August-17    | 1.00%         |               |
| September-17 | Base          | Base          |
| October-17   |               | 0.67%         |
| November-17  |               | 1.33%         |
| December-17  |               | 2.00%         |
| January-18   |               | 2.67%         |
| February-18  |               | 3.33%         |
| March-18     |               | 4.00%         |
| April-18     |               | 4.67%         |
| May-18       |               | 5.33%         |
| June-18      |               | 6.00%         |

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/27/2017

RE: Monthly Planning Update - May

---

**Major Subdivisions:**

**Middletown Glen** - Preliminary plans signed – May 29, 2013  
Improvement plans conditionally approved – October 16, 2013  
Final Plats conditionally approved – November 17, 2014  
Plats 1 & 2 recorded at Courthouse – May 17, 2016  
FRO planting at Remsberg Park completed – February 2017  
**Plat 3 recorded at Courthouse – March 1, 2017**  
**Next step – record additional final plats**

**Site Plans, Plats and Minor Subdivisions:**

**Cross Stone Commons** – Final FRO Plan approved – May 19, 2014  
Revised Site Plan conditionally approved – October 20, 2014  
Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)  
Building permit for Building #3 applied for – June 24, 2016  
**Next step – submit architectural renderings for buildings #2 and 4 for review/approval**

**Fire Station** – BOA approved height variance request - October 20, 2016  
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)  
Demolition plans conditionally approved – December 19, 2016  
Improvement Plans conditionally approved – December 19, 2016  
Final plat recorded at Courthouse – February 7, 2017  
**Next steps – submittal of PWAs for approval and apply for building and grading permits**

**Franklin Commons** - Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)  
FRO plan conditionally approved – January 19, 2015  
Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)  
Mylars signed – January 4, 2016  
**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Harris Garage demolition plans – conditionally approved by PC – April 17, 2017**

**Caroline's View/Horman Apartments**- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)  
Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)  
Currently approved SWM plans remain valid until May 4, 2017  
Mylars signed – September 11, 2015  
**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010) Forest Conservation Plan approved – October 20, 2008  
Architectural plans approved by PC – March 16, 2015  
BOA hearing for variance requests (approval received) – March 29, 2016 (**Expired 3/29/17**)  
SWM plans submitted to SCD and Frederick County – December 5, 2016  
**Next step – apply for variance requests for siting of duplex building**

**Miller (Ingalls)** – Concept and Phase I & II Plan approved & signed – September 27, 2010  
Revised Concept Plan reviewed by PC – September 16, 2013  
Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)  
**Next step – submit improvement plans for review/approval**

**Richland Driving Range** – Concept plan reviewed by PC – January 18, 2016  
Site Plan reviewed by PC – May 16, 2016  
Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)  
**Next step – submit improvement plans for review/approval**

**School Complex roadway plans** – Improvement plans and FCP plans reviewed and commented on by PC – April 17, 2017

**Technology MD Network Company permit application** – withdrawn – March 15, 2017

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009  
Public hearing date - Monday, October 11, 2010  
Annexation petition denied by Town Board – October 11, 2010

**Admar Property** – annexation petition sent to PC by Town Board – January 9, 2017  
PC approval of consistency with zoning/comp plan – February 20, 2017

**Text Amendments:**

**Reports:**

**Grants:** MEA Smart Energy Communities grant application – submitted February 16, 2017

**Meetings:** Next Middletown Green Team Meeting – May 17, 2017

**Next Joint town board/planning commission workshop** – June 5, 2017

## Town of Middletown Zoning Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 5/4/17

RE: Monthly Zoning Update – April 2017

---

Board of Appeals (BoA) Meeting: No public meetings of the BoA were held in April 2017. Daphne Gabb was appointed by the Burgess with the concurrence of the Commissioners to serve as a member of the BoA. She will serve the remainder of Fred Rudy's 3-year term which ends May 2019 in accordance with Chapter 2.20 of the municipal code. Mr. Rudy officially resigned from the BoA in early April 2017.

### Zoning Violations:

(1) Car Parked on Grass/Junk Yard, 128 East Main Street. A zoning ordinance violation notification letter was sent to property owners on November 16, 2016 for parking motor vehicle on grass area in front yard of property (corner lot) and for having excessive items discarded/stored in rear yard of property that constitutes property being used as a junk yard in accordance with Sections 17.32.040 and 17.32.060(J) (3) of municipal code. Owner called zoning administrator and left message that they are working to address / correct the zoning issues outlined in the violation notification warning letter. Site visit noted that motor vehicle no longer parked on grassy surface in front yard of property. Some items still discarded/stored in rear yard of property. Inspection of property showed that excessive items were removed from property. Closed.

(2) Utility trailer parked on street in residential district, 7 Knoll Side Lane. A citation and fine letter was sent to property owner on January 18, 2017 for continuing to park recreational equipment (utility trailer) on the street in front of residential property after receipt of zoning ordinance violation warning letter, dated January 6, 2017 notifying owner that it was a municipal infraction to continue to park utility trailer on street in residential district in violation of Section 17.32.140 – Recreational equipment - of the municipal code. Utility trailer parked on street through January 18<sup>th</sup> when it was finally removed from street. I talked with homeowner on January 30, 2017 explaining why he was cited and fined. Fine has not been paid. Awaiting return of certified mail receipt and/or certified letter to determine follow-on actions. Open.

