



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners,
Timothy O'Donnell, *President*
Clifford Sweeney, *Vice President*
T.J. Burns, *Treasurer*
Joseph Ritz III
Frank Davis

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

VIRTUAL TOWN MEETING AGENDA PACKET MONDAY, JUNE 21, 2021 – 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Planning Commission Meeting: Monday, June 28, 2021 at 7:30 p.m. (via Zoom)

Town Council Meeting: Monday, July 12, 2021 at 7:30 p.m. (via channel 99 & Zoom)

Board of Appeals Meeting: Monday, July 19, 2021 at 7:30 p.m. (Town Office)

Citizens Advisory Committee Meeting: Tuesday, July 20, 2021 at 7:30 p.m. (location TBD)

4. MEETING ITEMS

A. APPROVE MINUTES: JUNE 7, 2021

B. POLICE REPORT

C. COMMISSIONER COMMENTS

D. MAYOR'S COMMENTS

E. PUBLIC COMMENTS

F. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

(A). Approval of the FY 2022 Frederick County Sheriff's Office contract for consideration.

(B). Discussion of the Status of the North Gate Park.

(C). Discussion related to opening the town office for town meetings for consideration.

G. CONSENT AGENDA: NONE

H. AGENDA ITEMS (DETAILS ATTACHED)

(1). Impact fee and park & rec fee in-lieu study presentation.

(2). Public hearing and approval of Ordinance 21-05 for consideration.

(3). Public hearing and approval of Ordinance 21-06 for consideration.

(4). Approval of Policy P21-02 – Park, Recreation, and Open Space Fee In-Lieu for consideration.

(5). ~~Approval of Ordinance 21-08, update to Chapter 3-08 Impact Fees, for consideration.~~ POSTPONED

(6). Approval of Resolution 21-02R, Community Legacy façade improvement grant submittal authorization, for consideration.

(7). Approval of Resolution 21-04R, Community Legacy Emmitsburg Restroom and Concession Stand Building grant submittal authorization, for consideration.

I. SET AGENDA FOR NEXT MEETING: JULY 12, 2021

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

Phone 301.600.6300 • Fax 301.600.6313 • info@emmitsburgmd.gov • www.emmitsburgmd.gov

ZOOM MEETING ACCESS INFORMATION:

Topic: Town Meeting: June 21, 2021

Time: Jun 21, 2021 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86482782097>

Meeting ID: 864 8278 2097

Passcode: 21727

One tap mobile

+13017158592,,86482782097#,,,,*21727# US (Washington DC)

+16465588656,,86482782097#,,,,*21727# US (New York)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 864 8278 2097

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/86482782097>

The town meeting will begin at 7:30 p.m. If you would like to speak during public comment or an agenda item, you must sign-up to speak BEFORE 7:25 p.m. Sign-up to speak by emailing your name, address and topic you'd like to speak on to mshaw@emmitsburgmd.gov or calling (301) 600-6300.

You can also watch the town meeting live on cable channel 99. A recording will be posted to YouTube after (@Town of Emmitsburg).

A. APPROVE MINUTES: JUNE 7, 2021

**MEETING MINUTES
JUNE 7, 2021
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; T.J. Burns, Treasurer, Joseph Ritz III; and Frank Davis. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; Zachary Gulden, Town Planner; and Cole Tabler, Town Accountant. **Absent:** Commissioner Clifford Sweeney with prior notice.

I. Call to Order

Commissioners Burns and Davis and Town Planner Zachary Gulden joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Joseph Ritz III called the June 7, 2021 town meeting to order at 7:30 p.m. Commissioner Sweeney is absent and Commissioner O'Donnell will be late. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Burns motioned to accept the May 3, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 3; Nays – 0; Absent – 2. The motion passed.

Motion: Commissioner Burns motioned to accept the May 17, 2021 town meeting minutes as presented; second by Commissioner Davis. Yeas – 3; Nays – 0; Absent – 2. The motion passed.

Police Report:

The May 2021 police report will be presented at the June 21, 2021 town meeting instead.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from April 2021 (exhibit in agenda packet).

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from April 2021 (exhibit in agenda packet). There are three new businesses coming to Town; two will be in the Silo Hill Shopping Center and one will be at the old Stavros location on South Seton Avenue. The new Rutters should break ground in the next two months.

Commissioner Comments:

- Commissioner Davis: The baseball tournaments are in full swing and he invited the public to attend one.
- Commissioner Burns: He thanked Commissioner Davis for helping to bring baseball back to Emmitsburg. He was also happy to see numerous members of the public enjoying the Community Pool recently.
- Commissioner Ritz III: He is thankful to see a new pizza establishment will be filling the vacant Stavros location at the town square. He requested a rain barrel for the Community Gardens.

Mayor's Comments:

Mayor Briggs attended numerous meetings since mid-May 2021 (meetings listed in agenda packet). Mayor Briggs attended the Catoctin High School graduation ceremony, Boy Scout Troop 727 Eagle Scout Award ceremony, and the Mother Seton 8th grade graduation. The pool is open for the 2021 pool season at full capacity.

Public Comments:

None.

Administrative Business:

- (A). **Proclamation honoring Richard Boyd, manager of Jubilee Foods, for his service to the community:** Commissioner Ritz III read the proclamation aloud. The proclamation was presented to Richard Boyd and a photo was taken with Mr. Boyd, Mayor Briggs and Commissioner Ritz III. Commissioner O'Donnell arrived in the town meeting room at 8:00 p.m.
- (B). **Approval of free pool day on Community Heritage day 2021 for consideration:** Each year the Town has a free pool day to celebrate Community Heritage Day, which will be June 26, 2021. *Motion:* Commissioner Davis motioned to approve the free pool day for Heritage Day 2021; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.
- (C). **Approval of face-masks to not be worn inside the bathhouse at the community pool for the 2021 pool season for consideration:** Commissioner Burns stated the pool company has requested to be able to continue wearing their masks at the pool while working. If the pool employees object to the public not being required to wear the masks indoors at the bathhouse, he requested the town work with the pool company to protect the younger teens and employees that will be working. *Motion:* Commissioner Burns motioned to approve face masks to not be worn in the bathhouse during the 2021 pool season; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.
- (D). **Discussion related to opening the town office for town meetings:** Mayor Briggs explained County Executive Jan Gardner is continuing to keep all county buildings closed, except for public libraries, due to the COVID-19 virus and the town office resides in a County owned building. He would like to reduce liability risk for the town and protect town staff by continuing to keep the office closed to the public and evaluate next steps on a week-by-week basis. The Board requested an update on opening the town office to the public at the next town meeting on June 21, 2021.

Consent Agenda:

The Board gave unanimous consent for the re-appointment of Wendy Walsh, Wayne Slaughter, Tricia Sheppard, Will Sheppard, and Conrad Weaver to the Citizen's Advisory Committee. The Board gave unanimous consent for the appointment of Kevin Hagan as an alternate to the Planning Commission for a term ending July 15, 2026.

Treasurer's Report:

Commissioner Burns presented the Treasurer's Report for May 2021 (exhibit in agenda packet). The operating balance forward is \$5,740,899 and the top 10 checks amounts are listed in the agenda packet.

Planning Commission Report:

Commissioner Ritz III presented the report. The Commission last met on May 24, 2021 where Ordinance 21-05 and Ordinance 21-06 were approved and forwarded back to the Board of Commissioners for a public hearing on June 21, 2021 and the Emmitsburg East Industrial Park II forest delineation plan, preliminary forest conservation plan and preliminary subdivision plan were tabled at the request of the developer and town staff.

