



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201
WWW.WASHCO-MD.NET

BOARD OF COUNTY COMMISSIONERS
February 12, 2019
OPEN SESSION AGENDA

- 08:00 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – February 5, 2019
- 08:05 A.M. CLOSED SESSION
(*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; or any other personnel matter that affects one or more specific individuals; to consult with counsel to obtain legal advice on a legal matter; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to conduct or discuss an investigative proceeding on actual or possible criminal conduct.*)
- 10:00 A.M. RECONVENE IN OPEN SESSION
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:10 A.M. REPORTS FROM COUNTY STAFF
- 10:15 A.M. CITIZENS PARTICIPATION
- 10:20 A.M. EMPLOYEE RECOGNITION – *Deb Peyton, Director, Division of Health & Human Services*
- 10:30 A.M. RECORDS RETENTION CONTRACT – BUDGET TRANSFER – *Krista Hart, County Clerk*
- 10:35 A.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INGT-19-014) – ONE (1) EXTENDED CAB ¾ TON PICKUP TRUCK WITH SNOW PLOW, AND ONE (1) EXTENDED CAB ¾ TON PICKUP TRUCK FOR DEPARTMENT OF WATER QUALITY – *Dan Divito, Director, Division of Environmental Management, and Mark D. Bradshaw, P.E., Deputy Director, Engineering Services, Division of Environmental Management*
- 10:40 A.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INGT-19-0013) OF BUSES FOR THE COUNTY TRANSIT DEPARTMENT / COUNTY COMMUTER - *Rick Curry, CPPO, Director, Purchasing Department, and Kevin Cerrone, Director, Transit / County Commuter*
- 10:45 A.M. FINANCIAL SUPPORT FOR UNIVERSITY SYSTEM OF MARYLAND – HAGERSTOWN'S (USM-H) CONTRIBUTION TO THE URBAN IMPROVEMENT PROJECT – *Mark Halsey, Executive Director, USM-H, Howard "Blackie" Bowen, USM-H Board of Advisors, and James Holzapfel, USM-H Board of Advisors*

- 11:00 A.M. PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT RZ-18-003, P OVERLOOK LLP – *Jill Baker, Deputy Director, Department of Planning and Zoning*
- 11:30 A.M. SENATOR AMOSS FUNDING ALLOCATION – *R. David Hays, Director, Division of Emergency Services*
- 11:35 A.M. PRESENTATION OF THE 2020-2029 CAPITAL BUDGET – DRAFT ONE (1) – *Sara Greaves, Chief Financial Officer*
- 11:55 A.M. HAGERSTOWN ANNEXATION – A-2018-01 – FOGGY BOTTOM FARM AND OTHER LANDS, AND A-2018-02 – ANTIETAM CREEK - CREEK BED – *Stephen T. Goodrich, Director, Department of Planning and Zoning*
- 12:05 P.M. INCREASE FEE PAID TO SOIL CONSERVATION DISTRICT FOR ADMINISTRATION OF FOREST CONSERVATION FUND PROGRAM – *Stephen T. Goodrich, Director, Department of Planning and Zoning*
- 12:10 P.M. FT. RITCHIE / CASCADE SUSTAINABLE COMMUNITIES DESIGNATION RENEWAL – *Stephen T. Goodrich, Director, Department of Planning and Zoning*
- 12:20 P.M. REQUEST TO FUND FORT RITCHIE COMMUNITY CENTER – *Susan Small, Director, Department of Business Development*
- 12:25 P.M. RECESS

*Board of County Commissioners have been invited to meet with Comptroller Peter Franchot
Location: Washington County Chamber of Commerce
1 South Potomac Street, Hagerstown, MD*

EVENING MEETING AT THE TOWN OF WILLIAMSPORT

Location: Williamsport Community Center @ Byron Memorial Park

- 06:30 P.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
- 06:35 P.M. TOWN OF WILLIAMSPORT LEADERS' REPORTS AND COMMENTS
- 06:40 P.M. COMMISSIONERS' REPORTS AND COMMENTS
- 06:45 P.M. REPORTS FROM COUNTY STAFF
- 06:50 P.M. CITIZENS PARTICIPATION
- 07:00 P.M. ADJOURNMENT

*Board of County Commissioners have been invited to attend the C&O Canal Headquarters Public Information meeting sponsored by the National Park Service
Location: Williamsport Community Center @ Byron Memorial Park*



Agenda Report Form

Open Session Item

SUBJECT: Employee Recognition

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Deb Peyton, Director, Division of Health & Human Services

RECOMMENDED MOTION: Informational Purpose Only

REPORT-IN-BRIEF: The Health & Human Services Department would like to recognize employees when they have accomplished an academic achievement.

DISCUSSION: The Health & Human Services Department would like to recognize employees during Staff Comments for their academic accomplishments. The Human Resources Department, in conjunction with the Director of the department, or their designee, will give a brief overview of the accomplishment.

FISCAL IMPACT: None

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: None



Agenda Report Form

Open Session Item

SUBJECT: Records Retention Contract – Budget Transfer

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Krista Hart, County Clerk

RECOMMENDED MOTION: Approval of Budget Transfer

REPORT-IN-BRIEF: The County Clerk's office requests approval to transfer funds from the General Fund Contingency Funding (505150 10 11200) to the Clerk Departmental Fund for Consulting Services (515130 10 10110), in the amount of \$26,000.00.

DISCUSSION: To comply with Code of Maryland Regulations (COMAR), Washington County is required to review and update the existing Records Retention and Disposal Schedule at least once every two (2) years; the last period for this process was adopted by the County in 2009. The Clerk's office and the Purchasing office developed a Request for Quotes to have all schedules in the County reviewed and developed as required by COMAR .04 Agency Responsibilities. The cost for this completion is per the contracted amount of \$26,000. This amount previously was included in the Clerks Operating Budget but at some point, had been removed.

FISCAL IMPACT: \$26,000 from Contingency General Operations Fund.

CONCURRENCES: Clerk; Rick Curry, Director, Purchasing Department

ALTERNATIVES: Deny the request

ATTACHMENTS: Request for Quotes; Bid Tab; COMAR requirements; sample Schedule page



Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance

Preparer, if applicable Krista L. Hart, Clerk
Digitally signed by Krista L. Hart, Clerk
Date: 2019.02.04 08:28:33-05'00'

Department Head Authorization

Division Director / Elected Official Authorization

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
515130	10	10110				Clerk - Consulting Services	26,000
505150	10	11200				Contingency - General Operations Fund	-26,000

Explain Budget Adjustment There was no amount budgeted for the Records Retention project for Washington County. To comply with COMAR Regulations, the County is required to review/update the existing Records Retention and Disposal Schedules "at least every two (2) years". The last period for this process was adopted by the County in 2009.

Required Action by County Commissioners No Approval Required Approval Required Approval Date if Known



REQUEST FOR QUOTATION

PLEASE COMPLETE THE FOLLOWING CONTACT INFORMATION:

NOTES:

Company Name: _____

Address: _____

Contact Name: _____

Contact Title: _____

Phone Number: _____

E-mail: _____

1. Quoted prices are to be net thirty (30) calendar days: all discounts are to be deducted and reflected in net prices.
2. The County reserves the right to reject any and/or all quotes, to waive any technicalities in the quote, and to take whatever action is in the best interest of Washington County.
3. The County is exempt from State of Maryland Sales Tax. The County's Maryland Sales Tax Exemption Number is 3000129 2.

RETURN QUOTATIONS TO:
 WASHINGTON COUNTY PURCHASING DEPARTMENT
 Washington County Administration Complex
 100 West Washington Street, Third Floor, Room 3200
 Hagerstown, Maryland 21740

Attention: Brandi Naugle, CPPB, Buyer

Telephone Number: 240-313-2330

REQUEST FOR QUOTATION THIS IS NOT AN ORDER	
DATE ISSUED 12/21/2018	DELIVERY WANTED See Attachment

DESCRIPTION	Unit Price	Total Net Price
<p>RECORDS RETENTION AND DISPOSAL SCHEDULE FOR THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND Q-18-667</p> <p><i>(See Attached Instructions & Specifications)</i></p> <p>QUOTATION DUE: Wednesday, January 23, 2018, no later than 3:00 P.M. (EST) and must be time-stamped in the Purchasing Department. Opening of quotations will follow. Interested parties are invited to attend.</p> <p>QUOTATIONS TO BE ADDRESSED TO: Washington County Purchasing Department, Attn: Brandi Naugle, CPPB, Buyer, Washington County Administration Complex, 100 W. Washington Street, Third Floor, Room 3200, Hagerstown, Maryland, 21740 and enclosed in a sealed opaque envelope marked "QUOTATION – (Q-18-667) RECORDS RETENTION AND DISPOSAL SCHEDULE" and bearing the vendor's name.</p> <p>Having received clarification on all items of conflict or upon which any doubt arose, the undersigned proposed to furnish all labor, materials and equipment called for by said specifications and instructions for the TOTAL SUM OF:</p> <p>Cost for Color Proof of Front Cover (if requested): \$ _____</p>		<p>TOTAL</p> <p>\$ _____</p>

We quote you as above - F.O.B. _____ Official Signature _____ Name Printed _____ Telephone Number _____	Acknowledge Addenda # _____ Date _____ # _____ Date _____, # _____ Date _____ Delivery/Service can be performed no later than _____ calendar days from receipt of order. Date _____
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Q-18-667
RECORDS RETENTION AND DISPOSAL SCHEDULE
FOR THE BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

INSTRUCTIONS

1. **QUOTATION SUBMISSION:** Quotations are to be enclosed in a sealed opaque envelope bearing the name of the Quoter and marked “**QUOTATION – (Q-18-667) RECORDS RETENTION AND DISPOSAL SCHEDULE**”. Quotations are to be addressed to Brandi Naugle, CPPB, Buyer, Washington County Purchasing Department, Washington County Administration Complex, 100 West Washington Street, Third Floor, Room 3200, Hagerstown, MD 21740. **Please direct all inquiries to Brandi Naugle, CPPB, Buyer at 240-313-2330, fax 240-313-2331.**

NOTE: All Proposers must enter the Washington County Administration Complex through either the front door at the 100 West Washington Street entrance or through the rear entrance (w/blue canopy roof) which is handicap accessible and must use the elevator to access the Purchasing Department to submit their quotation and/or to attend the Pre-Quotation Conference. Alternate routes are controlled by a door access system. Washington County Government has announced new security protocols being implemented at the Washington County Administration Complex at 100 West Washington Street, Hagerstown. The new measures took effect Tuesday, February 14, 2017. The general public will be subject to wand search and will be required to remove any unauthorized items from the building prior to entry. Prohibited items include but are not limited to: Weapons of any type; Firearms, ammunition and explosive devices; Cutting instruments of any type-including knives, scissors, box cutters, work tools, knitting needles, or anything with a cutting edge, etc.; Pepper spray, mace or any other chemical defense sprays; and Illegal substances.

2. **QUOTATION OPENING:** Quotations must be received and time-stamped in the Purchasing Department no later than **3:00 P.M., Wednesday, January 23, 2018, local time (EST)**. Quotations will be opened at that time in the Washington County Administration Complex, Third Floor Conference Room 3000, 100 West Washington Street, Hagerstown, Maryland. All interested parties are invited to attend. Please direct all inquiries to the above Buyer at 240-313-2330.
3. **PRE-QUOTATION CONFERENCE:** A Pre-Quotation Conference is scheduled at the Washington County Administration Complex, Third Floor Conference Room 3000, 100 West Washington Street, Hagerstown, Maryland on **Thursday, January 3, 2018 at 11:00 A.M. (EST)** at which time County personnel will be present to answer any questions.
4. **AWARD OF CONTRACT:** Washington County shall award the contract to the responsible, responsive low Quoter based on the total sum for the product. When an error is made in extending total price, the unit quotation price will govern. Carelessness in quoting prices, or in preparation of quotation otherwise, will not relieve the Quoter. Erasures or changes in quotations must be initialed. Upon approval of the cost proposal, it is the County’s intent to issue a Notice to Proceed (purchase order) within ten (10) days.

5. **DISCOUNTS:** Quoted prices are to be net thirty (30) days; all discounts are to be deducted and reflected in net prices.
6. **INSURANCE:** Prior to issuance of a Purchase Order/Notice to Proceed and no later than twenty-four (24) hours after the deadline for receipt of quotations, the successful Quoter must show evidence of insurance as outlined in the copy of Washington County's – *Insurance Requirements for Independent Contractors* Policy included herein.
7. **DISPUTES:** In cases of disputes as to whether or not an item or service quoted or delivered meets specifications, the decision of the County Commissioners or authorized representative shall be final and binding on both parties.
8. **EQUAL OPPORTUNITY:** The Board of County Commissioners of Washington County does not discriminate on the basis of race, color, national origin, sex, religion, age and disability in employment or the provision of services. Individuals requiring special accommodations are requested to contact the Purchasing Department at 240-313-2330 Voice, TDD Dial 711 to make arrangements no later than three (3) calendar days prior to the Quotation Opening.
9. **EXCEPTION:** The submission of a quote shall be considered an agreement to all items, conditions, and specifications provided herein and in the various quotation documents unless specifically noted otherwise in the proposal.
8. **INTERPRETATION, DISCREPANCIES, OMISSIONS:** Should any Bidder find discrepancies in, or omissions from the documents, or be in doubt of their meaning, or feel that the specifications are discriminatory, he/she should at once request in writing, an interpretation from Brandi Naugle, CPPB, Buyer, Washington County Purchasing Department, Washington County Administration Complex, 100 West Washington Street, Third Floor, Room 3200, Hagerstown, MD 21740, Fax: 240-313-2331. All necessary interpretations will be issued to all Quoters by the Washington County Purchasing Director in the form of addenda to the specifications, and such addenda shall become part of the Contract Documents. Exceptions as taken in no way obligates the County to change the specifications. Failure of any Quoter to receive any such addendum or interpretation shall not relieve such Quoter from any obligation under his/her bid as submitted. The County will assume no responsibility for oral instructions or suggestions. **ORAL ANSWERS WILL NOT BE BINDING ON THE COUNTY.** **Requests received after 4:00 P.M. (EST), Friday, January 11, 2018 may not be considered.** All correspondence in regard to this quotation shall be directed to and issued by the Washington County Purchasing Department. Direct all inquiries to the County's Buyer, Brandi Naugle, CPPB.
9. **LIQUIDATED DAMAGES:** Liquidated damages shall be applied at the rate of One hundred fifty (\$150.00) dollars per day for each day that the successful contractor fails to complete the work as specified herein.
10. **PAYMENT:** The Consultant shall be compensated for his/her services as follows: Washington County will pay Fifty (50) percent following the presentation of amended schedules to the County for final review and the remaining Fifty (50) percent following the final presentation and signature from the Maryland State Archives.

