

TOWN OF EMMITSBURG

300A South Seton Avenue
Emmitsburg, Maryland 21727
301-600-6300 fax 301-600-6313

Mayor
Donald N. Briggs
Town Manager
David Haller
Town Clerk
Donna DesPres

Board of Commissioners
Timothy O'Donnell, President
Clifford L. Sweeney
Glenn Blanchard
Christopher Staiger
Jennifer Mellor

TOWN MEETING AGENDA NOVEMBER 18, 2013

I. CALL MEETING TO ORDER (7:30PM)

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

*Parks Committee Meeting, **November 19** @ 7:30 pm*

*Town Meeting, **December 3** @ 7:30 pm*

C. APPROVE MINUTES FROM NOVEMBER 4, 2013 TOWN MEETING

D. TOWN MANAGER'S REPORT

E. TOWN PLANNER'S REPORT

F. COMMISSIONER COMMENTS

G. MAYOR'S COMMENTS

H. PUBLIC COMMENTS

I. ADMINISTRATIVE BUSINESS (see attached)

J. CONSENT AGENDA

K. POLICE REPORT

II. AGENDA ITEMS:

- 1. Delegate Kathy Afzali – presentation*
- 2. Modification to existing day care ordinance*

III. SET AGENDA ITEMS FOR DECEMBER 3, 2013, TOWN MEETING

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

APPROVE MINUTES FROM NOVEMBER 4, 2013 TOWN MEETING

**MINUTES
TOWN MEETING
November 4, 2013
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Christopher Staiger, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President. Staff present were Vickie Felix and Dave Haller, Town Manager.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the November 4, 2013 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

Approval of Minutes

The Minutes of the October 21, 2013 Town Meeting were approved as presented.

Commissioner Comments

Commissioners cited recognitions and announcements: thanks to everyone who helped with Halloween activities and to Pastor John for *Light the Park* which had a very good turnout; on Veterans Day the VFW will be having honor ceremonies at the cemeteries; the Mother Seton Fun Run, and the Boy Scouts will start a food drive which is the largest single donation of the year for the food bank.

Mayor's Comments

Mayor Briggs stated it has been a busy two weeks. He cited attendances to include WWTP construction meeting; SHA meeting with Commissioner Delauter; met with surveyors for sidewalk projects; gave presentation to 4th graders at Mother Seton School, met with the Vice President of Mt. Saint Mary's; went to the MML Chapter meeting; met with Accountants about audit which will be ready to present soon. He announced that the Frederick County Tourism bus came and met at the Carriage House; the town put up banners to honor veterans; signage was requested for Track Road, and he congratulated Mount Saint Mary's on their single-stream recycling.

Administrative Business

- Holiday parking – staff recommended December 16, 2013 – January 1, 2014. Unanimous consent.
- Discussion: Utilization of \$55,000 from State Highway Administration grant for streets maintenance; Mayor Briggs would like to use it for the square project. Staff was directed to prepare a budget adjustment to the CIP fund for the square project earmarked to move the traffic light controller and that after 2 years this could be reallocated. Staff will bring adjustment back to board. Unanimous consent.
- Sidewalk project update

Consent Agenda

Reappoint Dianne Walbrecker to the Board of Appeals

Reappoint Joseph Ritz, Amy Myles and Conrad Weaver to Citizens Advisory Committee

Proclamation – November Municipal Government Works Month

Motion: to accept the consent agenda in its entirety.

Motion made by Commissioner Blanchard, second by Commissioner Mellor.
Unanimous consent.

Reports:

Treasurer's Report - Commissioner Blanchard reported on October 2013 cash activity. Detailed report at Exhibit A.

Planning Commission – Commissioner Sweeney reported that the Planning Commission met on October 28, 2013; no agenda items.

II. Agenda Items

Quarterly project update on the Wastewater Treatment Plant construction

Mr. Terry Zentkovich, Project Manager of RK&K presented an updated construction project report for the WWTP. The report consisted of the project summary, change orders, and work completed; almost every project has been started and many structures have been completed. He said it looks like the project should finish on schedule.

Registration of trail users – discussion

Commissioner Blanchard stated that this was brought to him by a hunter who was concerned about the stewardship of the land and safety issues. Mr. Haller reported there is no state requirement in order to ride a bike on the trails. The Board discussed it briefly and respected the concern but stated they really don't know how they would do this; no action was taken.

