



AGENDA FOR THE TOWN MEETING

September 24, 2018

7:00 p.m.

PLEDGE TO THE FLAG

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Discussion Item with Links

CALL TO ORDER

CONSENT AGENDA

- Town Meeting Minutes
 - [September 6, 2018 – Public Hearing & Town Workshop](#)
 - [September 10, 2018 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Ordinance No. 18-09-02 – Establishing Petition Procedures / Vote](#)
- Discussion of Wayfinding Signs
- [Review of Draft Policy for Notification of Adjoining Property Owners for Site Plans](#)

NEW BUSINESS:

- [Discussion of Text Amendment to Section 17.16.020](#)
- [Discussion of Possible Additional Parking on South Church Street Across from MVFC](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Heritage Festival – Saturday, September 29, 2018 from 10:00PM-5:00PM*

ADJOURNMENT

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

WORKSHOP MEETING

September 6, 2018

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on September 6, 2018, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Christopher Goodman, Tom Catania and Rick Dietrick.

PUBLIC HEARING:

Ordinance No. 18-09-01 – An Ordinance to amend Title 13, Chapter 13.12, Section 13.12.060 of the Middletown Municipal Code for the purpose of revising the rate schedule for water and sewer service for residential user accounts and non-residential user accounts and the amount of the quarter-annual Capital Improvement Fee. No comments. Public hearing adjourned at 7:04pm.

STAFF REPORTS:

Community Deputy Report – Deputy Chudoba gave the report for August.

Staff Planner Report – Cindy gave her report.

Engineer's Report – Bruce gave his report.

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

Becky stated that she is out of the 250th Heritage Brochure and she continues to receive requests for a copy. Becky stated that we currently have \$18,335.87 available in the 250th account.

Motion by Commissioner Goodman to approve ordering 2,000 copies at \$3,271, seconded by Commissioner Catania. Motion carried 5-0.

UNFINISHED BUSINESS:

Approval of General Fund Capital Improvements Program (CIP) Budget – vote will occur on Monday, September 10, 2018.

Approval of Water/Sewer Fund Capital Improvements Program (CIP) Budget – vote will occur on Monday, September 10, 2018.

Ordinance No. 18-9-01 – Increase to the Capital Improvement Fee – vote will occur on Monday, September 10, 2018.

First Reading/Introduction of Ordinance No. 18-09-02 – Establishing Petition Procedures – Burgess Miller stated that the Town Attorney has put the petition procedures into Ordinance form. This will be introduced on Monday, September 10, 2018.

Review of Public Information to Residents Regarding TCS for Road Improvement Projects – Drew presented the Board with the letter he drafted to the Board. Consensus of the Board to send letter out with a minor correction.

Tobias Court – Emergency Vehicle Access and No Parking - signs will be installed soon.

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 Text Amendment Regarding Notification of Adjoining Property Owners for Site Plans/Preliminary Plans – Burgess Miller stated that at the Staff meeting this week staff asked for clarification on this. Does the Board want the adjacent residents notified for both preliminary plans and site plans or only site plans. Preliminary Plans are for subdivisions and Site Plans are for individual lots of record. This will be discussed further at the Town Meeting on Monday, September 10, 2018.

COMMENT:

ANNOUNCEMENTS:

- *Green Talks Entomologist Lisa Kuder – Saturday, September 22, 2018 from 12:30-2:00pm. at the Middletown Library*
- *Heritage Festival – Saturday, September 29, 2018 from 10:00AM-5:00PM*

Workshop adjourned at 8:56pm.

Respectfully submitted,

Ann Griffin
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

September 10, 2018

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on September 10, 2018, by Burgess Pro Tem Jennifer Falcinelli at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, and Chris Goodman.

CONSENT AGENDA

Town Meeting Minutes – August 27, 2018 – Town Meeting

Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Goodman and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:

Approval of General Fund Capital Improvements Program (CIP) Budget – Motion by Commissioner Goodman to approve the general fund CIP as presented for FY19, seconded by Commissioner Bussard. Motion carried 4-0.

Approval of Water/Sewer Fund Capital Improvements Program (CIP) Budget – Motion by Commissioner Goodman to approve the water/sewer fund CIP as presented for FY19, seconded by Commissioner Bussard. Motion carried 4-0.