II. Agenda Items

Agenda #1 - Review and approval of the fiscal year (FY) 2022 town budget for consideration: Mr. Tabler and Ms. Willets presented the agenda item. A full presentation of the FY2022 budget was presented to the Board on May 17, 2021. The proposed modifications to the budget before the Board include decreasing the constant yield tax rate from 0.36 to 0.3464 per \$100 to comply with State mandates. In addition, the Frederick County Sheriff's Office contract for the two town deputies was \$23,022 higher than anticipated for FY2022; the fund two transfer is lower than initially budgeted to cover the contract expense in the

general fund. *Motion:* Commissioner Burns motioned to approve the FY2022 budget with modifications as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #2 - Award ADA sidewalk curb ramp project contract for consideration: Town staff requested the agenda item be postponed due to only one bid being received and the grant requiring more than one bid.

Agenda #3 - Approval of the Irishtown Road Transfer Memorandum of Understanding with Frederick County and authorize the Mayor to sign the agreement on behalf of the Town for consideration: Mr. Gulden presented the agenda item. In June 1987 the Town sent a letter to the County requesting they take over ownership of Irishtown Road in the area displayed in exhibit B of the Memorandum of Understanding (MOU). In October 1989 Frederick County agreed to the road transfer, shown in exhibit A, until the road was improved to Town standards. Irishtown Road now has pending improvements via the Brookfield lots 1-19 improvement plan and possibly the Emmitt Ridge II plan. Town staff is requesting the Board approve the new MOU to allow the Irishtown Road improvements to be made. If approved, construction would begin in early July 2021. Alert notifications will be sent to the public if street closures are needed. *Motion:* Commissioner Burns motioned to approve the Irishtown Road transfer memorandum of understanding and authorize the Mayor to sign the agreement on behalf of the Town; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #4 - Approval of the Brookfield Lots 1-19 Irishtown Road project's right-of-way, temporary grading easement, and public works agreements, and authorize the Mayor to sign the agreements on behalf of the Town for consideration: Mr. Gulden presented the agenda item. A separate motion is needed for the four documents being presented. The first easement is a temporary grading easement needed between Megan E. Purtell and the Town. This easement will allow the developer to properly grade and improve Irishtown Road lots 1-19. The developer will pay \$10,000 to the property owner for the required 25-foot right-of-way easement that will provide town staff road access for maintenance. *Motion:* Commissioner Ritz III motioned to approve the deed of easement between Megan E. Purtell and the Town of Emmitsburg on Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The second easement is between RJD Development Corporation and the Town for the developer of Brookfield to complete the necessary road improvements on Irishtown Road. A temporary revertible grading easement is required along Brookfield lots 1 and 2. The easement will dissolve once the road work is completed. *Motion:* Commissioner Ritz III motioned to accept the temporary revertible grading easement between RJD Development Corporation and the Town of Emmitsburg on Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed. The third easement is between RJD Development Corporation and the Town. The town code requires street trees be planted along all new roads and the easement gives the developer access to plant the trees via a permanent landscape easement. The easement is necessary so homeowners do not place accessory structures or fences where the developer will be planting trees. The developer will maintain the trees for two years before the homeowners will maintain them. The Board approved the permanent landscape easement as presented. Yeas – 4; Nays – 0; Absent – 1. Commissioner O'Donnell declared the easement approved. The fourth document is a public works agreement between RJD Development Corporation and the Town that outlines the developer's requirements including, but not limited to, the installation of curbs, gutters, sidewalks, street lights, and installing water and sewer lines during construction. All proposed work has been approved by the Planning Commission and Frederick County. The agreement would assign warranties to the Town once the required updates are completed. *Motion:* Commissioner Ritz III motioned to accept the public works and improvement agreement between RJD Development Corporation and the Town related to lots 1 – 19 along Irishtown Road; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #5 - Approval of bid to construct two small pavilions in E. Eugene Myers Community near the band stand for consideration: Ms. Willets presented the agenda item. The project has been modified to the construction of one 8-foot by 8-foot picnic pavilion near the band stand in Community Park due to the in ground electrical conduit that exists near the second concrete slab. The Town has excess Program Open Space funding that would cover the project expenses. The bid was advertised on April 21, 2021 with a due date of May 24, 2021. In total, three companies bid on the project and town staff recommends Green Sites LLC. *Motion:* Commissioner Burns motioned to approve the Green Sites LLC bid for one 8-foot by 8-foot pavilion in the amount of \$12,750; second by Commissioner Davis. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Agenda #6 - Approval of Resolution 2021-03R Authorizing Mayor Briggs and the Town Manager to File an Application for Federal Assistance with the USDA Rural Development for consideration: Commissioner O'Donnell requested public comment on the agenda item regarding economic impacts, environmental impacts, service area, alternatives to the project, or any other issues identified. There was no public comment. Ms. Willets presented the agenda item. The United States Department of Agriculture (USDA) Rural Development contacted the Town about extra grant monies available for public works equipment or water and sewer equipment through the USDA Community Facility Disaster Grant. The Town would like to submit an application to purchase public works equipment to include a new backhoe, multi-use tractor, work truck and new SCADA system with computers. The equipment will be used to maintain the Towns roads and water/sewer lines. The SCADA system and computers would be installed at the Creamery Road wastewater treatment plant to prevent security vulnerability. The total project amount is \$285,500 of which the USDA will 55% or \$157,000 and the Town would pay 45% or \$128,500. The resolution is required for the application to authorize the Mayor and town manager to sign the application documents. The project was advertised in the Frederick News Post on May 19, 2021. Once approved, bids would be collected and presented to the Board at the September 2021 meeting and the anticipated completion date for purchasing the equipment would be June 1, 2022. *Motion:* Commissioner Davis motioned to approve the resolution as presented; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The motion passed.

Set Agenda Items for Virtual June 21, 2021 Town Meeting

1. Impact fee and park & rec fee in-lieu study presentation.
2. Public hearing and approval of Ordinance 21-05 for consideration.
3. Public hearing and approval of Ordinance 21-06 for consideration.
4. Approval of Policy P21-02 – Park, Recreation, and Open Space Fee In-Lieu for consideration.
5. ~~Approval of Ordinance 21-08, update to Chapter 3.08 Impact Fees, for consideration.~~
POSTPONED
6. Approval of Resolution 21-02R, Community Legacy façade improvement grant submittal authorization, for consideration.

Administrative Business:

- A. Approval of the FY 2022 Frederick County Sheriff's Office contract for consideration.
- B. Discussion of the Status of the North Gate Park.
- C. Discussion related to opening the town office for town meetings for consideration.

Set Agenda Items for Virtual June 21, 2021 Town Meeting

1. Approval of ordinance 2021-11, purchases, contracts and bid procedures, for consideration.
2. Award ADA sidewalk curb ramp project contract for consideration.
3. Approval of Rutter's easement agreement and authorize the Mayor to sign on behalf of the Town for consideration.
4. Award forestry stand 10 logging bid for consideration.
5. Hold public hearing and approval of Resolution 2021-01R, amendment to Chapter 3 of the 2015 Comprehensive Plan, for consideration.
6. Zoning text amendment application, proposed Ordinance 2021-12, which would amend Town Code Section 17.08.190. The Board shall either: (1) Deny the application; or (2) Forward to the Planning Commission for recommendation & set public hearing for August 2, 2021.
7. *TENTATIVE* – Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration.
8. *TENTATIVE* – Approval of Ordinance 21-08, update to Chapter 3.08 – Impact Fees, for consideration.

Administrative Business:

- A. Youth group use of the Emmitsburg trails.