Set Agenda Items for November 18, 2013 Town Meeting

1. Delegate Kathy Afzali- presentation
2. Modification to existing Day Care Ordinance.

Administrative Business

1. Tree lighting
2. Move town meeting to Tuesday, December 3, 2013 because of tree lighting on Monday, December 2, 2013.

III. Public Comments: Two individuals were signed up to speak but declined and left the meeting before it was over.

IV. SIGN APPROVED PROCLAMATION

V. Adjournment

With no further business, the November 4, 2013 Town Meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Vickie L. Felix
Recording Secretary

Date Approved:

ITEM D

TOWN MANAGER REPORT

Town Manager's Report

OCTOBER, 2013

Prepared by David Haller

Streets:

- Staff took down 'fallen firefighters' banners on light poles.
- Staff cleaned East and West Main St.
- Staff repaired and replaced a number of street signs.
- Staff repainted a number of yellow curbs

Water:

- Rainbow Lake is three inches below the spillway level.
- The roughing filters are being backwashed three times a day and the DE filters are being done twice per week.
- Our wells are down an average of 12.5 feet from May 2011 levels.
- Water production and consumption. We produced and purchased an average of 351,645 GPD. We consumed an average of 268,772 GPD.

The difference is "Backwash Water" ... (23.6%). We purchased 356,850 gallons of water from MSM this month.

- 45.8% of this water came from wells.
- 3.3% of this water came from Mt. St. Mary's.
- 50.9% of this water came from Rainbow Lake.

Wastewater:

- The overland flow treatment system is up and running for the season.
- We received about 7.5" of precipitation this month (the average is 3.5").
 - We have a precipitation **SURPLUS** of 2.3" over the last six months. The average precipitation for the period from May 1 thru October 31 is 23.9". We have received 26.2" for that period.
- Wastewater Treatment:
 - We treated an average of 557,000 GPD (consumed 268,772 GPD) which means that 51.7% of the wastewater treated this month was "wild water".
 - We had one spill of untreated sewerage in the month of October.
 - We exceeded the plant's design capacity on four days in the month of October.

10/10 2,632,000 GPD 10/11 3,790,000 GPD 10/12 1,444,000 GPD
10/13 1,001,000 GPD

Trash: Trash pickup will remain Mondays for the remainder of the month of November.

Parks:

- Staff performed standard mowing and trimming in all parks.

I Recently Attended the Following Meetings:

- 10/08 Met with Frederick county to review snow plowing
- 10/21 Met with the Mayor to review agenda items
- 10/22 Attended WWTP project progress meeting
- 10/30 Met with the auditors

Zoning/Code Enforcement Report**October 2013**

1. In contact with the State over MEA Grant funding. Should be finalized shortly.
2. Submitted MEA monthly required status report to State.
3. Coordinated WWTP pipe removal close out and final payments
4. Notified BOE regarding permit requirements for safety renovations.
5. Discussed signage at Pizza Hut.
6. Reviewed concept plan for commercial property on East Main Street.
7. Met with Facility Director of the Daughters of Charity regarding changes to existing signage and proposed interior renovations.
8. Researched and prepared a report on local foreclosures for Mayor Briggs.
9. Did preliminary research on potential grant programs and organizations such as Sustainable MD and Star Communities.
10. Assisted Water Department with billing addresses for foreclosed lots.
11. Coordinated with Frederick County and staff regarding potential illegal dumping in Flat Run just outside of town.
12. Research solar requirements for residential homes.
13. Printed additional exhibits for Solar Contract.
14. Went through all the electrical bills and updated the electrical usage for each of the Town accounts
15. Responded to a variety of permit and information requests.
16. Coordinated with Frederick County on permit walk throughs.
17. Tour town on a regular basis.

Zoning permits and/or zoning letters issued during September 2013

Date	Address	Type	Fee
10-11-13	1406 Ramblewood Dr	Fence	\$38
10-15-13	2075 Pembroke Ct	Fence	\$40
10-24-13	Southgate SWM	Fence	\$65
10-30-13	9 Adams Avenue	Shed	\$39
10-30-13	312 W Main	Solar Panels	\$65

ITEM E

Planner's Report

October 2013

Susan H. Cipperly, Town Planner

1. Attended Town Meeting –
Met with Mayor and Town Manager prior to town meetings to discuss current and new agenda items and ongoing projects.
2. Prepared and submitted Community Legacy 2nd Quarter report.
3. Square project –
Met with Mayor Briggs and Commissioner Delaughter regarding the MDOT/SHA meeting in Frederick, to brief Comm. Delaughter on the square project.

