

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

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TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, AUGUST 21st, 2023

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FUTURE MEETINGS

Board of Commissioners Meeting: Monday, September 11, 2023, at 7:00 p.m. (Town Office & Zoom)

MEETING ITEMS

- A. APPROVE MINUTES: June 5, 2023, July 10, 2023, and July 17, 2023
- B. POLICE REPORT
- C. TOWN MANAGER'S REPORT
- D. TOWN PLANNER'S REPORT
- E. COMMISSIONER COMMENTS
- F. MAYOR'S COMMENTS
- G. PUBLIC COMMENTS
- H. ADMINISTRATIVE BUSINESS (NONE)
- I. CONSENT AGENDA
 1. Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of 09/08/2023 to 09/08/2025.
 2. Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of 09/07/2023 to 09/07/2025.
- J. TREASURER'S REPORT
- K. PLANNING COMMISSION REPORT
- L. AGENDA ITEMS (DETAILS ATTACHED)
 1. Approval of 2023 Election Judges for consideration.
 2. Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration.
 - a. These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program.
 3. Approval of bid for the downtown streetlight purchase for consideration.
 4. Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone)
 - a. This amendment would allow the Town to approve a Zoning Map Amendment to create a new district that would function as a floating

zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts.

M. SET AGENDA FOR NEXT MEETING: September 11, 2023

4. **SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**
5. **ADJOURN**

Zoom Link:

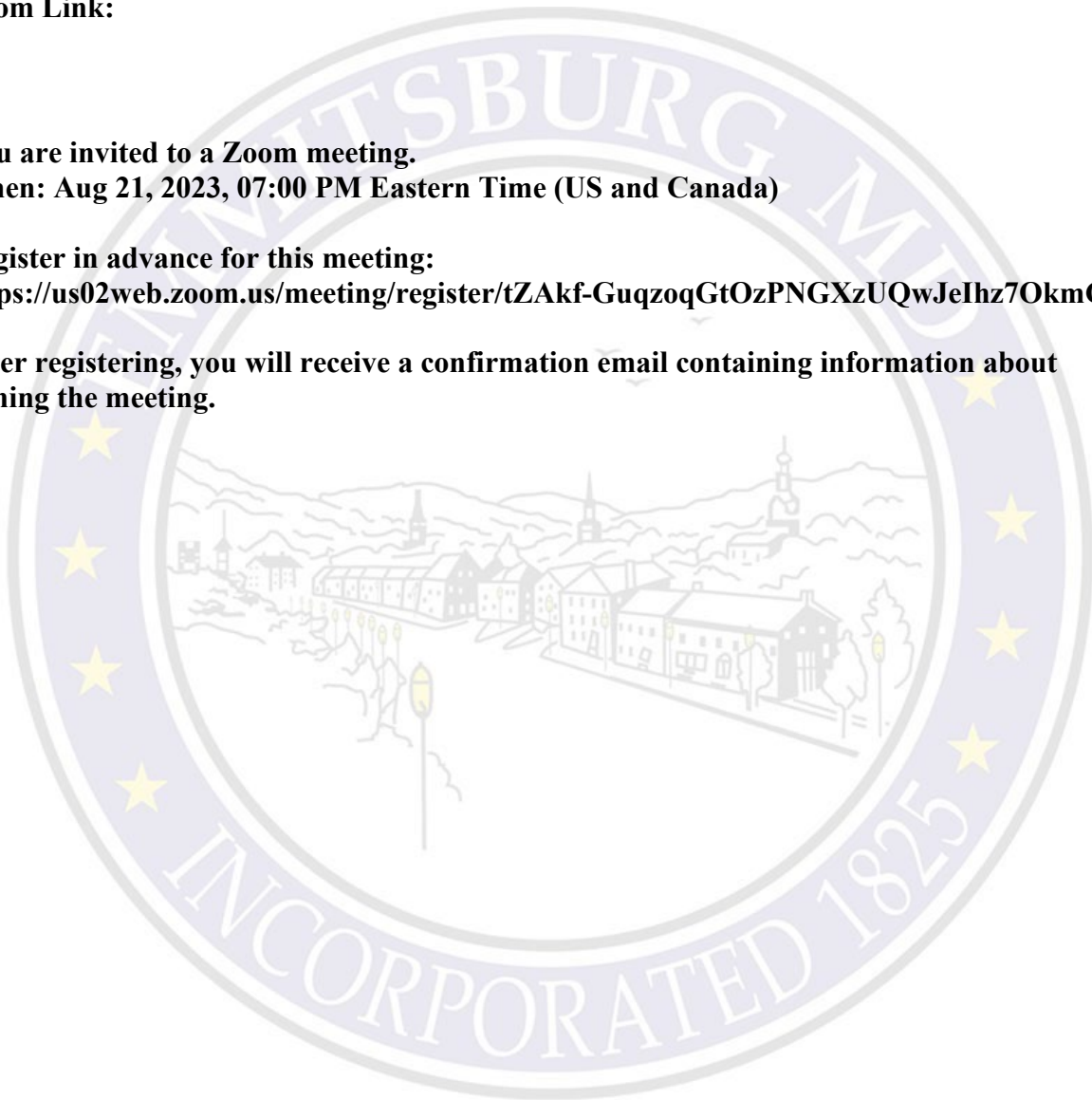
You are invited to a Zoom meeting.

When: Aug 21, 2023, 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/join/tZAKf-GuqzoqGtOzPNGXzUQwJeIhz7OkmC-b>

After registering, you will receive a confirmation email containing information about joining the meeting.



A. MINUTES

**MINUTES
TOWN MEETING
JUNE 5, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Bartholow; Deputy Thomas; Timothy O’Donnell, President, absent with prior approval.

Call to Order

A quorum being present, Commissioner Joseph Ritz III, Vice President of the Board of Commissioners, called the June 5, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Sweeney motioned to accept the May 1, 2023 and May 15, 2023 Town meeting minutes as presented; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was accepted.

Police Report:

Deputy Bartholow presented the police report from May (exhibit attached). Deputy Bartholow introduced Deputy Thomas who is temporary replacing Deputy Honaker who is on FMLA.

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager’s Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report and noted at the time of the report, Rainbow Lake was 16.6 feet at the spillway level. She noted that the Town produced an average of 259,555 GPD and consumed an average of 272,150 GPD. The percentage of backwash in the month of April was (14.03%). Ms. Willets added for Wastewater the Town treated an average of 432,733 GPD and consumed an average of 272,150 GPD which means that (37.11%) of the Wastewater treated this month was “wild water”. Ms. Willets noted that Town staff completed hydrant flushing in the month of April without any complaints of discolored water. Staff assisted with contractors to repair a large leak on the Mount St. Mary’s main waterline on Annandale Road where there was an estimated loss of 945,000.

Grant Administrative Report:

Ms. Shaw, Grant Administrative, presented the Grants Administrative Report (exhibit in the agenda packet). She briefly noted the grants as for the month of May and highlighted the Community Development Block Grant (CDBG) that will be presented later.

Town Planners Report:

Najila Ahsan, Town Planner presented the Planner’s Report from April 2023 (exhibit in agenda packet). Ms. Ahsan highlighted that she processed seven zoning permits, one yard back yard chicken permit, and eleven Cross Connection permits. She noted that there are development updates with Federal Stone, Village Liquors and Plaza Inn, and MSM “E” Wing.

Commissioner Comments:

Commissioner Amy Boehman-Pollitt: She announced that summer activities are beginning. She thanked local volunteers/organizations who helped make recent community events possible such as the Mother Seton School Carnival, Friends of the Library Book Sale, and the bake sale benefiting the IRC and Emmitsburg Food Bank.

Commissioner Davis: He thanked Town staff, since receiving positive feedback for the tree trimming and the new flower bed design at the Town square. He thanked Mr. Deatherage for helping with the Community Garden and mentioned how it looks great. He also noted that the baseball fields will be busy for the next few weeks with tournaments.

Commissioner Sweeney: He also mentioned that there was a baseball tournament this past weekend and will be again for the next few weeks. He asked to watch for children crossing the roads as the parks will be very busy. He announced that he will be stepping down as the President from the Lions Club. He noted that the concession stand will be opening at the Town pool next weekend.

Commissioner Ritz III: He congratulated all local graduates and hopes all their dreams come true and congratulated Catocin sports team on their accomplishments. Commissioner Ritz III announced that he will not be running for Commissioner this year and that his seat will be available but hopes that someone will step up to the challenge.

Mayor's Comments:

Mayor Briggs attended numerous meetings in May 2023. Mayor Briggs thanked Commissioner Ritz III for his service. He asked the County Commissioner Mason Carter to speak on his behalf. Frederick County Commissioner Carter expressed how he came to the meeting tonight to see how the Town functions and see where he can help if needed. He also told the Board that he is just a call away if anyone needs anything. Mayor Briggs thanked Commissioner Sweeney for everything he has done for the Community with the Lions Club. He also announced all upcoming events, Farmer's Market and how the pool is doing great and mentioned Heritage Day.

Public Comments:

Valerie Turnquist, Emmitsburg MD – She announced the resources that she found online and asked that the Town staff to post these findings on the Town Website. Ms. Willets explained that the Town does have resources on the Website and there is a Bay Restoration form that residents can complete. She also noted that residents can call in and speak with Reese for additional information related to their water/sewer trash bill.

Eric Sloane, Emmitsburg MD – He has concerns about the water supply for the Town and wants to know if there is a back up plan in case there is a water shortage. He also voiced concerns regarding the compacity of the sewer plant and if the Town is thinking of the future. Mayor Briggs asked Ms. Willets what the compacity of the plant was and Ms. Willets noted that it is at 60% to 70%. She also said that it is built for the future and designed to hold a larger compacity.

Administrative Business: NONE

Consent Agenda:

Motion: Commissioner Davis motioned to approve all Consent Agenda items listed below.
Approval of free pool day on Community Heritage Day 2023.

Appointment of Patricia Galloway as an alternative to the Planning Commission with a term of 06/05/2023 to 03/01/2023.

Reappoint Tricia Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025.

Reappoint Will Sheppard to the Citizens Advisory Committee with a term of 07/15/2023 to 07/15/2025;

second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was approved.

Treasurer's Report:

Commissioner Sweeney presented the Treasurer's Report for April 2023 (exhibit in agenda packet).

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on May 22nd and noted they reviewed the comprehensive plan and suggested that if anyone is interested to please come to the meeting.

II. Agenda Items

Agenda #1 – For consideration, approval of engineering improvement plan and design bid for North Seton Ave. waterline and Green Street project. Ms. Shaw presented the agenda item (exhibit in agenda packet). Ms. Shaw briefly explained the timeline of the North Seton Avenue Waterline Replacement and Green Street Upgrade Engineering. She noted the project funding, which was a total estimated cost of \$1,145,552.

Motion: Commissioner Sweeney motioned to approve the approval of Fox and Associates, Inc. for the engineering improvement plan and design bid for North Seton Ave. Waterline and Green Street project for a price of \$251,056.00; second by Commissioner Boehman-Pollitt. Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

Agenda #2 – Community Development Block Grant (CDBG) public hearing for the purpose of seeking public input on: local community development, economic development, housing needs, proposed (CDBG) project activity - DePaul Street waterline replacement, and other community needs as-needed. Commissioner Ritz III called the public hearing to order at 7:42 p.m. Ms. Shaw explained the hearing was advertised in English and Spanish in the Frederick News Post on May 23, 2023. A map showing the location of the DePaul Street Waterline Replacement project was displayed. The proposed project would replace approximately 1,850 linear feet of the DePaul Street Waterline, which is severely tuberculated and causing discolored water, emergency waterline repairs and reduced pressure. The total cost of the project is \$1,120,000 of which the Town is requesting \$552,500 in Community Development Block Grant (CDBG) funds. The remainder of the project would be funded via a state loan and grant. If approved, the project would start with an Environmental Review in August/September 2023 followed by a request for proposal and project construction occurring between January 2024 and September 2024. Currently Fox and Associates Inc. is working on the design. A summary of community development, economic development, housing needs and other community needs was given by Ms. Shaw.

Public Comment (NONE)

Motion: Commissioner Sweeney motioned to close the public hearing at 7:50 p.m.; seconded by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was approved.

Agenda #3 – Approval of Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration. Ms. Shaw presented Resolution 23-03R and explained that this is required for the application and noted the amount of \$552,500.00. *Motion:* Commissioner Boehman-Pollitt motioned to approve the Resolution 23-03R, Community Development Block Grant (CDBG) submittal authorization, for consideration; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – O’Donnell. The motion was adopted.

Agenda #4 – Review of Stormwater Utility Fee and moratorium for consideration. Ms. Willets presented the agenda item (exhibit in the agenda packet). She explained briefly that this Resolution is a one-year moratorium and on the implementation of the stormwater utility fee. The fee will now take effect on July 1, 2024 and be reflected on the September 2024 billing cycle. Ms. Willets noted this can be brought back as an agenda item next year in March or April being this will be looked into during the FY25 budget. *Motion:* Commissioner Sweeney motioned to approve the Resolution 23-04R the Stormwater Utility fee moratorium; second by Commissioner Boehman-Pollitt. Yeas - 4; Nays - 0; Absent – O’Donnell. The motion was adopted.

Agenda #5 – Presentation and review of FY24 Town of Emmitsburg budget for consideration. Mr. Tabler noted that with the vote that occurred with the one-year moratorium he handed the board a supplement of numbers that are updated in their FY24 budget binder. He briefly explained how he has received great questions from a few of the Commissioners that reached out.

Commissioner Boehman-Pollitt asked questions regarding what the revenues would be for FY2024 compared to this year with the water rate increase, how much is being charged directly to the water fund of those not directly working inside the water plant, and raised concerns on where employees use their time for timesheets.

Mr. Tabler referred to the FY24 budget binder and showed the estimated revenue for FY2024. Ms. Willets explained that the entire office staff, excluding the Town Planner and Parking Enforcement Officer, of those staff members who perform duties related to water, will allocate a certain percentage of their time to the water fund. Mr. Tabler added that he knows employees are diligent regarding where they are allocating their time properly. He referred to himself as being the Town Accountant, that his time has a percentage that is allocated to the water and sewer fund which has been historically done and is a general accounting principle.

Commissioner Boehman-Pollitt raised concerns of how the Town allocates employees time that are not directly working at the water and sewer plant. She said Walkersville does not charge salary in the water and sewer fund to those that are not directly working with water. Commissioner Boehman-Pollitt said that at Walkersville, the other employees are being drawn from the general fund. Commissioner Boehman-Pollitt does not agree that the postage stamps, water bills, and mowing at the water and sewer plant should not be coming out of the water fund. Commissioner Boehman-Pollitt noted that other Municipalities are having the same issue with low funding in the water fund, then suggested the Town needs to look into in a different way of how to budget. She went onto explain that she knows

that the Town can't put the general fund into water and asked if the Town can put salary into the general fund and noted that after her research there is nothing that says it can't be done.

Ms. Willets noted that if staff did not properly allocate employees' time to the water and sewer fund, that the Town would not show a self-sustaining water or sewer department. She explained it would show an inaccurate representation of the money spent in the water fund.

Mayor Briggs explained that this not a new policy and that this has been a continuity for over twenty years. He also mentioned that it is important for the people to know that the Town has continuity and know what the Town is doing.

Commissioner Sweeney used an analogy to the board, if you take money from that pot where will you get the money from when that money goes dry and explained that is why the Town allocates money. Commissioner Sweeney also mentioned how the Town was broke and the Town had to borrow money from the bank to pay the employees and that is how the Town came to allocate money to other funds. He also noted that when Madeline Shaw applies for grants, the Town must show where that is coming from.

Commissioner Davis agrees that the Town should look into this further if other Municipalities are doing this and it works. He had concerns because he knows there are other Towns struggling that do the same as the Town of Emmitsburg. Commissioner Davis suggested maybe the Town needs to tighten the budget, and asked to make sure that it is legal to take from the general.

Commissioner Davis asked the board and staff if this was approved tonight, would there be a way in the future to transfer the funds to the general for salaries?

Commissioner Boehman-Pollitt would like the Town staff to tighten up on the timesheets. She would like to know what percentages of the employees put their time. Commissioner Boehman-Pollitt questioned how an employee can track their time accurately in the two-week time.

Ms. Willets added that she has taught all the employees to write down what they do during the day in a journal or their calendar. She explained that way when it's time for time-sheets it is easier.

Ms. Willets and Mr. Tabler both agreed that the board can approve modifying the budget and that they can have the information needed for the July meeting.

Mayor Briggs spoke briefly and explained how the Town used to take money from the general fund and that is how the Town lost money. He said that employees should allocate their time where they are working and that is how the Town makes money.

Motion: Commissioner Sweeney motioned to accept the FY24 Budget; second by Commissioner Davis. Yeas 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Agenda #6 – For consideration, approval of Ordinance 23-07, update to Chapter 2.50.30 salary structure for FY24. Ms. Willets presented the following agenda item (exhibit in agenda packet). Ms. Willets presented the agenda item and noted the change in the ordinance.

Motion: Commissioner Davis motioned to accept the ordinance 23-07, update to Chapter 2.5.30 salary structure for FY24; seconded by Commissioner Sweeney. Yeas - 4; Nays - 0; Absent – O'Donnell. The motion was adopted.

Set Agenda Items for July 10, 2023 Town Meeting

Agenda Items: (1.) Discussion related to FY 2024 and the allocation of salaries. (2.) Approval of Federal Stone's public works agreement and authorize Mayor to sign the agreement of behalf of the Town for consideration. (3.) Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist Commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. (4.) Approval of Resolution 2023-05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. **Administrative Business:** (1.) Presentation of daycare options. **Consent Items:** (1.) Filing of the 2022 Planning Commission Report. **Motion:** Commissioner Davis motioned to accept the July 10th Town meeting agenda as presented; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the June 5, 2023 Town meeting at 9:29 p.m.; second by Commissioner Boehman-Pollitt Yeas – 4; Nays – 0; Absent – O'Donnell. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:

**MINUTES
TOWN MEETING
JULY 10, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Cole Tabler, Accounting Supervisor; Jessica Housaman Recorder. *Others Present* – Deputy Honaker. With the Board's prior approval Commissioner Davis and Commissioner Boehman-Pollitt attended via Zoom.

Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the July 10, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

The June 10, 2023 minutes were tabled until the next meeting on July 17, 2023. Yeas – 5; Nays – 0.