Motion: Commissioner Burns motioned to accept the June 21, 2021; second by Commissioner Ritz III. Yeas – 5; Nays – 0; Absent -1. The motion passed. *Motion:* Commissioner Burns motioned to accept the July 12, 2021 agenda; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent -1. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Burns motioned to adjourn the June 7, 2021 town meeting; second by Commissioner Ritz III. Yeas – 4; Nays – 0; Absent – 1. The meeting adjourned at 9:11 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

B. POLICE REPORT: Presentation by deputies at the meeting.

C. COMMISSIONER COMMENTS

D. MAYOR'S COMMENTS

E. PUBLIC COMMENTS

F. ADMINISTRATIVE BUSINESS

- (a) Approval of the FY 2022 Frederick County Sheriff's Office contract for consideration:** Presentation at meeting by town staff.

FY2021 Cost: \$272,614

FY2022 Cost: \$298,022

*25,408 increase for FY2022. Price increase due mainly to the change in the Uniformed Law Enforcement Pay Scale and associated benefit costs. The costs of health insurance, retirement benefits and fleet fuel have also been increased.

- (b) Discussion of the Status of the North Gate Park:** Discussion at town meeting.

- (c) Discussion related to opening the town office for town meetings for consideration:** Discussion at town meeting.

G. CONSENT AGENDA

NONE.

H. AGENDA ITEMS:

AGENDA ITEM# 1. Impact fee and park & rec fee in-lieu study presentation:
Presentation at meeting by town staff.

Note: Impact fee is not included in the report due to town staff and the contractor needing guidance from the Board.

DRAFT
Impact Fee Study

Prepared for:
Emmitsburg, Maryland

June 10th, 2021

TischlerBise
FISCAL | ECONOMIC | PLANNING

4701 Sangamore Road
Suite S240
Bethesda, MD 20816
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DRAFT Impact Fee Study
Town of Emmitsburg, Maryland

EXECUTIVE SUMMARY

The Town of Emmitsburg, Maryland, contracted with TischlerBise, Inc., to update the Town's current an impact fee program. Impact fees are one-time payments used to construct system improvements needed to accommodate future development. The impact fee represents future development's proportionate share of infrastructure costs. Impact fees may be used for infrastructure improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement, or correcting existing deficiencies. This fee study includes the following capital facilities:

1. Parks and Recreation

GENERAL LEGAL FRAMEWORK

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring that development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input, with stakeholder meetings, work sessions, and public hearings provide opportunity for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. City of Tigard, OR*, 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: need, benefit, and proportionality. The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the

quality, or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of growth-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case (although the relevance of that decision to impact fees has been debated) and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify growth-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g., a typical housing unit's average weekday vehicle trips).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Impact fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. All of these procedural, as well as substantive, issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements as part of subdivision or zoning review.

CONCEPTUAL IMPACT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee formula is to determine infrastructure units per service unit, typically called level-of-service (LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per thousand people. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/or park improvements.

METHODOLOGY

Impact fees for the capital facilities made necessary by future development must be based on the same level of service (LOS) provided to existing development in the service area. There are three basic methodologies used to calculate impact fees. They examine the past, present, and future status of

DRAFT Impact Fee Study

Town of Emmitsburg, Maryland

infrastructure. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components. Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of growth-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating impact fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.
- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

EVALUATION OF CREDITS

There are two types of credits that should be addressed in impact fee studies and ordinances. The first type of credit is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the fee calculation, thus reducing the fee amount.

The second type of credit is a site-specific credit, or developer reimbursement, for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

IMPACT FEE SUMMARY

IMPACT FEE COMPONENTS

Shown below, Figure 1 summarizes service areas, methodologies, and capital facilities for each infrastructure category.

Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Capital Facilities

Fee Category	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
Parks and Recreation	Emmitsburg	N/A	Park Land, Park Improvements, Pool Facilities	N/A	Population

PROPOSED IMPACT FEES

Proposed impact fees for residential development will be assessed per dwelling unit, based on the type of unit. Nonresidential impact fees will be assessed per 1,000 square feet of floor area, based on the type of development. Proposed impact fees are shown below in Figure 2.

Fees shown below represent the maximum allowable fees. The Town of Emmitsburg may adopt fees that are less than the amounts shown; however, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements and/or a decrease in the Town’s level-of-service standards. All costs are in current dollars with no assumed inflation rate over time. If cost estimates change significantly over time, impact fees should be recalibrated.

Figure 2: Proposed Impact Fees

Residential Development		Fees per Unit		
Development Type	Parks and Recreation	Total	Current Fees	Increase/ (Decrease)
Single Family	\$3,898	\$3,898	\$1,200	\$2,698
Multifamily	\$2,069	\$2,069	\$1,200	\$869

Nonresidential Development		Fees per 1,000 Square Feet		
Development Type	Parks and Recreation	Total	Current Fees	Increase/ (Decrease)
Commercial	\$0	\$0	\$0	\$0
Industrial	\$0	\$0	\$0	\$0
Office/Institutional	\$0	\$0	\$0	\$0

DRAFT Impact Fee Study
Town of Emmitsburg, Maryland

PARKS AND RECREATION IMPACT FEES

METHODOLOGY

The Parks and Recreation impact fees include components for Park land and improvements. Parks and Recreation impact fees use an *incremental expansion* methodology and allocate capital costs to residential development based on population. This methodology allows Emmitsburg to maintain the current LOS standard as growth occurs. Impact fee revenue collected using this methodology may not be used to replace or rehabilitate existing improvements.

SERVICE AREA

The Town of Emmitsburg provides Parks and Recreation services throughout Emmitsburg; therefore, there is a single service area for the Parks and Recreation impact fees.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. The Parks and Recreation impact fees allocate 100 percent of the cost of capital facilities to residential development.

IMPACT FEE COMPONENTS

Park Land – Incremental Expansion

As a result of anticipated development, the Town of Emmitsburg plans to expand its existing inventory of Park land. The Town has a current inventory of 58.61 acres of Park land with an estimated replacement cost of \$2,930,600. The cost per acre is based on TischlerBise’s recent impact fee study for the City of Delaware, which Emmitsburg staff indicates is an appropriate cost assumption.

As shown in Figure PR1, the level of service for residential development is 0.002 acres per person. This is determined by multiplying the total acreage by the residential proportionate share factor (100%), and then dividing the total by the current service units (2,928 persons). As discussed previously, the Town estimates the replacement cost for these facilities at \$50,000 per acre. The level of service is multiplied by the cost per acre (\$50,000) to determine the cost per demand unit of \$1000.82 per person.

Figure PR1: Park Land Level of Service and Cost Allocation

Description	Acres	Cost per Acre	Replacement Cost
Community Park	54.91	\$50,000	\$2,745,600
Memorial Park	3.70	\$50,000	\$185,000
Total	58.61	\$50,000	\$2,930,600

Cost Factors	
Cost per Acre - Land Acquisition	\$50,000
Cost per Acre - Total	\$50,000

Level-of-Service (LOS) Standards	
Existing Acres	58.61
2021 Population	2,928
Acres per Person	0.02
Cost per Person	\$1,000.82

Source: Emmitsburg Town Staff

Park Improvements – Incremental Expansion

As a result of anticipated development, the Town of Emmitsburg plans to expand its existing inventory of Park improvements. The Town has a current inventory of 17 units of Park improvements with an estimated replacement cost of \$972,000. This results in a weighted average cost of \$57,176 per improvements. Figure PR2 shows the Town of Emmitsburg’s current inventory of park improvements.

As shown in Figure PR2, the level of service for residential development is 0.006 amenities per person. This is determined by multiplying the total improvements by then residential proportionate share factor (100%), and then dividing the total by the current service units (2,928 persons). As discussed previously, the weighted average cost per amenity is \$57,176. The level of service is multiplied by the cost per amenity (\$57,176) to determine the cost per demand unit of \$331.95 per person.