October 31, attended the MDOT Secretary tour in Frederick with Mayor Briggs.
4. Updated power point for mayor's presentation to the two elementary schools in town.
5. Reviewed preliminary sketch plan for potential retail development on East Main Street.
6. Met with George Brenton of Daughters of Charity, and Jerry Muir re potential plans for DOC building.
7. Responded to inquiries from realtor regarding 601 W. Main Street (Emmit House) potential uses.
8. Communicated with Frederick County Health Department re town residents' complaints about sewer(ish) odors emanating from the Flat Run @ North Seton vicinity.
9. Met with Frederick County Zoning Administrator regarding the WWTP solar project and approval process. Also attending were Ashton Solar staff and Dave Haller.
10. Prepared exhibit for, and attended, Frederick County Tourism Council meeting at Daughters of Charity.
11. Prepared and submitted advertisement for Zoning Text amendment to be heard on Nov. 18 town meeting.

12. Worked on Community Legacy application submittal to MD Historical Trust for review.
13. Supervised zoning and code enforcement activity.

ITEM I

ADMINISTRATIVE BUSINESS

- 1. Tree lighting – December 2, 2013*
- 2. Move town meeting to December 3, 2013 because of tree lighting on December 2, 2013*

ITEM J

CONSENT AGENDA

No items

ITEM K

POLICE REPORT-to be presented at meeting

AGENDA ITEMS

ITEM 1

Delegate Kathy Afzali - presentation

AGENDA ITEMS

ITEM 2

Modification to existing day care ordinance -

Proposed ordinance change – delete licensed family day care home from special exceptions, add to R-1 (which automatically affects R-2, R-3) and Village Zone as an allowed use.

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ORDINANCE NO. 13-11

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AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 32.060 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike out~~.

17.32.060 - Special exceptions requiring board of appeals approval in residential districts.

Special exceptions in residential districts are as follows:

A. ~~Family day care home licensed by the State of Maryland, provided it meets the setback requirements for the applicable zoning district;~~

B. Boarding and lodging homes not primarily for transients, provided off-street parking of one and one-half spaces per boarder or lodger is provided and provided yard requirements shall conform to those of a multifamily structure (R-3 district only);

C. Medical centers, rest and nursing homes, provided off-street parking space is provided for each attendant or worker and for each three patients to be cared for therein, and provided yard requirements shall conform to those of a multifamily structure;

D. Laundry facilities located within a multifamily dwelling, for the use of residents of the apartment or apartment complex and not as a commercial enterprise (R-3 district only);

E. The office of a resident physician, dentist, architect, engineer, attorney, similar professional person located in that person's home, or the operation of a beauty parlor or barber shop having one chair, provided:

1. That there is no exterior evidence, other than a permitted sign, to indicate that the building is being used for any purpose other than that of a dwelling,

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2. That the construction does not produce a show window or display window effect,
 3. Only one person other than the owner may be engaged or employed,
 4. Sufficient off-street parking is provided with three spaces being considered minimal. Such parking shall be in the side or rear yard,
 5. The total area devoted to the office does not exceed thirty (30) percent of the square footage of the dwelling unit;
- F. Clubs, lodges, hospitals, and sanitariums (R-3 district only);
- G. Fire, rescue and ambulance direct operations facilities (facilities which are used to house trucks, ambulances and operations equipment) which may include, but must not be limited to, facilities for social/fund raising uses;
- H. In the R-1 and R-2 districts, senior housing may be developed under the special provisions outlined in this section. Senior housing limited to people fifty-five (55) years of age and older, provided that adequate seniors facilities are provided on-site or within one thousand (1,000) feet of the site. Minimum adequate seniors facilities are defined as (1) a meeting room available on a regular and substantial basis, (2) numerous senior activities and programs are available on a regular and substantial basis. The town council shall have the right of review and approval of all related covenants and homeowner's association documents. In any and all cases and situations, the minimum lot size shall be not less than two thousand (2,000) square feet per unit. Maximum density and/or unit yield shall be calculated by dividing the gross area of the site, less any flood plain areas, by the minimum lot size (R-1 = 12,000 sq. ft.), (R-2 = 8,000 sq. ft.) under the current or existing zoning and then multiplying by one and one-half.