11. **PAYMENT OF COUNTY AND MUNICIPAL TAXES:** Effective October 1, 1993, in compliance with Section 1-106(b)(3) of the Code of the Public Local Laws of Washington County, Maryland, "If a bidder has not paid all taxes owed to the County or a municipal corporation in the County, the County Commissioners may reject the bidder's bid."
12. **POLITICAL CONTRIBUTION DISCLOSURE:** In accordance with Maryland Code, State Finance and Procurement Article, §17-402, the Bidder shall comply with Maryland Code, Election Law Article, Title 14, which requires that every person that enters into contracts, leases, or other agreements with the State, a county, or any incorporated municipality, or their agencies during a calendar year in which the person receives in the aggregate \$100,000.00 or more, shall file with the State Administrative Board of Election Laws a statement disclosing contributions in excess of \$500.00 made during the reporting period to a candidate for elective office in any primary or general election. The statement shall be filed with the State Administrative Board of Election Laws: (1) before a purchase or execution of a lease or contract by the State, a county, an incorporated municipality or their agencies, and shall cover the preceding two (2) calendar years; and (2) if the contribution is made after the execution of a lease or contract, then twice a year, throughout the contract term, on: (a) February 5, to cover the 6-month period ending January 31; and (b) August 5, to cover the 6-month period ending July 31.
13. **QUALIFICATION:** The Owner may make such investigations as he deems necessary to determine the ability of the bidder to perform the work, and the bidders shall furnish to the Owner all such information and data for this purpose as the Owner may request. The Owner reserves the right to reject any quote if the evidence submitted by or investigation of, such bidder fails to satisfy the Owner that such bidder is properly qualified to carry out the obligation of the Contract and to complete the work contemplated therein. Conditional quotations will not be accepted.
14. **RESERVATIONS:** The County reserves the right to reject any and/or all quotes, to waive any technicalities in the quote, and to take whatever action is in the best interest of Washington County.
15. **RESPONSIBILITY OF CONSULTANT:** Each Consultant submitting a quotation for these services shall first examine the site and thoroughly satisfy himself/herself to the conditions under which he/she will operate or that will in any manner affect any service under this contract. The Consultant shall accept the site as he/she finds it. All proposals shall take into consideration all conditions that may affect the service. No allowance shall be made to any Contractor for negligence in this respect. The County's Records Management Policy (GA-1) and the County's Organizational Chart (Attachment No. 1).
16. **SUBSTITUTIONS:** All Consultant services are to be supplied in exact accordance with these specifications. Any bidder who contemplates offering a service that differs from that specified must submit to the Purchasing Department, in writing, a request for substitutions no later than **4:00 P.M., (EST), Friday, January 11, 2018** to obtain the Owner's written approval. Approval/disapproval of substitution requests shall be forwarded by addendum to all potential bidders. All such decisions will be considered final and not subject to further recourse.
17. **TIME OF COMPLETION:** By submission of his/her proposal, the Bidder agrees to commence work under this Contract, a purchase order shall serve as the Notice to Proceed, design, prosecute the work diligently, and **substantially complete for its intended use not later than Sixty (60)**

calendar days after Notice to Proceed. The time stated for completion shall include amendments, presentations, reviews, and signature from Maryland State Archives.

18. **SALES TAX:** Washington County Government is exempt from State of Maryland Sales Tax. The County's Maryland Sales Tax Exemption Number is 3000129 2. The County will provide a sales tax exemption certificate for the items provided under this contract.

Q-18-667
RECORDS RETENTION AND DISPOSAL SCHEDULE
FOR THE BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

SCOPE OF WORK

1. General Description:

Review Washington County's existing Records Retention and Disposal Schedules as adopted in 1999, pursuant to COMAR Regulations 14.18.02.03 which state that "At least every Five (5) years an agency or office shall review its retention schedule or schedules to determine if they encompass all current record series. Based upon the review, an agency or office may be required to amend or revise its schedules by following the steps outlined in Regulation 02A-Dcu "There are Twenty-seven (27) current schedules for review. The Consultant shall submit the amendments to the County no later than Sixty (60) calendar days after receiving the Notice to Proceed.

2. The Consultant shall:

- a. Schedule time with each County department to review their current schedule and to make any necessary or requested revisions.
- b. Include any necessary amendments to address electronics mail/records and current technology in the address.
- c. Review changes with department heads for final approval.
- d. Present amended schedules to Maryland Archives for approval and signature.

POLICY TITLE: Insurance Requirements for Independent Contractors

ADOPTION DATE: August 29, 1989

EFFECTIVE DATE: September 1, 1989

FILING INSTRUCTIONS: _____

I. PURPOSE

To protect Washington County against liability, loss or expense due to damaged property, injury to or death of any person or persons and for care and loss of services arising in any way, out of, or in connection with or resulting from the work or service performed on behalf of Washington County.

II. ACTION

The following should be inserted in all Independent Contractor Contracts:

"The Contractor shall procure and maintain at his sole expense and until final acceptance of the work by the County, insurance as hereinafter enumerated in policies written by insurance companies admitted in the State of Maryland, have A.M. Best rating of A- or better or its equivalent, and acceptable to the County."

1. **Workers Compensation:** The Contractor agrees to comply with Workers Compensation laws of the State of Maryland and to maintain a Workers Compensation and Employers Liability Policy.

Minimum Limits Required:

Workers Compensation -	Statutory
Employers' Liability -	\$100,000 (Each Accident)
	\$500,000 (Disease - Policy Limit)
	\$100,000 (Disease - Each Employee)

2. **Comprehensive General Liability Insurance:** The Contractor shall provide Comprehensive General Liability including Products and Completed Operations.

Minimum Limits Required:

\$1,000,000 combined single limit for Bodily Injury and Property Damage.

Such insurance shall protect the County, its agents, elected and appointed officials, commission members and employees, and name Washington County on the policy as additional insured against liability, loss or expense due to damaged property (including loss of use), injury to or death of any person or persons and for care and loss of services arising in any way, out of, or in connection with or resulting from the work of service performed on behalf of Washington County.

2. **Comprehensive General Liability Insurance** (continued)

The Contractor is ultimately responsible that Subcontractors, if subcontracting is authorized, procure and maintain at their sole expense and until final acceptance of the work by the County, insurance as hereinafter enumerated in policies written by insurance companies admitted in the State of Maryland, have A.M. Best rating of A- or better or its equivalent, and acceptable to the County.

3. **Business Automobile Liability:** The Contractor shall provide Business Auto Liability including coverage for all leased, owned, non-owned and hired vehicles.

Minimum Limits Required:

\$1,000,000 combined single limit for Bodily Injury or Property Damage.

Certificate(s) of Insurance: The Contractor shall provide certificates of insurance requiring a 30- day notice of cancellation to the Insurance Department, Board of County Commissioners of Washington County prior to the start of the applicable project.

Approval of the insurance by the County shall not in any way relieve or decrease the liability of the Contractor. It is expressly understood that the County does not in any way represent that the specified limits of liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of the Contractor.

All responsibility for payment of any sums resulting from any deductible provisions, corridor, or self-insured retention conditions of the policy or policies shall remain with the Contractor.

General Indemnity: The Contractor shall indemnify, defend and save harmless the Board of County Commissioners of Washington County, its appointed or elected officials, commission members, employees and agents for any and all suits, legal actions, administrative proceedings, claims, demands, damages, liabilities, interest, attorney's fees, costs and expenses of whatsoever kind of nature, whether arising before or after final acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by the Contractor, or any one acting under its direction, control or on its behalf in connection with or incident to its performance of the Contract.

Revision Date: August 27, 1991
Effective Date: August 27, 1991
Revision Date: March 4, 1997
Effective Date: March 4, 1997

Insurance Requirements

Records Retention and Disposal Schedule

Q-18-667

Page 8

POLICY TITLE: Records Management

POLICY NUMBER: GA-1

ADOPTION DATE: November 17, 1998

EFFECTIVE DATE: November 17, 1998

I. PURPOSE

To establish the policy and procedures for the identification and systematic retirement and/or disposal of obsolete, inactive, semi-active and archival records.

II. GENERAL POLICY

The policy of Washington County is to provide for efficient and effective controls over creation, distribution, organization, maintenance, use, and disposition of all County records.

III. OBJECTIVES

The objectives of the Washington County Records Management Programs are:

- A. To provide for the systematic control of paperwork: records creation, maintenance, usage and disposition of records in accordance with Records Retention and Disposition Schedules approved by the State of Maryland and Washington County.
- B. To provide adequate controls over the creation of file materials and prevent accumulation of unnecessary files.
- C. To reduce the quantity of duplicate records through the identification of the official copy of a given record.
- D. To increase uniformity and simplicity in maintaining and using records.
- E. To facilitate the classification, filing, retrieval, charging out and refiling of records.
- F. To satisfy departmental administrative needs, legal mandates, and ensure the proper identification of legal, financial, administrative and historical records.

IV. DEFINITIONS

The following terms, as used herein, unless a different meaning is clearly implied by the context, shall have the following meaning:

- A. Public Records - Those records that can be defined to include any paper, correspondence, form, book, photograph, film, sound recording, map, drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by any of the departments or received by any department in connection with the transaction of public business.
- B. Records Management - That function of administrative management concerned with the creation, processing, maintenance, protection, retrieval, retention, preservation, and disposition of records, and recorded information, regardless of media, required for the operation and continuance of government operations.
- C. Records Disposition Management - The systematic, timely and effective disposal or removal of obsolete or inactive records from office space, and the effective and economical preservation of records of permanent value.

V. RESPONSIBILITIES FOR IMPLEMENTATION

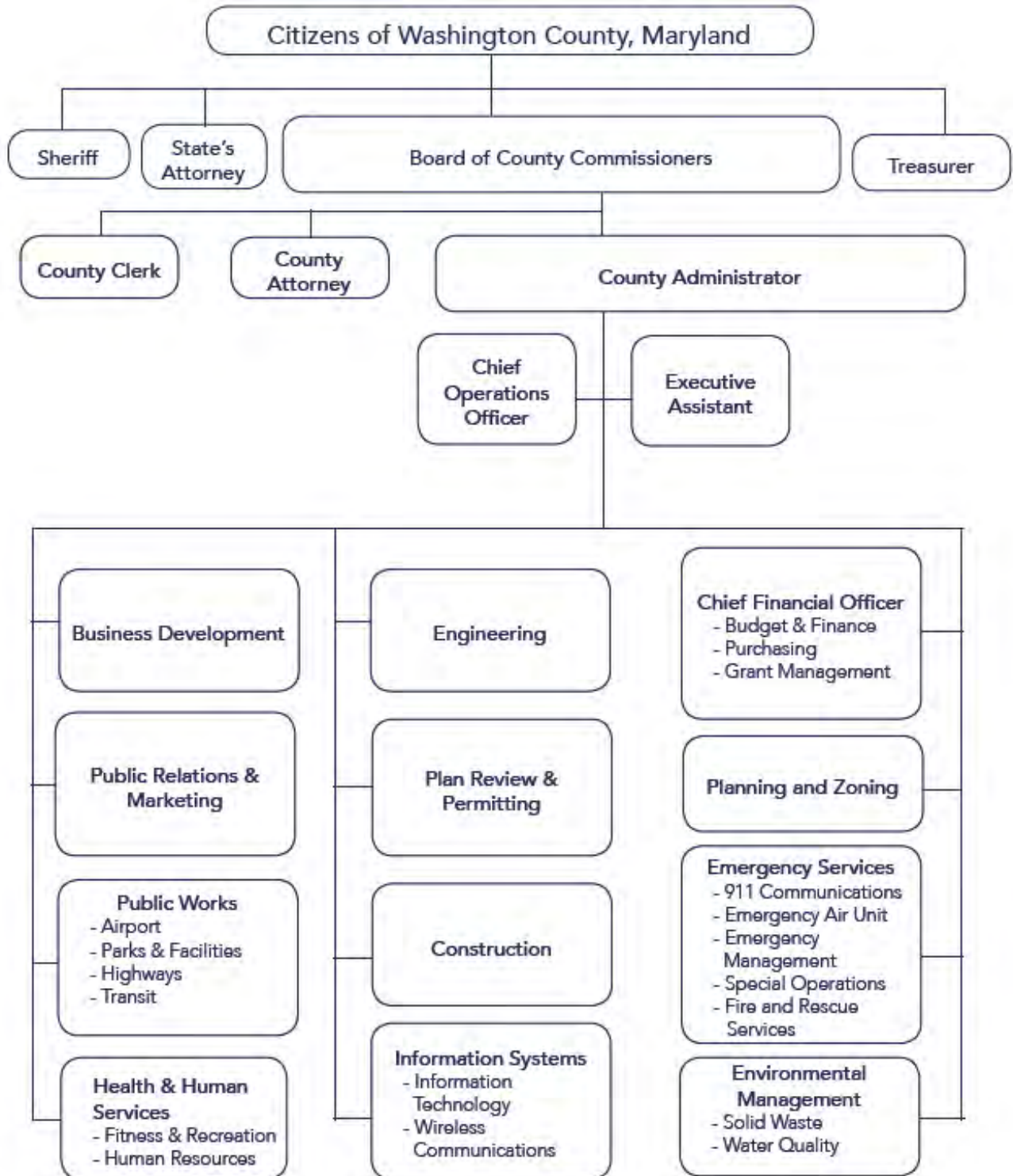
- A. County Clerk/Records Management Officer - The County Clerk shall be responsible for the development, administration and coordination procedures of the Washington County Records Management Program. The County Clerk is also responsible for maintaining all official records of the County, including the following functions:
 - 1. Provide assistance and guidelines to all departments in the preparation of their Records Retention and Disposition Schedules.
 - 2. Provide direct technical assistance and guidance to all departments that will aid in resolving specific files and related records problems.
- B. Department Heads - Department heads are responsible for ensuring that Records Retention and Disposition Schedules are prepared for their departments, as well as any revisions, as needed. Department heads are also responsible for ensuring that Records Retention and Disposition Schedules are properly applied against records of their department, cooperating with the County Clerk/Records Management Officer to ensure proper administration and implementation of the Washington County Records Management Program, and appointing a member(s) to the Records Management Committee.

V. **RESPONSIBILITIES FOR IMPLEMENTATION** (cont.)

- C. Records Management Committee - Members of this Committee shall serve as liaisons between the County Clerk/Records Management Officer and the department. They shall also assist in the implementation of the Washington County Records Management Program.
- D. Legal and Historical Guidelines - The County Attorney shall provide legal guidelines, and the County Clerk shall provide historical guidelines for the Records Management Program, prior to submission to the State Archivist for final approval and authorization to implement.

VI. **LEGAL AUTHORITY**

- A. ANNOTATED CODE OF MARYLAND, State Government Article, Section 10-632.
- B. CODE OF MARYLAND REGULATIONS (COMAR) Title 14.18.02.01-04.





REQUEST FOR QUOTATION

PLEASE COMPLETE THE FOLLOWING CONTACT INFORMATION:

NOTES:

Company Name: Baltimore Washington Condemner Company
 Address: 7961 RIVER ROCK WAY
CURTIS BAY, MD 21226
 Contact Name: DARYL H. Flood, JR
 Contact Title: PRESIDENT
 Phone Number: 202-704-5976
 E-mail: DARYLFlood@aol.com

1. Quoted prices are to be net thirty (30) calendar days; all discounts are to be deducted and reflected in net prices.
2. The County reserves the right to reject any and/or all quotes, to waive any technicalities in the quote, and to take whatever action is in the best interest of Washington County.
3. The County is exempt from State of Maryland Sales Tax. The County's Maryland Sales Tax Exemption Number is 3000129 2.

RETURN QUOTATIONS TO:

WASHINGTON COUNTY PURCHASING DEPARTMENT
 Washington County Administration Complex
 100 West Washington Street, Third Floor, Room 3200
 Hagerstown, Maryland 21740
 Attention: *Brandi Naugle, CPPB, Buyer*
 Telephone Number: 240-313-2330

**REQUEST FOR QUOTATION
 THIS IS NOT
 AN ORDER**

DATE ISSUED
 12/21/2018

**DELIVERY
 WANTED**
 See Attachment

DESCRIPTION

Unit Price

Total Net Price

RECORDS RETENTION AND DISPOSAL SCHEDULE FOR THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND Q-18-667

(See Attached Instructions & Specifications)

QUOTATION DUE: Wednesday, January 23, 2018, no later than 3:00 P.M. (EST) and must be time-stamped in the Purchasing Department. Opening of quotations will follow. Interested parties are invited to attend.

QUOTATIONS TO BE ADDRESSED TO: Washington County Purchasing Department, Attn: Brandi Naugle, CPPB, Buyer, Washington County Administration Complex, 100 W. Washington Street, Third Floor, Room 3200, Hagerstown, Maryland, 21740 and enclosed in a sealed opaque envelope marked "QUOTATION - (Q-18-667) RECORDS RETENTION AND DISPOSAL SCHEDULE" and bearing the vendor's name.

