

MINUTES
TOWN MEETING
April 2, 2018
Emmitsburg Town Office

Present: *Elected Officials:* Commissioners: Elizabeth Buckman, Joseph Ritz III, Clifford Sweeney, and Tim O'Donnell, President. *Town Staff:* Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Nail, Code Enforcement Officer; and Susan Cipperly, Town Planner. *Others Present:* Deputy Ben Whitehouse.

Absent: Commissioner Glenn Blanchard and Mayor Donald Briggs.

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the April 2, 2018 Town Meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings and grand openings were announced.

Approval of Minutes

Motion: To approve the March 5, 2018 town meeting minutes as modified. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 4 - 0 in favor, Commissioner Blanchard absent.

Police Report:

Deputy Ben Whitehouse presented the police report from March 2018 (exhibit attached). Deputy Whitehouse explained there were two deaths in town, one for a suicide and one for a natural death. He requested residents with a large amount of prescription medication call the deputies for home pick-up. Commissioner Buckman requested more deputy coverage on Friday and Saturday evenings and more monitoring of large truck speeds through Town. Two public comments were made from *Maria Henry, 113 East Main Street* and *Donald Sonn, 2 W. Main St.*, about their observations of large trucks constantly speeding through town and the ongoing schedule of the trucks.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from February 2018 (exhibit attached). Ms. Willets mentioned there is currently a surplus of precipitation, there were no spills of untreated sewerage, and the wastewater treatment plant (WWTP) did not exceed its design capacity during the month of February 2018. For noteworthy items, there is a large amount of inflow and infiltration (I&I), or wild water, in the sewage pipes due to a possible hole in the East Main Street line. As a result, the Town is treating an excess of .351 million gallons of I&I a day. There are also some power blips causing problems at the WWTP. Town staff fixed four water line breaks on West Main Street that occurred from the new Seton Center flow tests. A budget transfer will be needed at the next town meeting for 140 South Seton Avenue, a residential rental property, which needs painting and lead testing.

Town Planners Report:

Susan Cipperly, Town Planner, presented the Town Planner's Report from February 2018 (exhibit attached). Ms. Cipperly mentioned the Geographical Information System (GIS) has been very helpful with mapping various town projects and grants. The Dog Park will open May 5, 2018. Approximately \$4,800 has been raised in dog park donations to date, which helped fund the purchase of four dog park benches. The pool parking lot will be paved soon through a Project Open Space (POS) grant. The SHA MD 140 sidewalk project trees should be planted in May 2018. Any problems found within one year of the sidewalk completion date can be corrected by SHA per Town request.

Commissioner Comments:

- **Commissioner Buckman:** She requested the Board look into a sliding scale for entrance fees to Community Pool. The Boy Scouts have requested to run the pool concession stand with the girl scouts. There is a community yoga at the VFW on Main Street every Tuesday and Thursday at 6:30 p.m. She requested the Board visit the possibility of hiring contractually for a town planner position since growth appears to be slow.
- **Commissioner Ritz III:** He thanked town staff for promptly clearing the snow during the recent snowstorm.
- **Commissioner Sweeney:** He reiterated the Boy Scouts would like to use the concession stand at Community Pool and the Lions Club can partner with the group by donating coolers/grills. He requested a trial concession day at the Community Pool during Community Heritage Day 2018. He invited locals to volunteer and donate to get Emmitsburg Little League up and running again in Emmitsburg.
- **Commissioner O'Donnell:** He explained the Town was not able to obtain funding through the SHA for bike trails at this time. He received an email from an individual expressing frustration over the Town's choice to give baseball field use to non-town organizations. He requested the Board review ordinances on allowing microbrewery operations in Town. National Interscholastic Cycling Association (NICA) will do a bike ride on Community Heritage Day.

Mayor's Comments:

None. Mayor Briggs absent.

Public Comments:

None. Comments are in relation to agenda item number three.

Administrative Business:

- I. Proclamation: April as National Child Abuse Prevention Month: Lynn Davis, Director of the Child Advocacy Center, and Cindy Miller, President of the Friends of the Child Advocacy Center, thanked the commissioners and Town for making April 2018 Child Abuse Awareness Month and allowing pinwheels to be "planted" in front of the Emmitsburg Community Center. Ms. Davis explained 200+ children use the resources through their center. Commissioner O'Donnell read the proclamation.
- II. Proclamation: Arbor Day Observance on April 28, 2018: Ms. Willets explained the proclamation is needed to become Tree City USA certified in Emmitsburg. The tree-planting event is scheduled for Saturday April 28, 2018 in Community Park. Commissioner O'Donnell read the proclamation.
- III. Recommendations Related to Multi-User Trail Route: Commissioner O'Donnell explained the grant application procedures have changed, so the Trail Conservancy is not pursuing the Emmitsburg trail grant anymore. As a result, it is unlikely new trails, such as the orange trail, will be built in summer 2018. Commissioner O'Donnell will update the Board if anything changes.

