

MINUTES
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING
August 28, 2019

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, August 28, 2019, at 7:30 p.m. Those in attendance included Burgess Chad Weddle, Commissioners Michel Bailey, Mary Ann Brodie-Ennis, Tom Gilbert, Michael McNiesh, and John Zimmerman, Town Manager Gloria Long Rollins, Planning and Zoning Administrator Susan Hauver, 11 citizens, and Ken Kellar from the Walkersville Woodsboro Times. Public Works Director Bob DePaola was absent, attending a conference.

The meeting was called to order with the Pledge of Allegiance and a prayer.

1. MINUTES

Commissioner Tom Gilbert made a motion, seconded by Commissioner John Zimmerman, to approve both the Town meeting minutes and the Closed Legal meeting minutes of August 14, 2019. The motion passed by a vote of 3-0-2, with Commissioners Michael Bailey and Michael McNiesh abstaining.

Burgess Chad Weddle disclosed the nature of the closed meeting, closed under §10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation; §10-508(a)(7) to consult with counsel to obtain legal advice on a legal matter; and §10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State (our jurisdiction). He noted that there were no motions or decisions made.

2. REQUEST FOR REDUCTION OF LETTER OF CREDIT - PARKSIDE

The developer of Parkside has requested that the letter of credit being held for public improvements be reduced. The Town has previously approved reductions of \$289,241.32. The current request is for funds covering roads and storm drains. The amount to be released is \$252,105.38 which leaves a balance of \$425,974.80. Mr. DePaola was not present to answer questions regarding concerns about the letter of credit. Tom Poss noted that Frederick County had directed that stormwater inlets, typically installed and protected at the beginning of construction, be uncovered to allow rain water to drain from the development, particularly around the mailbox ponding area. He noted that the developer had been spraying invasive species of weeds, like Johnson grass, in the forestation area. Commissioner Bailey read all the questions from a citizen email, addressing Mr. Poss. Mr. Poss responded to concerns: the farmhouse is a completely separate project by investors, the sediment pond will be reconfigured and the temporary sediment traps done away with, after most of the houses are constructed and the area is stable. The path will be completed along with the final paving of the development.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to approve the reduction in the letter of credit for Parkside and release \$252,105.38, leaving a balance of \$425,974.80. The motion passed by a vote of 5-0.

Tom Poss asked the Town to intervene and get permission from the property owner at 8803 Biggs Ford Road to move the Verizon pole in front of the property. The pole relocation will allow the widening of the road project. An easement will probably have to exist between Verizon and the property owner. Burgess Weddle will contact the property owner next week.

3. CITIZENS' QUESTIONS AND CONCERNS

Burgess Weddle changed the order of the meeting in order to allow any citizens to come forward. Ken Kellar of the Woodsboro Times passed out copies of Commissioner Michael McNiesh's Facebook page. He took issue with the comment under the discussion of signs section "it is unethical for a journalist to use the agenda to generate news." Mr. Kellar pointed out that the citizen the comment is directed at is not a journalist and not employed by the Woodsboro Times. He noted that the citizen has concerns about the signs about Town and should not be discounted.

4. REVIEW OF POLICY DOCUMENT FOR REQUESTS FOR RECALCULATION OF WATER BILLS – COMMISSIONER MICHAEL BAILEY

Commissioner Bailey explained the current process for requests for recalculations of water bills and reported on his meeting with staff person Diane Fauble. They designed a new process by which someone who wants an extremely high water bill, usually the result of an undetected leak, to be recalculated one time at the lower industrial rate, fills out a form requesting the recalculation. They are then required to sign an Attestation of Understanding to the effect that it is a one-time benefit. Two forms will be created; the Request for Reduced Water Rate Form will be posted on the website and can be printed and mailed in. The Attestation of Understanding will require the requestor to come to Town Hall, read and sign the form, and have it witnessed by a Town employee. Discussion ensued regarding the details and staff will design the forms to be utilized. It was noted that some effort should be required by the requestor in order to receive a lowered bill.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to adopt the policy as presented to revamp the request for recalculation of high water bills process. The motion passed by a vote of 3-2, with Commissioners John Zimmerman and Mary Ann Brodie-Ennis in opposition.

5. SCHEDULE OF PLANNING AND ZONING FEES INCREASES

Ms. Hauver reviewed the schedule of fees presented at the last Town Meeting. It was agreed that Ms. Hauver will complete the schedule and advertise for a public hearing on the issue to be held at the September 11, 2019 meeting.