Having received clarification on all items of conflict or upon which any doubt arose, the undersigned proposed to furnish all labor, materials and equipment called for by said specifications and instructions for the **TOTAL SUM OF:**

Cost for Color Proof of Front Cover (if requested): \$26,000.00

TOTAL

~~_____~~
\$26,000.00

We quote you as above - F.O.B. _____
 Official Signature [Signature]
 Name Printed DARYL Flood, JR
 Telephone Number 202-704-5976

Acknowledge Addenda # 1 Date 01/16/2019
 # 2 Date 01/28/2019 # 3 Date _____
 Delivery/Service can be performed no later than 30 calendar days from receipt of order.
 Date January 30, 2019

INFORMATION ONLY

DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION RECORDS RETENTION AND DISPOSAL SCHEDULE Supersedes Schedule C863		Schedule No. C1049 Page 1 of 1
Agency Washington County		Division/Unit County Commissioners
Item No	Description	Retention
1	General file -consists not limited to: correspondence; permits; budget information; oath of office; resolutions; transcripts; impact fees studies; inventory list; training material; purchase orders	Screen annually. Destroy material having no further administrative, fiscal, legal or operation value. Retain permanently any material that serves to document the origin, development and accomplishments of the department. Transfer periodically to the Maryland State Archives.
2	Rezoning hearing (originals) –correspondence, graphs, blasting programs, resumes, case files, application for map amendments, zoning maps, handwritten notes, cassette tapes, CDs, application for amendment, site drawings, photos	Permanent. Transfer periodically to the Maryland State Archives.
3	Correspondence reading file: correspondence sent and received by the County commissioners	Retain for three (3) years, then destroy.
4	Meeting minutes- CDs	Retain for one (1) year, then destroy.
5	Closed session minutes of Commissioners meetings	Permanent. Transfer periodically to the MD State Archives.
6	Board of County Commissioners minutes of meetings; resolutions; ordinance	Permanent. Transfer periodically to the MD State Archives.
Approved by Department, Agency or Division Representative Date November 17, 2008 Signature <i>Joni L. Bittner</i> Type Name Joni L. Bittner Title County Clerk		Schedule Authorized by State Archivist Date <i>14 May 09</i> Signature <i>Edward C. [unclear]</i>



Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INGT-19-014) – One (1) Extended Cab $\frac{3}{4}$ Ton Pickup Truck with Snow Plow and One (1) Extended Cab $\frac{3}{4}$ Ton Pickup Truck for Department of Water Quality

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Dan DiVito, Director, Division of Environmental Management and Mark D Bradshaw, PE, Deputy Director, Division of Environmental Management, Engineering Services

RECOMMENDED MOTION: Move to authorize by Resolution, Department of Water Quality to purchase one (1) 4x4 extended cab $\frac{3}{4}$ ton pickup truck with snow plow and one (1) 4x4 extended cab $\frac{3}{4}$ ton pickup from *Hertich Fleet Service, Inc.* of Milford, DE. The cost of the pickup truck with plow is \$35,272.00 and the cost of the pickup without the plow is 30,489.00. To utilize another jurisdiction's contract BPO# 001B9400177 that was awarded by the State of Maryland Department of General Services Office of Procurement and Logistics statewide contract for various pickup trucks.

REPORT-IN-BRIEF: Department of Water Quality is requesting to purchase one (1) extended cab $\frac{3}{4}$ ton pickup truck with snow plow and one (1) extended cab $\frac{3}{4}$ ton pickup truck to replace vehicles that are older than twenty (20) years and exceed the County's Vehicle and Equipment Types and Usage Guidelines. The County initiated the Vehicle and Equipment Types and Usage Guidelines in 2001. The County's replacement guidelines for vehicles less than 19,500 lbs. GVWR is recommended at a ten (10) year economic life cycle. The replaced vehicles will be advertised on GovDeals.com for auctioning.

The Code of Public Laws of Washington County, Maryland (the Public Local Laws) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a party to the original contract. The State of Maryland Department of General Services Office of Procurement and Logistics took the lead in soliciting the resulting agreement. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of this service in accordance with the Public Local Laws referenced above by resolving that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with direct cost savings in the purchase of this service because of the economies of scale this buying group leveraged. I am confident that any bid received as a result of an independent County solicitation would exceed the spend savings that the State of Maryland's

bid provides through this agreement. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. This savings/cost avoidance would, I believe, be significant.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the Department of Water Qualities' Capital Improvement Plan (CIP) account (VEH007) in the amount of \$65,761.00.

CONCURRENCES: Dan DiVito, Director, Division of Environmental Management, and Rick Curry, Director, Purchasing Department

ALTERNATIVES: Process a formal bid and the County could possibly incur a higher cost for the purchase, or Do not award the purchase for the pickup trucks.

ATTACHMENTS: Hertrich Fleet Services, Inc quotes.

AUDIO/VISUAL NEEDS: N/A

HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963

SHARPSBURG VEHICLE

Ford - Chevrolet - Dodge - Jeep
Lincoln - Honda - Buick - GMC - Toyota - Nissan

35,212.00

RD 14147

(800) 698-9825

(302) 422-3300

Fax: (302) 839-0555

MARYLAND STATEWIDE CONTRACT 2019 LIGHT DUTY TRUCKS -- BPO# 001B9400177

TYPE 7: ¾ TON PICKUP

2019 FORD F250 2WD, W/ 6.2L V8 GAS ENGINE, 6 SPD AUTO TRANS, VINYL SEAT & FLOOR, A/C, AM/FM RADIO, TRAILER TOW PKG, BLUETOOTH, E-LOCKING AXLE, POWER WINDOWS, LOCKS & MIRRORS, DRIVER CONFIGURABLE DAY TIME RUNNING LIGHTS, PRIVACY GLASS, REAR DEFROSTER

✓	Code	Description	Amount
	F2A	2019 F250 - REGULAR CAB 2WD 8' BED	\$22,230
	X2A	2019 F250 - EXTENDED CAB 2WD 6.75' BED	\$24,312
	W2A	2019 F250 - CREW CAB (4 Doors) 2WD 6.75' BED	\$25,568
	8' BED	** Add 8' BED **	N/C
	99T	6.7L Power Stroke Diesel Engine	\$7,684
	4WD	4 Wheel Drive	\$4,997
	18B	Running Boards	\$495
	18C	6" Angular Chrome Step Bars (req. 17S -- STX Appearance Package)	\$695
	2KEY	2 Extra Keys (without FOBS)	\$90
	2FOB	2 Extra Keys (with FOBS)	\$390
	TBM	LT245/75RX17E BSW ALL TERRAIN Tires (4)	\$165
	TCD	LT265/70RX17E OWL ALL TERRAIN Tires (4)	\$455
	TDX	LT275/75RX18E BSW ALL TERRAIN Tires (4) (req. STX Appearance Package)	\$265
	1S	Medium Earth Gray Cloth 40/20/40 Front Seat	\$315
	4S	Medium Earth Grey Cloth 40/Mini-Console/40 Front Seat	\$615
	17F	XL DÉCOR PACKAGE: • Bright chrome hub covers and center ornaments • Chrome front and rear step bumper	\$220
	17S	STX PACKAGE APPEARANCE PACKAGE: • Bright Chrome Grille • Bright Hub Covers • 18" Sparkle Silver Painted Cast Aluminum Wheels • Chrome Front and Rear Step Bumpers • SYNC • Cruise Control	\$1620
	96V	XL VALUE PACKAGE: • 4.2" Center-stack screen • AM/FM Stereo Single-CD/MP3 • Bright chrome hub covers and center ornaments • Chrome front & rear step bumper • Cruise Control	\$1020

HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963

Ford - Chevrolet - Dodge - Jeep
Lincoln - Honda - Buick - GMC - Toyota - Nissan

(800) 698-9825

(302) 422-3300

Fax: (302) 839-0555

17x	FX4 OFF ROAD PACKAGE: <ul style="list-style-type: none"> ● Hill Descent Control™ ● Off-Road Specifically tuned front/rear shock absorbers ● Transfer case and fuel tank skid plates ● Unique "FX4 Off-Road" box decal 	\$400
473	SNOW PLOW PREP PACKAGE: <ul style="list-style-type: none"> ● Computer selected springs for snowplow application ● Extra Heavy-Duty Alternator (67D) 	\$195
86M	Medium Dual Batteries – Dual 78 AH	\$210
67E	3x Extra Heavy Duty Alternator – 240 Amp. Requires 43C & 66S or 473	\$85
67B	Dual Extra Heavy Duty Alternators – 377 Total Amps	\$115
41H	Engine Block Heater	\$100
52B	Integrated Trailer Brake Controller	\$300
41P	Transfer Case & Fuel Tank Skid Plates	\$105
85L	Drop In Bed Liner	\$375
85S	Spray In Bed Liner	\$595
76C	Back Up Alarm	\$140
61S/62S	Front & Rear Splash Guards/Mud Flaps	\$130
61L	Front Wheel Well Liners	\$180
61N	Front & Rear Wheel Well Liners	\$325
67H	Heavy Service Front Suspension	\$125
924	Privacy Glass	\$30
43B	Fixed Rear Window with Defrost – requires privacy glass 924	\$60
435	Power Sliding Rear Window with Defrost (requires power equipment 90L)	\$405
85G	Tail Gate Step & Handle	\$375
592	LED Roof Clearance Lights	\$95
66L	LED Box Lighting	\$60
98F	CNG/Propane Gaseous Prep Package	\$315
913	Sync 3 Communications	\$450
76S	Remote Start	\$250
52S	Cruise Control	\$240
76R	Reverse Sensing	\$245
66S	Up Fitter Switches (6) (req. 67D Extra HD Alternator)	\$165
60B	Blind Spot Monitoring	\$540
43C	110V/400W Outlet	\$175
873	Rear View Camera / Mounted On Cab Stop Light	\$200
66D	Box Delete	NC
592	Clearance Lights, Roof	\$95

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1427 Bay Road Milford, DE 19963

Ford - Chevrolet - Dodge - Jeep
Lincoln - Honda - Buick - GMC - Toyota - Nissan

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(302) 422-3300

Fax: (302) 839-0555

Additional Upfits		
696J	<u>KNAPHEIDE 8' 696J SERVICE BODY w/ MASTER LOCKING – FOR SRW</u> ➤ Includes : Backup Camera, Spare Tire, Master Locking , Bumper, Lights, Shelving & Paint	\$6,238
TT52B	SERVICE BODY TRAILER TOW PACKAGE WITH TRAILER BRAKE CONTROLLER	\$310
H55P	<u>SPRAY LINER – CARGO BED & INSIDE OF TAILGATE</u>	\$650
H65P	<u>SPRAY LINER – CARGO BED, INSIDE TAILGATE & TOPSIDES OF BOXES</u>	\$750
BOS57.5	7.5' BOSS PLOW – W/ Prep Package (473)	\$4,458
BOSS8	8' BOSS PLOW – COMMERCIAL HEAVY DUTY WITH LED LIGHTS w/ Prep Package (473)	\$4,658
TLGT	<u>PICK UP LIFTGATE – TOMMY GATE G2-60-1342-TP27</u>	\$3,080
TLGSB	<u>SERVICE BODY LIFTGATE - TOMMY GATE G2-54-1342-TP27</u>	\$3,030
	OTHER UPFITS ARE AVAILABLE <ul style="list-style-type: none"> • SERVICE BODY ACCESSORIES SUCH AS REMOTE LOCKING, led COMPARTMENT LIGHTING, VISE MOUNT & MORE. • LADDER RACKS • ENCLOSED SERVICE BODIES • SALT SPREADERS • NEED SOMETHING DIFFERENT? JUST CALL, WE WILL HELP YOU. 	
	EXTERIOR STANDARD COLORS: <ul style="list-style-type: none"> • AGATE BLACK – UM • MAGNETIC METALLIC – J7 (DARK GRAY METALLIC) • BLUE JEANS METALLIC – N1 (NAVY BLUE) • RACE RED – PQ • INGOT SILVER METALLIC – UX • OXFORD WHITE – Z1 • STONE GRAY – D1 	

Please get in touch with any questions, changes, or to submit an order. We look forward to hearing from you.

- Jim Blecki email jblecki@hertrichfleet.com
- Billy Johnson email wjohnson@hertrichfleet.com

Or feel free to give us a call: 800-698-9825

HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963
 Ford - Chevrolet - Dodge - Jeep
 Lincoln - Honda - Buick - GMC - Toyota - Nissan

FOR: MARK BRADSHAW

TOTAL \$30,399.⁰⁰

KEY 90.⁰⁰

Fax: (302) 839-0555

\$30,489.⁰⁰

(800) 698-9825

(302) 422-3300

MARYLAND STATEWIDE CONTRACT 2019 LIGHT DUTY TRUCKS – BPO# 001B9400177

TYPE 7: ¾ TON PICKUP

RQ 14149

2019 FORD F250 2WD, W/ 6.2L V8 GAS ENGINE, 6 SPD AUTO TRANS, VINYL SEAT & FLOOR, A/C, AM/FM RADIO, TRAILER TOW PKG, BLUETOOTH, E-LOCKING AXLE, POWER WINDOWS, LOCKS & MIRRORS, DRIVER CONFIGURABLE DAY TIME RUNNING LIGHTS, PRIVACY GLASS, REAR DEFROSTER

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- Jim Blecki email jblecki@hertrichfleet.com
- Billy Johnson email wjohnson@hertrichfleet.com

Or feel free to give us a call: 800-698-9825



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INGT-19-0013) of Buses for the County Transit Department / County Commuter

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Rick Curry, CPPO, Director, Purchasing Department and Kevin Cerrone, Director, Transit / County Commuter

RECOMMENDED MOTION: Move to authorize by Resolution, the County Transit / County Commuter Department to purchase six (6) Medium-Duty buses from American Truck & Bus Inc. of Annapolis, MD; the cost of each bus being \$279,429.00 for a total amount of \$1,676,574.00 and to utilize another jurisdiction's contract (RFP #18-12) that was awarded by Cecil County, Maryland, approved by the Federal Transit Administration (FTA), and the Maryland Transit Administration (MTA).

REPORT-IN-BRIEF: The County Transit / County Commuter Department is requesting to purchase six (6) Medium-Duty Buses for twenty-three (23) passengers with two (2) wheelchair positions to replace six (6) buses that are twelve (12) years old with over 300,000 miles each, which exceeds the Maryland Transit Administration's (MTA) standard useful life criteria.

The Code of the Public Laws of Washington County, Maryland (the Code) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a party to the original contract. Cecil County Purchasing Office took the lead in soliciting the resulting bid. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of these vehicles in accordance with the Code referenced above by resolving that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with direct cost savings in the purchase of these vehicle because of the economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies, which I believe would be significant as a result of not preparing, soliciting and evaluating a bid. Acquisition of these vehicles by utilizing the Cecil County, MD contract and eliminating our County's bid process would result in administrative efficiencies and cost savings for the County Transit / County Commuter and Purchasing Department. I am confident that any bid received as a result of an independent County solicitation would exceed the spend savings that Cecil County's contract provides through this agreement.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the Transit Department's Capital Improvement Plan (CIP) account (VEH003). Funding breakdown, (Federal 80%, State 10%, and Local 10%).

CONCURRENCES: Andrew Eshleman, Director, Public Works

ALTERNATIVES: Process a formal bid and the County could possibly incur a higher cost for the purchase, or Do not award the purchase of the buses.

ATTACHMENTS: American Truck & Bus Inc. quote, dated January 3, 2019.

AUDIO/VISUAL NEEDS: N/A

American Truck & Bus, Inc.