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Town of Emmitsburg, Maryland

Figure PR2: Park Amenities Level of Service and Cost Allocation

Description	Improvements	Unit Cost*	Total Cost
Disc Golf Course	1	\$8,000	\$8,000
Playground	1	\$184,000	\$184,000
Pavilion	2	\$44,100	\$88,200
Tennis Court	1	\$35,000	\$35,000
Basketball Court	1	\$25,000	\$25,000
Baseball/Softball Fields	7	\$50,000	\$350,000
Restrooms	2	\$95,000	\$190,000
Parking Lots	1	\$25,000	\$25,000
Concessions Stand	1	\$66,800	\$66,800
Total	17	\$57,176	\$972,000

*Unit costs provided by the Town of Emmitsburg, and our recent Zebulon, NC Parks and Recreation Impact Fee Study

Cost Factors	
Weighted Average per Improvement	\$57,176

Level-of-Service (LOS) Standards	
Existing Improvements	17.0
Residential Share	100%
2021 Population	2,928
Improvements per Person	0.006
Cost per Person	\$331.95

Pool Facilities – Incremental Expansion

As a result of anticipated development, the Town of Emmitsburg plans to expand its existing inventory of pool facilities. The Town has a current inventory of 2 pool facilities, totaling 3,312 square feet. The Town’s insured property value for both facilities totals \$247,852, and thus this analysis will use a cost per square foot of pool facilities of \$75. Figure PR3 shows the Town of Emmitsburg’s current inventory of pool facilities.

As shown in Figure PR3, the level of service for residential development is 1.13 square feet per person. This is determined by multiplying the total acreage by the residential proportionate share factor (100%), and then dividing the total by the current service units (2,928 persons). The level of service is multiplied by the cost per square foot (\$76) to determine the cost per demand unit of \$84.64 per person.

Figure PR3: Pool Facilities Level of Service and Cost Allocation

Description	Square Feet	Cost per Sq. Ft.	Replacement Cost
Pool Building	2,448	\$88	\$214,452
Pool Pavilion	864	\$39	\$33,400
Total	3,312	\$75	\$247,852

Cost Factors	
Cost per Square Foot	\$75

Level-of-Service (LOS) Standards	
Existing Square Feet	3,312
Residential	
2021 Population	2,928
Square Feet per Person	1.13
Cost per Person	\$84.64

Source: LGIT Property Insurance Appraisal for Emmitsburg, MD (2016)

PROJECTED DEMAND

Park Land

As shown in Figure PR4, the Land Use Assumptions projects an additional 165 persons over the next ten years. When applied to the existing LOS, future development is projected to generate demand for an additional 3.3 acres of Park land. Based on the average cost of \$50,000 per acre, the growth-related expenditure on Park land is approximately \$165,136.

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Figure PR4: Projected Demand for Park Land

Type of Infrastructure	Level of Service	Demand Unit	Cost per Acre
Park Land	0.0200 Acres	per Person	\$50,000

Demand for Park Land		
Year	Population	Acres
		Residential
2021	2,928	58.6
2022	2,945	58.9
2023	2,961	59.3
2024	2,978	59.6
2025	2,994	59.9
2026	3,011	60.3
2027	3,027	60.6
2028	3,044	60.9
2029	3,060	61.3
2030	3,077	61.6
2031	3,093	61.9
10-Yr Increase	165	3.3

Growth-Related Expenditures	\$165,136
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Park improvements

As shown in Figure PR5, the Land Use Assumptions projects an additional 165 persons over the next ten years. When applied to the existing LOS, future development is projected to generate demand for an additional 0.96 units of Park improvements. Based on the average cost of \$57,176 per improvement, the growth-related expenditure on Park improvements is approximately \$54,771.

Figure PR5: Projected Demand for Park Improvements

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Park Improvements	0.0058 Improvements	per Person	\$57,176

Demand for Park Improvements		
Year	Population	Improvements
		Residential
2021	2,928	17.00
2022	2,945	17.10
2023	2,961	17.19
2024	2,978	17.29
2025	2,994	17.38
2026	3,011	17.48
2027	3,027	17.57
2028	3,044	17.67
2029	3,060	17.77
2030	3,077	17.86
2031	3,093	17.96
10-Yr Increase	165	0.96

Growth-Related Expenditures	\$54,771
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Pool Facilities

As shown in Figure PR5, the Land Use Assumptions projects the Town of Emmitsburg to grow by 165 persons over the next ten years. When applied to the existing LOS, future development is projected to generate demand for an additional 165 square feet of pool facilities. Based on the average cost of \$75 per square foot, the growth-related expenditure on Community pools is approximately \$13,966.

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Figure PR6: Projected Demand for Pool Facilities

Type of Infrastructure	Level of Service	Demand Unit	Cost per Sq. Ft.
Pool Facilities	1.13 Square Feet	per Person	\$75

Demand for Pools		
Year	Population	Square Feet
		Residential
2021	2,928	3,312
2022	2,945	3,331
2023	2,961	3,349
2024	2,978	3,368
2025	2,994	3,387
2026	3,011	3,405
2027	3,027	3,424
2028	3,044	3,443
2029	3,060	3,461
2030	3,077	3,480
2031	3,093	3,499
10-Yr Increase	165	187

Growth-Related Expenditures	\$13,966
------------------------------------	-----------------

PROPOSED PARKS AND RECREATION IMPACT FEES

Infrastructure components and cost factors for Parks and Recreation impact fees are summarized in the upper portion of Figure PR7. For Parks and Recreation impact fees, the capital cost is \$1,417.41 per person.

Parks and Recreation impact fees for residential development are assessed according to the number of persons per housing unit. The single-family fee of \$3,898 is calculated using a cost of \$1,417.41 per person multiplied by a demand unit of 2.75 persons per housing unit.

The Town of Emmitsburg will not assess Parks and Recreation impact fees to nonresidential development.

Figure PR7: Schedule of Maximum Allowable Parks and Recreation Impact Fees

Fee Component	Cost per Person
Park Land	\$1,000.82
Park Improvements	\$331.95
Pool Facilities	\$84.64
Total	\$1,417.41

Development Type	Persons per Housing Unit ¹	Fees per Unit		
		Proposed Fees	Current Fees	Difference
Single Family	2.75	\$3,898	\$1,200	\$2,698
Multi-Family	1.46	\$2,069	\$1,200	\$869

1. See Land Use Assumptions

PROJECTED PARKS AND RECREATION IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections, shown in Appendix A, and the proposed Parks and Recreation impact fees shown in Figure PR8. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease, along with impact fee revenue. Projected impact fee revenue equals \$233,880 and projected expenditures equal \$233,873.

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Town of Emmitsburg, Maryland

Figure PR8: Projected Parks and Recreation Impact Fee Revenue

Fee Component	Total
Park Land	\$165,136
Park Improvements	\$54,771
Pool Facilities	\$13,966
Total	\$233,873

		Single Family \$3,898 per unit	Multi-Family \$2,069 per unit
Year		Hsg Unit	Hsg Unit
Base	2021	845	414
Year 1	2022	851	414
Year 2	2023	857	414
Year 3	2024	863	414
Year 4	2025	869	414
Year 5	2026	875	414
Year 6	2027	881	414
Year 7	2028	887	414
Year 8	2029	893	414
Year 9	2030	899	414
Year 10	2031	905	414
10-Year Increase		60	0
Projected Revenue		\$233,880	\$0

Projected Fee Revenue	\$233,880
Total Expenditures	\$233,873

APPENDIX A: LAND USE ASSUMPTIONS

The Town of Emmitsburg, Maryland, retained TischlerBise to analyze the impacts of development on its capital facilities and to calculate impact fees based on that analysis. TischlerBise prepared current demographic estimates and future development projections for both residential and nonresidential development that will be used in the calculation of the impact fees. Current demographic data estimates for 2021 are used in calculating levels of service (LOS) provided to existing development in the Town of Emmitsburg. The estimates and projections of residential and nonresidential development in this *Land Use Assumptions* document are for areas within the boundaries of the Town of Emmitsburg, Maryland.