6. TOWN CODE AMENDMENT RE: SIDEWALKS

Commissioner Michael Bailey reported complaints received due to the inaccessibility of our sidewalks for pushing a stroller. For the safety and walkability of sidewalks for the entire citizenry he and Commissioner McNiesh added a section to §69-17 Maintenance and Responsibility of Abutting Property Owners to Perform Certain Work. The section is edited to add that property owners shall maintain in a state that is free of hazardous conditions. Then hazardous conditions are defined as follows: 1) a hazardous condition shall be considered to exist when any of the following conditions exist in any portion of a sidewalk: a. A crack resulting in a gap/separation of one inch or greater. b. The presence of a tilt in the sidewalk, whether caused by settlement, upheaval or other condition, which creates a differentiation in height of one and one half inches (1 ½ inches) or greater in any four foot or less length or width of the sidewalk or between sidewalk panels. c. Any hole which is greater than three inches in diameter as measured from its widest point. d. The presence of spalled or pitted areas where in a six by six inch area the condition of spalling or pitting exhibits a depth of one inch or greater in any section of sidewalk. e. Any other condition of the sidewalk which is determined by the Town Manager or her/his designee, after due inspection and observation, to constitute a hazard to public health, safety and welfare.

Commissioners Bailey and McNiesh plan to add an additional section to the code regarding enforceability and process. They will continue the discussion on future agendas prior to a public hearing on the changes to the code.

7. ACCOUNTS PAYABLE

Commissioner Mary Ann Brodie-Ennis made a motion, seconded by Commissioner Michael Bailey, to pay the August 28, 2019 bills. The motion passed by a vote of 5-0.

8. COMMISSIONERS' CONCERNS

Commissioner Tom Gilbert asked what further the Town would do to support Frederick County Goes Purple. Burgess Weddle reported that he has already placed the Town seal on their site. We will be sharing the awareness link on our website and Facebook page. Commissioner Bailey will forward the Go Purple tool box.

Commissioner Gilbert reported complaints in Glade Village regarding the sloppiness of the reseeding and the asphalt droppings on the driveway aprons during the new water line/paving project in Glade Village.

Commissioner John Zimmerman reminded all those that helped with the Walkersville Volunteer Fire Company Carnival are invited to the thank you picnic on Sunday, September 8th at 4:00 p.m. at the fire hall.

Commissioner Zimmerman reported that the water plant is now under roof.

Commissioner Mary Ann Brodie-Ennis reported that she is still waiting for an estimate from Mr. Sorenson regarding the rehab of the bank barn at Heritage Farm Park. She has also gotten another contact for work on the barn.

Commissioner Brodie-Ennis thanked the Public Works department for their work in Gladetowne.

Commissioner Brodie-Ennis also reported that she will meet with another playground equipment provider next week.

Commissioner Michael McNiesh reported that there is panhandling going on at the shopping center and asked if the Town has a policy on it. If the complaint is called in to the resident troopers, they can assess the safety issues associated with the activity and end it if needed.

Commissioner McNiesh noted that there have been some complaints to him regarding trucks on Sandstone Drive, but reported that the signs on Rt. 194 restricting their entry have made a difference.

Commissioner McNiesh wants bids for biweekly yard waste pickup for residents. He has received complaints about the looks and the smells of the mulch pile.

Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to get quotes for yard waste pick up both once monthly and twice monthly. The motion passed by a vote of 5-0.

Commissioner McNiesh would like a redesign of the meeting room to accommodate handicap accessibility and a technological upgrade.

Commissioner McNiesh would like the Parks meetings recorded. Gloria or Susan will train Commissioner Brodie-Ennis or Kelly on how to operate the recording equipment in the meeting room.

Commissioner McNiesh is not happy with the Town website. He wants to see a new website with the ability to pay water bills from the site. Burgess Weddle reported that he has a list of website providers.

Commissioner McNiesh reported that he is exploring the possibility of utilizing the Find Out First program through Frederick County Public Schools, as a way to keep citizens informed about the goings on in the town.

Commissioner McNiesh reported that he has contacted the City of Brunswick regarding payment of water bills online, electronically.

Commissioner McNiesh reported that he stands by what is posted on his Facebook page in regards to the journalist ethical comments.

Commissioner Michael Bailey reported that he has found someone to be the Market Manager for our Farmers' Market planned for next year. He asked for commissioners' consent for him to work with the county's Katie Stevens.

Commissioner Bailey reported that inappropriate words and language is being carved into the plastic playground equipment at Trout Park. He would like us to pass laws in our code that let people know we will prosecute vandals of Town property to the fullest extent possible and make them pay restitution for the damage they inflict on Town property.