Police Report:

Deputy Honaker presented the police report from June (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager, presented the Manager's Report from May 2023 (exhibit in agenda packet). Ms. Willets highlighted key points in her report related to streets and parks. Ms. Willets highlighted the water and explained that Rainbow Lake is at the spillway level (16.6 feet). Ms. Willets highlighted in Wastewater that the Town treated an average of 323,146 GPD and consumed 257,354 GPD, which means that 20.36% of the wastewater treated this month was "wild water".

Grant Administrative Report:

Ms. Willets presented the Grant Administrative Report and highlighted four out of 21 active grants/project. (Exhibit in the agenda packet)

Mayor Briggs presented a check to Tom Ward on behalf of the Vigilant Hose Company and thanked him for all he does for the Town.

Town Planners Report:

Najila Ahsan, Town Planner presented the Planner's Report from June 2023 (exhibit in agenda packet). Ms. Ahsan noted that she has processed six zoning permits, one street closure, three cross connections and five cross connection renewal notifications (high hazard) She gave updates on development with Federal Stone, Village Liquors and Plaza, and Seton Shrine Museum Entrance at Daughters of Charity Ministries.

Commissioner Comments:

Commissioner Davis: He gave his thanks to the Heritage Day Committee and how he is thankful that it only continues to grow. He also announced that he has submitted his forms to run in this year's election for Mayor.

Commissioner Amy Boehman-Pollitt: She also thanked the Heritage Day Committee for another successful year and glad the weather held out. She also gave a shout out to the Town Staff that has been helping set up for the Farmer's Market and announced that the Town has a Farmer's Market Facebook page.

Commissioner Sweeney: He gave his thanks to everyone who helped with Community Day. He said without the Town, Knights of Columbus, Lions Club, Fire Department, Deputies and all the other clubs that worked together, it wouldn't have been a success. Commissioner Sweeney asked if anyone wants to be involved to please join them for future meetings. He also noted that the parade was the best they had

in years. He gave his thanks to Commissioner Boehman-Pollitt for all she has done to help re-vamp the Farmer's Market and notices how busy it has been.

Commissioner Ritz III: He also gave his thanks to all that were involved that helped with Heritage Day.

Commissioner Ritz III thanked Mayor Briggs for serving twelve years and now from looking back at least 75 years, he is the longest serving Mayor of the Town of Emmitsburg and thanked him for all that he has done.

He also thanked Commissioner Davis and Commissioner O'Donnell for stepping up and running for the mayor seat. Commissioner Ritz III noted that there is still time to run for election and the deadline is August 25th. He gave his thanks to Commissioner Boehman-Pollitt and Kadeem Brim for all their hard work with the Farmer's Market and thanked Mr. and Mrs. Deatherage for the Community Garden.

Commissioner O'Donnell: He spoke about Community/Heritage Day and how it was a great event. He gave Commissioner Ritz III a sad farewell and thanked him for looking into things with a sharp eye and how he has served the Town very well. Commissioner O'Donnell thanked staff for their hard work helping with Heritage Day and their work with preparing the fields for the disc golf event that had 72 participants and lasted all day. He also announced that he will be running for Mayor in this year's election.

Mayor's Comments:

Mayor Briggs attended numerous meetings in June 2023 (meetings listed in agenda packet). Mayor Briggs thanked Diane Walbrecker and Commissioner Sweeney for all their hard work with Heritage Day. He thanked Ms. Miller with the Parks and Rec community for helping with the storybook trails and participating in the ribbon cutting. Mayor Briggs announced that the new Catholic High School will have up to 20 students this fall. He noted that there will be staff changes at the Mount. Mayor Briggs announced that Conrad Reaver will be arriving in Ocean City, MD on Thursday July 13th to show his film. The Mount is working diligently at the Daughters of Charity, which is the first of three projects and hoping that this will be opened in August.

Public Comments:

None.

Administrative Business:

First Item: Presentation of daycare options.

Leslie Frei spoke about the lack of childcare in the Town of Emmitsburg. She briefly explained her background. Ms. Frei explained that the most important key element is finding someone that is willing to open a center for children. She said that it would be great for high schoolers to volunteer to make their required hours to receive their certificate in childcare. She gave examples of daycare in the Town of Thurmont and their success and how she hopes something similar can be done here. Ms. Frie also noted how stressful it is on families that may not have transportation for their children for before and after school programs. Amber Madigan, Emmitsburg Elementary School Principal, briefly spoke about concerns that she has regarding the boys and girls club and there was a lack of staffing for the children enrolled. She also noted that there are many children that are coming to Emmitsburg that aren't Emmitsburg residents and explained that there will be an overflow of children coming from outside of Town.

Commissioner Sweeney mentioned that Christ Community Church building will be built next year and that the building they are in now will be available and does have a playground.

Commissioner Boehman-Pollitt added about having a conversation in the future with Pastor John before they move out about the weekend availability.

Mr. Frei thanked the board for letting her speak and giving her more information.

Second Item: For consideration, Proclamation honoring Cliff Sweeney for his contributions to the Lions Club and Town of Emmitsburg.

Commissioner O'Donnell presented the proclamation for Cliff Sweeney. Diane Walbrecker spoke on behalf of the Lions Club and said that she really appreciates all the work that he has done for the Lions Club. She hopes that he will continue to help and be a part of the Community.

Commissioner Sweeney stepped out at 8:07pm.

Consent Agenda:

Filing of the 2022 Planning Commission Report.

Ms. Ahsan gave the presentation for the filing of the 2022 planning commission report (exhibit in the agenda packet)

Treasurer's Report:

Ms. Willets presented the Treasurer's Report for June 2023 (exhibit in agenda packet).

Commissioner Sweeney returned at 8:09pm.

Planning Commission Report:

Commissioner Ritz III announced that Ms. Ahsan gave the presentation during the Town Planners Report and there was nothing further to add.

II. Agenda Items

Agenda #1 – Discussion of the FY 2024 budget and the allocations of salaries. Ms. Willets restated how staff was directed at the last Town meeting to look at the FY24 budget and the allocation of salaries. She explained she met with Cole, received information from MML and she reached out to Mr. Williams, the Town Manager of Walkersville since that was one that was mentioned at the last meeting. Ms. Willets also reached out to Mr. Humerick the Town Manager of Thurmont, and Ms. Martorana the Town Manager of Brunswick. She noted that Middletown did not have information as they are transitioning to a new manager. Ms. Willets gave a synopsis of the water fund and salaries, overtime wages, insurance, and benefits and how they were reduced to around 90 thousand dollars. Ms. Willets said that after speaking with the three Town Managers she said they all adopt the same budgeting practice that the Town of Emmitsburg has and the same accounting principles. She stated they have operators and designated water and sewer and allocate other staff members out including Director of Public Works, Town Manager and Finance Director etc. Ms. Willets noted they allocate all expenses related to their water plant and water fund including postage, all, or routine maintenance and all that is related to the water. She also added that she and Mr. Tabler had meetings with the Town's auditors, Michelle Mills and Addie Blickenstaff, who are on Zoom to answer any related questions.

Commissioner Boehman-Pollitt shared concerns related to how the line is drawn between the water and general fund. She asked how the supervisors can know that their staff is correctly writing down their hours and wants to know what checks and balances are set in place for staff to know how to justify their time.

Commissioner Boehman-Pollitt also has concerns with those that are not directly working with the water and sewer and how their time is allocated.

Ms. Mills explained how the enterprise funds are to be operated like a commercial business and how the Town needs to make sure it is properly capturing during the cost and allocating the cost appropriately because if not, then the Town is not getting the data needed to set the user fees.

Commissioner Boehman-Pollitt wants to know why mowing and certain other areas such as office supplies are allocated to the water fund. She also inquired if some of those cost and salaries be included in the general fund as opposed to the water fund.

Ms. Mills answered Commissioner Boehman-Pollitt that the Town would not want to do that due to not capturing the cost appropriately. She said that anything that is related to the water and sewer needs to be in the water and sewer fund because that is the purpose of an enterprise fund.

Ms. Willets asked Ms. Mills to explain if the loan to the general fund to the water fund must be project specific? Ms. Mills said that it does not have to be job specific, and the board can make the decision to either treat it as a loan and that there is no pay back. She also noted that this is not a preferred logical method and was not sure how this would work during an audit.

Mayor Briggs spoke about how in 2010 the Wastewater Treatment Plant was built and raised the sewer rates. He noted that FEMA has dropped their usage in 2010 to 3.2 million gallons of water usage where today they are down to less than a million. Mayor Briggs also mentioned Daughters of Charity went from 1.8 million to 1.4 gallons of water. He added that they are at a different tier for the water and sewer rates, and that this was nothing related to mismanagement. He noted that COVID happened and put a hold on the water and sewer rates. Mayor Briggs recognizes how staff need to be qualified to run the water and sewer plant and they are hard to come by and do not want to lose the staff. He also added how he was recently in the office when the water and sewer bills were being mailed out and how there were four people helping with the bills. Lastly, Mayor Briggs added that spending time in the Government field he knows that it is important to document time, but it is also time consuming of having to stop what you are doing to document their time.

Commissioner O'Donnell suggested that Commissioner Boehman-Pollitt reach out to Town Staff to have a meeting with the Supervisors to go over timesheets and what is really being allocated from the water and sewer fund.

Commissioner Davis also mentioned what Ms. Mills stated he would like the Town to look into to help relieve the burden on the water fund legally.

Agenda #2 – Approval of Federal Stone’s public works agreement and authorize to sign the agreement on behalf of Town for consideration. Ms. Ahsan briefly explained that it is a Public Works agreement for Federal Stone to make sure all improvement plans are properly executed all associated fees are paid. She noted that it does include the general description and construction of improvements, financial agreements, deeds, and expense information and noted that this is the standard agreement that has been used in the past for the Town. *Motion:* Commissioner Ritz III motioned to approve Federal Stone’s public work agreement and authorize to sign the agreement on behalf of the Town for consideration; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #3 – Approval of Silo Hills Plaza’s public works agreement and authorize Mayor to sign agreement on behalf of Town for consideration. Ms. Ahsan explained that this is another public works agreement to make sure all the improvement plans for the Silo Hill Plaza project or formerly known as The Village Liquors project and that all associated fees are paid. *Motion:* Commissioner Sweeney motioned to approve of the Silo Hills Plaza’s public work agreement to authorize Mayor to sign agreement on behalf of Town; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Agenda #4 – Approval of Rules of Procedures for the Board of Commissioners for consideration. Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedures are adopted as a guide to assist commissioners in the orderly and efficient conduct of all matters that come before them, such as agenda items, public hearings, and meetings. Ms. Willets gave the history and the process of the conduct of public hearings. She explained this was written by the legal office of Ms. Powell, the Town Attorney. Commissioner O'Donnell added that he would like to suggest a small modification to paragraph 2.5 (exhibit in the agenda packet). He asked if it could be re-written as “Any item may be removed from the agenda upon the affirmative vote of the majority of Commissioners at commencement of a Board of Commissioners Town meeting”.

Motion: Commissioner Sweeney motioned to accept the Town of Emmitsburg Board of Commissioners rules of Procedures as modified; second by Commissioner Davis. Yeas - 5. Nays - 0. The motion was adopted.

Agenda #5 – Approval of Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an Application for Federal Assistance with the USDA Rural Development for consideration. Ms. Willets explained that this is Ms. Shaw’s grant application for the Housing and Community Development for parking meters. Ms. Willets noted that a public hearing is not required, and that Citizens just need to be given the opportunity to provide public comment if they want to. She said the public notice for this agenda item was advertised in the Frederick News Post on Thursday, June 29, 2023, as required by the grant. Ms. Willets added that the Town is planning to file a USDA Rural Development for purchase and install new parking meters. She went on to explain that the Town currently has 125 parking meters along Main Street and the meters encourage turnover to give visitors parking opportunities while they dine in or shop. Ms. Willets noted that the proposed project would replace the 125 existing parking meters with approximately 80 new dual payment meters that accept both credit card and coin payments. She also noted that the new parking meters are needed because the Town’s existing coin meters are over 20 years old, and parts can no longer be found to replace broken ones. Ms. Willets added that if the project is approved the anticipated total cost of the project is \$65,000 of which the Town is requesting \$35,750 or 55% of the total project in community facility grant funding from the USDA Rural Development and the Town would provide the required match of \$29,250.00 of which the Board approved as part of the FY24 budget. *Motion:* Commissioner Ritz III motioned to accept Resolution 2023 05R Authorizing Mayor Briggs and Town Manager to file an application for Federal Assistance with the USDA Rural Development; second by Commissioner Davis. Yeas -5; Nays – 0. The motion was adopted.

Agenda #6: Approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade for consideration. Ms. Ahsan explained this is the Community Legacy Grant that the Town has been receiving since 2013 and has been applied for every year. She explained that this asks for documentation to show that the application is being supported by the legislative body and that this Resolution is to approve staff to submit the application. *Motion:* Commissioner Ritz III motioned to accept the approval of Resolution 2023-06R (Community Legacy Grant Authorization) for façade as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

~~Agenda #7: For consideration, approval of ordinance 23-08, update to Chapter 17.42 – Floodplain Management to ensure compliance with federal regulations regarding floodplain management in the Town Code.~~

Set Agenda Items for July 17, 2023 Town Meeting

Agenda Items: (1.) Hold a public hearing then consideration of ordinance 2023-08 which would amend Section 17.42 – Floodplain Management to meet FEMA standards. (a.) Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief. **Administrative Business: (NONE)** **Consent Items:** (1.) Proclamation making August 1, 2023, National Night Out for consideration.
The Board gave consent for the July 17, 2023, Town meeting.

Set Agenda Items for August 21, 2023, Town Meeting.

Agenda Items: (1.) Approval of 2023 Election Judges for consideration. (2.) Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. (a.) These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program. (3.) Approval of bid for the downtown streetlight purchase for consideration. (4.) Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone). (a.) This amendment would allow the Town to approve a Zoning Map

Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts. **Administrative Business: (NONE)**

Consent Items: (1.) Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025. (2.) Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of 09/11/2023 to 09/11/2025.

The Board gave consent for the August 21, 2023, Town Meeting.

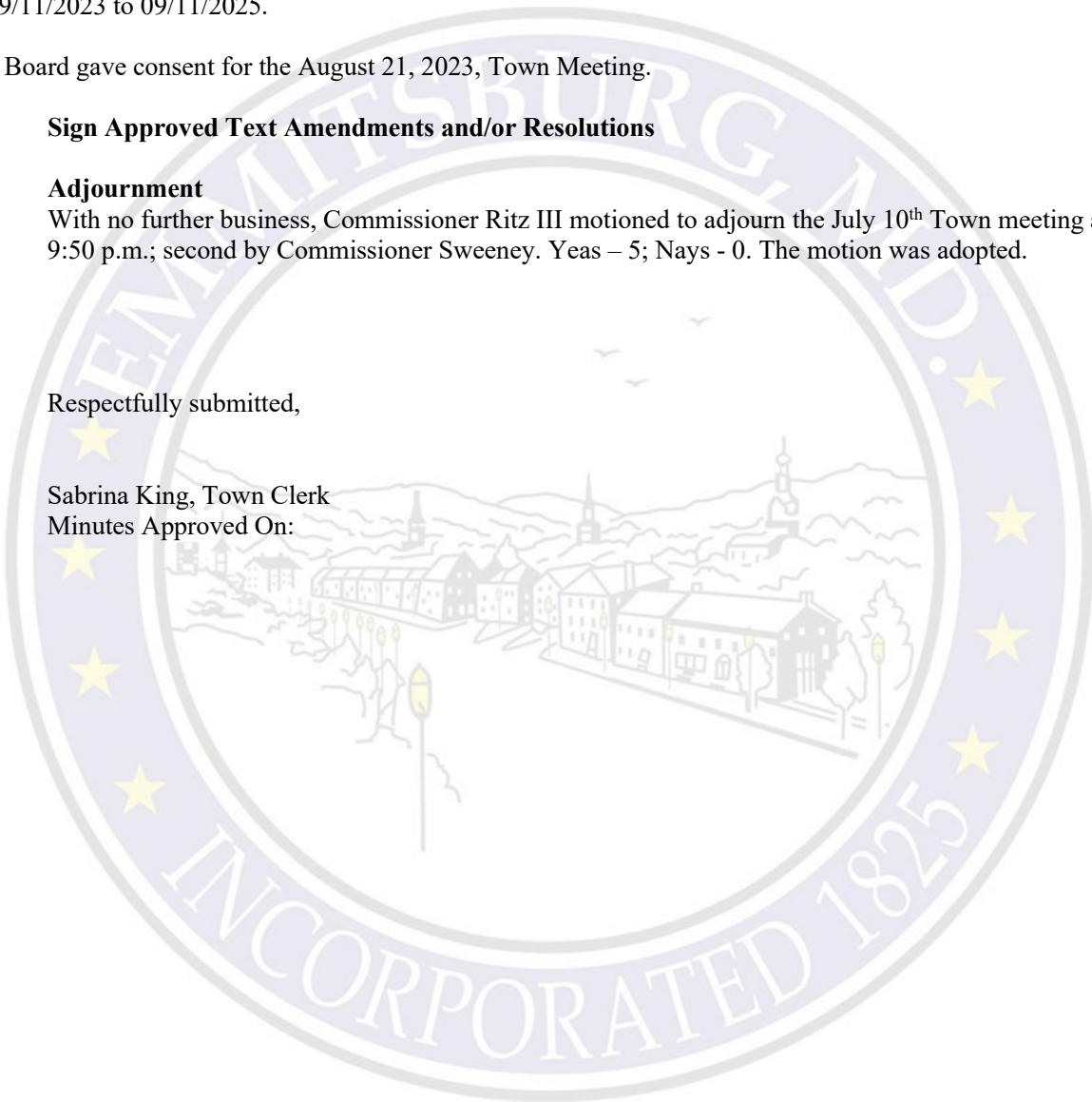
III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the July 10th Town meeting at 9:50 p.m.; second by Commissioner Sweeney. Yeas – 5; Nays - 0. The motion was adopted.

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:



**TOWN MEETING
JULY 17, 2023**

TOWN OFFICE – 300A SOUTH SETON AVENUE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* - Cathy Willets, Town Manager; Sabrina King, Town Clerk; Jessica Housaman Recorder. With the Board's prior approval, Commissioner Ritz III and Commissioner Boehman-Pollitt attended via Zoom.

Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the July 17, 2023, Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Commissioner Comments:

Commissioner Amy Boehman-Pollitt: She was pleased to hear that the farmer's market had a great turn out and thanked staff for helping.

Commissioner Ritz III: He hopes that everyone had a great week.

Commissioner Davis: He wanted to thank staff for helping him with the meeting last week due to connections issues. He also wanted to clear up that there was a misconception when it came to the conversation about timecards. Commissioner Davis wants staff to know that he does not believe anyone is falsifying their timecards and wants everyone to know that.