SUMMARY OF GROWTH INDICATORS

Key land use assumptions for the Town of Emmitsburg Impact Fee Study are population, housing units, and employment. Based on discussions with town staff, TischlerBise estimates population based on population projections from the Delaware County Regional Planning Commission (DCRPC). For housing units, TischlerBise applies person per housing unit factors derived from 2014-2018 American Community Survey 5-Year Estimates to population estimates and projections. For nonresidential development, the base year employment estimate is calculated based on data from the U.S. Census Bureau on employment growth between 2010-2017 in the Town of Emmitsburg. TischlerBise converts employment estimates and projections to nonresidential floor area based on average square feet per job multipliers published by the Institute of Transportation Engineers (ITE). The projections contained in this document provide the foundation for the Impact Fee Study. These metrics are the service units and demand indicators used in the Impact Fee Study.

Development projections, summarized below, will be used to estimate impact fee revenue and to indicate the anticipated need for growth-related infrastructure. However, impact fee methodologies are designed to reduce sensitivity to development projections in the determination of the proportionate share fee amounts. If actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, the Town of Emmitsburg will receive an increase in fee revenue but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development. During the next 10 years, Emmitsburg development projections indicate an increase of 60 housing units and approximately 115 thousand square feet of nonresidential floor area.

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Figure A1: Summary of Development Projections

Emmitsburg, MD	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	10-Year Increase
	Base Yr	1	2	3	4	5	6	7	8	9	10	
Population¹												
Single Family Units	2,324	2,340	2,357	2,373	2,390	2,406	2,423	2,439	2,456	2,472	2,489	165
Multifamily Units	604	604	604	604	604	604	604	604	604	604	604	0
Total	2,928	2,945	2,961	2,978	2,994	3,011	3,027	3,044	3,060	3,077	3,093	165
Housing Units²												
Single Family Units	845	851	857	863	869	875	881	887	893	899	905	60
Multifamily Units	414	414	414	414	414	414	414	414	414	414	414	0
Total	1,259	1,265	1,271	1,277	1,283	1,289	1,295	1,301	1,307	1,313	1,319	60
Jobs³												
Commercial	494	523	532	541	550	559	569	578	587	596	605	111
Industrial	141	237	237	237	237	237	237	237	237	237	237	96
Office/ Institutional	649	666	667	668	669	670	671	672	673	674	676	27
Total	1,284	1,425	1,436	1,446	1,456	1,466	1,477	1,487	1,497	1,508	1,518	234
Nonres Sq Ft in thousands (KSF)³												
Commercial	211	223	227	231	235	239	243	247	251	255	258	47
Industrial	86	145	145	145	145	145	145	145	145	145	145	59
Office/ Institutional	219	224	225	225	225	226	226	227	227	227	228	9
Total	516	593	597	601	606	610	614	619	623	627	631	115

1. Population projections based on housing units X PPHU. Single Family PPHU is 2.75 and multifamily is 1.46.
 2. Housing unit projections are based on housing permit data, provided by Emmitsburg, for 2016-2019 and ACS 2015-2019 5-year housing estimates.
 3. Jobs projections made utilizing 5-year average nonresidential floor area growth data, provided by the Town of Emmitsburg and ITE nonresidential floor area factors.
 4. KSF projections based on 5-year historical nonresidential development in Emmitsburg and future planned nonresidential developments.

POPULATION AND HOUSING CHARACTERISTICS

Impact fees often use standardized per capita measures to derive proportionate share fee amounts. Namely, persons per housing unit (PPHU) or persons per household (PPHH). The U.S. Census Bureau defines a household as a housing unit that is occupied by year-round residents. Therefore, with a PPHH approach any housing units unoccupied would be left out of estimation processes, and thus requiring the use of seasonal or peak population. When PPHU is used in the fee calculations, infrastructure standards are derived using year-round population. Based on current housing data, TischlerBise recommends that fees for residential development in Emmitsburg be imposed according to the persons per housing unit method.

The current level of PPHU will be held constant over the projection period in order to derive fees for maintaining the current level of service (LOS). Based on housing characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family and (2) Multifamily. Figure 3 shows the current level of PPHU for Emmitsburg by housing unit category.

Figure 3: Persons Per Housing Unit

Housing Type	Persons	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Family Units ¹	2,286	806	2.84	830	2.75	66.7%	2.90%
Multifamily Units ²	604	346	1.75	414	1.46	33.3%	16.40%
Total	2,890	1,152	2.51	1,244	2.32	100.0%	7.40%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Tables B25024, B25032, B25033.
 1. Includes detached and attached (i.e. townhouses), and mobile homes.
 2. Includes dwellings in structures with two or more units.

Single family housing units have an average size of 2.75 persons per unit and multifamily units have an average housing unit size of 1.46 persons per unit. Additionally, single family and multifamily units in

Emmitsburg account for 66% and 33%, respectively, of current housing stock. There is a total vacancy rate of 7.4% in Emmitsburg.

POPULATION AND HOUSING UNIT PROJECTIONS

To project future housing characteristics, TischlerBise utilized past housing permit data provided by the Town of Emmitsburg. Over the last 4 years, Emmitsburg has averaged 6 single family building permits and 0 multifamily building permits. In totality, Emmitsburg has averaged 6 building permits a year for new residential construction.

Figure 4. Emmitsburg Building Permit History

Type of Permit	2018	2019	2020	2021	Yearly Average
New Single Family	6	3	1	19	6
Total	6	3	1	19	6

Source: Town of Emmitsburg

To estimate the base year residential development, TischlerBise has utilized the American Community Survey housing estimates and Emmitsburg building permit data. In 2019, the ACS data (from the U.S. Census Bureau) estimates a total of 1,244 housing units in Emmitsburg, and the Town added a total of 1 new single-family unit in 2020, and 14 in 2021. This yields a base year housing unit estimate of 1,259. To project future population, TischlerBise applies the PPHU factors shown in Figure 3 to the housing unit projections. This results in a 10-year population increase of 165 persons in 60 units.

Figure 5. Population and Housing Projections

Emmitsburg, MD	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	10-Year Increase
	Base Yr	1	2	3	4	5	6	7	8	9	10	
Population¹												
Single Family Units	2,324	2,340	2,357	2,373	2,390	2,406	2,423	2,439	2,456	2,472	2,489	165
Multifamily Units	604	604	604	604	604	604	604	604	604	604	604	0
Total	2,928	2,945	2,961	2,978	2,994	3,011	3,027	3,044	3,060	3,077	3,093	165
Housing Units²												
Single Family Units	845	851	857	863	869	875	881	887	893	899	905	60
Multifamily Units	414	414	414	414	414	414	414	414	414	414	414	0
Total	1,259	1,265	1,271	1,277	1,283	1,289	1,295	1,301	1,307	1,313	1,319	60

1. Population projections based on housing units X PPHU. Single Family PPHU is 2.75 and multifamily is 1.46.

2. Housing unit projections are based on housing permit data, provided by Emmitsburg, for 2016-2019 and ACS 2015-2019 5-year housing estimates.

In the same way that residential projections are needed to calculate the proportion of fee allocated to increased residential demand, estimating and projecting nonresidential use is essential to accurately estimating fees. The next section will focus on estimating current nonresidential demographics and projecting future nonresidential development.

CURRENT EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA

Using Esri Business Analyst, an ArcGIS software, TischlerBise estimates the 2021 employment total for Emmitsburg to be 1,284 jobs. Major industries include retail trade, accommodation & food services, and construction. In order to utilize this information for the purpose of impact fee estimation, TischlerBise has categorized all NAICS defined industries into three sectors: Commercial, Industrial, and Office/Institutional. Figure 6 shows employment by sector in Emmitsburg.