Commissioner Bailey reported that he called Mr. Osvalds and left several messages notifying him and clarifying reasons the sign item was removed from the agenda. His concerns were turned over to the Code Enforcement Officer to check the validity of each complaint.

Commissioner Bailey would like to develop a Master Plan for the 200 acres of Walkers' Overlook and have it inserted into the Town's Comprehensive Plan. He would like to consider the park and agriculture aspects of the future of the property.

Burgess Weddle reminded everyone of the Glade Valley Community Show to be held September 25 – 27th.

Burgess Weddle reminded citizens of the changes in the qualifying materials for Frederick County recycling, noting that if incorrect items are spotted in your bin, it will not be picked up.

Burgess Weddle announced the Town's 30th anniversary with the Local Government Insurance Trust (LGIT).

Burgess Weddle reported the Town's FY 2020 Tax Equity distribution from Frederick County in the amount of \$926,346, up \$28,009 or 3.12% from FY 2019.

Burgess Weddle referred to a request from Jessica Ennis regarding a Masters' program.

Burgess Weddle reported that he has met with Mr. Osvalds regarding his sign complaint report.

Burgess Weddle reported that he is looking for a new company to handle the Town's security camera work.

Burgess Weddle reported that he would like to try the sidewalk repair material on a non-profit in town, such as a church or the fire company. He wants to test out the products prior to directing sidewalk repairers to utilize it.

Burgess Weddle read the announcements:

- Mon., September 2 – Labor Day – OFFICE CLOSED
- Wed., September 4, 7:30 – Parks Committee
- Tues., September 10, 7:30 – Planning Commission
- Wed., September 11, 7:30 – Town Meeting – Patriot Day
- Tues., September 24, 7:30 – Planning Meeting and Water Disconnect Day
- Weds., September 25, 7:30 – Town Meeting

Ms. Rollins reminded everyone that school starts next week, after Labor Day, so watch for children on foot and buses and traffic.

Ms. Hauver reported on the Dunkin' Donuts site center and the traffic study findings as reported at last night's Planning Commission meeting. A sticking point in the traffic analysis was the left turning movement out of Sandstone Drive onto MD 194. The movement fails currently and as well after the development is in place due to the delay, the waiting for gaps to get through the intersection. There is not a strong accident history so it is not necessarily a safety concern except that impatient drivers might take more risks to get out more quickly. State Highway expressed their concern about this turning movement but declined to specify what should be done about it. Ms. Hauver met with SHA engineers and they suggested that the left turn be restricted at some point in the future. The Planning Commission voted to recommend that the turning movement be shut down with a triangular island forcing all vehicles exiting Sandstone Drive to turn right out. They also suggested that alternatives to that left turn be explored, such as improvements to the intersection of MD 194 and East Frederick Street or to turning the driveway through the Rutters into a private street. Planning Commission recommended that the developers' pay their share of any improvements opted by the Burgess & Commissioners. Mr. Dick Brady came to the podium and recommended that the Burgess & Commissioners negotiate with Rutter's and enter into a long term lease to utilize the street thru Rutter's to the traffic light.

Ms. Hauver reported on a request from owners of the Walkers Village Center to replace the existing 100 square foot sign with a larger sign that identifies all the tenants in the center. They've already been denied a variance by the Board of Appeals (2018). The Burgess & Commissioners agreed they had no problem with entertaining a text amendment to the Town Code regarding the sign size. The Planning Commission is interested in working on this with the shopping center and will help with the wording of a

text amendment. Mr. Dick Brady reported that it must be kept in mind that the future widening of MD 194 requires an extended right of way, therefore the sign will be set back 100 feet from the road.

Ms. Hauver notified the Burgess & Commissioners that there will be a joint workshop with the Planning Commission on September 10th to work on the Comp Plan update.

Commissioner Michael McNiesh addressed Mr. Mike Rice, President of Glade Valley Athletic Association (GVAA) and asked if GVAA was aware of the Town's year round watering restrictions. There is no watering allowed between the hours of 9:00 a.m. and 6:00 p.m., but watering is allowed either before or after those hours. Mr. Rice will relay the information to those who are watering the HFP fields against the water ban.

Burgess Chad Weddle asked for a Closed Legal meeting. *Commissioner Michael McNiesh made a motion, seconded by Commissioner Michael Bailey, to hold a closed meeting under §10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, and §10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. The motion passed by a vote of 4-1, with Commissioner Michael Bailey voting in opposition.*

The next Town meeting will be held Wednesday, September, 11, 2019 at 7:30 p.m.

Meeting adjourned at 9:22 p.m.

Respectfully submitted,

Gloria Long Rollins
Town Manager