(Ord. 05-17: Ord. 01-21: Ord. 01-14; prior code Art. XI (Art. V § 4.0))

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 201____ by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

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ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Donna DesPres, Town Clerk Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 201_____.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: _____

Donna DesPres, Town Clerk

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AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 32.030 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike out~~.

17.32.030 - Uses permitted in the R-1 district (low density).
Uses permitted in the R-1 district are as follows:

- A. Single-family dwellings and home occupations in a single-family dwelling;
- B. Churches, schools, libraries, museums, parks, playgrounds and community centers;
- C. Accessory buildings and uses;
- D. Planned unit developments;
- E. Antique shops, country inns and bed and breakfast facilities in historical structures subject to the following conditions:
 - 1. Such use is located within an existing structure which is listed on the Maryland Inventory of Historic Places or on the National Register of Historical Places,
 - 2. The structure is located on a lot with a minimum of two (2) acres,
 - 3. Parking is provided at a ratio of one parking space for each two hundred (200) square feet of floor area devoted to customer service,
 - 4. One freestanding sign shall be permitted not to exceed ten (10) square feet. One sign attached to the building shall be permitted not to exceed eight (8) square feet,
 - 5. Site plan approval by the planning commission is required;
- F. Home occupation

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G. FAMILY DAY CARE HOME LICENSED BY THE STATE OF MARYLAND.

(Ord. 04-21 (part): prior code Art. XI (Art. V § 1.0))

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 201____ by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Donna DesPres, Town Clerk Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 201____.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: _____

Donna DesPres, Town Clerk

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AN ORDINANCE TO AMEND
TITLE 17
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ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 36.020 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.36.020 - Uses permitted in the village zone (VZ).
Uses permitted in the village zone are as follows:

- A. Town houses, duplexes, multifamily and single-family dwellings;
- B. Churches, schools, libraries, museums, parks, playgrounds and community centers;
- C. Nursery schools or child day care centers provided the play area is fully fenced and one parking space per employee is provided, and one hundred (100) square feet of open space per child is provided;
- D. Boarding & lodging and bed & breakfast inns; if one additional paved off-street parking spaces per bedroom is provided;
- E. Medical centers, rest homes and nursing homes; provided off-street parking is provided for each attendant or worker and for each three patients to be cared for therein;
- F. Clubs, lodges, hospitals, sanitariums, institutions and fire departments;
- G. Neighborhood Retail Outlets. Furniture, clothing, dry goods, shoe and variety service, and sales and service for small and large appliances;
- H. Food, Drug and Beverages. Grocery, fruit or vegetable stores, meat markets, delicatessens, drug stores, bakery in conjunction with retail sales, restaurants, tea rooms, and cocktail lounges; retail wine and spirit shops;
- I. Specialty Shops. Gift shops, jewelry stores, magazine, book, and stationery outlets; except no store that sells pornographic or other obscene materials shall be permitted; florist shops, camera and photography shops, and studios, sporting goods, antique shops, taxidermists, bicycle sales and service;

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J. Service and Recreation. Laundromats, dry cleaning and laundry pickup stations, barber and beauty shops, dressmaking and millinery shops, shoe repair and tailor shops, mortuaries, indoor storage, commercial recreation, repair shops for small appliances and small articles, newspaper printing, and publishing facilities, print shops, print brokers, furnace, heating, computer, plumbing and tire shops, volunteer fire departments, and ambulance service, public service buildings and offices, and meeting places for nonprofit organizations, sales and service of small and medium size outdoor power equipment, not to exceed 25 hp and 2500 lb in weight;

K. Business and Professional Office. Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, and utility company offices;

L. Home occupation,

M. FAMILY DAY CARE HOME LICENSED BY THE STATE OF MARYLAND.

(Ord. 04-21 (part): Ord. 04-09: Ord. 00-16: prior code Art. XI (Art. V-A § (part); Ord. No. 12-05, 5-21-12)

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 201____ by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Donna DesPres, Town Clerk Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 201_____.

Donald N. Briggs, Mayor

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I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: _____

Donna DesPres, Town Clerk

IV) SET AGENDA ITEMS FOR DECEMBER 3, 2013 TOWN MEETING

1.

2.

3.

4.

5.

6.

**V) SIGN APPROVED TEXT AMENDMENTS AND/OR
RESOLUTIONS**