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Figure 6. Base Year Employment Estimates

Development Type	2021 Jobs
Commercial ¹	494
Industrial ²	141
Office/Institutional ³	649
Total	1,284

Source: Esri Business Analyst Online, 2021.

1. Major sectors include Retail Trade; Accommodation and Food Services.
2. Major sectors include Manufacturing; Wholesale Trade.
3. Major sectors include Educational Services; Health Care & Social Assistance.

As a share of the total employment, Office/Institutional accounts for the most jobs, then Commercial, and finally Industrial. Using this information TischlerBise can estimate the base year nonresidential floor area. In estimating nonresidential floor area, factors are provided by the Institute of Transportation Engineers (ITE) to calculate floor area per employee. Figure 7 contains the factors provided by the ITE.

Figure 7. ITE Factors

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Employee ¹	Employees Per Dmd Unit	Sq Ft Per Employee
820	Shopping Center (average size)	1,000 Sq Ft	16.11	2.34	427
110	Light Industrial	1,000 Sq Ft	3.05	1.63	613
710	General Office (average size)	1,000 Sq Ft	3.28	2.97	337

1. Trip Generation, Institute of Transportation Engineers, 10th Edition (2017).

With the square feet per employee factors and current Emmitsburg employment, TischlerBise can estimate the current nonresidential floor area for Emmitsburg. Figure 8 demonstrates this calculation.

Figure 8. Base Year Nonresidential Floor Area

Development Type	2021 Jobs	Share of Total Jobs	Square Feet per Employee ¹	2021 Estimated Floor Area ²	Jobs per 1,000 Sq Ft
Commercial ³	494	38%	427	210,938	2.34
Industrial ⁴	141	11%	613	86,433	1.63
Office/Institutional ⁵	649	51%	337	218,713	2.97
Total	1,284	100%		516,084	

Source: Esri Business Analyst Online, 2021, TischlerBise.

1. Trip Generation, Institute of Transportation Engineers, 10th Edition (2017).
2. TischlerBise Calculation
3. Major sectors include Retail Trade; Accommodation and Food Services.
4. Major sectors include Manufacturing; Wholesale Trade.
5. Major sectors include Educational Services; Health Care & Social Assistance.

The estimated current total nonresidential floor area for Emmitsburg is 516,084 square feet or 516 KSF. With the 2021 estimated floor area and square feet per employee factors TischlerBise can project the increase in floor area over the next 10 years.

NONRESIDENTIAL EMPLOYMENT AND FLOOR AREA PROJECTIONS

To project employment TischlerBise has analyzed past nonresidential floor area growth in each sector utilizing past nonresidential development data, provided by the Town of Emmitsburg. Over the period of 2015-2020 TischlerBise calculates an average annual nonresidential floor area growth of 3,910 square feet for the commercial sector, 0 square feet for the industrial sector, and 375 square feet for the office/institutional sector for Emmitsburg.

Figure 9. Annualized Employment Growth Rates by Sector

Development Type	2015	2016	2017	2018	2019	2020	5 Year Average
Commercial	9,100	0	12,500	0	0	1,860	3,910
Industrial	0	0	0	0	0	0	0
Office/Insitutional	0	0	0	0	0	2,250	375

Source: Town of Emmitsburg

TischlerBise then adds these average growth totals to current nonresidential floor area estimates, to project future nonresidential floor area and employment. In addition, TischlerBise has accounted for the planned construction of 58,900 square feet of warehouse space, 5,200 square feet of office space, and 8,380 square feet of commercial space in 2022. Figure 10 presents the projected nonresidential floor area in KSF (square feet / 1,000) for Emmitsburg by sector.

Figure 10. 10-Year Nonresidential Floor Area Projection

KSF Projections ¹	Base	1	2	3	4	5	6	7	8	9	10	10-Year Increase
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Commercial	211	223	227	231	235	239	243	247	251	255	258	47
Industrial	86	145	145	145	145	145	145	145	145	145	145	59
Office/Institutional	219	224	225	225	225	226	226	227	227	227	228	9
Total	516	593	597	601	606	610	614	619	623	627	631	115

¹ KSF projections based on 5-year historical nonresidential development in Emmitsburg and future planned nonresidential developments.

In the next ten years Emmitsburg is expected to add a total of 115,000 square feet of nonresidential floor area with 47,000 in the Commercial sector, 59,000 in the Industrial sector, and 9,000 in the Office/Institutional sector. As a percentage of the total growth Commercial accounts for 41% of new growth, Industrial 21% of new growth, and Office 7% of new growth. By applying the ITE square feet per employee factors to the nonresidential floor area projections, TischlerBise can project the employment increase associated with the increase in non-residential floor area. For example, a base year commercial floor area of 211,000 square feet divided by the ITE square foot per employee factor of 427 square feet (see Figure 7) results in an estimated base year Commercial employment of 494 persons. Figure 11 depicts the 10-year employment projections by sector.

Figure 11. 10-Year Employment Projection

Job Projections ¹	Base	1	2	3	4	5	6	7	8	9	10	10-Year Increase
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Commercial	494	523	532	541	550	559	569	578	587	596	605	111
Industrial	141	237	237	237	237	237	237	237	237	237	237	96
Office/Institutional	649	666	667	668	669	670	671	672	673	674	676	27
Total	1,284	1,425	1,436	1,446	1,456	1,466	1,477	1,487	1,497	1,508	1,518	234

¹ Jobs projections made utilizing 5-year average nonresidential floor area growth data, provided by the Town of Emmitsburg and ITE nonresidential floor area factors.

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Over the next 10 years the Town of Emmitsburg is projected to add a total of 234 jobs given historical nonresidential floor area growth. As a percentage of the 10-year growth in in employment Commercial development accounts for 47%, Industrial development accounts for 41%, and Office/Institutional development accounts for 11%.

FUNCTIONAL POPULATION

Both residential and nonresidential development increase the demand on Town services and facilities. To calculate the proportionate share between residential and nonresidential demand on service and facilities, a functional population approach is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the Town over 24 hours in a day.

Residents that do not work are assigned 20 hours per day to residential development, and 4 hours per day to nonresidential development (annualized average). Residents that work in Emmitsburg are assigned 16 hours to residential development and 8 hours to nonresidential development. Residents that work outside the Town are assigned 16 hours to residential development, the remaining hours in the day are assumed to be spent outside of the Town working. Based on 2018 U.S. Census data, and TischlerBise base year demographic assumptions, residential development accounts for 76% of the functional population, while nonresidential development accounts for 24%, see Figure 12 (next page).

Figure 12. Town of Emmitsburg Functional Population

Proportionate Share				
	<i>Demand Units in 2018</i>	<i>Demand Hours/Day</i>	<i>Person Hours</i>	<i>Proportionate Share</i>
Residential				
Estimated Residents	2,850			
58% Residents Not Working	1,644	20	32,880	
42% Workers Living in Town	1,206			
8% Town Residents Working in Town	94	16	1,504	
92% Town Residents Working outside of the Town	1,113	16	17,808	
	<i>Residential Subtotal</i>		52,192	76%
Nonresidential				
Non-working Residents	1,644	4	6,576	
Jobs Located in Town	1,237			
Town Residents Working in the Town	94	8	752	
Non-Resident Workers	1,143	8	9,144	
	<i>Nonresidential Subtotal</i>		16,472	24%
	Total		68,664	100%

Source: US Census, OnTheMap Application and LEHD Origin-Destination Employment Statistics

AGENDA ITEM# 2. Public hearing and approval of Ordinance 21-05 for consideration: Presentation at meeting by town staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 05

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AN ORDINANCE TO AMEND
TITLE 16
OF THE CODE OF EMMITSBURG
ENTITLED
SUBDIVISIONS



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 16, Subdivisions, Sections 16.12.020, 16.12.030, 16.12.040, 16.16.030, 16.16.060, 16.16.100, & 16.20.020 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

Chapter 16.12 – Procedures Generally.

