

# TOWN OF EMMITSBURG

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

## Mayor

Donald N. Briggs

## Town Manager

David Haller

## Town Clerk

Cathy Willets

## Board of Commissioners

Timothy O'Donnell, President

Clifford Sweeney

Glenn Blanchard

Jennifer Mellor

Joseph Ritz III

## TOWN MEETING AGENDA DECEMBER 8, 2015

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

#### A. PLEDGE OF ALLEGIANCE TO THE FLAG

#### B. NEXT MEETINGS:

Town Meeting, **January 4** @ 7:30 pm

Citizens Advisory Committee, **January 19** @ 7:30 pm

Planning Commission, **January 25** @ 7:30pm

#### C. APPROVE MINUTES FROM: **November 16, 2015 Town Meeting**

#### D. COMMISSIONER COMMENTS

#### E. MAYOR COMMENTS

#### F. PUBLIC COMMENTS

#### G. ADMINISTRATIVE BUSINESS

#### H. CONSENT AGENDA (see attached)

#### I. REPORTS

Treasurer's

Planning Commission

### II) AGENDA ITEMS:

1. *Final vote related to establishing a spending limit for repair of Doughboy memorial*
2. *Discuss draft ordinance regarding side yard setbacks for accessory structures in specific residential zones.*

**III) SET AGENDA ITEMS FOR JANUARY 4, 2016 TOWN MEETING**

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

**ITEM C**

**MEETING MINUTES:**

*November 16, 2015 Town Meeting*

**MINUTES  
TOWN MEETING  
November 16, 2015  
Emmitsburg Town Office**

**Present:** Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.  
Staff present were Amy Naill, Recording Secretary; Sue Cipperly, Town Manager; and Dave Haller, Town Manager.

**Absent:**

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**I. Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the November 16, 2015 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

**Approval of Minutes**

The Minutes of the November 16, 2015 Town Meeting were approved as presented/modified.

**Motion** by Commissioner Ritz III and second by Commissioner Mellor.

**Vote 5-0 in favor.**

**Police Report** - Deputy Whitehouse presented the police report for October 2015. He reminded people to lock their cars and take their valuables inside. Disorderly calls were down for the month. He is still observing violations on Lincoln Ave. during rush hour traffic such as speed, stop sign, and failure to obey traffic control devices. Two heroin overdoses in the month of October and in both incidents narcan was used. He has received complaints about speed and stop sign violations in Silo Hill as well as DePaul St. Commissioner Mellor asked what could be done to stop the speeding and stop sign violations. DFC. Whitehouse said more enforcement and being more visible. Commissioner Ritz III asked about the ball field area by Southgate after hours. There has been some suspicious activity. Mr. Haller said barriers could be installed but Staff would close it down at 4pm which would create a lot of problems. Dfc. Whitehouse suggested signage such as "no trespassing." Commissioner O'Donnell suggested bringing this back as a discussion item at a future meeting. Detailed report at Exhibit B.

**Commissioner Comments**

Commissioner(s) cited attendances, recognitions and announcements. Commissioners Ritz III and Blanchard along with the Mayor placed a wreath in honor of our Veterans at the site of the Doughboy. Commissioner Blanchard would like the Veterans Ceremony be a yearly tradition. Commissioner Blanchard received an invitation to go Washington DC to the Library of Congress for an event honoring the Civil Rights movement. Commissioner O'Donnell working with Terry Maxwell, SHA, regarding the RTP grant funding. He reiterated the need to educate people on the dangers of heroin use. He received a strongly worded email from Zenas Sykes about the snow plowing policy. Commissioner O'Donnell would like to clarify a few things. Mr. Sykes' email addressed the concern about the plants and sidewalks being damaged by the Town snow plows and de-icers in Timbermill Ct. and an offensive sign has been placed within the property confines. Mr. Sykes' requests the wording on the sign be changed should it need to stay and be relocated to a mutually agreed location or be removed entirely. Commissioner O'Donnell responded to Mr. Skyes stating the following: "the signage was posted at the request of Town staff and contractors  
for more information visit [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)

who had difficulty plowing throughout the Town. The goal of the signs is to remind those that park on the streets to relocate their cars when significant snow is imminent.” Mr. Haller advised the light posts are within the easement and the Town owns all the light posts and that the homeowner owns the property starting at one foot past the sidewalk. Town staff and contractors brought forth the concerns about the plowing. Mr. Haller stated that there were residents who came to the Board with concerns about the plowing and parking of vehicles at an earlier meeting.