195 Defense Highway Annapolis, Maryland 21401 www.American-Bus.com (410) 224-8224 Fax (410) 266-9668

“The Bus Professionals”

January 3, 2019

Mr. Kevin Cerrone
Director of Transportation
1000 West Hagerstown Street
Hagerstown, MD 21740

Bus Purchase for Washington County Transit

2019 - 30' Low Floor ENC Passport Model Transit Bus base price per Cecil County RFP 18-12 \$262,538.00
<u>Published Options per Cecil County RFP 18-12:</u>	
Extended warranty for Engine/Drive Train per unit \$ 11,341.00
- Engine 5 yr/300,000 miles	
- Transmission 5 yr/unlimited miles	
- Chassis 5 yr/100,000 miles	
Exterior Graphics for Washington County \$ 1,650.00
Two Day Training Class \$ 3,900.00
Total Purchase price for Washington County Transit \$ 279,429.00





Open Session Item

SUBJECT: Financial Support for University System of Maryland-Hagerstown's (USMH) contribution to the Urban Improvement Project

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Mark Halsey, Executive Director, USMH, Howard "Blackie" Bowen, USMH Board of Advisors, and James Holzapfel, USMH Board of Advisors

RECOMMENDED MOTION: Move to approve the request for funding from the USMH in the amount of \$ _____, for expenses associated with the Urban Improvement Project.

REPORT-IN-BRIEF: USMH is requesting a financial contribution of \$250,000, spread over up to five years, to assist the organization's Urban Improvement Project initiatives.

DISCUSSION: The University System of Maryland (USMH) is the third component of the Urban Improvement Project, complementing renovations to the Maryland Theatre and construction of the Washington County Public School urban educational campus. USMH's portion of the project includes the development of a new Hospitality and Tourism Management program, dependent upon a dedicated Hospitality Center; and the new Health Sciences Center, which will house the new graduate Physician Assistant program in 2019, with plans for an additional health program in the future.

The Hospitality Center will be located adjacent to the planned urban plaza behind the Maryland Theatre and will be the Plaza's western anchor. The Hospitality Center will provide space with the capacity to seat and feed up to 200 people. When this space is combined with the Maryland Theatre's new space, Hagerstown will have an important new conference center, which will be marketable to groups which previously could not be accommodated downtown.

The synergy of these new programs, along with the UIP's other components, will address local workforce development needs, impact the shortage of physician assistants, educate managers in Hospitality and Tourism, many whom will travel here from outside the area, and revitalize downtown Hagerstown. The economic impact of the project includes millions of dollars spent on construction and its impact on contractors and employees, over \$600,000 of added payroll related to the new programs, new consumer spending by students, faculty and staff; added rental housing for students, and possible home sales for new faculty and staff.

USMH has been able to raise significant funds for the project thanks to the generosity of residents, foundations, and organizations, but a funding gap of \$400,000 remains for the combined projects, and an additional \$450,000 in support of related programs to benefit Hagerstown and Washington County. USMH requests that the Board of County Commissioners consider a contribution of

\$250,000 which can be structured in installments payable over five years, to assist with narrowing this funding gap.

FISCAL IMPACT: \$_____ payable in five annual installments of \$_____ as determined by the Board of County Commissioners. Reports on expenditures will be submitted annually to the Office of Grant Management.

CONCURRENCES: N/A

ALTERNATIVES: Deny the request for funding.

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: None



Open Session Item

SUBJECT: PUBLIC HEARING: Application for Zoning Map Amendment RZ-18-003, P Overlook LLLP

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Jill Baker, Deputy Director, Department of Planning and Zoning

RECOMMENDED MOTION: No motion is needed at this time. The purpose of this public hearing is to take public comment on the rezoning application.

REPORT-IN-BRIEF: The applicant requests the rezoning of a property located at the southeast corner of US 340 and Keep Tryst Road. The request is to rezone the property from Rural Village with a nine (9) lot residential density restriction to Rural Village without a residential density restriction.

DISCUSSION: In this case the applicant is claiming that the county erred in the rezoning of this property first in 2003 and again in 2005. Piecemeal rezoning applications are under an obligation to meet the test of the “change or mistake rule”. As part of the evaluation to determine if the applicant has shown that there has been a change in the character of the neighborhood or there was a mistake in the most recent zoning of the parcel, the Maryland Annotated Code Land Use Article and the Washington County Zoning Ordinance state that the local legislative body is required to make findings of fact on at least six different criteria in order to ensure that a consistent evaluation of each case is provided. Those criteria include: 1) population change; 2) the availability of public facilities; 3) present and future transportation patterns; 4) compatibility with existing and proposed development for the area; 5) the recommendation of the planning commission; and 6) the relationship of the proposed amendment to the local jurisdiction’s Comprehensive Plan.

Staff contends that this is not a case of change or mistake but rather a reconsideration of a previous zoning decision. There are currently no rules, policies, regulations or statutes in Washington County ordinances that allow for the reconsideration of a zoning case. According to previous Maryland case law, if there is no clear process for an applicant to request a reconsideration of previous decisions, common law rule is applied. Under common law rule any petition requesting reconsideration must prove that the prior decision resulted from “fraud, mistake, surprise, or inadvertence”.

The application and the *Staff Report and Analysis* address these items.

The Washington County Planning Commission held a public rezoning input meeting on September 10, 2018 and made a recommendation to deny the application on October 1, 2018. As stated in the attached recommendation letter, the Planning Commission is recommending denial of this application based on the opinion that the Board of County Commissioners was within its legislative authority to place residential density restrictions on this property based on an analysis of compatibility with surrounding land uses. Furthermore, the Planning Commission referenced public comment taken at the public input meeting noting that numerous judicial proceedings, in varying levels of the Maryland judicial system, have not negated the Board of County Commissioners decision to apply the density restriction. The Planning Commission believes the restriction is valid and should remain.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: N/A

ATTACHMENTS: Rezoning Application
Staff Report and Analysis dated August, 2018
Timeline of Events related to subject parcel
Planning Commission Recommendation
Planning Commission Minutes
Public Comments Received to date

AUDIO/VISUAL NEEDS: N/A



FOR PLANNING COMMISSION USE ONLY
Rezoning No. RZ-18-003
Date Filed: 6-15-18

WASHINGTON COUNTY PLANNING COMMISSION
ZONING ORDINANCE MAP AMENDMENT APPLICATION

P Overlook LLLP

Applicant

- Property Owner
- Contract Purchaser
- Attorney
- Consultant
- Other: _____

125 S Carroll St, Ste 150, Frederick, MD 21701
Address

Jason M. Divelbiss

717-593-7200 / 301-791-9222

Primary Contact

Phone Number

11125 Bemisderfer Rd, Greencastle, PA 17225
Address

jdivelbiss@divelbisslaw.com

E-mail Address

Property Location: 24.32 Acres located near the intersection of Maryland Rte 340 and
Tax Map: 0087 Grid: 0018 Parcel No.: 0010 Acreage: 24.32 Keep Tryst Rd.

Current Zoning: RV (Rural Village) with Nine(9) lot density restriction
Requested Zoning: RV (Rural Village) without nine(9) lot density restriction

Reason for the Request: Change in the character of the neighborhood
 Mistake in original zoning

PLEASE NOTE: A Justification Statement is required for either reason.


Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20_____.

My commission expires on _____
Notary Public

FOR PLANNING COMMISSION USE ONLY

- Application Form
- Names and Addresses of all Adjoining & Confronting Property Owners
- Fee Worksheet
- Vicinity Map
- Application Fee
- Justification Statement
- Ownership Verification
- 30 copies of complete Application Package
- Boundary Plat (Including Metes & Bounds)





**Washington County
Department of Planning & Zoning
Owner's Representative Affidavit**

This is to certify that P Overlook LLLP ("Overlook") is the owner of that certain +/- 24.32 acre parcel of real property located near the intersection of Maryland Rte. 340 and Keep Tryst Road (the "Property"), and that Jason M. Divelbiss, its Attorney representative, is hereby authorized to make application for the piecemeal rezoning of the Property from its current zoning classification of RV (Rural Village) with Nine (9) lot density restriction to RV (Rural Village) without Nine (9) lot density restriction.

OWNER:

P Overlook LLLP

By: Buckeye Development LLC, General Partner

By: _____

Name: Edward G. Smariga

Title: Managing Member

125 South Carroll Street, Ste. 150
Frederick, MD 21701



ADJACENT PROPERTY OWNERS					
	<u>NAME</u>	<u>PREMISES ADDRESS</u>	<u>LIBER/FOLIO</u>	<u>MAILING ADDRESS</u>	<u>TAX MAP/PARCEL</u>
1	Church United Methodist of Sand HK	19018 Sandyhook Rd. Knoxville, MD 21758	1549/533	19018 Sandyhook Rd. Knoxville, MD 21758	0087/0039
2	Cristy F. Elkins & Gene E. Hannold	19028 Sandyhood Rd. Knoxville, MD 21758	4064/376	19028 Sandyhood Rd. Knoxville, MD 21758	0087/0079
3	Cynthia J. Hallberlin & Joel S. Kante	19032 Sandyhook Rd. Knoxville, MD 21758	3847/237	7113 Poplar Ave Takoma Park, MD 20912	0087/0078
4	Cynthia J. Hallberlin & Joel S. Kante	19038 Sandyhook Rd. Knoxville, MD 21758	3847/237	7113 Poplar Ave Takoma Park, MD 20912	0087/0077
5	Jerry L. Poston	19040 Sandyhook Rd. Knoxville, MD 21758	1376/1019	19040 Sandyhook Rd. Knoxville, MD 21758	0087/0048
6	Mervin F. Nuice	19104 Sandyhook Rd. Knoxville, MD 21758	4147/279	19104 Sandyhook Rd. Knoxville, MD 21758	0087/0025
7	Edward R. Kornacki, et al	19108 Sandyhook Rd. Knoxville, MD 21758	2997/54	19108 Sandyhook Rd. Knoxville, MD 21758	0087/0075
8	Sandy Hook, LLC	19112 Sandyhook Rd. Knoxville, MD 21758	5498/250	7005 Gilardi Rd. Boonsboro, MD 21713	0087/0074
9	Michael Vernon Brown	Sandyhood Rd. Knoxville, MD 21758	5299/0047	7005 Gilardi Rd. Boonsboro, MD 21713	0087/224
10	Jennifer Hymiller & Curtis Wolfe	19126 Sandyhook Rd. Knoxville, MD 21758	4058/393	19126 Sandyhook Rd. Knoxville, MD 21758	0087/149
11	Daniel L. Patterson	19200 Sandyhook Rd. Knoxville, MD 21758	5264/282	19200 Sandyhook Rd. Knoxville, MD 21758	0087/222
12	Marlene L Hackley L/E	19204 Sandy Hook Rd. Knoxville, MD 21758	5561/481	19204 Sandy Hook Rd. Knoxville, MD 21758	0087/0073
13	Wash Co Sanitary	19223 Keep Tryst Rd. Knoxville, MD 21758	1002/102	C/O Wash Co Water & Sewer 16232 Elliott Pkwy Williamsport, MD 21795	0088/0119
14	Donley Holdings, LLC	19311 Keep Tryst Rd. Knoxville, MD 21758	4213/0070	716 S. Philadelphia Blvd. Aberdeen, MD 21001	0088/0039
15	Narayan Swarupdas Corp	19105 Keep Tryst Rd. Knoxville, MD 21758	2213/0677	8005 Pulaski Hwy. Baltimore, MD 21237	0087/0023
16	June Z. Gilbert Trustee	19119 Keep Tryst Rd. Knoxville, MD 21758	3796/503	6 Wagon Shed Lane Middletown, MD 21769	0087/0027
17	Robert & Wendy Rensburg	19128 Keep Tryst Rd. Knoxville, MD 21758	5379/210	19128 Keep Tryst Rd. Knoxville, MD 21758	0087/158
18	Ilani A & Gerald Briand Donley	504 Prospect Hill Rd. Knoxville, MD 21758	44446/115	504 Prospect Hill Rd. Knoxville, MD 21758	0088/0105



Washington County, MD



- | | | | | | | | |
|--|--|--|--------------------------------------|--|------------------------------|--|-------------------|
| | Historic Preservation Overlay | | Agricultural | | Rural Business, New | | Urban Growth Area |
| | Mineral Overlay | | Agricultural (Rural) | | Residential Multi-Family | | Parcels |
| | Annetam Overlay 1 | | Agricultural (Historic Preservation) | | Residential Rural | | |
| | Annetam Overlay 2 | | Airport | | Residential Suburban | | |
| | Annetam Overlay 3 | | Business-General | | Residential Transition | | |
| | Mixed Use-Residential | | Business-Local | | Residential Urban | | |
| | Mixed Use-Residential and Commercial | | Business-Transitional | | Rural Village | | |
| | Mixed Use-Residential, Commercial and Employment | | Conservation | | Special Economic Development | | |
| | Planned Unit Development | | Environmental Conservation | | Municipal | | |
| | | | Highway Interchange | | | | |
| | | | Highway Interchange - 1 | | | | |
| | | | Industrial, General | | | | |
| | | | Industrial, Restricted | | | | |
| | | | Education, Research and Technology | | | | |
| | | | Office, Research and Technology | | | | |
| | | | Office, Research and Industrial | | | | |
| | | | Preservation | | | | |
| | | | Planned Business | | | | |
| | | | Planned Industrial | | | | |
| | | | Rural Business, Existing | | | | |

June 14, 2018

Department of Planning & Zoning
Attn: Stephen Goodrich, Director
Washington County Admin. Complex
100 W. Washington Street, Suite 2600
Hagerstown, MD 21740

Re: Piecemeal Rezoning of +/- 24.32 Acres of Real Property Located near the intersection of Maryland Rte. 340 and Keep Tryst Road, Knoxville, MD 21758

Dear Mr. Goodrich:

P Overlook LLLP (“**Overlook**” or “**Applicant**”) is the owner of that certain parcel of real property located near the intersection of Maryland Rte. 340 and Keep Tryst Road in Knoxville, MD 21758 (Map 87, Parcel 10; Tax Acct. No. 11-007872) containing +/- 24.32 acres which is shown and depicted on the Zoning, Tax Parcel Map attached hereto as **Exhibit #1**. (the “**Property**”).

Overlook hereby requests a change in the zoning classification for the Property from RV (Rural Village) with Nine (9) lot density restriction to RV (Rural Village) without Nine (9) lot density restriction.

Current Zoning

In October 2003, the Property was rezoned by the Board of County Commissioners from Business General (BG) to Rural Village (RV) (Piecemeal Rezoning Case RZ-03-001) (the “**2003 Piecemeal Rezoning**”). The Property had been zoned BG since 1983 and is the location of the former Hillside Motel.

The Commissioners’ “Findings of Fact and Articulation of Reasons for Decision” in the 2003 Piecemeal Rezoning case reached the following conclusion:

“[T]he Board finds that the Rural Village zoning is appropriate and logical for the subject property and the same is hereby granted, with the condition that no more than nine (9) lots may be developed on the subject property.” (the “**9-Lot Density Restriction**”)



In July 2005, as part of the County's Comprehensive Rural Area Rezoning (the "2005 Comprehensive Rezoning"), the Property's RV zoning classification was confirmed with no specific reference to the 9-Lot Density Restriction or any other special conditions or restrictions.

By letter dated September 13, 2006 (the "2006 Thompson Letter"), Planning Director Mike Thompson, took the position that "the density limit still applies to the Property" notwithstanding the 2005 Comprehensive Rezoning. This remains the position of the County.

Rezoning Request

Applicant contends that in this case a 'mistake' was made in the original zoning of the Property.