(3) Trash Dumpster parked on property, 204 Prospect Street. The property owners were sent a zoning ordinance violation notification letter on April 20, 2017 for placing a trash dumpster on their driveway in violation of Section 17.32.045 – Storage and disposal container – of the municipal code. The owners had previously received permission from the Zoning Administrator to place a storage container on their property for a six-month period of time to support major renovations to their residential structure. Inspection of property on 4/29/17 showed trash dumpster was no longer parked/stored on property. Closed.

(4) Storage container (POD) parked on driveway, 306 Cone Branch Drive. The property owners were sent a zoning ordinance violation notification letter on April 20, 2017 for placing a storage container on their driveway in violation of Section 17.32.045 – Storage and disposal container – of the municipal code. The owners had previously been cited by the Zoning Administrator on November 8, 2016 for placing a POD storage container on their driveway. In the April 20<sup>th</sup> letter, they were requested to remove the storage container from their driveway within ten (10) business days from receipt of the zoning violation letter or to submit an application

(zoning certificate) to the Middletown Zoning Administrator to allow the storage container to be placed on the property to support construction and/or reconstruction and/or renovation activities on their property. Inspection of property on 4/29/17 showed trash dumpster was no longer parked/stored on property. Closed.

**Recommended Change to Municipal Code:** The zoning administrator recommends that Section 17.08.030 – Zoning certificate required – of the municipal code be modified to read “It is unlawful to commence the excavation for or construction of any *building OR STRUCTURE*, including *accessory building / STRUCTURE*, signs and fences, or to commence the moving, alteration, or change of use of any land or *buildings OR STRUCTURES*, including *accessory buildings / STRUCTURES*, until the zoning administrator has issued a zoning certificate for such work.”

| April 2017 Zoning Certificates - completed   | Address                    | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|----------------------------|----------|--------------------|---------------------|-----------------|
| Middletown Commons Holdings (Middletown Glen) – new SFD (Lot 22); Ryan Homes. Style: Torino; elevation N.  | 123 Ingalls Drive          | 157243   | 4/4/17             | 4/17/17             | yes             |
| Mark Bevington – remodel basement to include kitchenette, bathroom, recreation room and office. New electrical and plumbing will be installed.   | 103 Ali Drive              | 157499   | 4/10/17            | 4/17/17             | yes             |
| Middletown Commons Holdings (Middletown Glen) – new SFD (Lot 11); Ryan Homes. Style: Torino; elevation C.  | 101 Ingalls Drive          | 157925   | 4/17/17            | 4/26/17             | yes             |
| Richard Keyser – installation of eight (8) roof-mounted solar panels. SolarCity Corporation is contractor.   | 213 South Jefferson Street | 157938   | 4/11/17            | 4/18/17             | yes             |
| Hubert Brown, Eric Moore General Contracting LLC Demolition site plan conditionally approved by planning commission at their 2/20/17 monthly meeting to remove dilapidated SFD and shed. | 219 South Jefferson Street | 158260   | 1/18/17            | 5/1/17              | yes             |
| Emmanuel & Denise Hoover – install a 10’ x 14’ vinyl clad utility shed (accessory building) in north side / rear yard of SFD.  | 102 Cone Branch Drive      | Town     | 4/19/17            | 4/19/17             | no              |

| <b>April 2017 Zoning Certificates – completed (continued)</b>  | <b>Address</b>         | <b>Permit #</b> | <b>M-town Received ZC</b> | <b>RForrester Approved</b> | <b>County Approval</b> |
|--|------------------------|-----------------|---------------------------|----------------------------|------------------------|
| Back2Basics Nutrition LLC (Lindsey Carter – owner) – <i>sign permit for business sign.</i> Reference permit 3156880 – change of tenant.  | 17 West Main Street    | Town            | 4/19/17                   | 4/19/17                    | no                     |
| William S. Heaton & Dana Wiles – <i>Home Occupation permit</i> for STEM day camp and Information Technology (IT) Support Services – graphic design. .Company names: Positive Arc.  | 703 West Main Street   | Town            | 4/18/17                   | 4/18/17                    | no                     |
| David Conway – repair fire damage to interior of house to include electrical and plumbing, drywall, etc. K&B Restoration is contractor.  | 203 Cone Branch Drive  | 158067          | 4/20/17                   | 4/26/17                    | yes                    |
| Matthew C. Reed – install a 20' x 16' wooden deck on back wall of SFD (county permit required.) Install approximately 238 linear feet of 5' tall wooden fencing on side and rear yards of property. (fencing approved by Zoning Administrator) | 5 North Pointe Terrace | 158173 / Town   | 4/21/17                   | 4/24/17 / 4/21/17          | yes / no               |
| Stephen M. Nibbs – install a 10' x 12' shed (accessory building) in rear corner of backyard of SFD.  | 316 Cone Branch Drive  | Town            | 4/24/17                   | 4/24/17                    | no                     |
| Jacob Hockman – install 345' of 6' high wooden fencing on side and rear yards of property  | 205 Mina Drive         | Town            | 4/25/17                   | 4/25/17                    | no                     |
| Jim & Carrie Harris – <i>demolition of dilapidated garage structure.</i> Demolition plan approved by planning commission of 4/17/17. Fred W. Rudy Builders & Contractors, Inc. is contractor.  | 204 Prospect Street    | 157470          | 3/16/17                   | 4/24/17                    | yes                    |
| Nicholas Bergman – install 43 roof-mounted solar panels. SolarCity Corp. is prime contractor.  | 11 Wagon Shed Lane     | 158176          | 3/28/17                   | 4/27/17                    | yes                    |

