

MEETING MINUTES
JUNE 21, 2021
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Clifford Sweeney, Vice President (arrived late with prior notice); 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; and Zachary Gulden, Town Planner. *Others Present* – Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Burns, Ritz III, and Town Manager Cathy Willets joined the meeting via the Zoom teleconferencing platform. A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the June 21, 2021 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Motion: Commissioner Ritz III motioned to accept the June 7, 2021 town meeting minutes as presented; second by Commissioner Burns. Yeas – 4; Nays – 0; Absent – 1 (Sweeney). The motion passed.

Police Report:

Deputy Whitehouse presented the police report from May 2021 (exhibit attached). Deputy Ahalt has returned to patrol in Emmitsburg as of June 21, 2021.

Commissioner Comments:

- Commissioner Burns: He sends his regrets to the Phelan family regarding the passing of Jim Phelan, former Mount St. Mary's basketball coach. He also congratulated the Catoctin High School baseball team on winning the 2021 state championships.
- Commissioner Ritz III: He sends his condolences to the Phelan family as well. He attended the grand opening of the Mason Dixon Mixin new business in Town.
- Commissioner Davis: He is working on getting a speed camera for East Main Street and getting the deputies more overtime opportunities to provide better night time coverage in Town. He requested a future agenda item on naming one of the little league fields in honor of Coach Phelan, the first president of the Emmitsburg Little League.
- Commissioner O'Donnell: He attended the Mason Dixon Mixin grand opening. He also congratulated the new comic book store Wookie Walker on their grand opening coming in July 2021. Community Heritage Day will be occurring on Saturday, June 26, 2021 and he encouraged the public to attend.

Mayor's Comments:

Mayor Briggs expressed his condolences to the Phelan family. He attended the grand opening of Mason Dixon Mixin and also the funeral for former Emmitsburg election judge and Ethics Commission member Barbara Weedon. He was able to obtain \$147,980 in Program Open Space grant funding for a new bathroom/concession stand building that would go in E. Eugene Myers Community Park between the two baseball fields.

Public Comments:

None.

Administrative Business:

- (B.) Discussion of the Status of the North Gate Park:** The Board gave consent to move the admin business item up to allow for public comment. Commissioner Sweeney arrived at 7:54 p.m. Ms. Willets and Mr. Gulden presented the item. There have been discussions of the Town taking over ownership of the North Gate park. Due to the layout of the park and requirements for the existing storm water pond on the property and the inability to subdivide the park, the town attorney and town staff do not recommend the Town take over ownership. In addition, town staff does not recommend setting a precedent that pocket parks in developments will be taken over by the Town. Instead of purchasing the

park, the Town can enter into a maintenance agreement with North Gate if the Board desires; however, initial costs to bring the park up to date will be \$6,091. The Board discussed options including offer future grants to Home Owners Associations (HOAs) to aid with pocket park maintenance. *Sabrina Paxton-Daily, North Gate HOA* – Ms. Paxton-Daily explained the HOA has difficulty with maintenance and upkeep of the park and would like to see the Town more involved via a maintenance agreement. Ms. Paxton-Daily will bring the maintenance agreement to her residents and bring a formal request back to the Board in the future.

- (A.) **Approval of the FY 2022 Frederick County Sheriff’s Office contract for consideration:** Ms. Willets presented the item. The FY2022 contract will be \$298,022, a \$25,408 increase from FY2021 due to change in the Uniformed Law Enforcement Pay Scale and associated benefit costs as well as an increase to health insurance, retirement benefits and fleet fuel. *Motion:* Commissioner Sweeney motioned to approve the FY2022 Frederick County Sheriff Office’s contract as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.
- (C.) **Discussion related to opening the town office for town meetings for consideration:** Ms. Willets presented the item. County Executive Jan Gardner has made the decision to keep County buildings closed to the public and require face masks in all County buildings until September 1, 2021 due to the COVID-19 virus. Since the town office resides on the second floor of the Emmitsburg Community Center, a County owned building, the town office would need to remain closed to the public until September 1, 2021 unless the Board would like to request permission for an earlier opening from the County Executive. The Board gave unanimous consent to allow the Mayor to send a formal request to the County Executive for opening the town office to the public starting July 12, 2021 with the public being required to wear face masks and make appointments with staff beyond regular front desk items.

Consent Agenda:

None.

II. Agenda Items

Agenda #1 - Impact fee and park & rec fee in-lieu study presentation: TischlerBise, Inc. was hired to complete an impact fee study in June 2021. Karl Nichols with TischlerBise introduced himself and gave a presentation on study findings. Impact fees are a one-time fee imposed on new developments for the purpose of providing new or expanded public capital facilities required to serve the new development. A PowerPoint with a 10-year park facility demand was presented considering population growth for Emmitsburg. Results from the study indicate the Town’s parks and recreation impact fee is currently inadequate and TischlerBise recommends increasing the fee from \$1,200 per dwelling unit to \$3,898 per single-family dwelling unit and \$2,069 per multi-family dwelling unit stated in Policy P21-02 that will come before the Board for approval later tonight. The Town currently collects impact fees that go towards roads maintenance but have been informed this is not an allowed action. Town staff will reach out to other municipalities to see what impact fees are used for and requested the Board send any ideas of future growth project ideas to staff. At a future town meeting the Board will need to determine what the impact fee will be set at and what the fee will be used for.