The 2006 Thompson Letter referenced above was appealed to the Board of Zoning Appeals by Overlook, who purchased the Property from William and Sylvia Martin in February 2004. That Appeal was denied by the Board of Zoning Appeals, affirmed by the Circuit Court, and culminated in a reported opinion by the Court of Special Appeals which found the following:

- The 2006 Thompson Letter was simply reporting and confirming past events and thus did not constitute an appealable order, requirement, decision or determination of the County. All of the Property Owner's substantive legal challenges to the 9-Lot Density Restriction could have been and, if objectionable, should have been pursued in an action for judicial review of the 2003 Piecemeal Rezoning.
- Even if the 2006 Thompson Letter were appealable, the Board of Zoning Appeals was correct in finding that the Property Owner should be equitably estopped from challenging the 9-Lot Density Restriction. The Property Owner was aware of and actively participated in both the 2003 Piecemeal Rezoning and 2005 Comprehensive Rezoning processes and thus should not be allowed to collaterally attack those actions.

Thus, the substance of Applicant's arguments that (i) the 9-lot Density Restriction imposed as part of the 2003 Piecemeal Rezoning was impermissible; and (ii) even if the 9-lot Density Restriction was permissible, the legal effect of the 2005 Comprehensive Rezoning was to replace and supplant the 2003 Piecemeal Rezoning and assign an unaltered "RV" zoning classification to the Property.

MD Code, Land Use, § 4-103 permits a legislative body to impose conditions or limitations that they consider "appropriate to improve or protect the general character and design" of the land being zoned or the surrounding area. However, when a local

government enters into an agreement whereby the government exacts a performance or promise in exchange for its agreement to rezoning property, the government has engaged in illegal contract zoning. See, e.g., *Brandywine Enterprises, Inc. v. Prince George's County*, 117 Md. App. 525, 700 A.2d 1216 (1997); *Baltimore County v. Beachwood I Ltd Partnership*, 107 Md. App. 627, 670 A.2d 484 (1995); and *Baylis v. City of Baltimore*, 219 Md. 164, 148 A.2d 429 (1959).

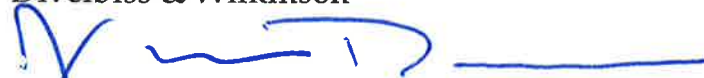
Based upon the record in this case, including a statement in the minutes from the 2003 Piecemeal Rezoning that the County and rezoning applicant were "bartering" over the level of permissible development on the Property, it is clear that the 9-Lot Density Restriction was illegal contract zoning and violative of the requirement of uniformity within zoning districts (see MD Code, Land Use, § 4-201). See also the 2006 Thompson Letter which states: "[w]ithout [the 9-lot density] condition, the Board would not have supported the revised request."

In further support of the Applicant's argument that a 'mistake' was made, when the Property was comprehensively rezoned in 2005 to RV without any reference to the 9-Lot Density Restriction there was no legal basis for concluding that the Restriction, or any other component of the 2003 Piecemeal Rezoning survived. It is simply inconceivable and contrary to fundamental principles of zoning law that the 2005 Comprehensive Rezoning did not consume and replace the 2003 Piecemeal Rezoning in its entirety. Again, the minutes from the 2003 Piecemeal Rezoning are instructive when they note the County Attorney's belief that the Commissioners' action on the applicant's rezoning request "would otherwise be consumed by the comprehensive rezoning, absent the execution of a development rights easement."

Applicant requests that the County take legislative action to acknowledge and correct the errors made in 2003 and 2005 by "rezoning" the Property from RV with a 9-Lot Density Restriction to RV without a 9-Lot Density restriction.

Very truly yours,

Divelbiss & Wilkinson



Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com

Application for Map Amendment Staff Report and Analysis

Property Owner(s)	:	P Overlook LLLP
Applicant(s)	:	P Overlook LLLP
Location	:	SE Quadrant of US 340 and Keep Tryst Road
Election District	:	#11 – Sandy Hook
Comprehensive Plan Designation	:	Environmental Conservation
Zoning Map	:	87
Parcel(s)	:	P. 10
Acreage	:	24.32 acres
Existing Zoning	:	Rural Village (9-lot restriction)
Requested Zoning:		Rural Village (no restriction)
Date of Public Input Meeting	:	September 10, 2018

Background and Findings Analysis:

Location and Description of Subject Property

The subject parcel is bounded on three (3) sides by State and County roads. The northern boundary of the property is Keep Tryst Road. To the west of the property is US 340 and the eastern boundary is Sandy Hook Road. On the southern boundary of the subject parcel there are twelve (12) residential parcels along Sandy Hook Road. The parcel contains 24.32 acres of land that is mostly wooded and is currently vacant.



Figure 1: View of subject property from the corner of Sandy Hook Road and Keep Tryst Road.

The parcels topography forms two peaks or high points, one in the center and one near the Keep Tryst Road/Sandy Hook Road intersection. The ground surface slopes down and away in all directions from those high points. There is an unnamed stream along the western edge of the parcel that flows south out letting to the Potomac River.

Population Trends 1980 - 2010			
Year	Area	Population	% change from previous decade
1980	District	1550	
	County	113086	
1990	District	1663	7.3%
	County	121393	7.3%
2000	District	1811	8.9%
	County	131932	8.7%
2010	District	1865	3.0%
	County	147430	11.7%

Source: US Census Bureau

Availability of Public Facilities

Water and Sewerage

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Water and Sewerage Plan is “...to provide for the continued health and well-being of Washington Countians and our downstream neighbors...”¹ This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a timely and efficient manner and by establishing an inventory of existing and programmed services.

Water:

The subject property is located within a W-3 (Programmed Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public water service currently on the site; therefore, any new development would require an extension of services.

Public water service in this area is provided by the Washington County Division of Environmental Management. It is a Rural Village System that has a permitted capacity of 15,000 gallons per day (GPD).

Wastewater:

The subject property is located within an S-3 (Programmed Service) service area as delineated in the 2009 Water and Sewerage Plan. There is no public sewerage service currently on the site; therefore, any new development would require an extension of services.

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

Public sewer service in this area is provided by the Washington County Division of Environmental Management. It is an extended aeration facility with nutrient removal capabilities. The permitted capacity of the Sandy Hook Wastewater Treatment Facility is 30,000 GPD.

A copy of this application was sent to the Division of Environmental Management for review and comment. Mark Bradshaw, Deputy Director of the Department of Water Quality stated that the Department has no objection to the rezoning.

Emergency Services

Fire:

The subject parcel is located within the service area of the Potomac Valley Volunteer Fire Company (Company #11). The property is approximately 6.7 miles away from the fire station located in Dargan.

Emergency Rescue:

Emergency Rescue services are provided by Boonsboro Rescue (Company #69). The property is located approximately 2.8 miles from the rescue station located on MD Route 67.

A copy of this application was sent to each of the volunteer companies as well as to the Washington County Division of Emergency Services. No comments have been received regarding this application.

Schools

The property is located within the school districts of Pleasant Valley Elementary, Boonsboro Middle, and Boonsboro High schools. The subject property is currently zoned Rural Village which does allow for new residential development. Minimum lot sizes for new residential development in the Rural Village District are as follows:

- Minimum 40,000 square feet where public water and sewer are NOT available
- Minimum 30,000 square feet where public water OR sewer is available
- Minimum 20,000 square feet where public water AND sewer is available.

As stated previously, public water and sewer facilities are in near proximity to the subject parcel; therefore, with approvals of the service providers and developer funded extensions of service lines, the developer could use the 20,000 square foot minimum lot size. Raw data calculations show that for the 24.32-acre subject parcel, the maximum number of lots that could be created would be 52, however, when factoring in the basic infrastructure needs of a development of this size this is an unrealistic figure. Typically, when estimating development potential, the County assumes that about 25% of an original parcel will be used for infrastructure needs (i.e. stormwater management, road networks, public water and sewer easements, etc.) for development. That would reduce the potential number of new lots to approximately 39.

This specific parcel also has additional limitations in development potential related to sensitive areas such as floodplain and steep slopes. In at least one of the several past development proposals for this site the applicant designed a 34-lot single family subdivision. It is assumed that the developer based this design on the RV zoning without having a density restriction. The plan was not approved.

While these calculations represent potential development based upon the current Rural Village zoning district, this specific parcel had restrictions placed upon the maximum number of lots permitted as part of a rezoning application in 2006. In rezoning case RZ-03-001 the Board of County Commissioners approved the Rural Village zoning district for this property with a condition that development be limited to a maximum of 9 lots.

To evaluate the impacts of development on public school system resources we first look at existing conditions. In accordance with the adopted Adequate Public Facilities Ordinance (APFO), adequacy is determined based upon the State Rated Capacity (SRC) of each school district. The threshold for adequacy (stated as the Local Rated Capacity) at the elementary school level is 90% of the SRC. Middle and high school thresholds are 100% of the SRC. The table below shows the existing capacity and enrollment figures for each school district affected by this proposed rezoning. It should be noted that enrollment currently exceeds the Local Rated Capacity at the elementary school level.

School	State Rated Capacity	Local Rated Capacity	Current Enrollment (March 2018)
Pleasant Valley Elementary	229	206	220
Boonsboro Middle	872	872	763
Boonsboro High	1030	1030	907

In addition to current enrollment figures, the APFO outlines a specific formula that accounts for several variables that can influence changes in school enrollment. These factors include pipeline and background enrollment. Pipeline development equates to approved subdivision lots that have not yet been built upon while background enrollment is an average of enrollment changes within a given district over a 3-year period. The table below shows the adjusted enrollment for the school districts that serve the subject property.

School	Current Enrollment (March 2018)	Pipeline Enrollment	Background Enrollment	Adjusted Enrollment
Pleasant Valley Elementary	220	41.28	-4.1	257.18
Boonsboro Middle	763	49.5	2.8	815.3
Boonsboro High	907	57.75	14.7	979.45

To determine the impacts of the specific development, the Board of Education has provided the County with pupil generation rates for each level of a school district. These generation rates are used to calculate the potential number of students that may be produced

by the development. Generation rates are based on the level of the school and the type of housing unit that may be produced. The table below shows current pupil generations rates.

Pupil Generation Rates			
Type	Elem	Mid	High
Single Family	0.43	0.18	0.21
Townhouse	0.33	0.1	0.11
Multi-Family	0.33	0.13	0.14

Using the number of proposed units multiplied by the pupil generation rate, the estimated number of students that may be generated from this development is summarized in the table below. Two scenarios were evaluated. The first evaluates the potential student generation based on the current 9 lot restriction placed on this property. The second is the 34-lot proposal presented by the developer.

Number of lots	Pupil Gen Rates			Pupils Generated			
	Elem	Mid	High	Elem	Mid	High	Total
9	0.43	0.18	0.21	3.87	1.62	1.89	7.38
34	0.43	0.18	0.21	14.62	6.12	7.14	27.88

When added together, the current adjusted enrollment and new pupils generated from the proposed development show an inadequacy at the elementary school level in both the 9 lot and 34 lot scenarios. As shown previously in this section, enrollment already exceeds capacity at the elementary school level. As shown in the table below, additional development in general on this property will exacerbate the existing inadequacy. Furthermore, the Alternate Mitigation Contribution (AMC) would allow payment of a fee to mitigate exceeding capacity limits when the excess is less than 120% of the capacity. In both scenarios the 120% limit is exceeded, and the use of the AMC would not be permitted.

Assuming 9-lot Subdivision					
School	Adjusted Enrollment	New Pupils Generated	Total Impact	Local Rated Capacity	% of LRC
Pleasant Valley Elementary	257.18	3.87	261.05	206	126.7%
Boonsboro Middle	815.3	1.62	816.92	872	93.7%
Boonsboro High	979.45	1.89	981.34	1030	95.3%
Assuming 34-lot Subdivision					
School	Adjusted Enrollment	New Pupils Generated	Total Impact	Local Rated Capacity	% of LRC
Pleasant Valley Elementary	257.18	14.62	271.8	206	131.9%
Boonsboro Middle	815.3	6.12	821.42	872	94.2%
Boonsboro High	979.45	7.14	986.59	1030	95.8%

Present and Future Transportation Patterns

Highways

Maintaining the integrity of the County Highway system is an important subject to consider as part of any zoning application. There are two primary considerations when evaluating the functionality of the road network; mobility and access. Higher order roadways such as Interstates and Arterials typically have high traffic volumes and are designed to provide more mobility vs. access. Lower order roads such as local roads are

designed to provide more access than mobility. Collector roads are designed to bridge the gap between higher order and lower order road systems by providing both mobility and access.

In this specific case, the subject parcel is surrounded by State and County public road facilities. As shown in Figure 3 the western boundary of the property is demarcated by US 340 and the “off ramp” for Keep Tryst Road. The northern boundary of the property consists of Keep Tryst Road. The eastern side of the property is bounded by Sandy Hook Road. There is no access or road frontage on the southern side of the parcel.

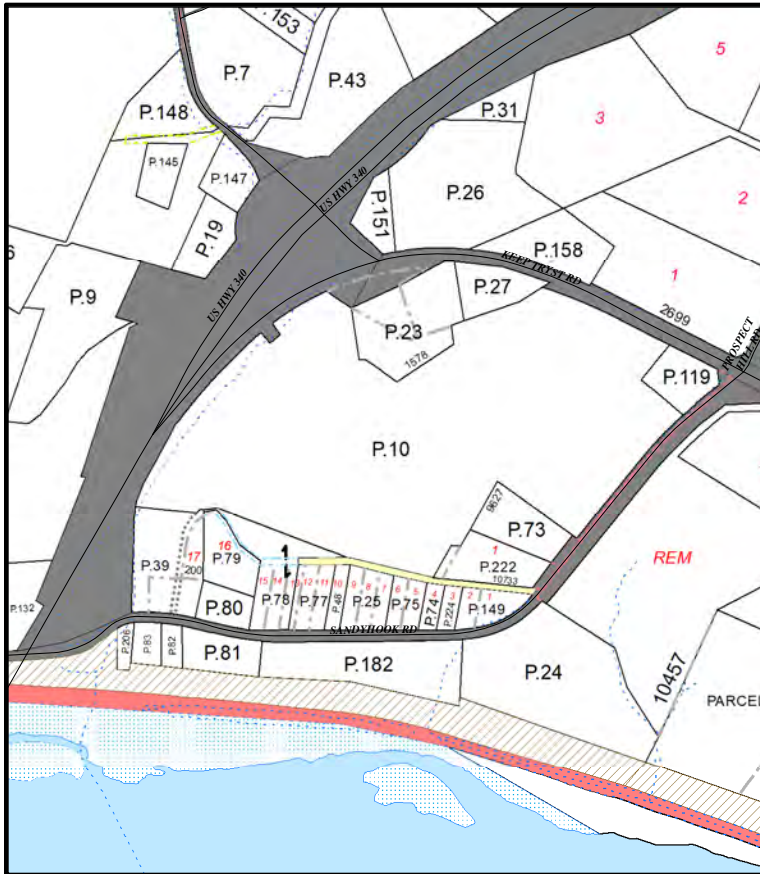


Figure 3: Road network surrounding the subject rezoning parcel

the Functional Highway Classification Map found in the 2002 Comprehensive Plan. In a rural setting, Other Principle Arterial Highways can expect traffic in excess of 5,000 Average Daily Traffic (ADT). It is assumed that the portion of US 340 and the “off ramp” for Keep Tryst Road are denied access. The portion of Sandy Hook Road and Keep Tryst Road that surround this property are classified as Major Collectors and, in a rural setting, can expect traffic between 1,000 and 3,000 ADT.

Staff has analyzed historic and existing traffic counts as well as any existing traffic impact studies that have occurred in the vicinity to help understand traffic patterns in the area surrounding the subject property. As shown in the table below, there are three areas near the subject parcel that have had sustained traffic counts.