**Mayor’s Comments** – As a tribute to the tragedy in France, he placed the Blue, White and Red wreath in the meeting room. On January 23, 2016 10am-12pm at the Thurmont Public Library, the Mayor will attend the Solid Waste Steering Committee meeting and hopes all Commissioners will attend as well. He stated we have approximately 18 years left in our landfill if we continue at this pace. On November 18<sup>th</sup>, Mayor Briggs gave a presentation to the 4<sup>th</sup> grade at Emmitsburg Elementary School and will give another a presentation to the 4<sup>th</sup> grade class at Mother Seton School in the near future. On December 18<sup>th</sup>, the Emmitsburg Elementary School will be decorating the tree in front of the community center. There are two more meetings scheduled with SHA in December about the square project. The website is being worked on as well as how to be able to accept online bill pay. Program open space will give us \$13,000 for the dog park which is about 80% funding as well as \$3,000 for a backstop at the baseball field. Will start cutting trails for Boy Scouts at the Scott Road Farm.

**Administrative Business - none**

**Consent Agenda - none**

**Reports:**

**Town Manager Report** - reported on the public works department monthly activities to include a water production and consumption analysis. Mr. Haller advised the Town is in good shape on water and the reservoir is at the spillway level. There is a 12.5” surplus in precipitation over the last six months. There were heavy rains last month that accounted for being over design capacity at the sewer plant on five days. There were no spills of untreated sewerage in the month of October. The plant is set-up and running very well. Commissioner O’Donnell asked about the GIS system. Mr. Haller advised staff will have access to some of the County GIS information. It will be refined to our Town and eventually over a course of years there will be manholes, etc. on it. It is a multi-year project. Mr. Haller advised the Board approved in the budget the initial purchase of the GIS equipment and services. Commissioner O’Donnell questioned if there had been contractors cleaning at the water treatment plant on Crystal Fountain Rd. Mr. Haller advised as part of the maintenance program a contractor comes every year to inspect the tank. This year the inspection revealed the tank needed to be stripped and painted. Commissioner Mellor asked about the pool contract requests. Mr. Haller informed the Board that we have not received any bid requests but we are advertising. Detailed report at Exhibit A.

**II. Agenda Items**

**Noise and Nuisance Ordinance – discussion item**

The Board was provided a draft document along with Town Attorney comments. Mr. Haller

advised staff drafted an ordinance based on comments and discussions at previous meetings. The draft was sent to the Town Attorney who responded with the attached comments. Mr. Haller and staff have reviewed the comments and feel that all are reasonable. Staff would like to bring this back at the first of the year. Mr. Haller encouraged them to review the comments. If you see something that you don't like or have questions about, please email staff. Otherwise, we will incorporate the comments made by the Town Attorney and bring back for your approval in early January. Commissioner Ritz III asked if the public is able to see the proposed draft ordinance. The general consensus of the Board was the draft ordinance should be posted online and available at the front desk marked draft.

### **Adoption of 2015 Comprehensive Plan and Zoning Map for the Town of Emmitsburg**

Ms. Cipperly advised after the public hearing on October 5, 2015 was left open regarding the draft 2015 Comprehensive plan she has received no input from anyone since then. She recommended the Board close the record of the open public hearing on the draft comprehensive plan.

**Motion:** - To close the October 5<sup>th</sup> public hearing record  
Motion by Commissioner Sweeney second by Commissioner Mellor

**Vote: 5-0 in favor**

Ms. Cipperly advised the adoption of the Comprehensive Plan is done through an ordinance rather than a resolution since there is a zoning change. She reviewed the key points of the ordinance with the Board. Commissioner O'Donnell reviewed an email he received from Mount St. Mary's University. The email supports the Town's efforts in the Comprehensive Plan and requests the Boards assistance and continued support as the University develops in the future.

**Motion:** - To adopt Ordinance 15-07 Adoption of the 2015 Comprehensive Plan and Zoning Map for the Town of Emmitsburg as presented.

Motion by Commissioner Sweeney second by Commissioner Mellor

**Vote: 5-0 in favor**

### **Holiday parking for December – meter parking**

Staff recommends December 18<sup>th</sup> through January 4, 2016. Commissioner Ritz asked about making it for the entire month of December. Mr. Haller advised that this is not beneficial for the businesses on Main St. Commissioner Sweeney proposed the starting date be December 14, 2015.

**Motion:** to set the holiday parking December 14, 2015 through January 4, 2016 as modified.

Motion by Commissioner Ritz second by Commissioner Blanchard.