Ordinance No. 18-09-01 – Increase to the Capital Improvement Fee – Public hearing was held, and it was advertised properly.

Motion by Commissioner Dietrick to approve the \$2.75 increase to the Capital Improvement Fee making it a quarterly charge of \$47.25, seconded by Commissioner Bussard. Motion carried 4-0.

First Reading/Introduction of Ordinance No. 18-09-02 – Establishing Petition Procedures – Burgess Pro Tem Falcinelli stated that this is our first reading of this, it will be on our agenda at the next meeting at which time we will determine what our next action will be.

Review of Public Information to Resident Regarding TCS for Road Improvements Projects – Drew stated that with our budget situation we had to come up with some cuts and this is a way we can do that. We will be sending out a letter informing our residents of as well as posting videos on our website. Consensus of Board to send out the letter prepared by Drew.

Tobias Court – Emergency Vehicle Access and No Parking – No parking signs will be installed.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for August – 320,355 gal., spring flow for August – 127,445, East WWTP treated 267,000 gals. and the West WWTP treated 268,000 gals.

Reservoir Project – Directed consultant to proceed with a D115 tank (precast). We did not instruct at this time to proceed with 2 circular or 1 elliptical. They are finishing up with Phase 1 with a follow up memo, basis of design, recommendations and potential cost savings, while at the same time proceeding with Phase 2.

Reed bed sludge removal will start in the fall.

PUBLIC WORKS – Commissioner Bussard reported:

Guys have been busy staining bridges, power washed the SWM Pond, street patching contract near completion, Green Street warranty is up September 15, 2018 and the ADA sidewalks are still being installed throughout town. Commissioner Bussard reminded residents to trim their trees so that they are not hanging into the sidewalk area.

SUSTAINABILITY – Commissioner Dietrick reported:

New signs presented for what use to be the pollinator garden is now being called Green Talks to be held Saturday, September 22 at the Middletown Library 12:30-2pm. – Entomologist Lisa Kuder.

Next meeting is Wednesday, September 19th at 5pm.

PLANNING COMMISSION – **no report.**

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

Commissioner Goodman stated that the Committee is looking into POS requests next year.

Commissioner Goodman stated that they are considering asking for water/sewer connections.

Commissioner Goodman also stated that they are still waiting to hear back from DNR on the walking trail grant.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

We had the last of the Community meetings last week and we had a total of 2 people attend. Burgess Pro Tem stated that we will need to discuss this if we are going to continue these meetings.

NEW BUSINESS:

Discussion of Text Amendments Regarding Notification of Adjoining Property Owners for Site Plans/Preliminary Plans – Drew stated that this was discussed thoroughly at the workshop. Drew stated that preliminary plans are for subdivisions and site plan are for individual lots of record. Commissioner Dietrick stated that we also discussed making this a policy instead of changing the code. It was the consensus of the Board to make this a policy.

PUBLIC COMMENT:

ANNOUNCEMENTS:

- *Green Talks – Entomologist Lisa Kuder - Saturday, September 22, 2018 from 12:30pm.- 2pm.at the Middletown Library*
- *Heritage Festival – Saturday, September 29, 2018 from 10AM.-5PM*

ADJOURNMENT

Meeting adjourned at 8:00pm.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 18-09-02

AN ORDINANCE TO ESTABLISH PROCEDURAL REQUIREMENTS FOR THE SUBMISSION OF A PETITION TO THE BURGESS AND COMMISSIONERS REQUESTING A REFERENDUM OR CHARTER AMENDMENT.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the Middletown Municipal Code be, and it hereby is, amended by enacting the following to be codified as Title I, Chapter 1.08, Section 1.08.100:

TITLE 1 - GENERAL PROVISIONS

Chapter 1.08 – Elections

1.08.100 - Requirements for the Submission of Petitions Seeking a Referendum or Charter Amendment

A. As used in this section, “Petition” shall mean a written submission to the Burgess and Commissioners of Middletown in which the petitioners seek an amendment to the Middletown Charter or seek a referendum election when a referendum election is permitted by law. The following requirements shall apply to all Petitions.

B. A Petition shall be submitted on the form established by the State of Maryland entitled “State of Maryland – Public Local Law Referendum Petition” as it may be revised from time to time. The Town shall make the form available to the public at no charge.