Commissioner Sweeney: No comment.

Commissioner O'Donnell: He announced that when he attended MML he was speaking with the State Highway Administration Secretary, and he asked about a traffic incident that keeps occurring by the McDonalds off 140. It was brought to their attention, and staff investigated and said that the issue should be resolved after correcting the sign's location and adding another. Commissioner O'Donnell announced that on July 29th, the Emmitsburg Enduro will be riding on the purple trail.

Mayor's Comments:

Mayor Briggs mentioned Conrad Weaver biked 3,300 miles on bike with an average of 60 miles and sometimes 85 miles a day. He arrived at the Vigilant Hose this past week and is on his way to the last destination, which is Ocean City, where he will show his documentary.

Public Comments:

Jim Hoover, Emmitsburg, MD– Mr. Hoover briefly explained his concerns that he has with the water rate increase of 36%. He made suggestions the Town can do as an alternative to get income, rather than the rate increase. *Wendy Brubaker, Mount St. Mary's*- She briefly explained how the event "Party in the Park" occurred last year in 2022 and had over 330 students that attended. She said the students and college staff played games and were able to get to know one another. Ms. Brubaker also mentioned that this was a community event, where businesses came together and gave students the opportunity to get involved. She noted that some students have been involved in the Town and are a part of those businesses. *Justin Buelto, Mount St. Mary's*- Mr. Buelto announced this year's event for 2023, "Party in the Park" and announced this will take place on August 19th from 5 – 8 p.m. He is hoping that this year's event will be a great way for students to connect with local businesses.

Commissioner Sweeney added that there is a student from Mount St. Mary's that plays the drums for their church. He thanked the Mount St. Mary's for having this event.

Commissioner Davis also added that there were two students that lived at the Fire Station and have recently transferred to other counties beginning their recruit school.

Commissioner Boehman-Pollitt asked if they were in contact with businesses and if any were returning and if he had contact with the business alliance here in Town?

Mr. Buelto answered that they will be going out during the week to touch base with local businesses and that they are in contact with the group.

Commissioner Davis added that he would like to use this event as a business fair from 10 a.m. – 2p.m. that way businesses can be set up and have a chance to get their names out. He also added that this would be great to do if not this year, next year.

E. Administrative Business (NONE)

F. Consent Agenda

Proclamation making August 1, 2023, National Night Out for consideration.

Commissioner Sweeney motion to accept the Proclamation making August 1, 2023, National Night Out; second by Commissioner Davis. Yeas – 5; Nays – 0.
The motion was adopted.

Agenda Items

Agenda #1 – Hold a public hearing then consideration of ordinance 2023-08, which would amend Section 17.42- Floodplain Management to meet FEMA standards. Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief. This is to allow the Town and the residents to be covered if there were to be a flood. Ms. Ahsan explained that the Planning Commission recommended approval of some changes to the Floodplain Management ordinance which will bring the ordinance up to FEMA standards. She explained that this is important for the Town to adopt in case there are any future floods which would then protect the Towns residents and property owners. Ms. Ahsan briefly presented the map of the floodplain to the board and explained how the Town must adopt this to be eligible for disaster relief funds. Ms. Ahsan introduced Matt Smith who is the acting cap coordinator for Maryland Environment as a part of the state NFIP program. He explained that this is an update by FEMA because Frederick County and all Municipalities are getting new maps that will be affected August 1st and that is what has predicated the update to the ordinance for the Town.

Commissioner Ritz III asked how often the Town would have to revise the document. Mr. Smith explained that the ordinance only gets updated when the Town wants to do it or when new maps are updated. He also noted that the last time a map was updated was in 2007 and that the Town can update the document when the Town sees fit. The reason the document needs to be updated now is because it is being mandated. Mr. Smith added that he would be able to provide Ms. Ahsan with floodplain management links to certain FEMA documents and other hyperlinks with the new certificates related to the floodplain to be included on the Town website.

Commissioner O'Donnell read the language for public hearing related to ordinance 2023-08 which would amend Section 17.42 Floodplain Management to meet FEMA standards. Motion: Commissioner Davis motion to close the regular meeting and start a public hearing; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0.

The Public hearing began at 7:31 p.m.

Commissioner O'Donnell read the terms related to the public hearing regarding ordinance 2023-08, which would amend section 17.42 Floodplain Management to meet FEMA standards.

Staff had nothing further to add and there were no further questions related to the ordinance 2023-08.

Public hearing: NONE

Commissioner O'Donnell asked to close the public hearing and begin the regular meeting. Commissioner Davis motioned to close the public hearing and begin the regular meeting: seconded by Commissioner Ritz III. Yeas – 5; Nays – 0.

Motion: Commissioner Sweeney motioned to accept ordinance 2023-08, which would amend Section 17.42- Floodplain Management to meet FEMA standards; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion was adopted.

Agenda Items: (1.) Approval of 2023 Election Judges for consideration. (2.) Approval of Rules of Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration. (a.) These rules or procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program. (3.) Approval of bid for the downtown streetlight purchase for consideration. (4.) Hold a public hearing then consideration of ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone). (a.) This amendment would allow the Town to approve a Zoning Map Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts. **Administrative Business: NONE**

Consent Items: (1.) Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of September 11, 2023, to September 11, 2025. (2.) Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of September 11, 2023, to September 11, 2025. Commissioner Boehman-Pollitt motion to accept the modified August 21st Town meeting agenda; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

Sign Approved Text Amendments and/or Resolutions

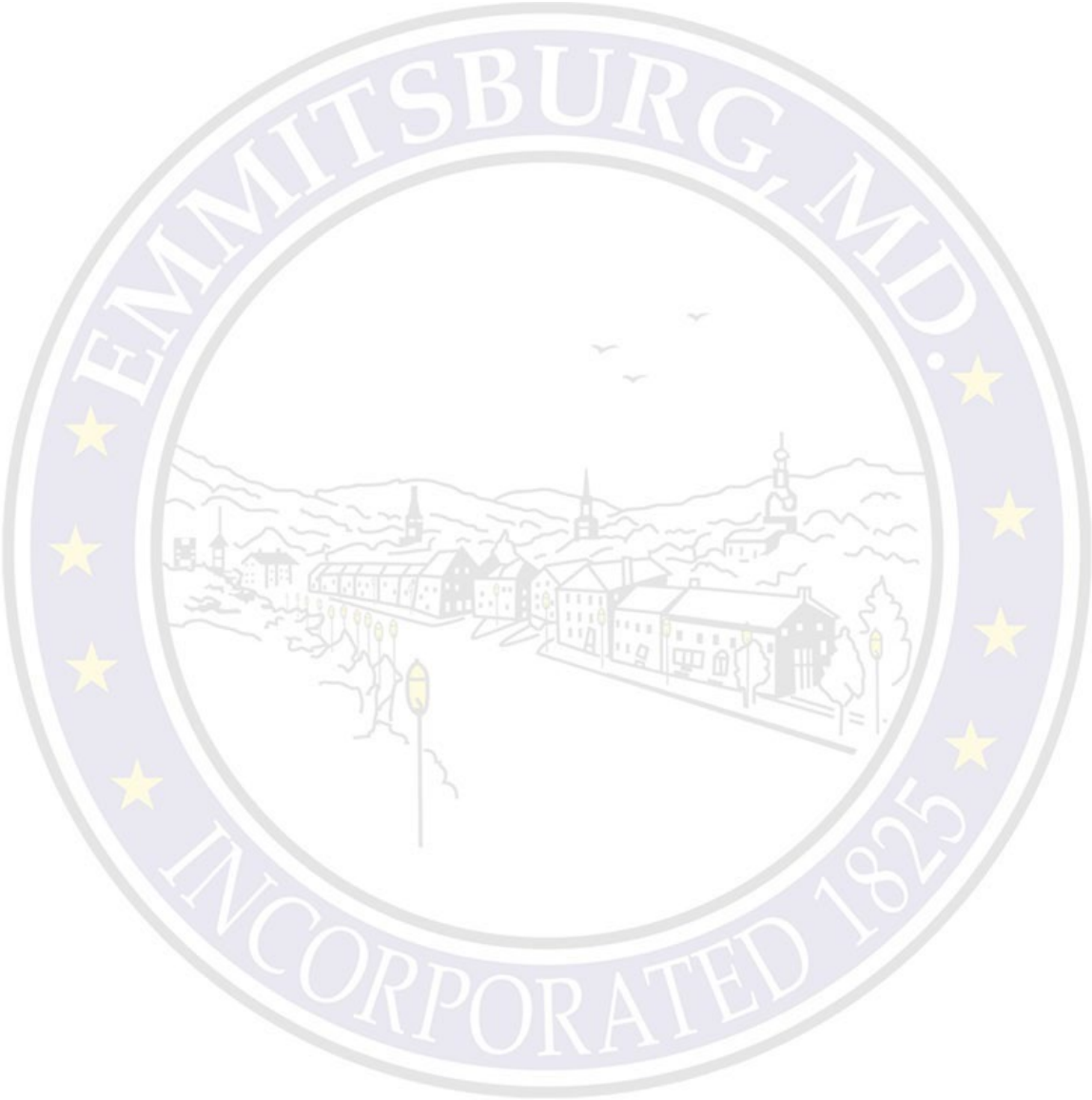
Adjournment

With no further business, Commissioner Ritz III motion to adjourn the July 17, 2023, Town meeting at 7:37 p.m.; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted. Ritz III and Boehman-Pollitt via zoom others present

Respectfully submitted,

Sabrina King, Town Clerk
Minutes Approved On:

B. POLICE REPORT



C. TOWN MANAGER'S REPORT

Town Manager's Report

June 2023

Prepared by Cathy Willets

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired streetlights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff assisted with collecting parking meter money.
- Staff mowed weeds in curbs in developments.
- Staff weed ate/weed killed East Lincoln walkway.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff mowed, trimmed, weed killed in parks.
- Staff removed a broken speed bump on Community Park Road.
- Staff trimmed trees around E. Eugene Myers Park playground equipment.
- Staff repainted park benches in E. Eugene Myers Park.
- Staff weed ate and weed killed around the bridge in E. Eugene Myers Park.
- Staff installed new bat/helmet racks in dugouts at ballfield #3, 4, and 5 in Memorial Park.
- Staff installed 20 new storybook signs along the walking trail in E. Eugene Myers Park.
- Staff cleaned out invasive trees, bushes, and weeds at the Farmers Market lo by the new garden plots.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed three times a day. The DE filters are getting two week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>June</u>	<u>Change</u>
○ Well #1:	35'	38'	-3'
○ Well #2:	8'	13'	-5'
○ Well #3:	12'	24'	-12'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 248,269 GPD. We consumed an average of 254,686 GPD (finish water + MSM). The amount of Backwash Water in the month of June is ... (15.02%).
 - 44.13% of this water came from wells.
 - 2.02% of this water came from Mt. St. Mary's.
 - 53.84% of this water came from Rainbow Lake.

We purchased 178,450 gallons of water from MSM this month.

**Due to PFAs at MSM, the Town halted obtaining water from MSM until further notice.

Wastewater:

- We treated an average of 261,302 (consumed 254,686 GPD) which means that -.72% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of June.
- We did not exceed the plant's design capacity at any time in the month of June.
- We received about 3.1" of precipitation this month (the average is 3.92"). We have a precipitation **DEFICIT of 4.61"** over the last six months. The average precipitation for the period from January through June is 22.1". We have received 17.49" for that period.

Trash: Trash pickup will remain on Mondays in the month of August.

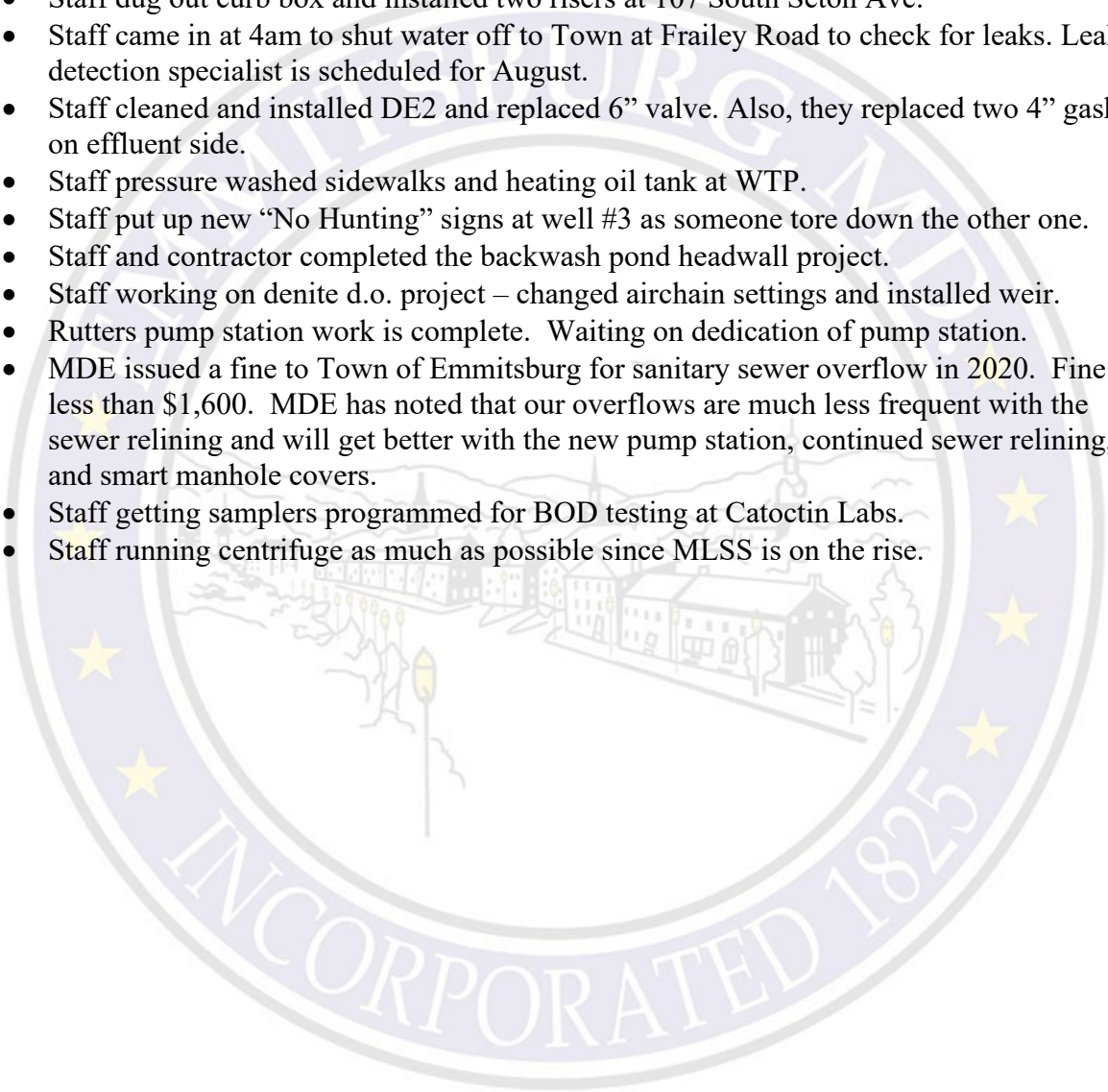
Meetings Attended:

- 06/01 Met with the Mayor
- 06/06 Attended Town Meeting
- 06/12 Attended Zoom Call with Mayor, Town Attorney and Town Planner re: Floating Zone
- 06/13 Attended Zoom Call with Planning Consultant, Town Attorney, Town Planner, and developers Legal Counsel re: Floating Zone
- 06/13 Conference Call with Town Accountant and Auditors
- 06/20 Met with the Mayor
- 06/21 Met with MDE, Water/Sewer staff, and reps from municipality in Garrett County re: out water operations, the LG Sonic performance, and algae blooms
- 06/22 Attended Creamery Road pre-construction meeting via zoom
- 06/23 Met with Dianne Walbrecker re: Heritage Days, concession stands, etc.
- 06/25-28 Attended MML Summer Conference

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in June.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.

- Treatment at the lake is starting to deteriorate due to the lack of rain. Turbidity is rising – adjusting LG Sonic.
- Staff pulled weeds and weed killed islands at the Community Center building.
- Staff weed ate/weed killed lot at 277 DePaul St.
- Staff conducted quarterly water meter readings.
- Staff weed ate/weed killed inside and outside of fence at the Creamery Road pump station.
- Staff dug out curb box and installed two risers at 107 South Seton Ave.
- Staff came in at 4am to shut water off to Town at Frailey Road to check for leaks. Leak detection specialist is scheduled for August.
- Staff cleaned and installed DE2 and replaced 6” valve. Also, they replaced two 4” gaskets on effluent side.
- Staff pressure washed sidewalks and heating oil tank at WTP.
- Staff put up new “No Hunting” signs at well #3 as someone tore down the other one.
- Staff and contractor completed the backwash pond headwall project.
- Staff working on denite d.o. project – changed airchain settings and installed weir.
- Rutters pump station work is complete. Waiting on dedication of pump station.
- MDE issued a fine to Town of Emmitsburg for sanitary sewer overflow in 2020. Fine less than \$1,600. MDE has noted that our overflows are much less frequent with the sewer relining and will get better with the new pump station, continued sewer relining, and smart manhole covers.
- Staff getting samplers programmed for BOD testing at Catocin Labs.
- Staff running centrifuge as much as possible since MLSS is on the rise.



PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

July 2023

<i>Overtime Parking</i>	32			
<i>Restricted Parking Zone</i>				
<i>Parked in Crosswalk</i>				
<i>Parked on Sidewalk/Curb</i>				
<i>Parked by Fire Hydrant</i>	2			
<i>Parked Blocking Street</i>				
<i>Parked Blocking Driveway</i>				
<i>Failure to Park between Lines</i>				
<i>Left Side Parking</i>	3			
<i>Parked in Handicapped Space</i>				
<i>48 Consecutive Hours</i>	1			
<i>Total Tickets – Warnings - Dismissed</i>	38	6	1	
<i>Meter Money</i>	\$1273.82			
<i>Meter Reservations</i>	Daily Reservations: 3 \$15		Funeral Home Reservations: 0	
<i>Parking Permits by Type</i>	1M: 2	3M: 1	6M:0	1Y:0
<i>Parking Permits Money</i>	\$112			
<i>Violation Cost</i>	\$395			
<i>Late Fees Assessed</i>	\$30			
<i>Payment Received</i>	\$300			
<i>Dues Forward</i>	\$105			
<i>Totals Jun:</i>	Made \$1685.82		Due \$105	
<i>Totals 2023</i>	Violations Paid \$3155.00	Outstanding Bal. \$1555	Meter Money \$8794.47	Permit Revenue \$1866

*Meter Money was pulled and counted on June 29th and June 30th.