§16.12.020 – Submission of Preliminary Plat of Subdivision for Approval.

{A-C unchanged}

D. Preliminary plats, once approved, shall remain valid for a period of three **(3)** years. The preliminary plat approval shall become void at the end of three **(3)** years. ~~[unless an extension of the approval is requested by the applicant and granted by the planning commission. Extensions will be granted for one year increments.]~~

§16.12.030 – Improvement Plats.

{A & B unchanged}

C. IMPROVEMENT PLAT EXPIRATION.

- 1. ALL IMPROVEMENT PLAT APPROVALS SHALL AUTOMATICALLY EXPIRE THREE (3) YEARS AFTER THE DATE ON WHICH THE PLANNING COMMISSION APPROVES THE IMPROVEMENT PLAT, UNLESS CONSTRUCTION HAS BEGUN AS DEFINED BY “START OF CONSTRUCTION” AS SET FORTH IN PARAGRAPH 3 OF THIS SUBSECTION.**
- 2. IN THE EVENT AN IMPROVEMENT PLAT APPROVAL WAS OBTAINED FROM THE PLANNING COMMISSION PRIOR TO THE ENACTMENT OF THIS ORDINANCE, SUCH IMPROVEMENT PLAT SHALL EXPIRE THREE (3) YEARS AFTER THE DATE ON WHICH THIS ORDINANCE WAS ENACTED, UNLESS SUBSTANTIAL CONSTRUCTION OF SITE IMPROVEMENTS PURSUANT TO A VALIDLY ISSUED PERMIT HAS BEGUN AS DEFINED BY “START OF CONSTRUCTION” SET FORTH IN PARAGRAPH 3 OF THIS SUBSECTION.**

- 3. FOR PURPOSES OF THIS SECTION, THE TERM “START OF CONSTRUCTION” SHALL MEAN THE PLACEMENT OF SLAB OR FOOTINGS, PILES, COLUMNS, OR ANY WORK BEYOND THE STAGE OF EXCAVATION.**

§16.12.040 – Approval of Final Plat.

{A-F unchanged}

G. UNRECORDED FINAL PLATS, ONCE APPROVED, SHALL REMAIN VALID FOR A PERIOD OF THREE (3) YEARS AFTER WHICH THEY SHALL BE VOID IF RECORDATION HAS NOT OCCURRED WITHIN THE THREE (3) YEAR PERIOD FROM THE DATE OF APPROVAL.

Chapter 16.16 – Design Standards.

§16.16.030 – Street Design Standards.

A. GENERAL.

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to a plan for the ~~most safe~~ **SAFEST** advantageous development of adjoining areas and the entire neighborhood.
2. *{unchanged}*
3. **SIDEWALK. THE DESIGN MUST MEET THE MINIMUM STANDARDS THAT ARE SET FORTH IN CHAPTER 12.08, WHICH ARE INCORPORATED HEREIN.**

{B-F unchanged}

G. Alleys.

{1-5 unchanged}

6. Sidewalk. ~~[Minimum width of five feet (5') along the entire front footage of the property.]~~
SIDEWALKS SHALL MEET THE REQUIREMENTS SET FORTH IN CHAPTER 12.08, UNLESS EXCEPTED UNDER SECTION 16.16.030.W.

{H-P unchanged}

Q. Curbs, Gutters and Sidewalks. These shall be provided in all residential subdivisions where the average lot width is two hundred (200) feet or less, and in front of all nonresidential lots except where options listed in subsections (U) and/or (V) of this section are employed[-] **OR EXCEPTED UNDER SECTION 16.16.030.W.** The face of the curb shall be located on the line of the outside edge of the required pavement. The construction of these facilities shall be in conformity with the specifications and standards adopted or may hereafter be adopted by the **Town**.

{R & S unchanged}

T. Street Standards for New Town House and Multifamily Developments.

1. Rights-of-way (ROW), pavement, curb, sidewalks.

For more information, go to www.emmitsburgmd.gov

	Public Street	Private Street*
**Row	40 feet	None
Pavement	24 feet	24 feet
Curb (6")	Yes	Yes
Sidewalk (adjacent to curb)	[5-feet] SEE CHAPTER 12.08	[5-feet] SEE CHAPTER 12.08

* Private streets refer to those streets serving rental projects exclusively or serving as parking bays. It is not a town policy to maintain such streets.

** An easement or right-of-way may be required in addition for the placement of public utilities.

2. *{unchanged}*

{U-V unchanged}

W. Exceptions – **SIDEWALK**, Curb and Gutter Alternative. In Industrial **PARK (I-P)** subdivisions, the Planning Commission may allow for open section roads, provided the proposed development complies with all other requirements stated in subsection (P) of this section.

§16.16.060 – Easements.

{A – C unchanged}

D. THE CLOSED END OF ALL PROPOSED CUL-DE-SACS MUST INCLUDE A TWENTY-FOOT BY TEN-FOOT (20’ x 10’) EASEMENT TO STOCKPILE SNOW FOR WINTER ROAD MAINTENANCE.

§16.16.100 – Park, Recreation, and Open Space Requirements.

{A-F unchanged}

G. Fee in lieu. The Mayor and Board of Commissioners may impose a **FEE** [~~twelve hundred dollars (\$1,200.00)~~] per residential dwelling unit assessment on those developments when in their judgement the creation of additional recreational areas is neither warranted or desirable. **THE FEE IN LIEU AMOUNT SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN.** The assessment shall be due upon acceptance of the final subdivision plat or site plan as applicable. All fees collected shall be deposited into the capital project’s fund and used for improving publically owned parks, open space, and recreation facilities.

{H unchanged}

Chapter 16.20 – Improvements.

§16.20.020 – Minimum Requirements.

A. General.

1. All new streets shall [~~have~~] **INCLUDE SIDEWALKS**, curb, and gutter.

- a) *{unchanged}*
- b) [~~All inlet shall be Maryland State Highway Administration type WR single grate, except in sump areas. In sump areas a Maryland State Highway Administration standard WR inlet shall be used at the low point of the sump.~~] **ALL PRE-CAST CONCRETE STORM DRAINAGE STRUCTURES, MANHOLE FRAMES AND COVERS, AND INLET GRATES TO BE INSTALLED IN CONJUNCTION WITH STORM DRAIN SYSTEMS WITHIN PUBLIC STREET RIGHTS-OF-WAY INTENDED TO BE DEDICATED AND ACCEPTED INTO THE TOWN'S PUBLIC STREET SYSTEM SHALL COMPLY WITH THE MARYLAND STATE HIGHWAY ADMINISTRATION BOOK OF STANDARDS FOR HIGHWAY AND INCIDENTAL STRUCTURES. THE TOWN SHALL HAVE THE RIGHT TO OBTAIN INDEPENDENT VERIFICATION OF ANY, AND/OR ALL OF THE MATERIALS UTILIZED IN THE PRE-CAST MANUFACTURING PROCESS TO ENSURE THAT THEY COMPLY WITH CURRENT MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS.**
- c) **SIDEWALKS SHALL MEET THE REQUIREMENTS SET FORTH IN CHAPTER 12.08, UNLESS EXCEPTED UNDER SECTION 16.16.030.W.**

{2 -5 unchanged}

{B-O unchanged}

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 21st day of June, 2021

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 21st day of June, 2021.

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.