C. Each person signing a Petition must be a resident of the Town of Middletown and must be a registered voter in Frederick County on the day the Petition is submitted to the Town.

D. Each person signing a Petition must sign the Petition in the presence of the person circulating the Petition. The Person circulating the Petition shall sign the Petition at the bottom of each page of signatures attesting under the penalty of perjury to the fact that the circulator witnessed the signature of each person signing the Petition. Petitions shall not be left at a location unattended.

E. Each person signing a Petition shall both sign and legibly print his or her complete name as it appears on the County voter registration list, shall provide their address and date of birth, and the date they sign the Petition.

F. All persons signing a Petition shall do so personally. Computer-generated or similar electronic signatures shall not be deemed valid and shall not be included in tallying the number of signatures required to be submitted.

G. The Petition shall contain, in a clear and obvious location on the signature pages, a description of the subject and purpose of the Petition. If the Petition seeks to place a question on an election ballot, the Petition shall include either a fair and accurate summary of the substantive provisions of the proposed question or the full text of the proposed question; provided, however, that a Petition seeking a charter amendment shall comply with applicable provisions of state law.

H. Petitions submitted to the Town of Middletown will be reviewed to validate the signatures and for compliance with these requirements and with any applicable state or local law. The review will be conducted by such persons designated by the Burgess, which may include, but may not be limited to, the Town Administrator, Office Manager and Administrative Assistant.

I. All applicable state laws pertaining to the subject matter of the Petition shall be followed, including laws requiring that the Petition contain the total number of signatures required by law to be submitted and laws pertaining to time requirements for submitting such Petitions.

J. Any Petition which is not in compliance with these guidelines shall not be considered valid and shall be rejected.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2018

PASSED ON THE _____ DAY OF _____, 2018

EFFECTIVE DATE: _____, 2018

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



Burgess and Commissioners of Middletown, Maryland

Site Plan Notification of Adjoining Property Owners Policy

Adopted by the Burgess & Commissioners on

For the purpose of notification of adjoining property owners of Site Plans filed with the Town of Middletown Planning Commission.

The Town of Middletown will notify all adjoining property owners of Site Plans filed with the Town to go before the Planning Commission for approval. Adjoining property owners are owners of land who share common boundaries (*to include parcels across road right-of-ways*) with the property filing the Site Plan to come before the Planning Commission.

This notice will be in the form of a written letter mailed to all adjoining property owners, prior to the meeting, at the time a Site Plan is filed with the Town. The letter will state the type of Site Plan and location, date, and time of the meeting before the Planning Commission.

The Town will provide notice of the initial Site Plan filing, but as the Site Plans moves through the process for approval, additional notices will not be sent to adjoining property owners.

17.16.020 - R-1 district.

- A. Purpose. The R-1 district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.
- B. Uses Permitted in the R-1 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses
 - 1. Any use permitted in the R-20 district;
 - 2. Planned unit developments.
- C. Special Exception in the R-1 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060:
 - 1. Any special exception use in the R-20 district except active adult communities;
 - 2. Barber shops, beauty parlors;
 - 3. Professional office (physician, dentist, architect, engineer, attorney or similar profession),

4. Bed and breakfast.

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(Ord. No. 15-04-02, § I, 4-27-2015; Ord. No. 10-10-02, § II, 10-25-2010; Ord. 07-11-01 § 2 (part), 2007; Ord. 07-01-01 § 2 (part), 2007; Ord. 182 §§ 5.0.4—5.0.6, 1976)

17.16.030 - R-2 medium residential district.

- A. Purpose. The R-2 district is intended to encourage and promote compact development and the optimum utilization of land appropriate for residential use by encouraging higher-density communities free from land usage which might adversely affect such development.
- B. Uses Permitted in the R-2 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:
 - 1. Any use permitted in the R-1 district (Chapter 17.16);
 - 2. Two-family dwellings;
 - 3. Duplexes;
 - 4. Leasing of rooms by not more than two persons not members of the family residing in the dwelling.
- C. Special Exceptions in the R-2 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060:
 - 1. Any special exception use in the R-1 district except active adult communities;
 - 2. Convalescent or nursing home;

- 3. Multifamily dwellings, such as apartments containing no more than twelve (12) individual residential units within a single building;
- 4. Townhouses;
- 5. Parking lots.