**Vote: 5-0 in favor**

### **Set Agenda Items for December 8, 2015 Town Meeting**

1. Final vote related to establishing a spending limit for repair of Doughboy memorial.
2. Discuss draft ordinance regarding side yard setbacks for accessory structures in specific residential zones.

**III Public Comments**  
*None*

**IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONSIV**  
**Adjournment**

With no further business, the November 16, 2015 Town Meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Cathy Willets  
Town Clerk  
Date Approved:

**ITEM G**

**ADMINISTRATIVE BUSINESS:**

*No items.*

**ITEM H**

**CONSENT AGENDA:**

*Appoint Zenas Sykes to the Citizens Advisory Committee.*

**ITEM I**

**REPORTS:**

*Treasurer's Report - see attached*

*Planning Commission Report – to be given at the meeting*

**TOWN OF EMMITSBURG  
 CASH ACTIVITY as of December 1, 2015**

\$3,611,320	Cash Balance November 1, 2015
493,401	Deposits
<u>-461,088</u>	Withdrawals
\$3,643,633	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$18,431	Draper & McGinley	FY 15 Audit Work	11.12.15	35218
17,721	MD Dept of Budget & Mgmt	Oct 15 Health Insurance	10.28.15	35174
10,856	S&W Construction	Install sidewalk S Seton Ave to Chesapeake Ave	11.04.15	35205
10,318	UGI Energy Services	Oct 15 Solar Expenses	11.18.15	35249
10,112	UGI Energy Services	Oct 15 Solar Expenses	11.18.15	35249
7,390	S&W Construction	Install sidewalk next to shop	11.04.15	35204
7,089	Republic Services	Nov 15 Residential Services	11.18.15	35235
5,039	Abramoff Neuberger LLP	Sep 15 USDA Loan Services	11.12.15	35211
4,392	Potomac Edison	Oct 15 Creamery Road	11.04.15	35202
4,074	George Coyne Chemical Co	Methanol Delivery & Disposal	10.28.15	35164

*Ck dates 10/28/15 to 12/01/15*

**AGENDA ITEMS**

**ITEM 1**

*Final vote related to establishing a spending limit for repair of Doughboy memorial*

**The Mayor and Staff recommend a \$40,000 spending limit for the repair of the Doughboy memorial**

## **AGENDA ITEMS**

### **ITEM 2**

*Discuss draft ordinance regarding side yard setbacks for accessory structures in specific residential zones.*

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

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.36.030 of the Emmitsburg Municipal Code, be amended as follows.

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

17.36.030 Accessory Uses and Structures

Accessory uses and structures permitted in the VZ zone are: detached one story accessory uses (such as a private garage, a private swimming pool and a garden or tool shed). Accessory structures **LESS THAN ONE HUNDRED AND FIFTY SQUARE FEET IN SIZE** shall remain ~~six (6)~~ **THREE (3)** feet from the side **LOT LINES** and **SIX FEET FROM THE** rear lot lines, or in the case of a swimming pool, a distance equal to the maximum depth of the pool. Detached means not connected to the principle structure. No satellite dish may be installed on roof lines.

**A PRIVATE DETACHED GARAGE, CAR CANOPY OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER SHALL REMAIN SIX FEET OFF THE SIDE AND REAR LOT LINES.** In the case of a private detached garage, car canopy **OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER**, where the lot width existing as of May 1, 2012, is thirty (30) feet or less, the side setback requirement shall be a distance of at least six feet from one side lot line, and six feet from the rear property line.

**ADDITIONALLY, ACCESSORY STRUCTURES MUST ALSO MEET THE REQUIREMENTS LISTED BELOW:**

- 1. NO MORE THAN 30% OF THE REAR YARD OF A LOT, AS DEFINED IN §17.04.020, IS ALLOWED TO BE COVERED WITH ACCESSORY STRUCTURES.**
- 2. ONLY ONE ACCESSORY STRUCTURE ON A LOT MAY BE BUILT UNDER THE ZERO LOT LINE SETBACK AS ALLOWED FOR LOTS LESS THAN THIRTY (30) FEET IN WIDTH.**
- 3. ALL LOTS WITH ACCESSORY STRUCTURES MUST DEMONSTRATE A CLEAR AND DIRECT SIX (6) FOOT PATH FROM THE REAR OF THE LOT TO THE PRINCIPLE STRUCTURE ON THE LOT.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of

Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_ for, \_\_ against, \_\_ absent, and \_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

DRAFT

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**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_ for, \_\_\_ against, \_\_\_ absent, and \_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

DRAFT

**IV) SET AGENDA ITEMS FOR JANUARY 4, 2016 TOWN MEETING**

1.

2.

3.

4.

5.

6.

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