

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY  
Hagerstown, Maryland**

March 7, 2017

The Commissioners attended the State of the City presentation from 7:00 a.m. until 9:00 a.m. at the Academy Theatre, 58 East Washington Street, Hagerstown, after which they attended a ribbon-cutting ceremony for the new Community Action Council facilities at 117 Summit Avenue, Hagerstown.

**HAGERSTOWN COMMUNITY COLLEGE BUDGET PRESENTATION**

The County Commissioners attended a luncheon budget presentation at 11:30 a.m. by the Hagerstown Community College (HCC) Board of Trustees and President Guy Altieri at the college located at 11400 Robinwood Drive, Hagerstown. Dr. Altieri presented a report that highlighted the success of its early college programs for high school students in partnership with Washington County Public Schools. He discussed the Promise Pathway Program that would guarantee students from low income families the funds to be full-time students at HCC if they meet academic entry requirements and graduate from a Washington County Public High School. The college is requesting a 3% budget increase or \$9,829,342 for FY 2018. Dr. Altieri stated that HCC continues to search for a permanent home for its commercial driver's license program. He also asked if the County could help provide transportation for low-income students to attend classes at HCC. The Commissioners discussed the information presented with Dr. Altieri and board members.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

A moment of silence was observed followed by the Pledge of Allegiance to the Flag by the full assemblage.

**CALL TO ORDER**

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 1:48 p.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners Wayne K. Keefer and LeRoy E. Myers, Jr. Commissioner John F. Barr was absent until 3:08 p.m.

**APPROVAL OF MINUTES – FEBRUARY 28 2017**

Commissioner Myers, seconded by Keefer, moved to approve the minutes of February 28, 2017. The motion passed unanimously. (4-0, Commissioner Barr was absent.)

**COUNTY INSTALLMENT PAYMENT PROGRAM AND MARYLAND  
AGRICULTURAL LAND PRESERVATION PROGRAM PROPOSAL**

Eric Seifarth, Rural Preservation Administrator, and Chris Boggs, Land Preservation Planner, Planning and Zoning, presented the proposal to use a portion of the local Real Estate Transfer Tax (RETT) for the combined Maryland Agricultural Land Preservation Program (MALPP) Fiscal Year 2017 and 2018 funding cycles. The Washington County Agricultural Advisory Board is recommending the use of the RETT to supplement the County's contribution to the 60/40 matching mechanism of the MALPP. Each year, the

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first \$400,000 of the RETT is allocated to land preservation efforts. Since 2005, the entirety of that \$400,000 has been used solely for the Installment Payment Program (IPP). In an effort to accrue more easement dollars and preserve more land, the County Agricultural Land Preservation Advisory Board proposes to assign approximately half of those RETT dollars to the MALPP 60/40 match while keeping the remaining dollars in the IPP. Traditionally, the County has used only its share of the State Agricultural Transfer Tax as its 40% contribution to the match. Using the RETT to increase the County's contribution would allow it to leverage significantly more funding for the MALPP. Washington County would gain up to \$600,000 in additional easement funds per two-year MALPP cycle, which equates to an extra \$1 million placed toward MALPP easements per cycle while decreasing the amount of funding for IPP easements per year. This proposal is also supported by the Planning Commission.

Commissioner Cline, seconded by Myers, moved to approve using a portion of the local Real Estate Transfer Tax for the combined Maryland Agricultural Land Preservation Program Fiscal Year 2017 and 2018 funding cycles as presented. The motion passed unanimously. (4-0, Commissioner Barr was absent.)

#### **REPORTS AND COMMENTS**

Commissioner Cline commented on this morning's State of the City presentation, the opening of the new Community Action Council facility and the luncheon budget presentation by Hagerstown Community College.

County Administrator Greg Murray commented that the Office of Community Grant Management has moved to an office on the second floor at 100 West Washington Street.

#### **PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT (RZ-16-007)**

President Baker convened a public hearing at 2:00 p.m. to obtain public comment regarding the application from Applicant Pennsylvania Avenue 2003, LLC for Map Amendment RZ-16-007 to the Washington County Zoning Ordinance (Ordinance). The application concerns the request to change the zoning classification from Residential, Suburban (RS) to Business General (BG). Commissioner Baker reviewed the procedures for the Public Hearing and County Clerk Vicki Lumm administered the oath to those who planned to give testimony in the matter.

Jill Baker, Chief Planner, Planning and Zoning, presented the staff report dated October 4, 2016 for RZ-16-007 on behalf of the Washington County Department of Planning and Zoning. The subject property ("Property") consists of two parcels, 1) located on the west side of Pennsylvania Avenue, approximately 150 feet south of the intersection with Maugans Avenue, known as 13520 Pennsylvania Avenue, containing 0.325 ± acres, and 2) located at 13522 Pennsylvania Avenue, containing 0.325 ± acres (approximately 28,400 square feet combined). The Applicant has suggested a mistake was made in zoning the property during the 2012 Comprehensive Urban Growth Area Rezoning

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The Washington County Planning Commission considered the application during its regular meeting held December 5, 2016 and recommended the denial of Map Amendment RZ-16-007. The Planning Commission took into consideration the supporting documentation, the Staff Report and Analysis and the verbal comments of interested parties during the public rezoning information meeting. Planning Commission members deemed there was insufficient evidence to support the Applicant's claim that there was a mistake in zoning. It was the Planning Commission's opinion that the requested BG zone is not appropriate or logical for the site due in part to the potential negative effects on the adjacent residential neighborhood. Ms. Baker indicated that the Planning and Zoning office received a petition, from sixteen citizens requesting that the public hearing be moved from 2 p.m. to 6 p.m. The petition was received after the public hearing had been scheduled and advertised and as a result, the time of the public hearing could not be changed without re-advertising. However, the said petition was admitted as part of the official record.