Deleted: 3. Bed and breakfast;
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(Ord. No. 15-04-02, § I, 4-27-2015; Ord. No. 13-02-02, § I, 2-11-2013, eff. 3-3-2013; Ord. No. 10-10-02, § III, 10-25-2010; Ord. 07-11-01 § 2 (part), 2007; Ord. 07-01-01 § 2 (part), 2007; Ord. 05-09-01 § 1 (part), 2005; Ord. 182 §§ 5.1.1—5.1.3, 1976)

17.48.050 - Bed and breakfast homes.

Bed and breakfast homes in the R-1, R-2, R-3, and TC districts are subject to the requirements of the district in which the bed and breakfast home will be located except as herein provided:

- A. The property for a bed and breakfast home shall not constitute a nuisance because of increased traffic, noise, odor, or any other activity associated with the use which may be disruptive to the residential character of the neighborhood.
- B. There shall be no exterior evidence that the building is being used for any purpose other than a residence except for one permitted sign of no more than two square feet.
- C. Off-street parking shall be provided; one space per guest room plus one additional space for each home occupant and/or employee(s). In no case shall parking be provided in the front yard. All parking areas shall be adequately screened as required by the site plan approval of the planning commission once the special exception has been granted.
- D. The original structure in which the bed and breakfast home is located shall have been built prior to 1950.
- E. The structure shall serve as the primary residence of the owner or manager, and the bed and breakfast home use shall be operated as an accessory use to the owner's or manager's residence.
- F. Bed and breakfast homes shall comply with all applicable state and county codes.

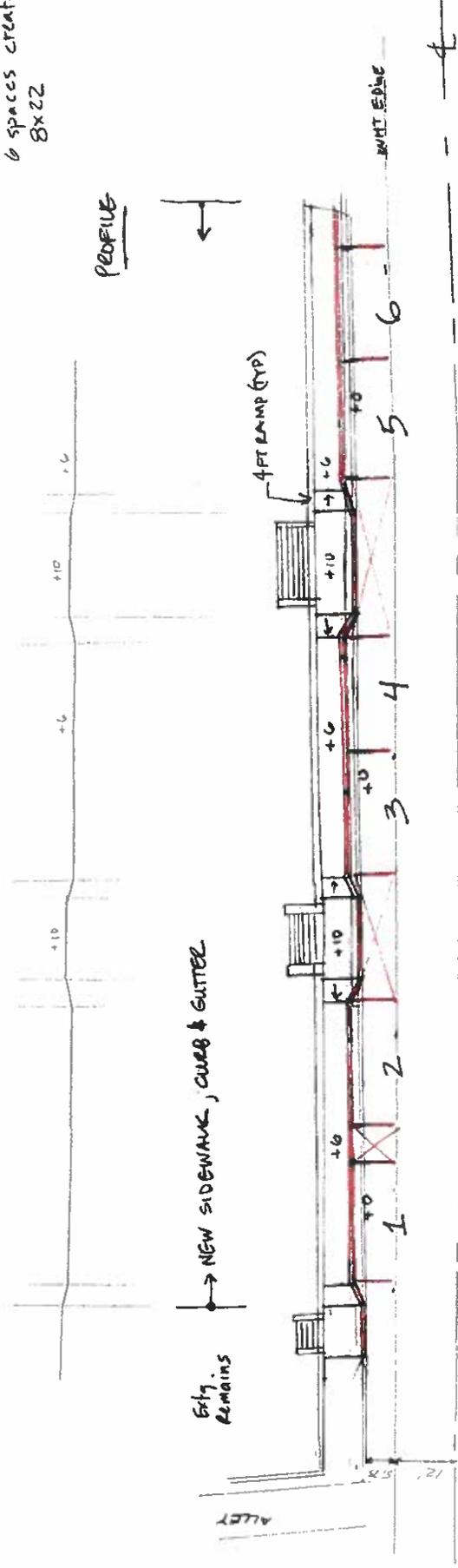
(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. No. 09-03-03, § II, 3-9-2009; Ord. 08-03-02 § I (part), 2008; Ord. 182 § 10.5.7 (part), 1976)



No Parking Area

Town of Middletown - Frederick County

6 spaces created.
8x22



COST ESTIMATE \$25,869

102 = 1