Consent Agenda:

None

Treasurer's Report:

Ms. Willets presented the Treasurer's Report for March 2018 in lieu of Commissioner Blanchard's absence (exhibit in April 2, 2018 agenda packet). The operating balance forward is \$5,298,146. The top 10 check amounts are listed.

Planning Commission Report:

None. There was no meeting in March 2018.

II. Agenda Items

Agenda Item #1- Frederick County Harm Reduction and Syringe Service Programs: This item has been postponed to the May 7, 2018 town meeting (per Frederick County's request) pending Board agenda approval.

Agenda Item #2- Update to Parking Policy and Ordinances for Discussion: Ms. Willets explained Amy Naill, Parking and Code Enforcement Officer, researched about 30 other municipalities for these items. The current parking citation rates have been the same since 1999. In 2004 the parking meter rates were raised to 0.25 cents an hour or 0.10 cents for 15 minutes. For Policy 18-03 town staff recommends increasing the overtime parking fine from \$5.00 to \$10.00 since it has not been raised since 1999. Policy 18-05 would require at least a 24-hour notice on parking meter reservations and a fee increase from \$2.00 to \$5.00 to help recuperate town costs. John Clapp, Town Attorney, reviewed all the ordinances and policies presented. Ms. Willets proceeded by reading the changes in ordinances 18-03, 18-04, 18-05 and 18-06. The majority of the changes bring the town code up to Maryland Vehicle Law, which precedes Town Code. The Board requested modification to Ordinance 18-04 under "Repair Work Performed on Vehicles" by adding a forty-eight (48) hour period and the word "beyond" get added under "Parking Near Fire Hydrants, Intersections, Etc." number three. Ms. Naill stated these updates will help her perform her job to the best of her ability, and the changes are not to target residents but to improve safety. The Board requested town staff research businesses renting a specific metered parking space for an extended (monthly) period of time.

Agenda Item #3- Presentation by Town Staff on Short Term Transient Rentals: Susan Cipperly, Town Planner, presented a PowerPoint on short-term transient rentals (STTR). She explained STTR are not addressed in the Town code like hotels, bed and breakfasts and boarding houses. The disadvantages of STTR were reviewed: renters are strangers, security concerns, noise, possible property damage, fraudulent listings, unfair competition, no public notice, neighbor hostility and hotel health/safety codes do not apply. To combat these concerns, Ms. Cipperly suggested limiting the number of STTR, requiring STTR managers be available 24/7 and requiring licensing and permitting.

To date, the Planning Commission has discussed STTR on three different occasions since October 2017. The Planning Commission agreed all rental units should be registered with the town and believed determining what zone STTR are under is not necessary. If the Board wishes to continue pursuing this item, a STTR definition, zoning classification, management requirements and draft ordinance is needed with public input. *Maria Henry, 113 East Main Street* - believes the disadvantages reviewed were the worst-case scenarios and reviewed the procedures for renting STTR. She believes STTR are positive for the Emmitsburg community. Commissioner Buckman explained she would like parameters pursued, but property rights protected. The Board agreed the ordinances should be modified instead of writing new ordinances. Maria Henry explained she came to the town office because she wanted to get her home certified as safe, but was told she was violating town code, which started the process for reviewing STTRs by the Town. The Board requested more information from the Town Planner on STTR before an ordinance is pursued. The Board requested the same educational packet the Planning Commission received from the Town Planner and for town staff to research Frederick County's recommendation and similar sized municipalities' (with a tourist component) recommendations for handling STTR.

Agenda Item #4- Public Comment Timing in Meetings for Consideration: Commissioner O'Donnell asked if the Board wanted to table this agenda item due to the late hour.

Motion: To move item number four, timing of meetings, to the next meeting. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 4-0 in favor with Commissioner Blanchard absent.

The Board requested moving the Citizens Advisory Committee meeting from April 17, 2018 to an evening in May 2018 to allow for a closed executive session on April 17, 2018. No vote was taken on moving the meeting. A two-minute recess was called at 10:50 PM by Commissioner O'Donnell. The Board reconvened at 10:52 PM. Commissioner O'Donnell stated a closed session will be held after the May 7, 2018 meeting instead.

Set Agenda Items for May 7, 2018 Town Meeting

1. Frederick County Harm Reduction and Syringe Service Program Presentation.
2. Setting of the Tax Rate for Fiscal Year (FY) 2019.
3. Initial Budget Presentation for Fiscal Year (FY) 2019.
4. Budget Transfer to Fund 2 in Relation to the Painting of 140 South Seton Avenue for Consideration.
5. Presentation on the Ethics Code and Appeal Procedures by Town Staff.
6. Code of Conduct Policy for Consideration.
7. Public Comment Timing in Meetings for Consideration

Motion: To accept the agenda for the May 7, 2018 town meeting as presented. Motion by Commissioner Sweeney, second by Commissioner Buckman. Vote: Motion carries 4-0 in favor with Commissioner Blanchard absent.

Motion: To close the meeting. Motion by Commissioner Buckman, second by Commissioner Ritz III. Vote: Motion carries 4-0 in favor with Commissioner Blanchard absent.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the April 2, 2018 Town Meeting was adjourned at 11:00 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved: May 8, 2018