Year	US 340 @ WV State Line	Sandy Hook Road	MD 67 @ Weverton Cliffs Road
2015	23,431	1,286 (2016)	4,882
2010	24,227	1,328 (2008)	4,850
2005	21,775	n/a	5,550
2000	19,299	n/a	4,725
1995	15,874	n/a	3,475
1990	13,222	2,600 (SHA)	3,700
1985	9,897	1,400 (SHA)	2,650

Source: Maryland State Highway Administration; Washington County Division of Engineering and Construction

The first location is on US 340 near the border between Maryland and West Virginia. Due to the vital connection US 340 makes between the fast growing eastern panhandle of West Virginia and job centers in and around Washington DC, a permanent traffic counter has been established here by the SHA. As shown in the table above, traffic along US 340 has nearly tripled over the last 30 years.

The second location with traffic count data is along Keep Tryst Road. As shown on the table above, SHA data shows traffic counts in this area in 1985 and 1990. While this data is available the validity is questionable. Keep Tryst Road is a County owned and maintained facility; therefore, SHA performing traffic counts on this road seems unlikely. More accurate data has been compiled by the County through their pavement maintenance program. Starting in 2008 the County began to collect traffic counts on their road facilities to prioritize pavement maintenance efforts across the County. Counts were completed again in 2016. As shown in the table above, it appears that traffic in this vicinity has remained fairly stagnant over the last decade.

The final location evaluated in this report is on Maryland 67 near its intersection with Weaverton Cliffs Road. Maryland 67 acts as a major collector road in the southern portion of Washington County. It acts as the primary corridor for residents along Sandy Hook Road and Keep Tryst Road to access the rest of Washington County. As shown in the table above, ADT has moderately increased over the last 30 years while maintaining a steady average of about 4800 ADT at this site for the last 15 years.

This application was sent to the Maryland State Highway Administration for review and comment. No comments have been received from the agency.

Public Transportation

This area is not directly served by public transportation; however, the site is approximately 5 miles away from the Harpers Ferry Station of the Maryland Area Regional Commuter (MARC) train system. The Brunswick line of the MARC train starts in Martinsburg, WV and ends in Union Station, Washington DC with several stops including one in Harpers Ferry.

Compatibility with Existing and Proposed Development in the Area:

The subject parcel is currently zoned Rural Village with a condition that new development be limited to a maximum of 9 single family lots. The applicant is seeking to have the density restriction removed in order to allow the Rural Village zoning to prevail as currently adopted which could allow one-half acre lot subdivisions. The purpose of the Rural Village district is “... preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary.”. The purpose statement of the district goes on to say that “The zone intends for permitted development to be generally of a similar density, scale and use type and mixtures as that which exists in the village.”.

The property is located within 1,000 feet of the C&O Canal towpath and the Appalachian Trail. It is surrounded by primarily residential and agricultural uses, and open space. There is also some limited commercial along the northern boundary of the subject parcel that consists of a restaurant and hotel.

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Washington County Historic Sites Survey there are no listed historic sites on the subject property; however, there are numerous existing historical resources located within a 0.5-mile radius of the proposed rezoning areas.

Most of these sites are associated with the historic Rural Village of Sandy Hook (See Figure 4). In 2001 a detailed inventory and evaluation of historic resources was performed by Taylor & Taylor and Associates in the Sandy Hook area. It was determined

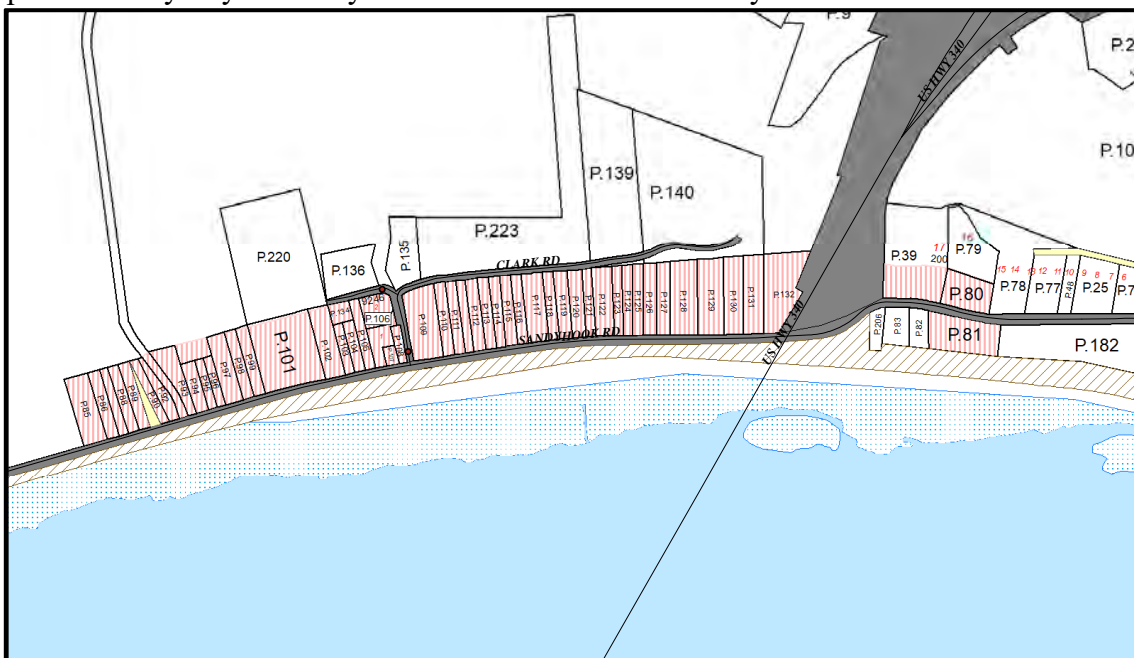


Figure 4: Hatched area shows the limits of the Historic Rural Village Survey completed by Taylor & Taylor and Associates (2001)

by the analysis that there are over 30 contributing resources that still exist in the area today that provide a context for early railroad and canal towns. The area was also heavily influenced by the abolitionist movement that evolved just prior to the American Civil War. From John Brown's raid on Harper's Ferry to the confederate occupation of Sandy Hook just prior to the Battle at Antietam, this area has experienced some of the most historic events of the 1800s.

According to the historic report, *"The majority of architecture of the village is vernacular in character. A number of properties are built of native stone, along with residences of wood and a smaller number of brick. The Methodist Church is of brick. Traditional house types characterize Sandy Hook, including central-passage and side-passage single-pile homes. Fenestration throughout Sandy Hook is primarily flat-topped, without notable ornament. Some homes retain multi-light historic sash with exterior operable louvered shutters. Most residential properties have open front porches and laterally-oriented gable roofs of varying materials including asphalt shingles and standing seam metal."*

The sites associated with the historic rural village within one-half mile of the rezoning site, by inventory reference number, include WA-III-074 – 81; WA-III-083 – 91; and WA-III-114 – 115.

Also located within a one-half mile of the subject site, but not specifically associated with the historic rural village are:

WA-III-033 – Late 19th century farmhouse; Two story, five bay L-shaped stucco building. Cemetery located behind the house.

WA-III-035 – 1800s One and one-half story 2 bay log cabin; site is in ruins with mostly foundation stones remaining

WA-III-043 – Mid to Late 19th Century; Two story, four bay brick house with smooth coat of stucco. Unusual building materials for the area.

WA-III-044 – Mid-19th Century brick house; Two story, four bay brick house.

WA-III-056 – 1800s 2 log cabin dwellings; both are one and one-half stories with one having 2 bays while the other has 3 bays.

WA-III-116 – Late 19th century frame house with field stone foundation; Two story, three bay structure with a one-story, two bay addition.

Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The subject parcel is located in the sub-policy area of the Rural Area known as Environmental Conservation as well as in the Appalachian Trail Special Planning Area. The Appalachian Trail follows the C&O Canal towpath from the eastern end of Keep Tryst Road to the pedestrian bridge of the Potomac River to Harper’s Ferry, WV. The Comprehensive Plan offers the following recommendations for these policy areas:

Environmental Conservation Policy Area recommendations:

“This policy area is associated with locations in the County where environmental sensitivity issues are prominent enough to warrant constraints on development. It includes steep slopes and forested areas on mountainsides as well as the steep slopes, flood plains, and forested areas along the Potomac River, Conococheague Creek, lower Antietam Creek, and Beaver Creek.”²

“Because of environmental sensitivity these areas warrant special consideration regarding development and construction. Lack of coordination can easily cause environmental degradation to occur.”³

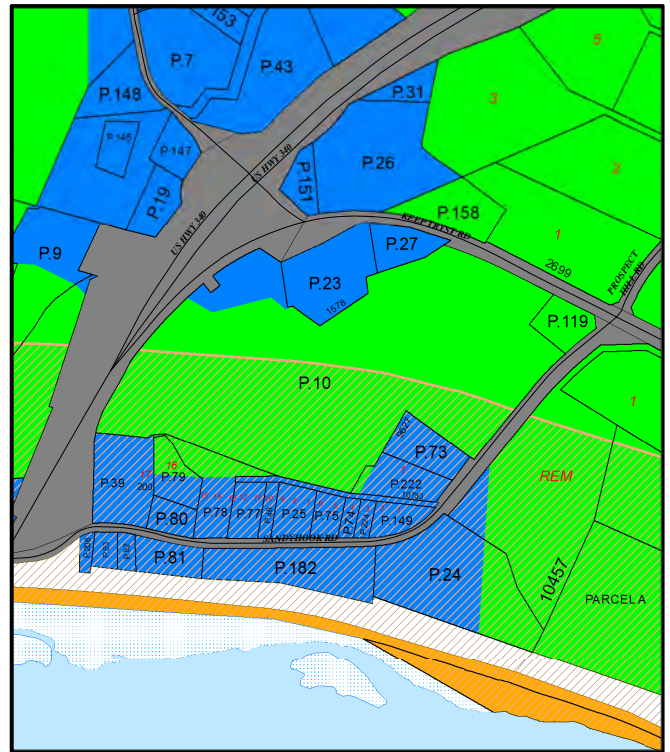


Figure 5: Land Use per the Comprehensive Plan. Hatched area shows the extent of the 1000’ buffer related to the Appalachian Trail Special Planning Area

Appalachian Trail Special Planning Area

“The importance of the Trail requires special attention to be given to preserving and protecting the scenic, environmental, recreation, and historic character of the Appalachian Trail and its immediate environs, through the minimizing of potential future incompatible land use activities in the vicinity of the Trail.”

Change in the Character of the Neighborhood or Mistake in Original Zoning Rule

When a rezoning is not part of a comprehensive rezoning by the governing body, individual map amendments (also known as piecemeal rezoning) are under an obligation to meet the test of the change or mistake rule. In this specific case, the change or mistake rule does not seem to apply. The applicant is not seeking a change in the zoning

² 2002 Washington County Comprehensive Plan, Chapter 12 Land Use Plan, p. 249.

³ *Ibid.*

classification of the property. Rather, they are seeking to remove conditions placed upon the property as part of the previously approved rezoning request. So rather than requesting a zoning change the applicant is asking for a reconsideration of a previous zoning decision.

Reconsideration of a Zoning Decision

According to past Maryland case law, “*Maryland, along with the federal courts and the majority of state courts that have addressed the issue, recognizes the inherent authority of agencies to reconsider their own quasi-judicial decisions.*”⁴ In Washington County, there are no rules, policies, regulations or statutes that allow for the reconsideration of zoning decisions. The method of appeal is generally through the Board of Zoning Appeals or through the Circuit Court depending upon the body making the decision. Without having a statute by which a zoning decision can be reconsidered there is consequently no standard of evaluation by which the County has established to evaluate the veracity of a claim to reverse or modify a previous decision.

In cases where no statute exists for the reconsideration of a quasi-judicial decision such as that of a zoning request, common law rule is applicable. Under common law rule (also known as the McKinney test), any petition requesting rehearing or reconsideration must prove that the prior decision resulted from “fraud, mistake, surprise, or inadvertence”.⁵

Staff Analysis:

The applicant in this case is contending that the County made a mistake in the zoning of the property in 2003 and again in 2005. The applicant justifies this statement by referring first to the piecemeal rezoning case decided in 2003, and second to a subsequent rezoning of the rural area approved in 2005. In the justification statement, the applicant states that “... (i) the 9-lot density restriction imposed as part of the 2003 piecemeal rezoning was impermissible; and (ii) even if the 9-lot density restriction was permissible, the legal effect of the 2005 Comprehensive Rezoning was to replace and supplant the 2003 piecemeal rezoning and assign an unaltered “RV” zoning classification to the property”.

The applicant’s first statement that the 9-lot density restriction imposed as part of the 2003 piecemeal rezoning was impermissible is evidentially irrelevant. Whether or not the restriction is legal is no longer subject to contention. As part of the decision rendered by the Board of County Commissioners in case RZ-03-001 the applicants were explicitly provided a period of five (5) days to withdraw the application if they did not agree with the applied conditions. Otherwise, according to the Findings of Fact and Articulation of the reasons for Decision, “...*they will be deemed to have consented to the change...*”. The application was not withdrawn.

In addition to the opportunity provided by the Board of County Commissioners to withdraw the application if the owners did not agree to the density restriction, the applicant

⁴ Cinque v. Montgomery County Planning Bd., 173 Md. App. 349, 918 A.2d 1254 (2007)

⁵ Board of Zoning Appeals v. McKinney, 174 Md. 551, 564-66, 199 A/ 540, 546-547 (1938)

is also afforded the opportunity for judicial review of the Commissioners' decision under Maryland law. In accordance with the Maryland Annotated Code, Land Use Article, Title 4, Subtitle 4 – Judicial Review, a person aggrieved by the action or decision of a legislative body may appeal said decision to the Circuit Court of the county within 30 days of the written decision. The applicant did not appeal the decision within the window of opportunity.

This point has been supported in the judicial system. The property owners on three different occasions have attempted to convince multiple levels of the judicial system that the County illegally placed the restriction on the property, and each time have been refuted. Judicial review began in 2006 when the property owner, P Overlook LLLP, filed an application with the Washington County Board of Zoning Appeals that charged administrative error from the Zoning Administrator's determination that the 9-lot density restriction applied to the subject property. The same arguments being made in this application were used to defend that appeal; (1) that the zoning was illegally applied initially and, (2) that the 2005 Comprehensive Plan rezoning supplanted the piecemeal rezoning. The Board of Zoning Appeals denied the applicant's request noting that under the rules of equitable estoppel the property owners were seeking to change the rules of the zoning after being complicit in the initial application of the zoning and density restriction.

This decision was upheld by both the Circuit Court for Washington County, Maryland as well as the Court of Special Appeals of Maryland. In the written opinion of the Court of Special Appeals the judge stated:

*“The map amendment decision, approving the rezoning of the Property to the RV district with a nine-lot density restriction, was to Overlook's (and therefore the Martin's) advantage. It would allow residential development at a density above what the land would be rezoned in the ordinary course of events but below what Overlook desired. It was relied upon by the Commissioners, who, had there not been a density restriction, would have declined any rezoning to the RV district and would have maintained their original plan to comprehensively rezone the Property to the EC district. Overlook purchased the property with full knowledge of the density restriction”.*⁶

The applicant's second argument, that the Comprehensive rezoning of the rural area in 2005 supplanted and should therefore overrule the 9-lot density restriction, has also been vetted and refuted through both administrative and judicial review. The applicant has repeatedly claimed that when the County adopted the Rural Area Rezoning in 2005 that no specific mention was made to this property having a 9-lot density restriction.