*Ticket was dismissed due to being an unmarked Sheriff Vehicle.

GRANT ADMINISTRATOR REPORT

As of August 3, 2023

Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS (21 TOTAL)

#22-1, USDA New Public Works Equipment for \$168,900 (match of \$128,500)

- For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, WWTP SCADA.
- Status – Backhoe, multi-use tractor, and 4x4 truck delivered. SCADA 98% completed. Waiting on the backorder of two interfaces. Once all invoices are received final report will be submitted.

#22-6, POS New Bathroom/Concession Stand for \$147,980 (\$89,000 match)

#22-7, LPPI New Bathroom/Concession Stand for \$62,290 (no match)

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Electrical conduit installed in May. Staff working on getting site prepped for building through hiring contractors and a possible site inspector.

USDA Creamery Road Pump Station Replacement \$1,862,300 grant, \$1,987,000 loan, \$1,395,000 Town

- For replacement of Creamery Road Pump Station will new sewage pump station.
- Status – Continuing to submit monthly USDA reports. Scheduled to start construction end of August.

Maryland Dept. of General Services, Water Treatment Plant Clarifier \$1,000,000 bond

- Status – Assisting with management of this project starting April 25, 2023.

#23-3, DHCD Community Legacy Façade Improvements FY2023 for \$50,000

- Provide property owners in sustainable community's district with 50/50 funds to fix-up property
- Status – Waiting on property owners to finish work, then submit for reimbursement.

#23-5, POS Rainbow Lake Parking Lot for \$70,000 (\$37,500 match)

#23-13, LPPI Rainbow Lake Parking Lot for \$44,500

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake.
- Status – State approved Feb. 15. Engineer signed contract for design May 24. Currently in design phase. Project to go to bid for construction in December 2023.

#23-6, POS Community Park Cornhole for \$6,000 (\$2,00 match)

- For installing two pairs of permanent concrete cornhole boards in Community Park.
- Status – State approved on Jan. 25. Cornhole boards ordered April 18. There is a 16 week lead time with production/shipping. Planning to install mid-August once they arrive.

#23-7, POS Outdoor Storybook Trail for \$8,250 (\$2,750 match)

- For installation of 20 single pedestal exhibits that would display exchangeable storybook pages.
- Status – Panels installed end of June. Ribbon cutting held July 6th. Need to submit final report.

#23-8, MEA Streetlight & Outdoor Lighting Efficiency Pilot for \$27,500 (15% of total project match)

#23-10, USDA Downtown Streetlight Replacement for \$75,000

#23-11, USDA Downtown Streetlight Replacement for \$50,000

#23-17, DHCD Operating Assistance Grant – Main Street Improvement Grant for \$10,000

- Replace 102 streetlights along Main Street / Seton Avenue with new LED dimmable cutoff lights.
- Status – RFP advertised for the purchase of streetlights, due July 21. Staff are planning to bring bid to Board for approval at the August town meeting. Installation RFP to be advertised in August.

#23-12, DHCD Business District and Neighborhood Safety Grant for \$85,000 (no match)

1. Purchase two portable radar speed trailers and two surveillance cameras for town square.
2. Status – Speed trailers delivered, cameras installed. There is extra grant money leftover the town is hoping to allocate to another safety project in the downtown area. Grant deadline is Sep. 30.

#23-14, LPPI Community Park Pavilion Improvements for \$30,500

- For new pavilion roof, repair rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – Picnic tables ordered 07/31. Contract needs to be signed for installation with S&W.

#23-15, LPPI Memorial Park Pavilion Improvements for \$22,000

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 10 picnic tables.
- Status – Picnic tables ordered 07/31. Pavilion work to occur early August.

#23-18, FY24 MWIFA Water Supply Assistance Grant, DePaul Street Waterline Replacement, for \$277,500

- To replace the 1,850 LF of deteriorating waterline along DePaul Street with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jan. 2024 – Oct. 2024.

#23-19, FY24 MWIFA Water Supply Assistance Grant, N. Seton Ave. Waterline Replacement, for \$286,388

- To replace the 1,850 LF of deteriorating waterline along N. Seton Ave. with a new line.
- Status – Project currently in design phase. Construction estimated to occur Jul. 2024 – Dec. 2025.

#23-20, FCTC Main Street Cooperative Fund for \$10,000

- To help purchase new Welcome to Emmitsburg signs.
- Status – waiting to finish obtaining estimates for signs to determine if additional funding needed.

#24-1, FY24 TRIPP Advertising Grant for \$3,335

- To advertise Emmitsburg as a tourism destination in two annual print publications (Destination Gettysburg and Visit Frederick guide).
- Status – waiting until January 2024 to run the ads.

NEWLY AWARDED:

DHCD Community Development Block Grant, submitted 06/07/2023

1. To fund the construction of the DePaul Street Waterline Replacement project, requested \$552,500. The Town was awarded the full \$552,500.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (4 TOTAL)

MWIFA Emmitsburg Transmission Main Replacement, submitted 01/31/2023

1. To replace 10-inch mountain main into Town with 16-inch to improve water quality and fire flow. Cost of project is \$5,840,000.

Operating Assistance Grant – Main Street Improvement grant, submitted 04/28/2023

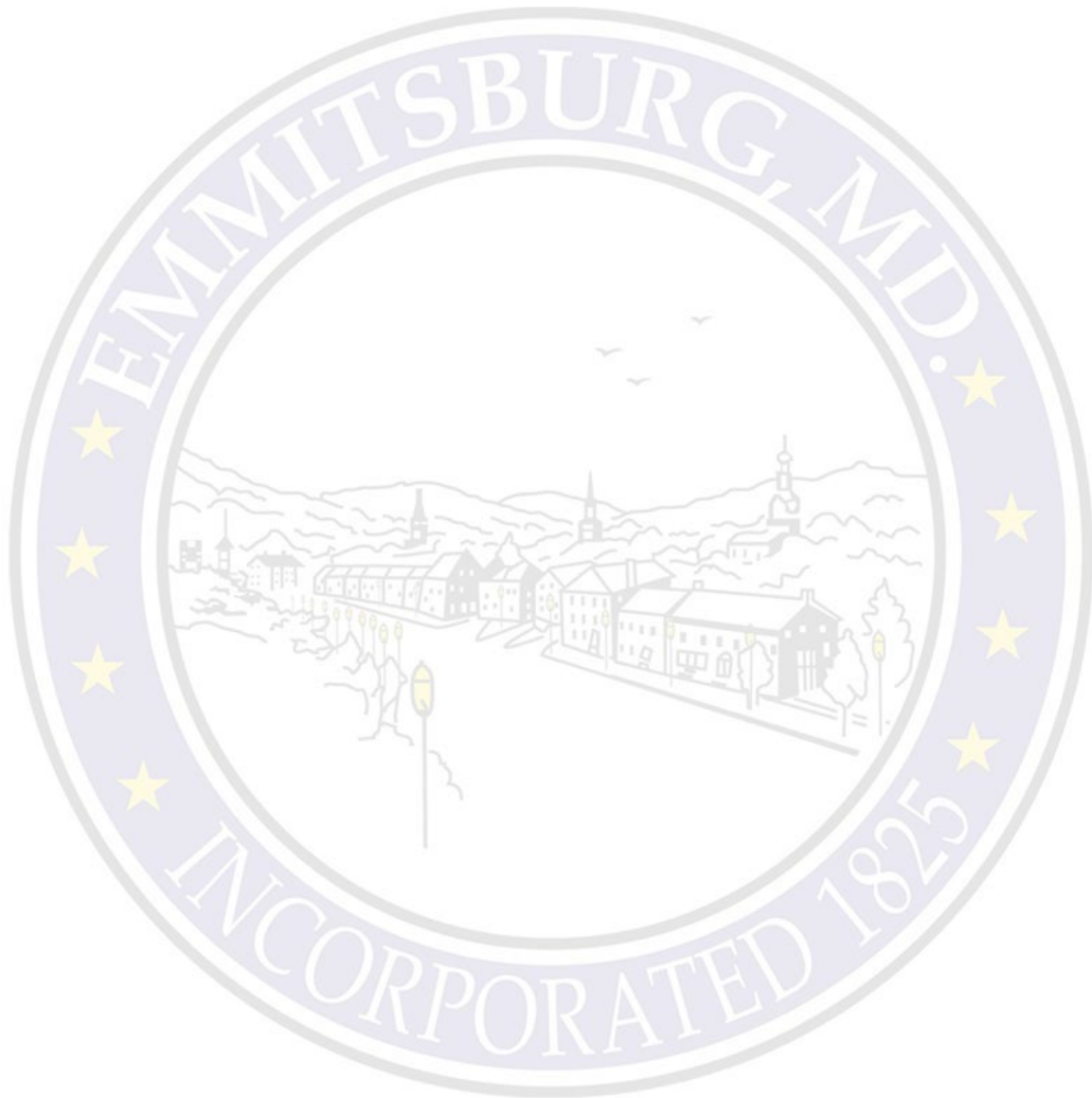
2. Town Square directional wayfinding signage, 4 total signs, \$10,000

Program Open Space FY24, submitted 05/05/2023

1. Rainbow Lake Trail Improvements, \$85,950 to update and redesign red trail
2. Myers Community Park Improvements, \$20,000 to construct one picnic shelter near playground

UPCOMING GRANTS (TO APPLY FOR)

1. **USDA Community Facility grant, rolling deadline first-come first-served**
 - To purchase replacement coin/credit card combo parking meters
2. **FY25 Community Parks & Playground Grant, due Aug. 23 by 3pm**
3. **And other grants as funding is found/needed**



D. TOWN PLANNER'S REPORT



Memo

June 2023 Planner Report

Prepared by: Najila Ahsan

Code Enforcement & Permits

- Processed the following permit applications:
 - 6 Zoning
 - 2 Seton Place – Deck steps
 - 882 W. Main St.- Use and Occupancy Permit
 - 17482- Deck 14' by 16'
 - 201 Silo Hill Plaza – Silo Hill Plaza Development
 - 1370 Wheatley Dr. – Deck 14' by 16'
 - 511 Timbermill Ct. – 8' by 12' shed
 - 113 E. Main St. – Use & Occupancy
 - 100 Creamery Rd. – Fence
 - 22 Cross Connection
 - High hazard
 - 17 - Daughters of Charity
 - 1- Dynamic Automotive
 - 1- Chronicle Press
 - 1- Emmitsburg Elementary
 - 1- Quality Tire
 - 1- W.F. Delauter & Sons Inc.
 - Low hazard
 - 1- 336 Mountaineers Way

Planning Commission (PC)

- July 31, 2023
 - Text Amendment "Floating Zone" approved
 - Comprehensive Plan Discussion
- No Meeting in August
- Next meeting: September 25, 2023
 - Agenda Item: Comprehensive Plan

Development Updates

- Federal Stone
 - Pending: Payment and Performance bonds
 - Pending: Tap fees

Village Liquors & Plaza Inn

- Done: Payment and Performance bonds
- Pending: Preconstruction meeting
- Seton Shrine Museum Entrance at Daughters of Charity Ministries
 - Pending: Deed of Easement
 - Pending: County Approval
 - Pending: Town Signatures
- Tenant Fit-out for Daughters of Charity Ministries
 - Under review
 - Pending: Building Permit from County
- MSMU School of Health Professions
 - Under review
 - Pending: Zoning Certificate
 - Pending: Building Permit from County

Text Amendment

- “Economic Development Flex District (EDFD), Floating Zone”
 - Planning Commission recommendation for Approval: July 31, 2023

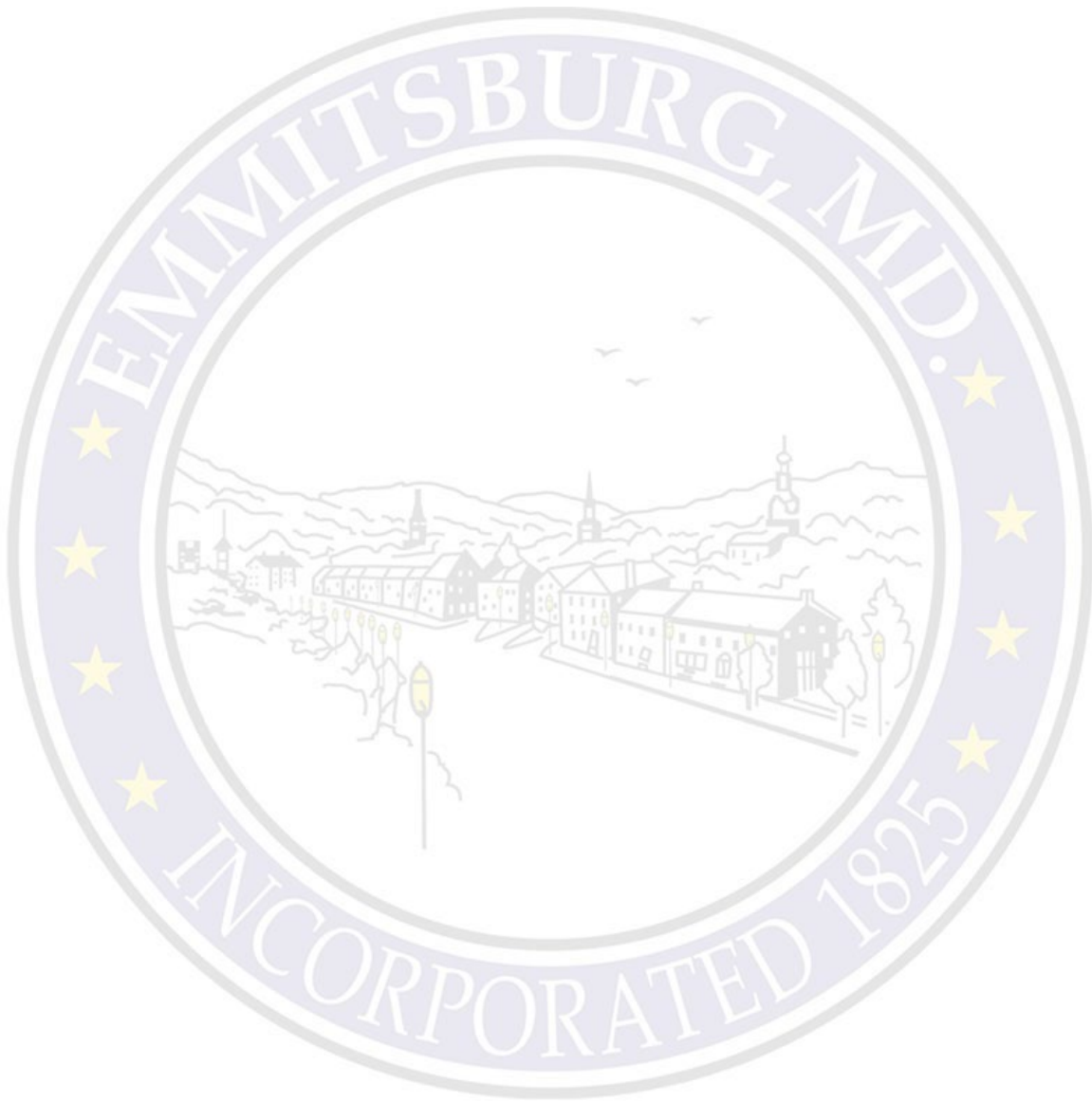
Stormwater Management

- Silo Hill Basin Retrofit
 - Post-construction meeting August 3, 2023
 - Invasive species to be removed by Town staff

Grants

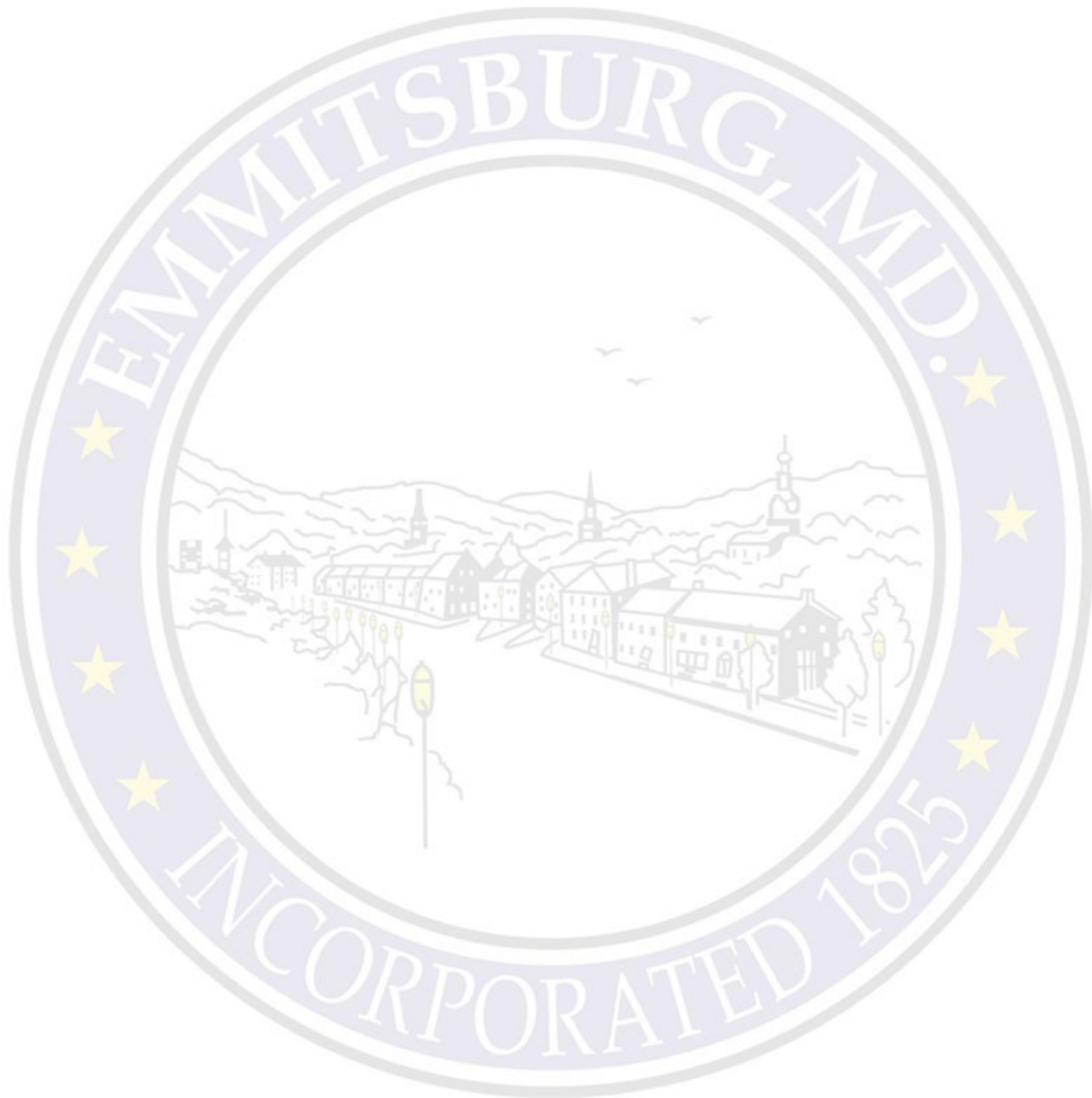
- CBT - Silo Hill Basin Retrofit –
 - Final Report and Closeout by August 31, 2023