| Zoning Certificate submitted- in progress   | Address                    | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|---|----------------------------|----------|--------------------|---------------------|-----------------|
| Frederick County Department of Engineering & Construction Mgmt. Construction of new fire station (ADTEK Engineers)  | 401 Franklin Street        | 152165   | 11/29/16           |                     | yes             |
| Hubert Brown, Eric Moore General Contracting LLC, construct a new SFD on property after approval of 4 (four) variances from Section 17.16.070 of the municipal code by BoA at their 2/22/17 public hearing.   | 219 South Jefferson Street | 158263   | 1/18/17            |                     | yes             |
| Middletown Valley Investment Partners, LLC. Business owner: <u>Cinco De Mayo Restaurant</u> in Cross Stone Commons Shopping Center. W.J. Stickler Signs is vendor (signage); install illuminated signage on front and right side of unit housing restaurant; electrical permit required for illuminated wall signs. | 200 Middletown Parkway     |          | 3/2/17             |                     | yes             |
| Jim & Carrie Harris – build a 20' x 24' single-story addition with basement on the rear of existing SFD. Fred W. Rudy Builders & Contractors, Inc. is contractor.   | 204 Prospect Street        | 158367   | 4/24/17            |                     | yes             |
| Jim & Carrie Harris – build a new detached garage (accessory structure) in the rear yard of residential property. Fred W. Rudy Builders & Contractors, Inc. is contractor   | 204 Prospect Street        | 158372   | 4/24/17            |                     | yes             |

| Zoning Certificate submitted- in progress (continued)  | Address                            | Permit # | M-town Received ZC | RForrester Approved | County Approval |
|--|------------------------------------|----------|--------------------|---------------------|-----------------|
| Middletown Valley Investment Partners, LLC. Business owner: <u>Upcounty Thurmont Donuts</u> , LLC in Cross Stone Commons Shopping Center. Permit submitted to install identification signage on front and side walls (Building #3) and incidental/directional signs in parking lot and at entry/exit for drive-through. Electrical permit required for illuminated wall signs. | 200 Middletown Parkway (Suite 200) |          | 3/9/17             |                     | yes             |
| Middletown Valley Investment Partners, LLC. Business name: <u>Harmony Hair Salon and Spa</u> (owner: Patcharin Sumintlee) in Cross Stone Commons Shopping Center. Permit submitted for change of use / change of tenant (Building #3).   | 200 Middletown Parkway (Suite 210) | 156488   | 3/20/17            |                     | yes             |
| Middletown Valley Investment Partners, LLC. Construct a <i>trash dumpster enclosure</i> IAW revision #2 to improvement plans next to Bldg #2 in Cross Stone Commons Shopping Center.   | 200 Middletown Parkway             | 156672   | 3/23/17            |                     | yes             |
| Nicholson, LLC (Jim Nicholson, Gladhill Furniture). Exterior renovations/improvements to front façade including front porch addition. Existing use to remain the same. Morgan-Keller is contractor for renovations.  | 10 Walnut Street                   | 158390   | 4/12/17            |                     | yes             |

| <b>Zoning Certificate submitted -- actions pending and/or suspended</b>  | <b>Address</b>       | <b>Permit #</b> | <b>M-town Received ZC</b> | <b>RForrester Approved</b> | <b>County Approval</b> |
|--|----------------------|-----------------|---------------------------|----------------------------|------------------------|
| Angel Nerona – installation of thirty-nine (39) roof-mounted solar panels by SolarCity Corporation.  | 13 Wagon Shed Lane   |                 | 6/21/16                   |                            | yes                    |
| Bill Heaton – install an eighteen (18) feet round above ground swimming pool in rear yard. Pool will be four (4) feet tall.                                | 703 East Main Street |                 | 8/8/16                    |                            | yes                    |
| Timothy Warner – installation of twenty-eight (28) roof-mounted solar panels by SolarCity Corporation.   | 212 Layla Drive      |                 | 8/12/16                   |                            | yes                    |
| James P. Malecki, Jr. – install propane gas logs in existing masonry fire place. Gas line on outside of house to be extended to provide gas to log insert. | 8 Caroline Drive     |                 | 10/18/16                  |                            | yes                    |
| Kevin & Adele Air – house renovation. Request a trash dumpster on property for three months during renovations.  | 10 Washington Street |                 | 3/24/17                   |                            | yes                    |