In fact, this property was specifically mentioned during the development and public hearing process of the Rural Area Rezoning. Included within the case file of the Rural Area rezoning is a chart explicitly detailing 37 properties that requested different zoning classifications than was proposed as part of the first round of public hearings. William Wantz, attorney for William and Sylvia Martin (then owners of the subject property),

⁶ The Court of Special Appeals of Maryland, P Overlook LLLP v. Board of County Commissioners of Washington County, Maryland et. Al. 183 Md. App. 233 (2008)

submitted a request for the subject parcel to be rezoned from BG to RV. As detailed on the chart (See exhibit 1), Staff recommended to deny the request but made a specific note on the property as follows, “A rezoning request from BG to RR was pending on the Martin property (RZ-03-001). On 10/28/03 the BOCC reviewed & App’d Request for RV with a 9-lot density”. By adding this information to the chart, Staff also noted that no additional action needed to be taken by the Planning Commission or the Board of County Commissioners because the request had already been dealt with as part of the piecemeal rezoning case RZ-03-001. It also indicates the intent of the Board to maintain the 9-lot density restriction on the property.

This position was also supported by the Court of Special Appeal of Maryland as the judge opined that:

“Overlook’s later position, that the comprehensive rezoning of the property resulted in its being placed the RV district with no density restriction, was an obvious attempt to benefit from the rezoning to the RV district, which only was allowed with the density restriction condition and would not have happened without it, while at the same time attacking the density condition that enabled them to obtain the zoning in the first place.”

“The Commissioners made their map amendment decision conditional, as a compromise that was to Overlook’s benefit. The Board did not err in ruling that Overlook cannot now be heard to challenge the part of the compromise that was to the Commissioners’ benefit while accepting the part of the compromise that was to its own benefit.”⁷

Recommendation:

Based on the information provided and the analysis to date there does not appear to be sufficient evidence of fraud, mistake, surprise or inadvertence to grant the request to remove the 9-lot density restriction and thereby overturn previous legislative and judicial decisions.

Respectfully submitted,

Jill Baker
Deputy Director

⁷ Ibid.

Timeline of events related to parcel owned by P Overlook LLLP

April 2002

Rezoning case filed by William and Sylvia Martin (RZ-02-003), represented by attorney William Wantz, to rezone property from BG to RS.

June 2002

Joint public hearing was held with the Planning Commission and Board of County Commissioners (BoCC). At some point prior to the hearing P Overlook became the contract purchaser.

August 2, 2002

Planning Commission recommended denial of application.

August 27, 2002

Comprehensive Plan adopted.

November 2002

RZ-02-003 was withdrawn by applicant.

January 2003

Rezoning case filed by William and Sylvia Martin and Potomac Overlook (RZ-03-001), represented by attorney William Wantz, to rezone property from BG to RR.

March 10, 2003

Joint public hearing was held with the Planning Commission and BoCC. As part of the applicant's presentation it was revealed that they wanted to pursue a 34-lot subdivision on the property.

April 2003

Planning Commission issued its recommendation as follows: "The Planning Commission opined that the applicant did not present any more convincing information than was presented during the last rezoning case for the subject property. They indicated that the proposed Rural Residential designation for this property was not appropriate for the area and that the commercial designation could provide opportunities for retail services for the citizens in the area. If it were to be rezoned for residential development, then they would recommend a classification that would limit the amount of future development."

August 2003

Board of County Commissioners reviewed the application and referred the case back to the Planning Commission "for consideration of the appropriate density of single-family residential development, which may be established by the attachment of a condition to rezoning".

September 8, 2003

Planning Commission members were presented with the Commissioners request to review the application again and make recommendations on the number of lots that the new development could be restricted to in order to be compatible with the existing area. Planning Commission members declined to make a formal recommendation to the BoCC because it was their previous recommendation to deny the application.

September 2003

The Planning Commission released a draft of the “Comprehensive Rezoning of the Rural Area of Washington County”. The subject property was proposed to receive an “Environmental Conservation” zoning designation.

October 8, 2003

Public hearing on the Rural Area Rezoning.

October 20, 2003

Applicants amended their rezoning application to request the proposed Rural Village zoning designation (as presented as part of the Rural Area Rezoning) instead of RR.

October 28, 2003

BoCC voted in favor of rezoning the property to RV “with the condition of a nine-lot maximum density”. As part of their finding of fact the Commissioners noted that “the density of the proposed 34 lot single family development of the Property would not be compatible with the scale of the adjacent Sandy Hood Rural Village.” The applicant was given 5 working days to withdraw their rezoning application if they did not agree to this condition, otherwise it would be deemed to be consented upon. The applicant neither withdrew the application nor sought judicial review of the decision.

February 2004

Potomac Overlook purchased the property from the Martins.

September 2004

BoCC held a public hearing on 37 individual property owner requests to amend the proposed zoning on their land. The subject property was on this list and the 9-lot restriction was also noted.

July 2005

Rural Area Rezoning was adopted.

July 2006

Scott Miller, attorney representing the property owner, wrote a letter to the County Zoning Administrator seeking confirmation that the property was currently zoned RV without restriction. The attorney’s letter stated that it was their contention that because the County approved the RV on the subject property prior to the zoning district being formally adopted that the BoCC action was ineffective. When the

Commissioners approved the Rural Area Rezoning they formally rezoned the property RV but made no specific motion as part of the overall Rural Area Rezoning adoption putting a condition on the property. The Zoning Administrator responded that the nine-lot restriction was in fact in place.

October 2006

The property owners appealed the Zoning Administrator's decision to the Circuit Court of Washington County. The County countered the appeal by noting that the property owners (present and past) were fully aware of the condition and agreed to said conditions through their failure to withdraw the case or file for judicial review and should therefore be barred from appealing the decision by equitable estoppel principles.

June 2007

The Circuit Court of Washington County upheld the Board of Zoning Appeals opinion.

September 2007

The circuit court decision was appealed to the Maryland Court of Special Appeals.

December 2008

The Maryland Court of Special Appeals upheld the Circuit Court decision.

April 2017

Jason Divelbiss, attorney representing P Overlook LLLP, contacted the County requesting guidance on how to proceed with removing the 9-lot restriction from the subject property.

November 2017

Mr. Divelbiss was notified that the County believes that the courts have validated the current zoning classification and density restriction and that it has no interest in further reviewing the issue administratively. Mr. Divelbiss was further notified that any further review of this issue would need to be done through a rezoning application.

June 2018

Application filed to remove 9 lot restriction from the property (RZ-18-003).



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

October 15, 2018

RZ-18-003

**APPLICATION FOR MAP AMENDMENT
PLANNING COMMISSION RECOMMENDATION**

Property Owner(s):	P Overlook LLLP
Applicant(s):	P Overlook LLLP
Location:	SE Quadrant of US 340 and Keep Tryst Road
Election District:	#11 – Sandy Hook
Comprehensive Plan Designation:	Environmental Conservation
Tax Map:	87
Parcel(s):	10
Acreage:	24.32 acres
Existing Zoning:	RV - Rural Village (9-lot density restriction)
Requested Zoning:	RV - Rural Village (no density restriction)
Date of Public Meeting:	September 10, 2018

RECOMMENDATION

The Washington County Planning Commission took action at its regular meeting held on Monday, October 1, 2018 to recommend denial of Map Amendment RZ-18-003 to the Board of County Commissioners. The Commission considered the application, the supporting documentation submitted with the application, the applicant's presentation and the public comment during the public rezoning meeting and the Staff Report and Analysis. The Planning Commissions' opinion is that the Board of County Commissioners was within its legislative authority to place residential density restrictions on this property based on an analysis of compatibility with surrounding land uses. Furthermore, the Planning Commission referenced public comment noting that numerous judicial proceedings, in varying levels of the Maryland judicial system, have not negated the Board of County Commissioners decision to apply the density restriction. The Planning Commission believes the restriction is valid and should remain. Copies of the application packet, Staff Report and Analysis, approved minutes of the September 10, 2018 public rezoning meeting and the approved minutes of the October 1, 2018 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

STG/JLB/dse
Attachments
cc: Kirk Downey
Jason Divelbiss

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
October 1, 2018**

The Washington County Planning Commission held its regular monthly meeting on Monday, October 1, 2018 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Andrew Bowen, Jeremiah Weddle, Denny Reeder, David Kline and Robert Goetz, Jr. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Tim Lung, Director; and Lisa Kelly, Senior Planner.

The Chairman called the meeting to order at 7:00 p.m.

-OLD BUSINESS

RZ-18-003 – P Overlook LLLP

Presented for discussion and recommendation was a map amendment application for P Overlook LLLP. The property, which is currently zoned RV (Rural Village) is located at the intersection of MD Route 340 and Keep Tryst Road and is 24.32 acres in size. The applicant is requesting that a condition (9 lot density restriction) placed on the property by the Board of County Commissioners as part of a previous rezoning application (2003) be lifted. This request was heard at a public information meeting on September 10, 2018 by the Planning Commission at which time public comment was taken.

Discussion and Comments: Mr. Kline stated that he is opposed to lifting the 9 lot density restriction and explained his reasons for the objection. During the public information meeting, one citizen reminded Commission members that the 9 lot density restriction has been the subject of multiple appeals and has had several reviews by a number of legal entities including the Planning Commission, the Board of County Commissioners, and the courts. The original restriction was upheld by both the Circuit Court for Washington County and the Maryland Court of Special Appeals. Mr. Kline believes the developer knowingly made the agreement with the County in order to get the zoning that he wanted for the property in 2003. He expressed his opinion that the applicant has not made any compelling argument that would warrant a change.

Mr. Reeder and Mr. Weddle both concurred with Mr. Kline's comments.

Motion and Vote: Mr. Kline made a motion to recommend denial of the request to remove the 9 lot density restriction to the Board of County Commissioners because there has been no convincing evidence that it should be removed and the multiple evaluations of the case have never indicated that the restriction is improper. The motion was seconded by Mr. Weddle and unanimously approved.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 10, 2018 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved with Mr. Goetz abstaining from the vote.

SUBDIVISIONS

Hunter's Green Business Park, Lots 11 thru 13 [S-18-031]

Ms. Kelly presented for review and approval a preliminary/final plat for Hunter's Green Business Park, Lots 11 thru 13. The site is located east of Williamsport Pike, north of I-70 and adjacent to French Lane. The property is currently zoned HI (Highway Interchange). The developer is proposing to subdivide 3 lots for commercial purposes. Service Truck and Tire currently exists on Lot 11. Lot 12 contains .804 acres of land and Lot 13 contains 2.9 acres of land, both of which are currently undeveloped. Public water and public sewer service all three lots. Any development on Lots 12 and 13 would require a site plan. Forest Conservation Ordinance requirements were address previously during the development of Hunter's

Green Business Park. All agency approvals have been received with the exception of the City of Hagerstown Water Department and the Health Department.

Motion and Vote: Mr. Bowen made a motion to grant staff the authority to approve the preliminary/final plat upon receipt of all pending approvals. The motion was seconded by Mr. Weddle and unanimously approved.

SITE PLANS

Sharpsburg Elementary School [SP-18-031]

Ms. Kelly presented for review and approval a site plan for the proposed Sharpsburg Elementary School located on the south side of Shepherdstown Pike (Route 34). The existing school will remain open and in service until the new school is constructed. The old school will be demolished once the new school opens in 2020. The site is 11.54 acres in size and is currently zoned Preservation with Antietam Overlay 2. The proposed school will be one story at the front and two stories will be exposed at the rear elevation due to the sloping site. The building will be approximately 502,776 square feet in size. There will be a center courtyard and several play areas. The existing access from Shepherdstown Pike will remain in service and will be extended and redesigned to provide individual staff/visitor parking and bus parking/ student pickup. Ten bus parking spaces will be provided and 100 staff/visitor parking spaces will be provided (99 spaces are required). Public water and public sewer will be provided by the County systems that serve the Town of Sharpsburg. The existing sign at the entrance will remain. Lighting will be building mounted and pole lighting will be provided throughout the parking lot. Dumpsters will provide solid waste disposal. Sidewalks will be installed around the school and a new sidewalk will connect with an existing one along Shepherdstown Pike. The Board of Appeals granted a variance in November 2017 from the minimum 100 foot left side yard setback to 89 feet and from the 50 foot rear yard setback to 42 feet. Landscaping will include many species of trees, shrubs, grasses and perennials. Forestation requirements will be met by retaining existing forest off-site at the Fairview Outdoor School. An easement plat is currently being reviewed. A conditional approval has been received from the Soil Conservation District. The Washington County Department of Water Quality is currently reviewing revisions. Forest Conservation review is on-going. All other agency approvals have been received. A Forest Stand Delineation has been prepared for the site.

Discussion and Comments: Mr. Reeder asked if there would be any changes to the entrance on Shepherdstown Pike. Mr. Robert Rollins with the Board of Education stated there are no plans for a traffic signal; however, the entrance will be widened to allow for two lanes exiting the site and one lane coming into the site.

Mr. Bowen asked how many students will be attending the new school when it opens. Mr. Brad Otto with the Board of Education stated that the maximum capacity at the school will be 471 students; however, upon opening there will be approximately 420 students. There was a brief discussion regarding the stacking of vehicles when parents are dropping off or picking up students.

Mr. Goodrich gave a brief presentation regarding the Forest Conservation Plan that has been submitted. He noted that three specimen trees have been identified on the site: a 32" Oak tree, a 34" Locust tree, and a 40" Mulberry tree. The site plan indicates that most of the site will be affected by grading; therefore, the specimen trees will need to be removed. The State Forest Conservation Act and the County's Forest Conservation Ordinance require that specimen trees of 30" or greater must be kept on the site unless the Planning Commission grants a variance to allow their removal. Mr. Goodrich stated that the applicant provided justification for why the trees need to be removed. The applicant's consultant that prepared the Forest Stand Delineation noted that the Locust and Mulberry trees were nearing the end of their expected lifespan and in a state of decline. Protective measures would be expensive and would not guarantee survival. The Oak tree would be negatively impacted by the required ADA accessible sidewalk and protective measures may or may not insure survival. The justification also noted that these trees were not present during the Civil War. Mr. Goodrich stated that the landscaping plan for this project shows 77 new trees to be planted on the site, which will be 8 to 10 feet tall upon installation.

Motion and Vote: Mr. Reeder made a motion to grant staff the authority to approve the site plan upon receipt of all agency approvals. The motion was seconded by Mr. Goetz and unanimously approved.

Motion and Vote: Mr. Bowen made a motion to approve a variance from the Forest Conservation Ordinance to allow removal of the specimen trees. The motion was seconded by Mr. Weddle and unanimously approved.

Motion and Vote: Mr. Weddle made a motion to approve the Forest Conservation Plan. The motion was seconded by Mr. Kline and unanimously approved.

-OTHER BUSINESS

Update of Staff Approvals

Mr. Lung reported the following for the month of September: Land Development/Permit reviews: 5 entrance permits; 12 grading permits; 1 non-residential construction permit; 1 non-residential agricultural certificate and 2 utility permits. New submittals for Subdivision/Land Development: 1 storm water concept plan; 1 standard grading plan; 3 Forest Stand Delineations; 1 subdivision replat; 3 Preliminary/Final subdivision plats; 1 Simplified plat; 1 redline revision for Fahrney-Keedy Bowman Addition; and 1 site plan for the former Sears re-use. Approvals for Land Development: 2 Ordinance modifications (both reviewed by the Planning Commission); 1 simplified plat; 1 Preliminary/Final plat for Emerald Pointe, Phase 3, Section 2; 1 Preliminary/Final plat for a single lot residential subdivision; 1 minor site plan for Potomac Playmakers; 1 site plan for Long Delite Farm; and 1 red line revision.

Mr. Lung explained that the site plan for the reuse of the Sears building meets the criteria for a staff approved site plan. The former Sears anchor store had a footprint of 124,000 square foot. The developer is proposing a 25,521 square foot expansion on the west side of the existing building that will house four separate retail spaces consisting of one 59,992 square foot space, one 45,100 square foot space, one 29,763 square foot space and one 6,101 square foot space. The entire Valley Mall is under a cross parking easement agreement established when the Mall was first developed. Parking spaces provided is 5,027 spaces including 119 handicap spaces; 5,006 parking spaces are required per the County's Zoning Ordinance. No additional water or sewer allocation will be needed for this development. As part of the plan, are improvements to the existing parking islands.