E. COMMISSIONERS COMMENTS

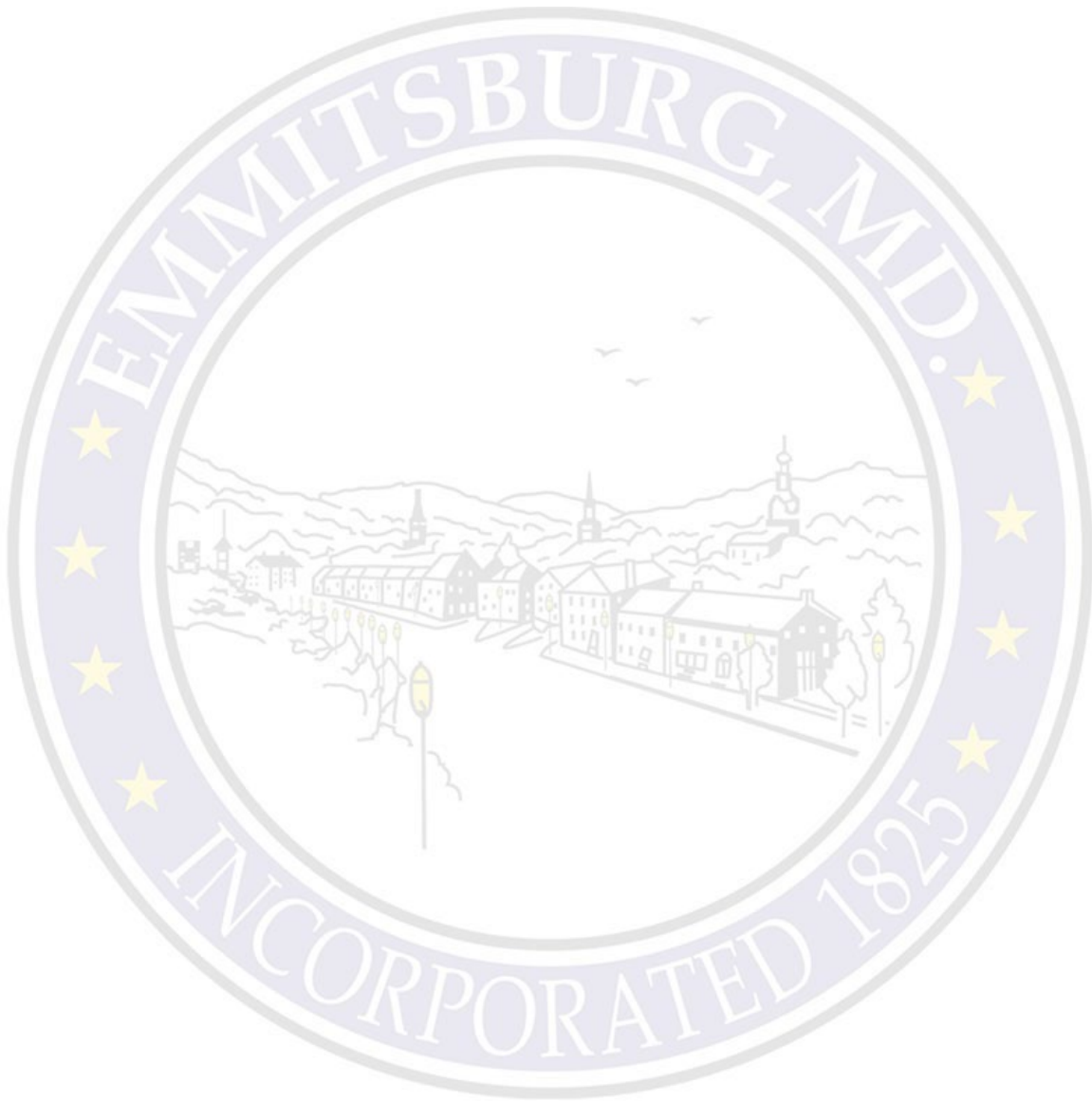


F. MAYORS COMMENTS

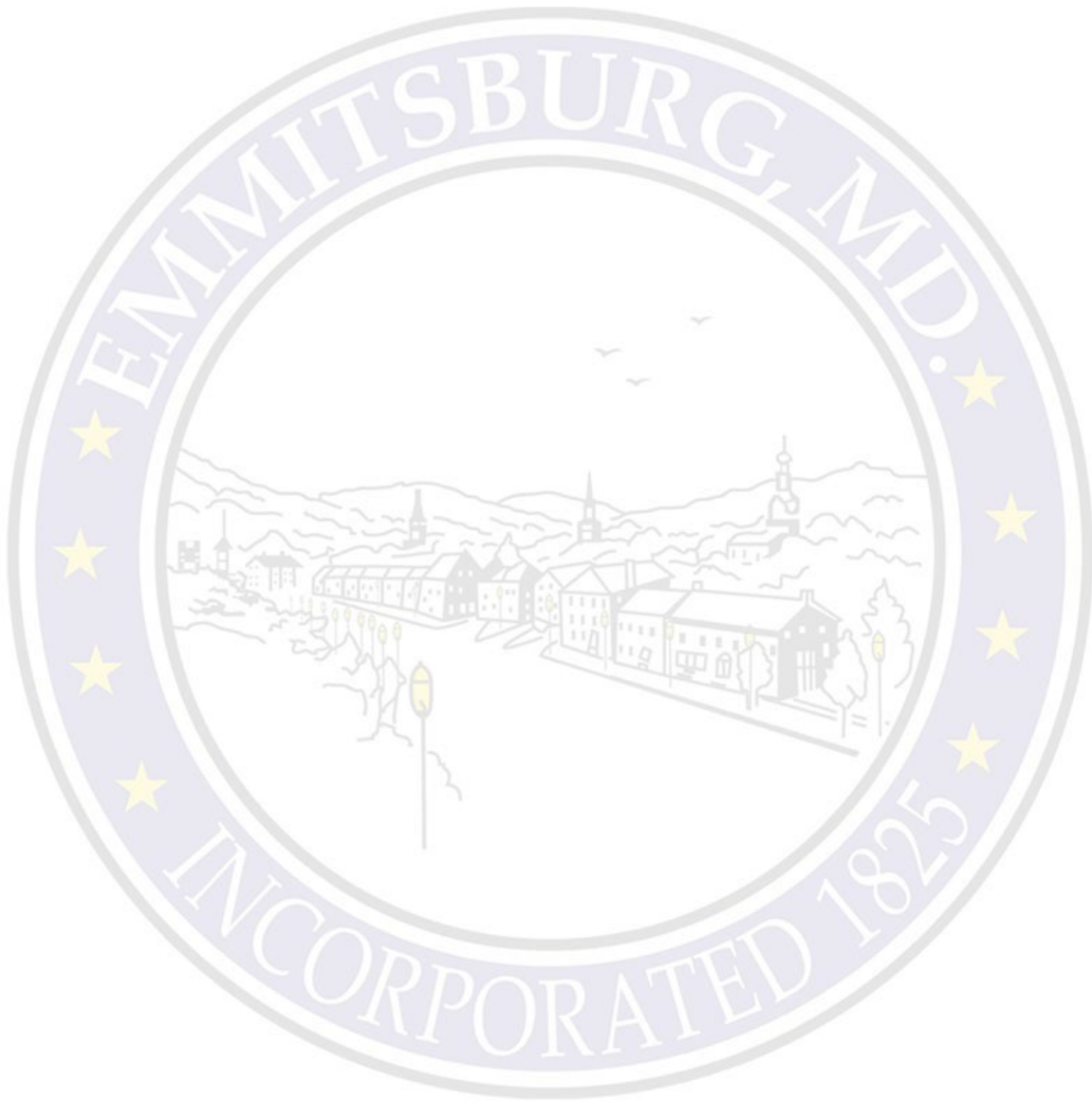
Presentation at the meeting.



G. PUBLIC COMMENTS

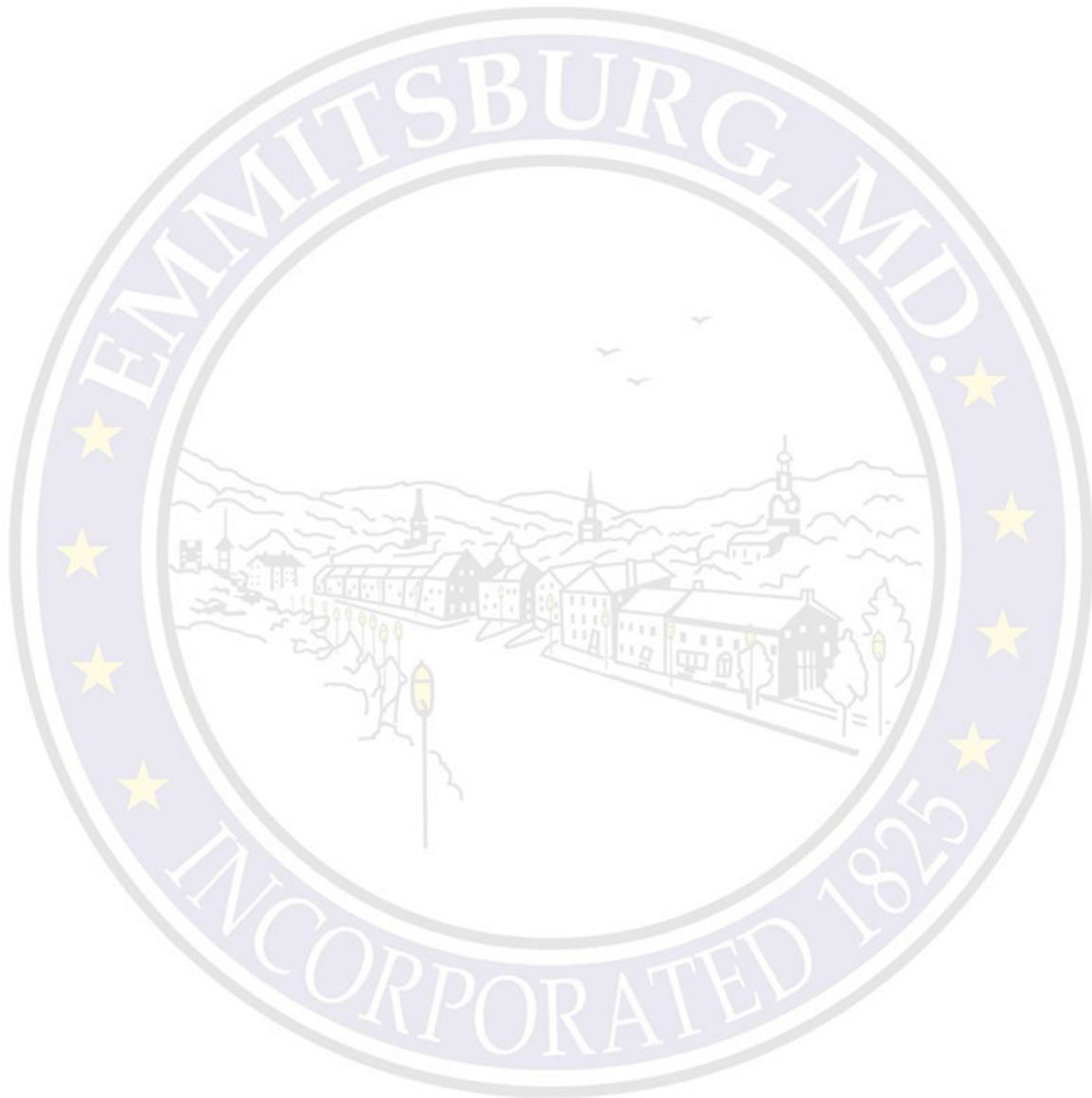


H. ADMINSTRATIVE BUSINESS (NONE)



I. CONSENT AGENDA

1. Re-appoint Wayne Slaughter to the Citizen's Advisory Committee with a term of September 08, 2023, to September 08, 2025.
2. Re-appoint Sandy Slaughter to the Citizen's Advisory Committee with a term of September 07, 2023, to September 07, 2025.



J. TREASURER’S REPORT

**TOWN OF EMMITSBURG
CASH ACTIVITY AS OF July 25, 2023**

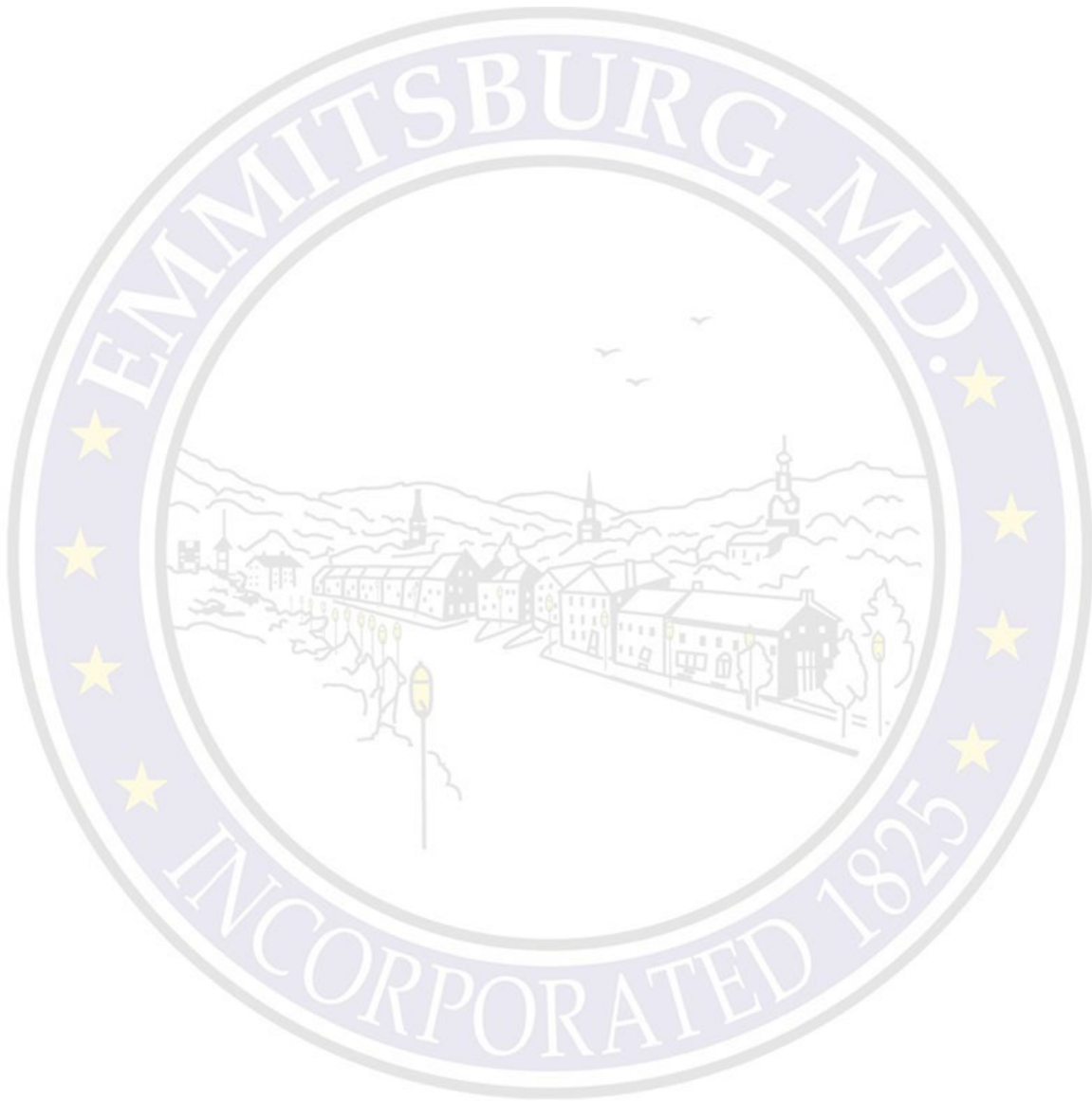
\$8,575,526 **Cash Balance July 1, 2023**

465,839	Deposits
<u>-263,020</u>	Withdrawals
\$8,778,345	Operating Balance Forward

Check Amount	Vendor Name	Description	Check Date	Check Number
\$50,055	Fulton Bank	GO Bond Loan. Lincoln Ave Waterline	07.19.23	45270
\$25,189	Comptroller of MD	4Q FY23 Bay Restoration Fee	07.05.23	45217
\$22,472	MD Dept. of Budget & Mgmt	June 23 Health Insurance	06.28.23	45196
\$14,658	UGI Energy Services	May 23 Solar # 2	06.28.23	45208
\$13,993	UGI Energy Services	May 23 Solar # 1	06.28.23	45208
\$11,444	Envirep Inc	Sewage Grinder	07.12.23	45233
\$11,308	RSV Pools Inc	Aug 23 Pool Mgmt	07.05.23	45222
\$7,368	Republic Services	July 23 Refuse Service	07.12.23	45248
\$5,470	Fox & Associates	Waterline Improvement Plans	06.28.23	45191
\$4,407	South Mountain	New Evaporator. 22 East Main Street	07.19.23	45284

K. PLANNING COMMISSION REPORT


Presentation at the Town meeting.



L. AGENDA ITEMS

AGENDA ITEM #1: Approval of 2023 Election Judges for consideration.