Madeline Shaw, Town Clerk
Date:

AGENDA ITEM# 3. Public hearing and approval of Ordinance 21-06 for consideration: Presentation at meeting by town staff.

ORDINANCE SERIES: 2021
ORD. NO: 21 – 06

Page 1 of 2

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, Zoning, Sections 17.04.020 & 17.48.050 of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

Chapter 17.04 – General Provisions.

§17.04.020 – Definitions.

A. *{unchanged}*

B. Definitions.

{“Agriculture” through “Hospital” unchanged}

"Hotel" means any building containing ten (10) or more **FULLY FURNISHED (INCLUDING LINENS) guest rooms, SUITES, OR A COMBINATION THEREOF (“UNITS”)**, where for compensation, lodging, meals or both, [~~are provided for ten or more guests,~~] excluding a fraternity or sorority house, school or college dormitory, **OR** tourist home. [~~motels or apartment hotels as defined in this chapter.~~] **EACH UNIT OR SUITE SHALL PROVIDE ITS OWN TOILET, WASHROOM, AND OFF-STREET PARKING FACILITIES. UNITS MAY INCLUDE KITCHEN FACILITIES.**

{“Institutional” through “Mobile home park or mobile home subdivision” unchanged}

"Motel" means any **BUILDING CONTAINING LESS THAN TEN (10) FULLY FURNISHED GUEST ROOMS (INCLUDING LINENS) WHERE FOR COMPENSATION, TEMPORARY LODGING IS PROVIDED FOR GUESTS, EXCLUDING A FRATERNITY OR SORORITY HOUSE, SCHOOL OR COLLEGE DORMITORY, OR TOURIST HOME.** [~~group of dwelling units combined or separate, used for the purpose of housing transient guests,~~] Each unit [~~of which is provided with~~] **SHALL PROVIDE** its own toilet, washroom, and off-street parking facilities.

{“Nonconforming use” through “Zoning map” unchanged}

Chapter 17.48 – Enforcement and Penalties.

§17.48.050 – Site plan requirements.

A. {unchanged}

B. {1-7 unchanged}

8. Sidewalks, **UNLESS EXCEPTED UNDER SECTION 16.16.030.W.;**

{9-13 unchanged}

C. {unchanged}

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 21st day of June, 2021

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this 21st day of June, 2021.

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.

Madeline Shaw, Town Clerk
Date:

**AGENDA ITEM# 4. Approval of Policy P21-02 – Park, Recreation, and Open Space
Fee In-Lieu for consideration: Presentation at meeting by town staff.**

POLICY SERIES: 2021
Policy No. P21 - 02

Page 1 of 1

**TOWN OF EMMITSBURG
PARK, RECREATION, & OPEN SPACE FEE IN-LIEU POLICY**

§16.16.100 - Park, Recreation, and Open Space Requirements.

As of this date and pursuant to §16.16.100.G. entitled “Fee in Lieu”, the fee in lieu shall be as follows:

- \$3,898.00 per single-family dwelling unit; and
- \$2,069.00 per multi-family dwelling unit.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this policy shall take effect this 21st day of June, 2021.

PASSED this 21st day of June, 2021.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O’Donnell, President

_____ APPROVED _____ VETOED

this 21st day of June, 2021.

Donald N. Briggs, Mayor

AGENDA ITEM# 5. Approval of Ordinance 21-08, update to Chapter 3.08 Impact Fees, for consideration.

AGENDA ITEM POSTPONED

AGENDA ITEM# 6. Approval of Resolution 21-02R, Community Legacy façade improvement grant submittal authorization, for consideration:
Presentation at meeting by town staff.

RESOLUTION: 2021
RESOLUTION NO. 21 – 02R

Page 1 of 2

**A RESOLUTION
APPROVING THE APPLICATION
AND RECEIPT OF FINANCING
FOR COMMUNITY LEGACY PROJECTS:
FAÇADE & RESTORATION PROGRAM**



BE IT RESOLVED, ENACTED AND ORDAINED, this 21st day of June, 2021 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, do, approve the application and receipt of financing for a Community Legacy Project (the “Project”) further described in the Community Legacy Application (the “Application”), to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and Board of Commissioners recognize that there is a significant need for reinvestment and revitalization of the communities in Frederick County/Town of Emmitsburg; and

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the “Project Financing”) in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the Mayor and Board of Commissioners and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Board of Commissioners hereby endorses the Project; and **HEREBY** approves the request for financial assistance in the form of a grant in the amount of \$75,000.00 for Façade & Restoration Program;

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, Donald N. Briggs, Mayor, and Cathy Willets, Town Manager, are hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

NOW, THEREFORE, BE IT HEREBY enacted this 21st day of June, 2021 by the Mayor and Board of Commissioners, that Resolution Number 2021 – 02R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 21st day of June, 2021.

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this this 21st day of June, 2021.

Donald N. Briggs, Mayor

AGENDA ITEM# 7. Approval of Resolution 21-04R, Community Legacy Emmitsburg Restroom and Concession Stand Building grant submittal authorization, for consideration: Presentation at meeting by town staff.

RESOLUTION: 2021
RESOLUTION NO. 21 – 04R

Page 1 of 2

**RESOLUTION
APPROVING THE APPLICATION
AND RECEIPT OF FINANCING
FOR COMMUNITY LEGACY PROJECTS:
EMMITSBURG RESTROOM AND CONCESSION STAND BUILDING**

BE IT RESOLVED, ENACTED AND ORDAINED, this 21st day of June, 2021 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, do, approve the application and receipt of financing for a Community Legacy Project (the “Project”) further described in the Community Legacy Application (the “Application”), to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and Board of Commissioners recognize that there is a significant need for reinvestment and revitalization of the communities in Frederick County/Town of Emmitsburg; and

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the “Project Financing”) in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the Mayor and Board of Commissioners and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Board of Commissioners hereby endorses the Project; and **HEREBY** approves the request for financial assistance in the form of a grant in the amount of \$169,000.00 for Emmitsburg Restroom and Concession Stand Building;

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, Donald N. Briggs, Mayor, and Cathy Willets, Town Manager, are hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

NOW, THEREFORE, BE IT HEREBY enacted this 21st day of June, 2021 by the Mayor and Board of Commissioners, that Resolution Number 2021 – 04R is true, correct, and duly adopted by the Mayor and Board of Commissioners of the Town of Emmitsburg.

PASSED this 21st day of June, 2021.

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Timothy J. O'Donnell, President

MAYOR

_____APPROVED _____VETOED

this this 21st day of June, 2021.

Donald N. Briggs, Mayor

I. SET AGENDA FOR NEXT MEETING: JULY 12, 2021 AT 7:30 PM

- 1) Approval of ordinance 2021-11, purchases, contracts and bid procedures, for consideration.
- 2) Award ADA sidewalk curb ramp project contract for consideration.
- 3) Approval of Rutter's easement agreement and authorize the Mayor to sign on behalf of the Town for consideration.
- 4) Award forestry stand 10 logging bid for consideration.
- 5) Hold public hearing and approval of Resolution 2021-01R, amendment to Chapter 3 of the 2015 Comprehensive Plan, for consideration.
- 6) Zoning text amendment application, proposed Ordinance 2021-12, which would amend Town Code Section 17.08.190. The Board shall either: (1) Deny the application; or (2) Forward to the Planning Commission for recommendation & set public hearing for August 2, 2021.
- 7) *TENTATIVE* – Approval of an access easement on the WWTP property for the Frederick County Creek Re-Leaf program and authorize Mayor to sign on behalf of the Town for consideration.
- 8) *TENTATIVE* - Approval of Ordinance 21-08, update to Chapter 3.08 – Impact Fees, for consideration.

Administrative Business:

- A. Youth group use of the Emmitsburg trails.