Agenda #2 - Public hearing and approval of Ordinance 21-05 for consideration: Commissioner O’Donnell called the public hearing to order at 9:22 p.m. Mr. Gulden explained the hearing was advertised on June 2, 2021 in the Frederick News Post. Ordinance 21-05 amends Title 16 and assigns a 3-year expiration date to improvement plats among other items as recommended by the town attorney. The ordinance was initially presented to the Board at the May 3, 2021 town meeting and forwarded to the Planning Commission. The Planning Commission voted unanimously to approve the ordinance at the May 24, 2021 meeting with Commissioner Ritz III abstaining during that meeting. Commissioner Davis and Ritz III expressed concern over the improvement plat expiring due to circumstances out of the developers’ hands, such as the State taking extensive time to review the plat. There is no option for the plat expiration date to be extended after the 3-years ends. If expired, the plans would need to be resubmitted to the Planning Commission for new approval. Commissioner O’Donnell invited public comment. There was no public comment. *Motion:* Commissioner Ritz III motioned to close the public hearing at 9:29 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Sweeney

motioned to accept Ordinance 21-05 as presented; second by Commissioner Burns. Yeas – 3 (O'Donnell, Sweeney, Burns); Nays – 2 (Ritz III and Davis). The motion passed.

Agenda #3 - Public hearing and approval of Ordinance 21-06 for consideration: Commissioner O'Donnell called the public hearing to order at 9:34 p.m. Mr. Gulden explained the hearing was advertised on June 2, 2021 in the Frederick News Post. Ordinance 21-06 changes include, but are not limited to, updating to the hotel and motel definitions in Title 17 to protect the town and ensure a multi-family dwelling would not be approved in the general commercial district. The ordinance was initially presented to the Board at the May 3, 2021 town meeting and forwarded to the Planning Commission. The Planning Commission voted unanimously to approve the ordinance at the May 24, 2021 meeting with Commissioner Ritz III abstaining during that meeting. Commissioner O'Donnell invited public comment. There was no public comment. *Motion:* Commissioner Burns motioned to close the public hearing at 9:39 p.m.; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed. *Motion:* Commissioner Burns motioned to accept Ordinance 21-06 as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion passed.

Agenda #4 - Approval of Policy P21-02 – Park, Recreation, and Open Space Fee In-Lieu for consideration: Mr. Gulden presented the agenda item. Since Ordinance 21-05 was approved, the park and recreation fee in-lieu will need to be set. Town staff recommends \$3,898 per single-family dwelling unit and \$2,069 per multi-family dwelling unit to support TischlerBise, Inc. recommendation in agenda item one. The fee will only be charged to new developments requesting to not build a park. Commissioner Davis stated opposition for the ordinance due to the steep fee increase. *Motion:* Commissioner Sweeney motioned to accept Policy P21-02 as presented; second by Commissioner Burns. Yeas – 4; Nays – 1 (Davis). The motion passed.

Agenda #5 - Approval of Ordinance 21-08, update to Chapter 3.08 Impact Fees, for consideration: The agenda item has been postponed.

Agenda #6 - Approval of Resolution 21-02R, Community Legacy façade improvement grant submittal authorization, for consideration: Mr. Gulden presented the agenda item. The \$75,000 grant application is submitted annually by the Town and provides funding for the Town's Community Legacy façade improvement grant program. *Motion:* Commissioner Ritz III motioned to accept Resolution 21-02R as presented; second by Commissioner Davis. Yeas – 5; Nays – 0. The motion passed.

Agenda #7 - Approval of Resolution 21-04R, Community Legacy Emmitsburg Restroom and Concession Stand Building grant submittal authorization, for consideration: Ms. Shaw presented the agenda item. The Town is applying for up to \$169,000 in Community Legacy grant funds to install a prefabricated restroom and concession stand combo building in E. Eugene Myers Community Park near the disc golf course and between the two baseball fields. The total project cost is estimated at \$316,000, which will also be funded through a Program Open Space grant. The Town would also like to fundraise for the project. *Motion:* Commissioner Davis motioned to approve Resolution 21-04R as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion passed.

Set Agenda Items for July 12, 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 and Emmitsburg East Industrial Park II deeds of easements and authorize the Mayor to sign the agreements 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. Renaming of ballfield #7 in Memorial Park for consideration.
8. *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.

Administrative Business:

- A. Youth group use of the Emmitsburg trails.
- B. Update on the American Rescue Plan monies.

Motion: Commissioner Ritz III motioned to accept the July 12, 2021 town meeting agenda as modified; second by Commissioner Burns. Yeas – 5; Nays – 0. The motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Sweeney motioned to adjourn the June 21, 2021 town meeting; second by Commissioner Burns. Yeas – 5; Nays – 0. The meeting adjourned at 10:02 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On: July 12, 2021