Election Judge Applicants (In Order of Filing)

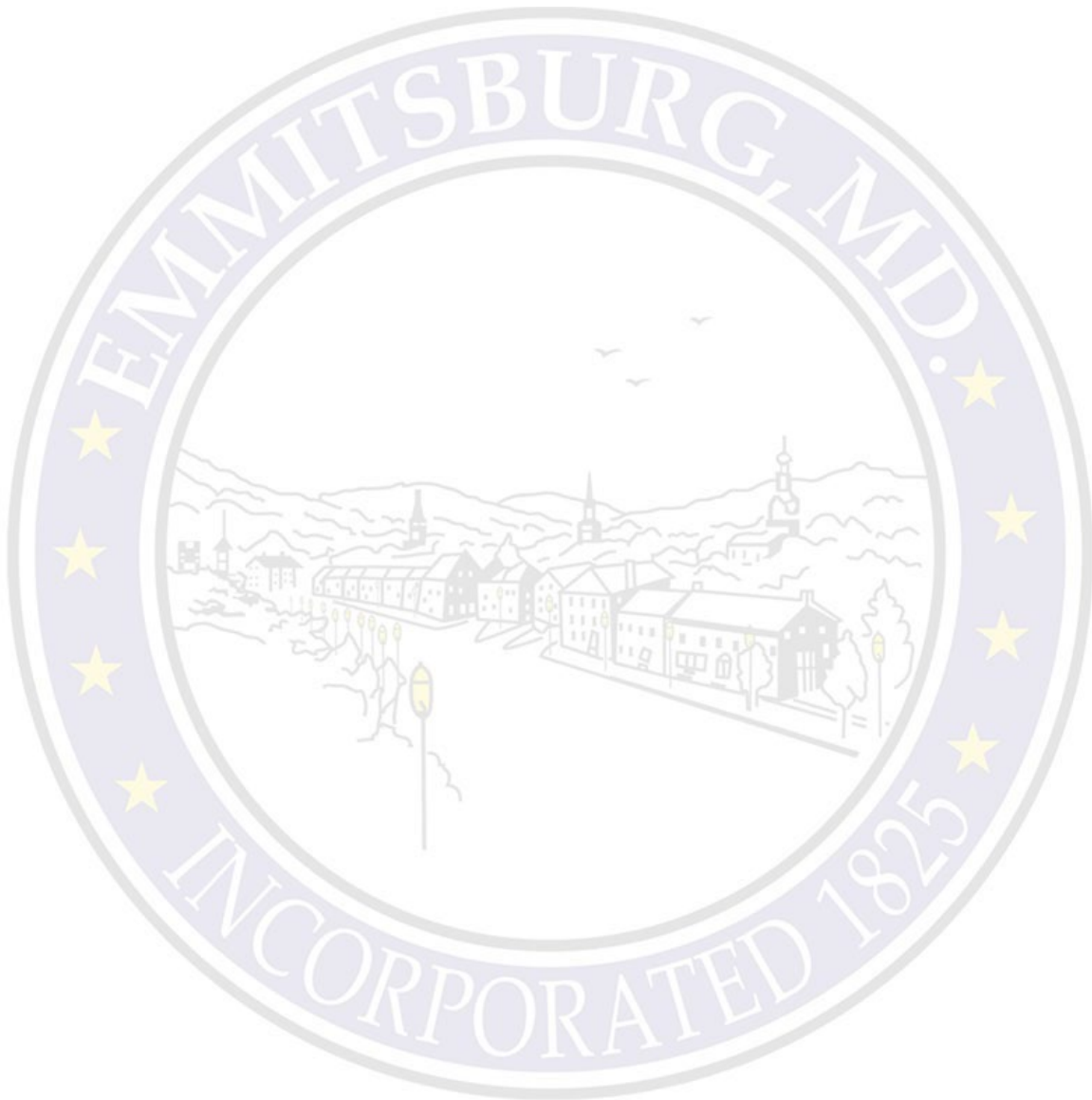
Applicant	Experience	Received
Tammy May	Prior Town and County Elections	July 10, 2023
Sharon Hane	Prior Town and County Elections	July 11, 2023
Lynn Orndorff	Prior Town and County Elections	July 11, 2023
Charlotte Mazaleski	Prior Town and County Elections	July 12, 2023 

Mayor's 2023 Recommendation

- **Chief Judge – Sharon Hane**
- **Judge – Tammy May**
- **Judge – Lynn Orndorff**
- **Greeter/Alternate Judge – Charlotte Mazaleski**

AGENDA ITEM #2: Approval of Rules and Procedures for Community Legacy Grant Program for the Sustainable Communities Work Group for consideration.

- a. These rules of procedure are adopted as a guide to assist SCWG and staff to efficiently and orderly administer the Community Legacy Grant Program.



Community Legacy Façade Restoration Program

Standard Operating Procedures

Town of Emmitsburg

Applications

1. Applications are due by December 31 each year.
2. The Town should advertise that applications are now being accepted on Facebook, the Town website, channel 99 and by placing yard signs on/near the town square.
3. All applications received by the Town Office should be date stamped with date received.
4. A folder shall be created for each application/address.
5. The grant manager should confirm each application is complete as specified in the *Community Legacy Grant Application* document and shall contain specified attachments (e.g., two cost estimates, drawings, or photos, etc.).
6. If an application is incomplete, the grant manager shall contact the property owner and request additional information.
7. The grant manager shall confirm the property resides in the Sustainable Communities District (SCD) by searching the address here: <https://portal.dhcd.state.md.us/GIS/revitalize/index.html>. All projects must be in the SCD. Proof the property is in this district shall be printed and placed with the application folder. This will be needed later when a request for payment is submitted to Maryland Dept. of Housing and Community Development (DHCD).
8. Once applications are received and ready, the grant manager should contact the Sustainable Communities Work Group (SCWG) and schedule a public meeting to review the applications. The meeting should occur in January/February once the Town has received notice from DHCD of the amount of funding available for the fiscal year.
9. The grant manager should submit all applications to the Maryland Historical Trust for review. To initiate the review, the grant manager should send the following information to the DHCD Project Manager in an email with the project address in the subject line.
 - a. DHCD award number
 - b. Project address
 - c. Photographs (including interior if scope involves interior features)
 - d. Scope of work (e.g. narrative description, contract, estimate, etc.)
 - e. Any relevant plans or product specifications, cutsheets, etc.
10. *Note:* Maryland Historical Trust review can take up to 30 days. A response is not needed for the SCWG to meet.

Sustainable Communities Work Group (SCWG)

1. The SCWG must consist of five (5) members.
2. Members of the SCWG shall be appointed by the Mayor and be approved by the Board of Commissioners.
3. There is no term limit for the SCWG.
4. The members of the SCWG must reside in Town.
5. All SCWG meetings shall be public, and the meeting notice should be given on the Town website, channel 99 and Facebook.
6. One week before the meeting the project manager should make copies of all the applications and provide copies to the members of the SCWG members along with a meeting agenda. The agenda template is on the I Drive > Planning Department > Grants > Community Legacy > Sustainable Communities Work Group.
7. An agenda should be made for the meeting and copies should be printed for the public. Copies of the applications should **not** be made available to the public due to the personal information provided in the application.
8. A sign-in sheet for public comment should be printed for the meeting.
9. Minutes should be taken of all meetings and approved by the SCWG at the next meeting.
10. At the meetings, the SCWG should start by reading the “Legacy Program Background” (found on the I Drive > Planning Department > Grants > Community Legacy > Sustainable Communities Work Group). A summary of the number of applications received, total amount of funds requested, and available funding shall be given. The SCWG should then publicly allocate the available funding.
11. During the review of the applications, the SCWG should consider the following questions as a guideline for allocating funds:
 - a. Does the application address a structure that constitutes a major visual or structural component within the Sustainable Communities area?
 - b. Does the project preserve the distinguished original qualities and character of the building? Removal of distinctive and historical architectural features may be a contributing factor for disqualification.
 - c. Are deteriorated architectural features being repaired rather than replaced?
 - d. If replacement is necessary, do the new materials match the materials being replaced in color, texture, design, or other visual qualities?
 - e. If installing contemporary design to existing properties, do the alterations destroy significant historical, architectural, and cultural materials? Are these alternations compatible with the existing size, scale, color, material, and property of adjacent and/or surrounding buildings?
 - f. prioritize new applicants. The SCWG should also prioritize projects that address safety issues. An example of such a project is a rotting porch with a compromised structural integrity and/or pest infestation that could lead to unexpected falls and accidents.

Availability of Funds

1. Due to the limited amount of funds available through the Community Legacy program, the SCWG cannot provide funding to every single applicant.
2. Under the program, participants will receive a 50% match for the cost of exterior facade and other improvements, with the owner responsible for the remaining 50%. It's important to note that this 50% match is capped at \$12,500. As a result, if a project costs more than \$25,000, the applicant will only be eligible to receive up to \$12,500 in funding.

Grant Agreements

1. Once the SCWG determines funding allotment for the applications, the grant manager should draft approval/denial letters to all the applicants with the amount awarded. A grant agreement should be attached to the letter and will need to be signed and returned before any work can begin. Draft letters and the grant agreement are available on the I Drive > Planning Department > Grants > Community Legacy > _Master Forms.
2. Notification letters and grant agreements should be mailed to the property owners.
3. The deadline for work completion is May 15th of the following year. Property owners have about a year to get the work done.
4. No work can begin until the Town has received the signed grant agreement back from the property owner with a witness signature.
5. A copy of the fully executed/signed grant agreement should be emailed to the property owner.

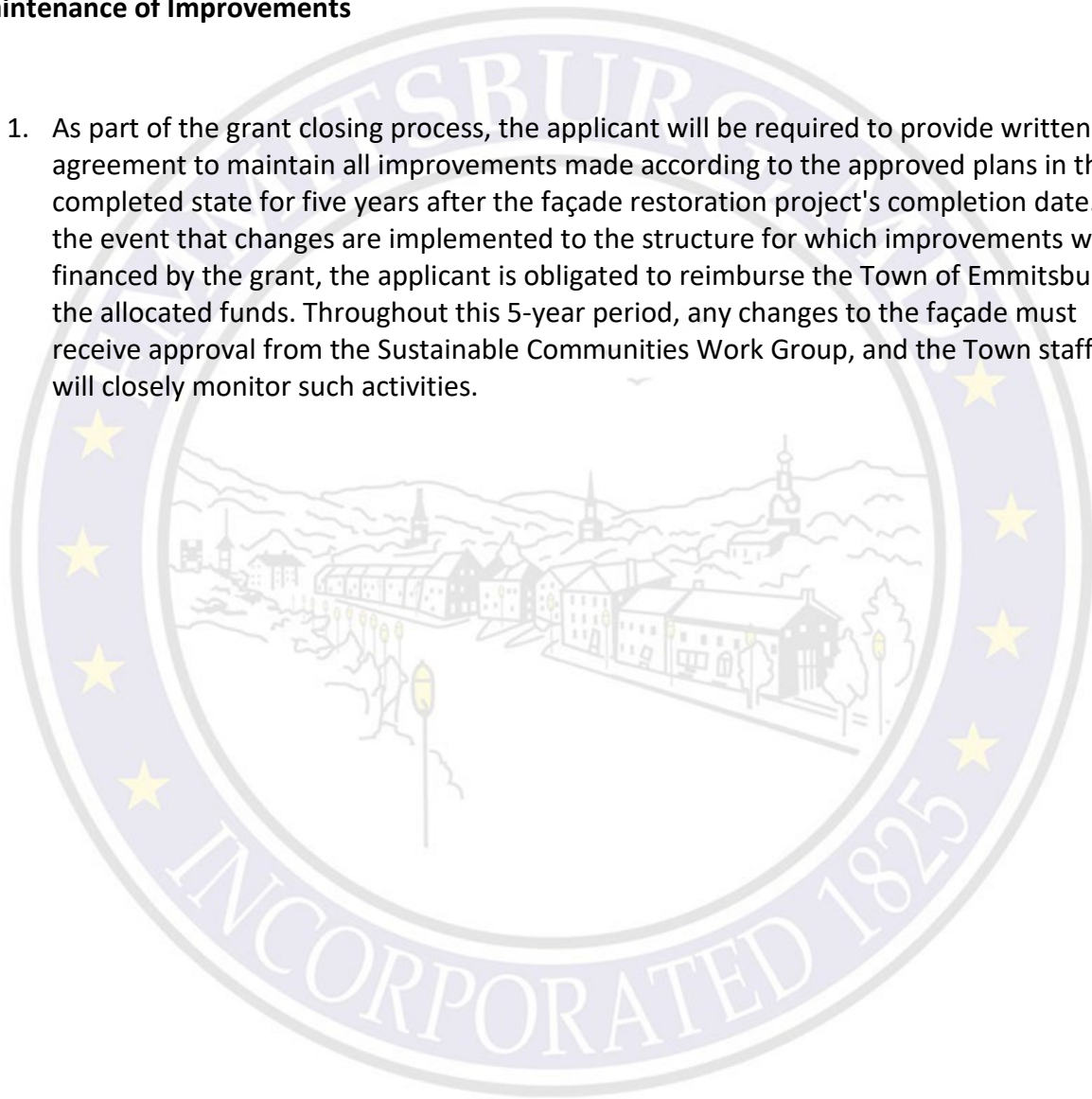
Property Owner Reimbursement

1. Following completion of the project and satisfaction of all federal and state program requirements, the applicant will provide the Town with a canceled check or debit/credit card receipt, invoices, and photos of the completed work.
2. Following the verification of these expenditures and work completed, the grant manager will submit a request to the DHCD for the grant funds.
3. The grant manager should notify the town accountant that funds are anticipated. The notification should include the amount, property address, property owner name and town assigned grant number.
4. Upon receipt of the funds from DHCD, the Town will issue a check for the agreed-upon amount to the property owner. A check request will be submitted to accounting with proof of receipt of funds from DHCD (town accountant to provide) and a copy of the property owner grant agreement showing the authorized amount.
5. All checks shall be mailed to the property owner via the address provided in the initial application.

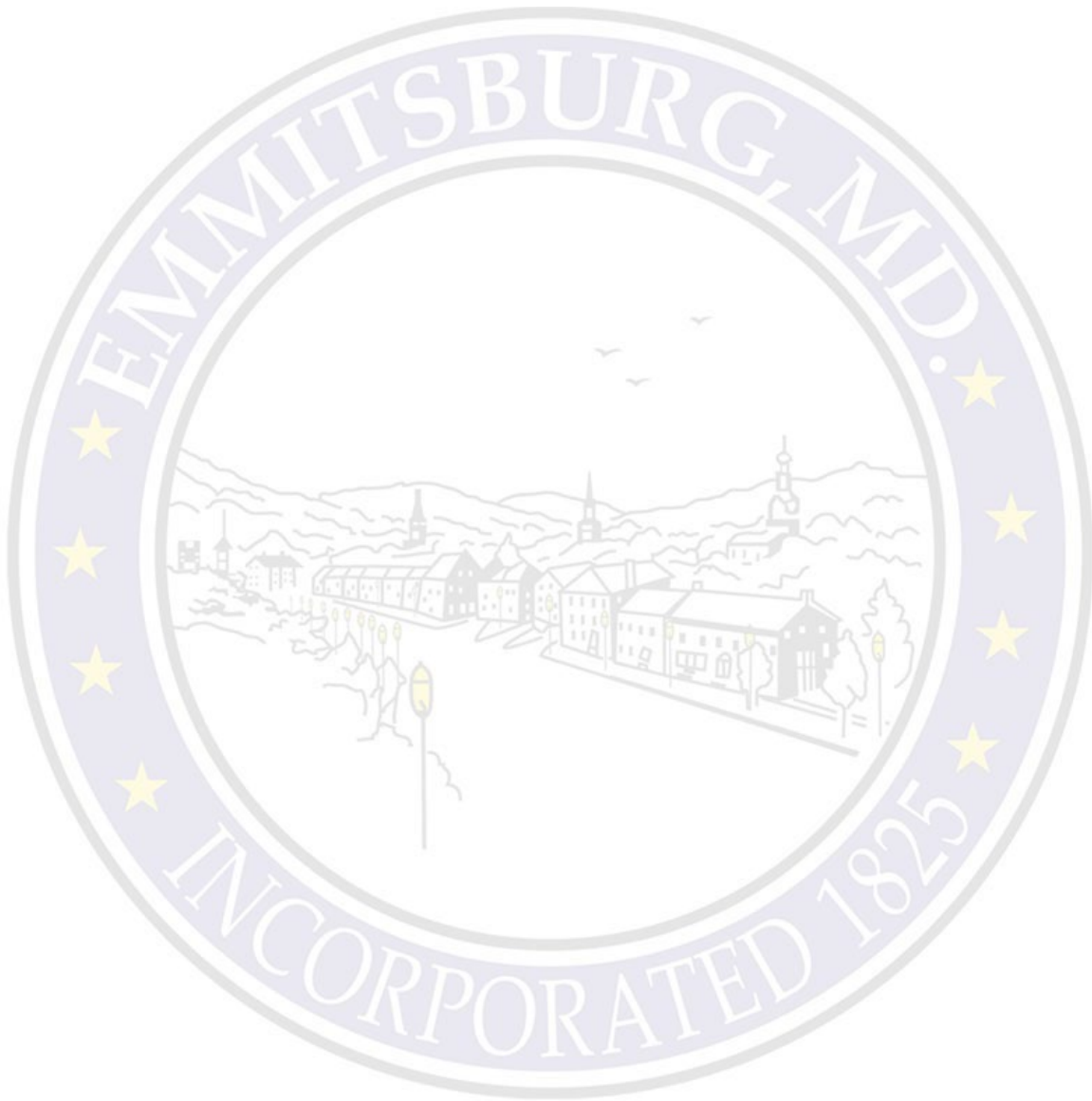
1. Approximately 2-weeks from the check being issued to the property owner, the grant manager should request the canceled check from the accounting office and submit a copy to the DHCD project manager. A copy should also be placed in the property folder.

Maintenance of Improvements

1. As part of the grant closing process, the applicant will be required to provide written agreement to maintain all improvements made according to the approved plans in their completed state for five years after the façade restoration project's completion date. In the event that changes are implemented to the structure for which improvements were financed by the grant, the applicant is obligated to reimburse the Town of Emmitsburg the allocated funds. Throughout this 5-year period, any changes to the façade must receive approval from the Sustainable Communities Work Group, and the Town staff will closely monitor such activities.



AGENDA ITEM #3: Approval of bid for the downtown streetlight purchase for consideration.



TIMELINE – DOWNTOWN STREETLIGHT PURCHASE:

RFP published by Town Thurs. June 15, 2023
DEADLINE, bids due Fri. July 21, 2023 by 4:00 p.m.
Bids opened Thurs. August 3, 2023 at 9:15am
 – Opened by Willets, Shaw, Click, Fissel

PROJECT EXPLANATION:

The proposed project would replace 103 total streetlights (poles, fixtures and lenses) located on Main Street and South Seton Avenue in the Town of Emmitsburg. 97 lights are located on Main Street (East and West side) and 6 lights are located on South Seton Avenue. This bid is for the purchase only (not installation).