Attorney Jason Divelbiss, Divelbiss and Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, presented the Applicant's case for Pennsylvania Avenue 2003. He entered Applicant's Exhibits #1, #2 and #3 into the official record.

The hearing was opened for public comment and four individuals offered comments.

Patti Stine, 13517 Spriggs Road, Hagerstown, commented against the proposal and presented Opposition's Exhibit #1. Nick Varner, 13526 Spriggs Road, Hagerstown, Charles Bowers, 13525 Spriggs Road, Hagerstown, and Barbara Bowers, 13525 Spriggs Road, Hagerstown, each commented against the rezoning.

Jason Divelbiss presented rebuttal on behalf of the Applicant and entered into the record Applicant's Exhibits #4, and #5. He addressed comments about increased traffic, commercial property close to homes and being available nearby, and noted that the Property does not connect to Spriggs Road or April Street. He suggested that April Street traffic could be reversed so it is not directed through Spriggs Road onto Maugans Avenue.

The matter was opened for questions from the Commissioners. Commissioner Myers asked what type of commercial facility is proposed for the Property. Mr. Divelbiss noted that as of now there is no final proposal or tenant but a bank could be considered. He discussed with the Commissioners the setback requirements for a change from RS to BG, which increase from 10 feet to 35 feet. Commissioner Keefer questioned whether those not attending the 2:00 p.m. hearing could submit comments. Ms. Baker stated that the record would be closed after today's public hearing unless the Commissioners decided to leave the record open.

The public hearing was closed at 3:07 p.m. The Commissioners took no action on the rezoning request and will further discuss the application at a later date.

(Commissioner Barr entered the meeting room at 3:08 p.m.)

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## **FLOODPLAIN MAPS AND FLOODPLAIN MANAGEMENT ORDINANCE BRIEFING**

Tim Lung, Deputy Director, Mark Stransky, Senior Plan Reviewer and Floodplain Manager, and Rebecca Calimer, Plan Reviewer, provided information on a Letter of Final Determination for Washington County issued by the Federal Emergency Management Agency (FEMA) that requires the Floodplain Management Ordinance be updated. The ordinance update and implementation process will occur over the next few months. Staff provided an overview of the key milestones in the process, the benefits of participation and a summation of the minor changes that will be part of the revised ordinance. Mr. Stransky advised that a model Floodplain Management Ordinance has been sent to municipalities for review and each will handle its own ordinance. He stressed that floodplain maps would not change but the ordinance would be updated. The Commissioners briefly discussed various aspects of the process.

## **CITIZENS' PARTICIPATION**

No citizens attending the meeting wished to participate.

## **CONVENE IN CLOSED SESSION**

Commissioner Myers, seconded by Keefer, moved to convene in closed session at 3:43 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals; to consult with staff, consultants or other individuals about pending or potential litigation; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners considered a County employee position recommendation by staff; discussed the specifics of a pending litigation matter and related legal issues with legal counsel and staff; and considered/discussed an ongoing personnel matter including the interviewing of several prospective employee candidates.

During closed session, the Commissioners provided direction to staff as to an employee position recommendation; provided direction to legal counsel and staff as to a pending litigation matter; and agreed to further discuss the ongoing personnel matter and prospective candidates at a future meeting.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy Myers, Jr. Also present were Vicki C. Lumm, County Clerk; and at various times Gregory B. Murray, County Administrator; Sarah Sprecher, Assistant County Administrator; John M. Martirano, County Attorney; Kirk C. Downey, Deputy County Attorney; Rob Slocum, Director, and Rich Eichelberger, Deputy


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Director, Engineering and Construction Management; Stephanie Stone, Director, Health and Human Services; Julie Pippel, Director, Water Quality; Lisa Coblenz, Manpower, and several prospective employee candidates.

The closed session meeting recessed at 7:06 p.m. and reconvened on March 9, 2017 at 9:13 a.m. with the following individuals present: Commissioners Terry L. Baker, John F. Barr, Jeffrey A. Cline, Wayne K. Keefer and LeRoy E. Myers, Jr., and at various times County Clerk Vicki C. Lumm, County Attorney John M. Martirano, Lisa Coblenz, Manpower, and one prospective employee candidate. Commissioner John F. Barr left the meeting at 10:10 a.m. and Commissioner Jeffrey A. Cline left the meeting at 10:40 a.m. The meeting was adjourned at 11:07 a.m.

  
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Gregory B. Murray, County Administrator

  
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John M. Martirano, County Attorney

  
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Vicki C. Lumm, County Clerk