RFP ADVERTISEMENT:

- Public Notice Under RFP Tab on Town’s Website: 06/15/2023 – 07/21/2023
- Notice on MML Classifieds: 06/15/2023 – 07/21/2023
- RFP Published on eMaryland Marketplace: 06/15/2023
- Public Notice on Town Facebook Page 06/15/2023
- Email sent to potential contractors: 06/15/2023

PROJECT FUNDING:

MEA Streetlight and Outdoor Lighting Efficiency Grant #23-8	\$27,500.00
USDA Community Facility Grant #23-10	\$75,000.00
USDA Community Facility Grant #23-11	\$50,000.00
DHCD Oper. Assistance Grant #23-17	\$10,000.00
DHCD Business District Safety Grant #23-12	\$23,786.00
Town required match per USDA & MEA	\$71,590.00
TOTAL COST:	\$257,876.00

STAFF RECOMMENDATION:

Recommendation and presentation to be given at town meeting by town staff.

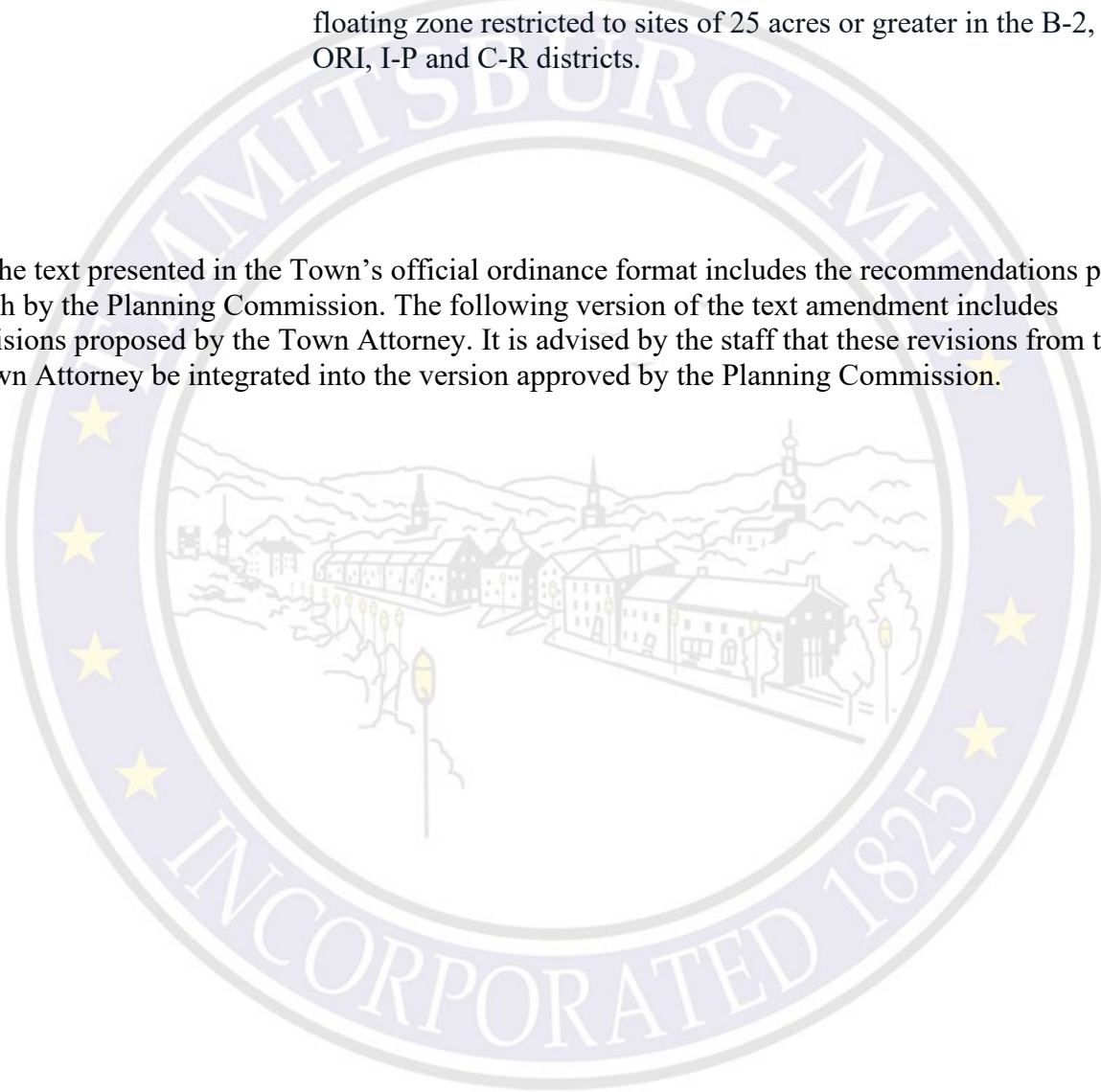
BIDS RECEIVED (ALPHABETICAL ORDER):

Contractor:		Amount:	Notes:
1.	Capital Electric Baltimore, MD	Opt. 1 \$327,822.00	Different options are for different poles.
		Opt. 2 \$679,070.00	
2.	Catoctin Lighting Services, LLC Thurmont, MD	10-foot \$245,100.00	
		12-foot \$21,040.00	
		Total: \$266,140.00	
3.	CNR Lighting Baltimore, MD	10-foot \$285,000.00	
		12-foot \$24,480.00	
		Total: \$309,480.00	
4.	Daybreak LED LLC San Antonio, TX	10-foot \$174,605.25	
		12-foot \$15,084.00	
		Total: \$205,139.25	
5.	Hanada Contracting LLC Tampa, FL	10-foot \$449,429.80	
		12-foot \$38,601.92	
		Total: \$488,031.72	
6.	MagniFlood Inc. Amityville, NY	10-foot \$132,525.00	POLES ONLY. Total cost does not match bid price. Did not comply with submittal requirements.
		12-foot \$11,480.00	
		Total: \$155,485.00	
7.	Rexel Dallas, TX	1.) Dorchester: \$222,339.58	Project manager out of Frederick. Washington is full cutoff.
		2.) Washington: \$222,339.58	
8.	Shepherd Electric Supply Baltimore, MD	1.) Dorchester: \$211,464.30	Washington is full cutoff.
		2.) Washington: \$211,527.03	
9.	Technology International Lake Mary, FL	10-foot \$111,150.00	Poles only? Did not comply with submittal requirements.
		12-foot \$11,040.00	
		Total: \$122,190.00	

AGENDA ITEM #4: Hold a public hearing then consideration of Ordinance 2023-09 which would add a new section 17.26 EDFD – Economic Development Flex District (Floating Zone).

- a. This amendment would allow the Town to approve a Zoning Map Amendment to create a new district that would function as a floating zone restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R districts.

* The text presented in the Town's official ordinance format includes the recommendations put forth by the Planning Commission. The following version of the text amendment includes revisions proposed by the Town Attorney. It is advised by the staff that these revisions from the Town Attorney be integrated into the version approved by the Planning Commission.



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

Draft

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, Zoning, of the Emmitsburg Municipal Code, be amended as follows:

As the following is a completely new section being added to Title 17, the use of **BOLD** or ~~striketrough~~ text, as is conventionally done, has been intentionally omitted to avoid any potential confusion.

17.26 ECONOMIC DEVELOPMENT FLEX DISTRICT (EDFD), FLOATING ZONE

17.26.010 Purpose and Intent: This zone is intended to create opportunities for master planned developments that contribute to the economic development of the Emmitsburg community in settings where the impacts of such development to surrounding properties and infrastructure can be minimized or optimally managed. The following specific purposes are to be achieved:

1. To allow flexibility in the combination of land use types and in dimensional and other requirements of site design to respond to changing economic conditions and development trends that may occur between Town Comprehensive Plan updates and to foster the economic development of Emmitsburg, most notably, the provision of well-paying industrial and office employment.
2. To provide a means for allowing the development of lands zoned for conservation – recreational (C-R) that are expressly recommended in the Comprehensive Plan for conservation until such time as the Town decides adequate infrastructure and utilities are available.
3. To allow flexibility for more creative and compact land development design than is generally possible under the Town’s separate B-2, ORI, and IP zoning districts.
4. To encourage the optimal planning and use of open spaces including connecting open spaces to other existing and planned open areas, maintaining or establishing forested buffers along highways and between incompatible uses, enhancing the aesthetic values of the community generally, incorporating natural resources, open spaces, scenic vistas, and trails into community design, and providing open spaces for employees, visitors, and customers.

To encourage the design of developments and buildings that are optimally responsive to the unique natural conditions of a site so as to promote maximum energy efficiency and environmental sustainability and to protect environmentally sensitive areas including

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5. forests, wetlands, and stream buffers.
6. To promote the harmonious arrangement of buildings and a mix of compatible land uses that can conveniently serve the needs of the employees within the development creating pleasant walkable and bikeable employment areas.
7. To implement the Emmitsburg Comprehensive Plan and to promote harmonious and unified town development patterns that are consistent with the Comprehensive Plan.
8. To promote compact development patterns that allow for efficient and cost-effective provision and maintenance of public facilities and infrastructure.
9. For any proposed development with frontage along US 15, to protect the enduring quality of the landscape in keeping with the objectives of the Catoctin Mountain Scenic Byway.
10. The intent of these regulations is also to promote orderly and thorough plan review procedures for development in the EDFD district.

17.26.020 Applicability

The EDFD District is a floating zone and is restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R Districts. Approval of a "Master Plan" in accordance with the provisions contained in §17.26.070 is required at the time of rezoning approval and is a prerequisite to continuing through the development process including site plan approval and final subdivision approval.

17.26.030 Floating Zone Approval

- A. The applicant must present sufficient information to provide the Board of Commissioners and the Planning Commission with a basis to review and approve the overall concept of the project and to amend the zoning map.
- B. The following shall be included in the application.
 1. The Materials specified in §17.26.070 (B).
 2. A statement addressing each consideration listed under paragraph C of this Section.
 3. The application fee of \$2,000.00 and reimbursement to the Town of any engineering, legal or consulting fees associated with the review and processing of the Application.
- C. The Board of Commissioners and the Planning Commission in their respective reviews of the Application shall consider all the following criteria to determine whether an amendment to the zoning map allowing the establishment of an EDFD should be approved or denied:

1. The consistency of any proposed EDFD and Master Plan with the Emmitsburg Comprehensive Plan.
 2. Consistency with the statements of purpose and intent set forth in §17.26.010.
 3. The general location of the site and the relationship and compatibility of the proposed development with existing land uses in the immediate vicinity.
 4. The long-term implications the EDFD would have on subsequent local development patterns, the demand and availability for public facilities and services in the surrounding area, and the ability of the Town to provide public services and facilities.
 5. The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity.
 6. The proposed phasing schedule for development and how it relates to the provision of public services and facilities necessary to serve the EDFD.
 7. The availability and suitability of roads to handle the projected traffic related to the development, and vehicular access to the area.
 8. The availability and capacity of municipal water and sewer facilities to serve the full development proposed on the Master Plan, including a point of discharge and water appropriation.
 9. That the flexibility permitted by these standards was used by the applicant to create a development of exceptional character.
- D. The Planning Commission shall conduct a thorough review of the proposed EDFD and Master Plan, hold a Public Hearing, document its findings in writing, and shall then make a recommendation to the Board of Commissioners as to approval or denial of the EDFD application and Master Plan.
- E. Upon receiving the Planning Commission's recommendation, the Board of Commissioners shall hold a Public Hearing and then determine whether the proposed EDFD and Master Plan should be approved or denied.
- F. Approval or denial by the Board of Commissioners is discretionary. The Board of Commissioners shall make written findings as to whether the applicant has met each of the criteria in subsection "C" above.

17.26.040 Principal Permitted Uses:

- A. Except as provided for in subsection "D" below, the uses permitted in an EDFD floating zone shall be as follows:
1. Any use permitted in the general commercial (B-2) district.
 2. Any use permitted in the office, research, industrial (ORI) district.

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3. Any use permitted in the industrial park (I-P) district.
 4. Any use permitted in the Conservation-Recreation (C-R) district.
 5. Any use permitted in the Institutional (INST) district.
 6. Day care centers, children nursery, prekindergarten, and other private schools
- B. No use which is expressly prohibited in the B-2, ORI, or I-P districts shall be permitted in an EDFD floating zone.
- C. All uses subject to the performance standards or other qualifications in the ORI and I-P district shall be subject to the same standards and qualifications in an EDFD floating zone.
- D. No Master Plan shall be approved which does not devote at least 50 percent of its floor area to the office, research, limited manufacturing and light industrial uses, that are permitted in the ORI and I-P districts.

17.26.050 Accessory Uses and Structures.

Any use normally and customarily incidental to any use permitted as a matter of right in the EDFD is permitted as an accessory use on all properties in the EDFD.

17.26.060 Special Exception Uses: There are no special exceptions in the EDFD.

17.26.070 Master Plan Approval. The Board of Commissioners and the Planning Commission shall review the Master Plan with the rezoning application.

- A. Applications for development in the EDFD shall require approval of a Master Plan by the Board of Commissioners. The Master Plan shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title conflict with the standards contained in this section, only the standards contained in this section shall apply.
- B. Application Requirements. The following shall be included in the application:
 1. A map of the subject land of the Master Plan at a readable scale showing the existing zoning.
 2. A vicinity map at a scale of one inch equals 2,000 feet or less to the inch, indicating the location of the property with respect to surrounding property and streets. The map will show all streets and highways within one mile of the applicant's property.
 2. A topographic map of the property, at a minimum of twenty-foot contour intervals, unless otherwise required by the Zoning Administrator, showing the

existing surface of the land and the location of natural features, such as streams, rock outcrops and wooded areas.

4. A land use plan showing the type, location, acreage, and density (including floor area ratio) of all proposed land uses as well as the general street layout and circulation pattern.
5. A phasing schedule describing the timing and sequence of development.
6. A forest stand delineation. Subsequent approvals of site plans or final plats for sections of the Master Plan shall be accompanied by a forest conservation plan.
7. The approximate boundaries of any areas proposed for dedication of parks or open space.
8. General details of the proposed street network including any shown on the Comprehensive Plan.
9. General location of pedestrian walkways and recreation paths including the relationship of pedestrian connectivity with common areas and commercial development.
10. General written and graphic details of the streetscape.
11. General written and graphic details relative to lot and block design.
12. Comparison of the dimensional requirements applicable to the underlying zoning district to those proposed as part of the master plan.

C. Master Plan Design Standards:

1. Subject to the standards contained herein and the zoning ordinance as applicable, any property applying for development approval in the EDFD shall be master planned. Building setbacks, proposed lot size, proposed building size, landscaping, buffer yard, lighting, pedestrian circulation, and architecture shall be determined by the Board of Commissioners, taking into consideration the recommendations from Planning Commission. In determining these requirements, the Board of Commissioners and the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands, and the distance, spacing, and buffering, and screening which may be required between different land uses within the EDFD.
2. A Master Plan must feature office and industrial uses and may include retail and retail service type uses.
3. Notwithstanding the preceding, maximum building height shall not exceed 45'.

4. Maximum floor area ratio: Maximum floor area ratio for each individual lot in the EDFD is 0.40. The Board of Commissioners may require a lower floor area ratio in the Master Plan if it finds that the maximum permitted floor area ratio would result in development that would not be compatible with anticipated development in the surrounding area or would create an unacceptable adverse environmental impact on or adjacent to the site.
 5. Minimum Open Space/Pervious surfaces. Not less than twenty percent (20%) of the entire area comprising the Master Plan shall be pervious open space. For example, and not by way of limitation, set-backs, forested areas and stormwater management areas may be included in open space areas provided all such areas are pervious.
 6. If the project is located with frontage along US 15, the Master Plan shall include a corridor plan for the Catoctin Mountain Scenic Byway for such frontage. This plan shall include: any 4-sided architecture, appropriate gateway signage, underground utility lines, and expansive setbacks from the highway right-of-way with appropriate landscaping to achieve no more than filtered views of buildings. The corridor plan must be approved by the Board of Commissioners as part of the Master Plan approval.
- D. Outdoor Storage: Outside storage of equipment, material or products will be permitted only as an accessory use to a principal permitted use, provided all materials are stored in an area completely enclosed and screened from view of the general public. No outdoor stockpiling is permitted in any front yard.
 - E. Traffic Circulation and Pedestrian Linkages: On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Access points shall be pedestrian friendly. Pedestrian linkages shall connect various uses with each other. Where the Board of Commissioners deems appropriate, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future developments.
 - F. Development Phasing: A development shall be master planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Board of Commissioners as a component of Master Plan approval.
 - G. The proposed development shall comply with the signage regulations outlined in §17.38, which cover general sign standards for non-residential districts, along with the specific standards specified in §17.38.170.
 - H. Parking and Loading Standards: The Master Plan shall favor parking arrangements that distribute parking lots throughout the master planned development and that can be shared by multiple land uses over the conventional arrangements that result from applying the on-site parking requirements of §17.08.140 of this Ordinance.

The Master Plan shall expire three years from the date of approval if a Site Plan or Subdivision Plat Approval has not been obtained for all or a portion of the project and the

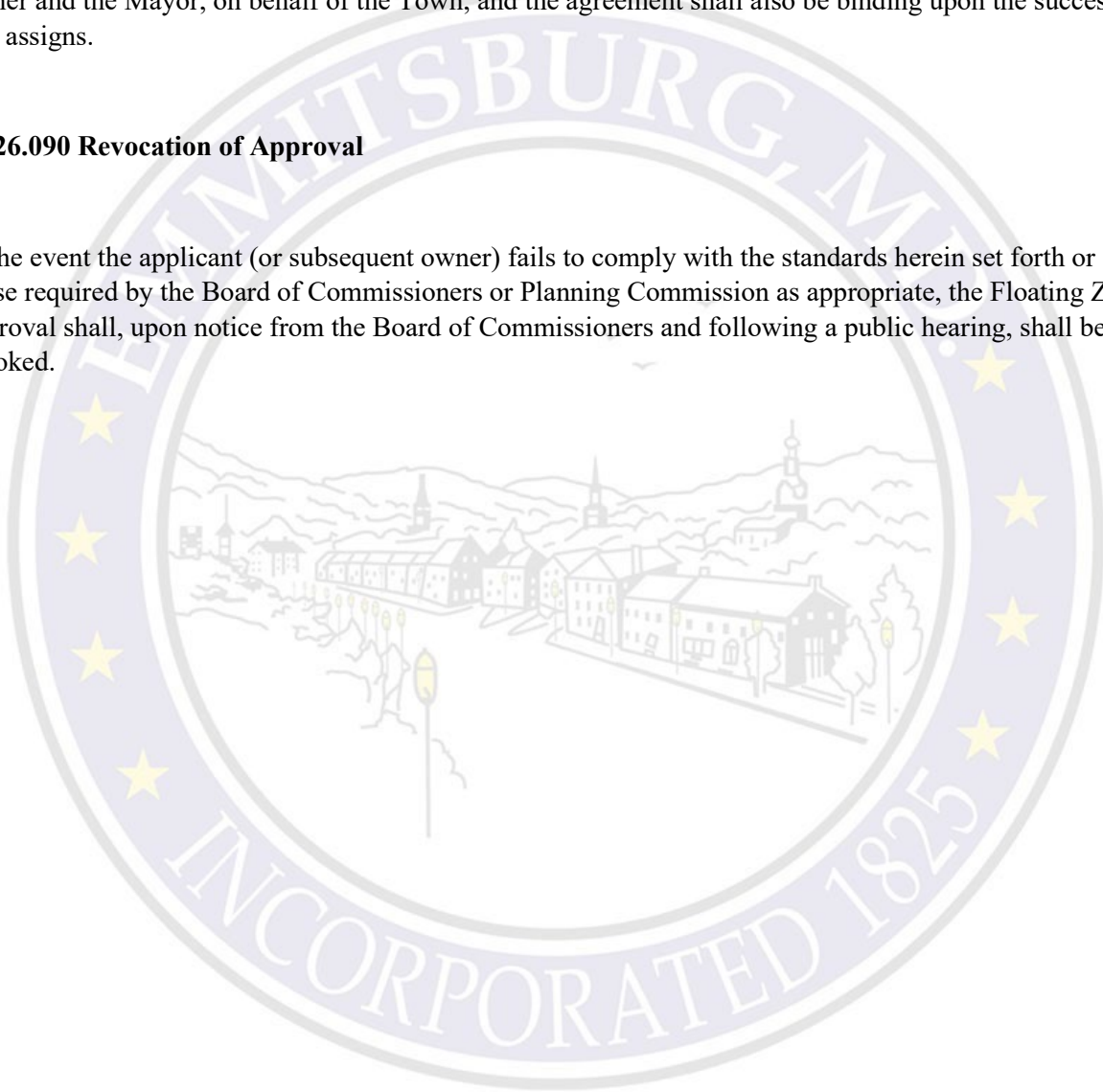
- I. final approved Master Plan shall contain a note, prominently stated, acknowledging this condition. The Board of Commissioners shall have the right to grant reasonable extensions of the Master Plan approval. Any Master Plan which is materially amended shall remain valid for three years. The Board of Commissioners shall have the right to remove the EDFD floating zone at any future comprehensive rezoning if they believe the Master Plan is no longer feasible or appropriate.
- J. Minor Amendments.
1. A property owner subject to an approved Master Plan may request an amendment to the terms and conditions of the approved Master Plan. Any request for an amendment shall be in writing.
 2. In each case, if the Zoning Administrator determines that the proposed amendment (1) does not involve a material change; (2) otherwise complies with the terms of this chapter, and (3) is in the interest of promoting health, safety, and welfare of the community, he/she shall deem such request as a proposal for a minor amendment and may approve the request.
 - a. Material changes shall include the following:
 - i. Proposed increase in FAR, except that occasioned by paragraph 2.a. ii. below.
 - ii. Proposed increase of non-residential floor area greater than 5%.
 - iii. Changes of use that are determined to be more intense.
 - iv. Elimination of an approved project amenity or open space.
 - v. Any proposed change which alters a condition of the Master Plan approval.
 - vi. Substitution of an amenity with a non-comparable amenity.
 - vii. Other changes of a similar scope, magnitude, or character.
 - b. Non-material, or minor, changes may include the following:
 - i. Relocation of site infrastructure (e.g., utilities, stormwater management) provided said relocation creates no adverse impact or removes a site amenity.
 - ii. Addition or expansion of a park, open space, or recreational amenity.
 - iii. Substitution of one project amenity with a comparable amenity.
 - iv. Other changes of a similar scope or magnitude.
 - c. Even if the Zoning Administrator determines that a proposed amendment is a non-material change, he/she shall retain the right to have said amendment reviewed and approved/denied by the Planning Commission and the Board of Commissioners.
 - d. Any amendments approved shall be reflected on the approved Master Plan.

17.26.080 Site Plan Required

Site plan approval by the Emmitsburg Planning Commission is required for all uses in the EDFD, and every Master Plan shall contain a note requiring that a site plan enforcement agreement, requiring the property owner to execute and maintain all the features of the approved site plan, shall be executed prior to issuance of a building permit. The site plan enforcement agreement shall be signed by the property owner and the Mayor, on behalf of the Town, and the agreement shall also be binding upon the successors and assigns.

17.26.090 Revocation of Approval

In the event the applicant (or subsequent owner) fails to comply with the standards herein set forth or those required by the Board of Commissioners or Planning Commission as appropriate, the Floating Zone approval shall, upon notice from the Board of Commissioners and following a public hearing, shall be revoked.



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 passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2023 by a vote of

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2023.

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.

Sabrina King, Town Clerk

Date:

17.26 ECONOMIC DEVELOPMENT FLEX DISTRICT (EDFD), FLOATING ZONE

17.26.010 Purpose and Intent: This zone is intended to create opportunities for master planned developments that contribute to the economic development of the Emmitsburg community in settings where the impacts of such development to surrounding properties and infrastructure can be minimized or optimally managed. The following specific purposes are to be achieved:

1. To allow flexibility in the combination of land use types and in dimensional and other requirements of site design to respond to changing economic conditions and development trends that may occur between ~~the Town's~~ Town Comprehensive Plan updates ~~in order~~ and to foster the economic development of Emmitsburg, most notably, the provision of well-paying industrial and office employment.
2. To provide a means for allowing the development of lands zoned for conservation – recreational (C-R) that are expressly recommended in the Comprehensive Plan for conservation until such time as the Town decides adequate infrastructure and utilities are available.
3. To allow flexibility for more creative and compact land development design than is generally possible under the Town's separate B-2, ORI, and IP zoning districts.
4. To encourage the optimal planning and use of open spaces including connecting open spaces to other existing and planned open areas, maintaining or establishing forested buffers along highways and between incompatible uses, enhancing the aesthetic values of the community generally, incorporating natural resources, open spaces, scenic vistas, and trails into community design, and providing open spaces for employees, visitors, and customers.
5. To encourage the design of developments and buildings that are optimally responsive to the unique natural conditions of a site so as to promote maximum energy efficiency and environmental sustainability and to protect environmentally sensitive areas including forests, wetlands, and stream buffers.
6. To promote the harmonious arrangement of buildings and a mix of compatible land uses that can conveniently serve the needs of the employees within the development creating pleasant walkable and bikeable employment areas.
7. To implement the Emmitsburg Comprehensive Plan and to promote harmonious and unified town development patterns that are consistent with the Comprehensive Plan.
8. To promote compact development patterns that allow for efficient and cost-effective provision and maintenance of public facilities and infrastructure.
9. For any proposed development with frontage along US 15, to protect the enduring quality of the landscape in keeping with the objectives of the Catoclin Mountain Scenic Byway.
10. The intent of these regulations is also to promote orderly and thorough plan review procedures for development in the EDFD district.

17.26.020 Applicability

The EDFD District is a floating zone and is restricted to sites of 25 acres or greater in the B-2, ORI, I-P and C-R Districts. Approval of a "Master Plan" in accordance with the provisions contained in §17.25.06026.070 is required at the time of rezoning approval and is a prerequisite to continuing through the development process including site plan approval and final subdivision approval.

17.26.030 Floating Zone Approval

- A. The applicant must present sufficient information to provide the Board of Commissioners and the Planning Commission with a basis to review and approve the overall concept of the project and to amend the zoning map.
- B. The following shall be included in the application.
 1. ~~A Master Plan that complies with~~The Materials specified in §17.26.060(~~E~~070 (B)).
 2. A statement addressing each consideration listed under paragraph C of this Section.
 3. The ~~Application~~application fee of \$2,000.00 and reimbursement to the Town of any engineering, legal or consulting fees associated with the review and processing of the Application.
- C. The Board of Commissioners and the Planning Commission in their respective reviews of the Application ~~for the floating zone~~ shall consider all the following criteria to determine whether an amendment to the zoning map allowing the establishment of ~~an~~ EDFD should be approved or ~~disapproved~~denied:
 1. The consistency of any proposed EDFD and Master Plan with the Emmitsburg Comprehensive Plan.
 2. Consistency with the statements of purpose and intent set forth in §17.26.010.
 3. The general location of the site and the relationship and compatibility of the proposed development with existing land uses in the immediate vicinity.
 4. The long-term implications the EDFD would have on subsequent local development patterns, the demand and availability for public facilities and services in the surrounding area, and the ability of the Town to provide public services and facilities.
 5. The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity.
 6. The ~~EDFD's~~proposed phasing schedule for development and how it relates to the provision of public services and facilities necessary to serve the EDFD.
 7. The availability and suitability of roads to handle the projected traffic related to the

- development, and ~~of~~ vehicular access to the area.
8. The availability and capacity of municipal water and sewer facilities to serve the full development proposed on the Master Plan, including a point of discharge and water appropriation.
 9. That the flexibility permitted by these standards was used by the applicant to create a development of exceptional character.
- D. The Planning Commission shall conduct a thorough review of the proposed EDFD and Master Plan, hold a Public Hearing, document its findings in writing, and shall then make a recommendation to the Board of Commissioners as to approval or ~~disapproval~~ denial of the EDFD application and Master Plan.
- E. Upon receiving the Planning Commission's recommendation, the Board of Commissioners shall hold a Public Hearing and then determine whether the proposed EDFD and Master Plan should be approved or denied.
- F. ~~The decision of Approval or denial by~~ the Board of Commissioners ~~shall be~~ discretionary ~~but if the~~ The Board of Commissioners ~~decides to approve, it must have first established~~ shall make written findings ~~demonstrating as to whether~~ the applicant has met each of the criteria in subsection "C" above.

17.26.040 Principal Permitted Uses:

- A. Except as provided for in subsection "D" below, the uses permitted in an EDFD floating zone shall be as follows:
 1. Any use permitted in the general commercial (B-2) district.
 2. Any use permitted in the office, research, industrial (ORI) district.
 3. Any use permitted in the industrial park (I-P) district.
 4. Any use permitted in the Conservation-Recreation (C-R) district.
 5. Any use permitted in the Institutional (INST) district.
 6. Day care centers, children nursery, prekindergarten, and other private schools
- B. No use which is expressly prohibited in the B-2, ORI, or I-P districts shall be permitted in an EDFD floating zone.
- C. All uses subject to the performance standards or other qualifications in the ORI and I-P district shall be subject to the same standards and qualifications in an EDFD floating zone.
- D. No Master Plan shall be approved which does not devote at least 50 percent of its floor area to the office, research, limited manufacturing and light industrial uses, that are permitted in the ORI and I-P districts.

17.26.050 Accessory Uses and Structures.

Any use normally and customarily incidental to any use permitted as a matter of right in the

EDFD is permitted as an accessory use on all properties in the EDFD.

17.26.060 Special Exception Uses: There are no special exceptions in the EDFD.

17.26.070 Master Plan Approval. The Board of Commissioners and the Planning Commission shall review the Master Plan ~~along~~ with the rezoning application.

- A. Applications for development in the EDFD shall require approval of a Master Plan by the Board of Commissioners. The Master Plan shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title ~~may be found to~~ conflict with the standards contained in this section, only the standards contained in this section shall apply.
- B. Application Requirements. The following shall be included in the application:
1. A map of the subject land of the Master Plan at a readable scale showing the existing zoning.
 2. A vicinity map at a scale of one inch equals 2,000 feet or less to the inch, indicating the location of the property with respect to surrounding property and streets. The map will show all streets and highways within one mile of the applicant's property.
 3. A topographic map of the property, at a minimum of twenty-foot contour intervals, unless otherwise required by the Zoning Administrator, showing the existing surface of the land and the location of natural features, such as streams, rock outcrops and wooded areas.
 4. A land use plan showing the type, location, acreage, and density (including floor area ratio) of all proposed land uses as well as the general street layout and circulation pattern.
 5. A phasing schedule describing the timing and sequence of development.
 6. A forest stand delineation. Subsequent approvals of site plans or final plats for sections of the Master Plan shall be accompanied by a forest conservation plan.
 7. The approximate boundaries of any areas proposed for dedication of parks or open space.
 8. General details of the proposed street network including any shown on the Comprehensive Plan ~~streets.~~
 9. General location of pedestrian walkways and recreation paths including the relationship of pedestrian connectivity with common areas and commercial development.
 10. General written and graphic details of the streetscape.
 11. General written and graphic details relative to lot and block design.
 12. Comparison of the dimensional requirements applicable to the underlying zoning district

to those proposed as part of the master plan.

C. Master Plan Design Standards:

1. Subject to the standards contained herein and the zoning ordinance as applicable, any property applying for development approval in the EDFD shall be master planned. Building setbacks, proposed lot sizes, size, proposed building size, landscaping, buffer yard, lighting, pedestrian circulation, and architecture shall be determined by the Board of Commissioners, taking into consideration the recommendations from Planning Commission. In determining these requirements, the Board of Commissioners and the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands, and the distance, spacing, and buffering, and screening which may be required between different land uses within the EDFD.
2. A Master Plan must feature office and industrial uses with and may include retail and retail service type uses.
3. Notwithstanding the preceding, maximum building height shall not exceed 45'.
4. Maximum floor area ratio: Maximum floor area ratio for each individual lot in the EDFD is 0.40. The Board of Commissioners may require a lower floor area ratio in the Master Plan if it finds that the maximum permitted floor area ratio would result in development that would not be compatible with anticipated development in the surrounding area or would create an unacceptable adverse environmental impact on or adjacent to the site.
5. Minimum Open Space/Pervious surfaces. Not less than twenty percent (20%) of the project entire area comprising the Master Plan shall be pervious open space, inclusive of. For example, and not by way of limitation, set-backs, forested areas and stormwater management areas- may be included in open space areas provided all such areas are pervious.
6. If the project is located with frontage along US 15, the Master Plan shall include a corridor plan for the Catoctin Mountain Scenic Byway for such frontage. This plan shall include: any 4-sided architecture, appropriate gateway signage, underground utility lines, and expansive setbacks from the highway right-of-way with appropriate landscaping to achieve no more than filtered views of buildings. The corridor plan must be approved by the Board of Commissioners as part of the Master Plan approval.

D. Outdoor Storage: Outside storage of equipment, material or products will be permitted only as an accessory use to a principal permitted use, provided all materials are stored in an area completely enclosed and screened from view of the general public. No outdoor stockpiling is permitted in any front yard.

E. Traffic Circulation and Pedestrian Linkages: On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Access points shall be pedestrian friendly. Pedestrian linkages shall connect various uses with each other. Where the Board of Commissioners deems appropriate, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future

- F. Development Phasing: A development shall be master planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Board of Commissioners as a component of Master Plan approval.
- G. The proposed development shall comply with the signage regulations outlined in §17.38, which cover general sign standards for non-residential districts, along with the specific standards specified in §17.38.170.
- H. Parking and Loading Standards: The Master Plan shall favor parking arrangements that distribute parking lots throughout the master planned development and that can be shared by multiple land uses over the conventional arrangements that result from applying the on-site parking requirements of §17.08.140 of this Ordinance.
- I. The Master Plan shall expire three years from the date of approval if a Site Plan or Subdivision Plat Approval has not been obtained for all or a portion of the project and the final approved Master Plan shall contain a note, prominently stated, acknowledging this condition. The Board of Commissioners shall have the right to grant reasonable extensions of the Master Plan approval. Any Master Plan which is materially amended shall remain valid for three years. The Board of Commissioners shall have the right to remove the EDFD floating zone at any future comprehensive rezoning if they believe the Master Plan is no longer feasible or appropriate.
- J. Minor Amendments.
 - 1. A property owner subject to an approved Master Plan may request an amendment to the terms and conditions of the approved Master Plan. Any request for an amendment shall be in writing.
 - 2. In each case, if the Zoning Administrator determines that the proposed amendment (1) does not involve a material change; (2) otherwise complies with the terms of this chapter, and (3) is in the interest of promoting health, safety, and welfare of the community, he/she shall deem such request as a proposal for a minor amendment and may approve the request.
 - a. Material changes shall include the following:
 - i. Proposed increase in FAR, except that occasioned by paragraph ~~ii. below.~~
2.a. ii. below.
 - ii. Proposed increase of non-residential floor area greater than 5%.
 - iii. Changes of use that are determined to be more intense.
 - iv. Elimination of an approved project amenity or open space.
 - v. Any proposed change which alters a condition of the Master Plan approval.
 - vi. Substitution of an amenity with a non-comparable amenity.
 - vii. Other changes of a similar scope, magnitude, or character.
 - b. Non-material, or minor, changes may include the following:
 - ~~i. Minor repositioning of commercial buildings on their planned sites.~~

- ~~ii.~~ Relocation of site infrastructure (e.g., utilities, stormwater management) provided said relocation creates no adverse impact or removes a site amenity.
 - ~~iii.~~ Addition or expansion of a park, open space, or recreational amenity.
 - ~~iv.~~ iii Substitution of one project amenity with a comparable amenity.
 - ~~v.~~ Other changes of a similar scope or magnitude.
- c. Even if the Zoning Administrator ~~may determine~~determines that a proposed amendment is a non-material change, he/she shall retain the right to have said amendment reviewed and approved/denied by the Planning Commission and the Board of Commissioners.
- d. Any ~~amendment~~ amendments approved shall be reflected on the approved ~~master plan~~Master Plan.

17.26.080 Site Plan Required

Site plan approval by the Emmitsburg Planning Commission is required for all uses in the EDFD, and every Master Plan shall contain a note requiring that a site plan enforcement agreement, requiring the property owner to execute and maintain all the features of the approved site plan, shall be executed prior to issuance of a building permit. The site plan enforcement agreement shall be signed by the property owner and the Mayor, on behalf of the Town, and the agreement shall also be binding upon the successors and assigns.

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M. SET AGENDA FOR NEXT MEETING: SEPTEMBER 11, 2023

- 1.
- 2.
- 3.
- 4.
- 5.

Administrative Business:

- A.
- B.
- C.