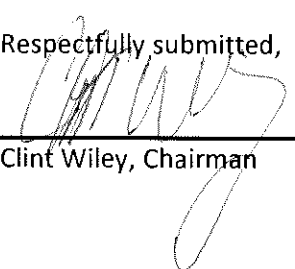
-ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 7:40 p.m. The motion was seconded by Mr. Bowen and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, November 5, 2018, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,



Clint Wiley, Chairman

Joel Kanter and Cynthia Hallberlin
19032 Sandy Hook Road
Knoxville, MD 21758

RECEIVED

SEP 05 2018

WASHINGTON COUNTY
PLANNING DEPARTMENT

August 30, 2018

Washington County Planning Commission
Washington County Department of Planning and Zoning
100 West Washington Street, Suite 2600
Hagerstown, MD 21740

Re: Proposed Rezoning Case: RZ-18-003 – P Overlook

Dear Commission Members:


As property owners adjacent to the 24 acre parcel in question in Knoxville, Maryland, we wish to offer our strong objections to the proposed rezoning. We bought our property at 19032 Sandy Hook in 2006 (and the adjacent property at 19038 Sandy Hook in 2016) aware that it had the Rural Village designation and that the adjacent parcel was limited to nine dwellings. Since our initial purchase, the owners of the parcel have attempted once before to rezone the property to enable them to build many more dwellings and now it is not even clear what their final intent is. But one can assume that they intend to plan many more than nine dwellings on the property.

Besides this development project changing the nature of our rural community, we have an immediate concern about the drainage from a project that would involve paving many roads and home sites as we are down a steep hillside from this parcel. Obviously, this partnership has been willing to invest in repeated legal battles to pursue their interests and, if their intended development ended up damaging our property, we would not have the resources to take them to court.


Unfortunately, we will not be able to attend the hearing on September 10, but we strongly encourage the Planning Commission to retain the current zoning with the objective supporting the property rights of adjacent landowners as well as the character of the local community.

We thank you for your help in this matter.

Sincerely yours,



Joel Kanter



Cindy Hallberlin

Cc: Stephen Goodrich, Director, Washington County Department of Planning and Zoning

Eckard, Debra S.

From: Baker, Jill
Sent: Thursday, September 06, 2018 8:40 AM
To: Eckard, Debra S.
Subject: FW: Nine lot restriction on 24 acres near Sandy Hook, MD

Can you make copies for the PC please?

From: Mike Ferguson <michael.ferguson@jesco.us>
Sent: Thursday, September 6, 2018 8:38 AM
To: Baker, Jill <JBaker@washco-md.net>
Subject: Nine lot restriction on 24 acres near Sandy Hook, MD

Good morning, my name is Mike Ferguson. I reside on Hemlock Ln in Sharpsburg MD. The property that is being considered for lifting the 9 home restriction is very near my residence.

I **strongly oppose** lifting the restriction that exists currently. The west intersection at Keep Tryst and 340 cannot possibly handle any more traffic especially at peak times. This intersection is already EXTREMELY dangerous when turning west bound towards Harpers Ferry. People going east on Keep Tryst to enter 340 at the other end are met with 65 mph traffic coming downhill and there is a very very short merge area. The safety concerns alone should be enough to limit any further development in the area.

Additionally the property in question is very close to the C&O Canal as well as the Appalachian Trail. A large development in this area of nature and beauty would not be a good fit! Lastly there are grave concerns on fire and EMT's ability to handle many more people in the area. All responding departments are already at maximum capacity and are struggling as it is to keep up with existing calls.

Thank you for reading this and please pass along to anyone that may benefit.

Thank you

Michael Ferguson
Territory Manager
JESCO, Inc.
8411 Pulaski Highway
Baltimore, MD 21237
michael.ferguson@jesco.us
Office (410) 687-1700
Cell (410) 218-6516



WWW.JESCO.US

WWW.JESCODITCHWITCH.US

Eckard, Debra S.

From: Patricia Schooley <paschooley1006@gmail.com>
Sent: Tuesday, September 04, 2018 4:10 PM
To: Eckard, Debra S.
Subject: Potomac Overlook 2080824 hearing Selpt 10

RECEIVED

SEP 04 2018

WASHINGTON COUNTY
PLANNING DEPARTMENT

To the review committee:

I cannot attend the hearing on the issue of overbuilding overlooking the Potomac in South County.. The Rural Village Ordinance was written to preserve the character of our rural villages. Please uphold this regulation and maintain the nine lot limit. Our historic density defines our county and is drawing tourists and their tax dollars. We do not need to become a bedroom community. This kind of development does not pay sufficient taxes to support the services they require.

Thank you,
Patricia Schooley
20702 Old Forge Road
Hagerstown, MD 21742

Eckard, Debra S.

From: mrmddl@aol.com
Sent: Tuesday, August 28, 2018 2:09 PM
To: Eckard, Debra S.
Subject: Case No. RZ-18-003

Debra,

thank you for taking the time to follow up on my phone call regarding the Rezoning Case at the intersection of MD Rt. 340 and Keep Tryst Road.

I've read the case and the reason for the filing is due to a *'mistake in the original zoning'* . . . maybe, but my wife and I have lived just across the street from that property since 1990 and we've seen the growth of the southern county . . . **without infrastructure** to support all the growth!

I can't imagine the traffic nightmare for all of the residence if the 9 lot residential density restrictions are lifted!

It's already a traffic mess trying to get home off Rt 340 (turning left on Keep Tryst Rd) starting from 4:30-6:00p every weekday night!

During the weekends, it's typical to have 2-3 mile backups from traffic trying to get across the 340 bridge into Harpers Ferry, making 'turning left at Keep Tryst Rd' impossible!

Accidents occur at the intersection of MD Rt. 340 & Keep Tryst Rd and all of us are just waiting for the BIG accident and unfortunate deaths before the County takes action regarding that dangerous intersection!

And Sandy Hook Rd . . . (the eastern side of the lot), already has all the traffic it can handle!

We want to go on record; for **KEEPING** the present zoning laws!

Thank you,
Mike DiLeo & Carrie Smith
532 Prospect Hill Rd., Knoxville, MD 21758
301-834-6810

Eckard, Debra S.

From: Baker, Jill
Sent: Friday, September 07, 2018 1:14 PM
To: Eckard, Debra S.
Subject: FW: 24 Acres in SandyHook Rd area (Rezoning case No. RZ-18-003)

More comments for the rezoning.

From: Jennifer Hymiller <hymillerj@yahoo.com>
Sent: Friday, September 7, 2018 12:33 PM
To: Baker, Jill <JBaker@washco-md.net>
Subject: 24 Acres in SandyHook Rd area (Rezoning case No. RZ-18-003)

Good afternoon. Unfortunately I will be unable to attend Monday's hearing, my husband will be there representing our household, but since we have a 4 year old, I thought it not appropriate to bring her. We live at 19126 Sandyhook Rd and have lived here since 3/2011. We are one lot over from the proposed rezoning acreage. When I first saw the notice my first question was how many lots do they want, since clearly they would like more than 9. Then after reading the article in the Herald Mail and seeing that the last proposal was for 34 lots, we are greatly **opposed** to the proposed rezoning.

Keep Tryst road is a very small, secluded road. On most evenings, 340 West gets very backed up due to bridge traffic, and the only way to get to our home is either turning onto Keep Tryst at the flashing light (which is usually backed up in the evenings), or having to hop off on 67, hop on 340 East and slow down very fast and get on Keep Tryst at that end. The road is narrow with drop offs on either side and a bit curvy. If more than 9 lots is approved for this location, our road will not be able to handle the traffic, it will also greatly add to the traffic on 340 West.

In addition, any elementary age children will attend Pleasant Valley Elementary, which as you know is very small. A new neighborhood with more than 9 lots will contribute to overcrowding.

I am originally from Frederick County, MD, which has great schools. When my husband and I were looking to purchase our first home in 2011, I really wanted to stay in Frederick County because of the schools and opportunities. Once we realized that we could get more house and land for our money in Washington County, we chose this location. Now, 7.5 years later and with a 4 year old daughter, I am so happy we chose Washington County because Frederick County is now becoming the new Montgomery County; overcrowded, homes everywhere and on top of each other, schools very overcrowded and constantly dealing with bullying and other adolescent issues. Frederick County no longer puts quality of life first, and they certainly have no regard for quality of education. I am begging you, please do not let Washington County become this.

People are drawn to at least this part of Washington County because of the slower pace. You can think and breath, my daughter can go outside on our deck and in our yard by herself and I never have to wonder if she is safe. We all know each other and watch out for each other. Putting in 34 new homes, possibly more, into a very small area would ruin all of this.

Please help us keep our little piece of Washington County safe, uncrowded, and happy.

Signed a Concerned Citizen- Jennifer Wolfe

Eckard, Debra S.

From: Baker, Jill
Sent: Friday, September 07, 2018 7:50 AM
To: Eckard, Debra S.
Subject: FW: Rezoning request

Another letter of opposition that needs to go to the Planning Commission. Thanks.

From: Randy Changuris <randychanguris@gmail.com>
Sent: Thursday, September 6, 2018 5:20 PM
To: Baker, Jill <JBaker@washco-md.net>
Subject: Rezoning request

I am in opposition to the rezoning request to lift the nine-lot restriction on 24 acres in the Sandy hook area.

First of all it is my understanding that the nine-lot restriction is already a compromise of an earlier request. Nothing has changed but the pressure from a developer who wishes to make a larger profit.

None of the original arguments against this request have changed..Let me remind you that the beauty of the Pleasant Valley area needs to be preserved. Just last month we were the site of a world class bicycle championship. A venue that was chosen over more exotic places San Diego & Las Vegas.

Let us retain the charm that exists here in Southern Washington County and not get greedy for additional tax revenue.

Randy & Holly Changuris
2815 Rohrersville RD
Roheresville, MD 21779



September 10, 2018

Dear Members of the Washington County Planning Commission,

I am writing to comment on P Overlook LLLC request to change the zoning classification for Zoning Map 10, Parcel 87 in case RZ-18-003. The area proposed for rezoning is located within the Heart of the Civil War Heritage Area (HCWHA), one of thirteen heritage areas certified through the Maryland Heritage Areas Authority. Further, the site is very near to three national park units: Harpers Ferry National Historical Park, Appalachian National Scenic Trail, and C&O Canal National Historical Park. It is also in close proximity to South Mountain State Battlefield. These resources, and all of southern Washington County, are within the certified boundaries of the Heart of the Civil War Heritage Area.

The Management Plan for the Heart of the Civil War Heritage Area emphasizes the importance of scenic resources, their preservation and stewardship. The plan also notes that unspoiled historic and scenic resources give the Heart of the Civil War Heritage Area a competitive advantage; where authenticity of setting is not preserved, the impact of heritage tourism weakens. Washington County's Comprehensive Plan includes the Heart of the Civil War Heritage Area Management Plan by reference (this step was required before the heritage area was certified by the State in 2006). The plan is downloadable from <http://www.heartofthecivilwar.org/stakeholders/management-plan>.

CARROLL COUNTY
HAMPSTEAD
MANCHESTER
MOUNT AIRY
NEW WINDSOR
SYKESVILLE
TANEYTOWN
UNION BRIDGE
WESTMINSTER

The location in question is just east of Maryland Heights, in full view of Maryland Heights, Loudoun Heights and Weverton Cliffs of the Appalachian Trail. It also is visible from areas on the C&O Canal. This area was heavily encamped by US forces at various times during the Civil War, especially at the outset (June-October, 1861), and immediately after Antietam (September-November, 1862). To take any action that would compromise the views and landscapes involved would be contrary to the priorities described in the Heart of the Civil War Heritage Area Management Plan, a document incorporated as part of the Washington County Comprehensive Plan. The P Overlook LLLC zoning change request is not consistent with the Heart of the Civil War Heritage Area Management Plan.

FREDERICK COUNTY
BRUNSWICK
BURKITTSVILLE
EMMITSBURG
FREDERICK
MIDDLETOWN
MOUNT AIRY
MYERSVILLE
NEW MARKET
ROSEMONT
THURMONT
WOODSBORO

Continued commitment to the protection of Civil War resources and their viewsheds would be consistent with Washington County's long record of recognizing and preserving the scenic and historic significance of southern Washington County. In the 1960s, the County advocated for Maryland Heights resources and their inclusion in Harpers Ferry National Historic Park. In 2006 Washington County chose to be a part of the certified Heart of the Civil War Heritage Area (and requested an expansion in 2017). I urge you to honor your past record and the HCWHA Management Plan as you consider the P Overlook LLLC zoning change request.

WASHINGTON COUNTY
BOONSBORO
CLEAR SPRING
FUNKSTOWN
HAGERSTOWN
HANCOCK
KEEDYSVILLE
SHARPSBURG
SMITHSBURG
WILLIAMSPORT

Sincerely,

Elizabeth Scott Shatto
Executive Director

151 S. EAST STREET
FREDERICK, MD 21701
INFO@HEARTOFTHECIVILWAR.ORG
HEARTOFTHECIVILWAR.ORG
301-600-4031
800-999-3613 TOLL FREE

Eckard, Debra S.

From: Dennis Frye <txaggie@myactv.net>
Sent: Monday, September 10, 2018 9:48 AM
To: Eckard, Debra S.
Subject: Dennis Frye's objection to RZ-18-003, Zoning Map 10, Parcel 87

To the members of the Washington County Planning Commission:

Please record my strong objection to P Overlook LLC (hereafter "Overlook," as the applicant) to change the zoning classification for Zoning Map 10, Parcel 87 in case RZ-18-003.

As a lifelong resident of Washington County - and specifically a lifelong resident of South County, growing up in Pleasant Valley - I do not support any changes or variances to existing zoning classifications in Pleasant Valley. My desire - and the County's, through its Comprehensive Plan - is to preserve the rural and historic character of this neighborhood.

Overlook desires to change the zoning classification for the property from Rural Village with a 9-lot density to Rural Village without a density restriction.

The Planning Department's recommendation is denial. Please concur with this determination.

As stated by Jill Baker in the August, 2018 "Staff Report and Analysis:" "There does not appear to be sufficient evidence of fraud, mistake, surprise or inadvertence to grant the request to remove the 9-lot density restriction and thereby overturn previous legislative and judicial decisions."

In the Planning Department's thorough analysis, it specifically cited that enrollment at Pleasant Valley Elementary "already exceeds capacity," and that "additional development in general will exacerbate the existing inadequacy."

Additionally, the Planning Department's analysis explains that "Overlook" has "on three different occasions attempted to convince multiple layers of the judicial system that the county illegally placed the restriction on the property, and each time have been refuted."

Thank you for adopting the **denial recommendation** of the Planning Department and abiding by past judicial decisions.

Dennis E. Frye

Eckard, Debra S.

From: Baker, Jill
Sent: Friday, September 07, 2018 3:13 PM
To: Eckard, Debra S.
Subject: FW: Sandy Hook Property Development by P Overlook LLLP

From: DeYoung, Jeri <jeri_deyoung@nps.gov>
Sent: Friday, September 7, 2018 2:58 PM
To: Baker, Jill <JBaker@washco-md.net>
Subject: Sandy Hook Property Development by P Overlook LLLP

Dear Deputy Planning and Zoning Director,

Thank you for the opportunity to comment on the proposed re-zoning of the 24 acre parcel by P Overlook LLLP. Our interest in the project is primarily two-fold: (1) proposed erosion and drainage control measures required for the development, and (2) the potential change to the viewshed from the park.

Thank you again for the opportunity to comment.

Jeri

Jeri L. DeYoung
Chief of Resources Management
Chesapeake and Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21740
phone 301-714-2210
mobile 240-291-0562



Agenda Report Form

Open Session Item

SUBJECT: Senator Amoss Funding Allocation

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: R. David Hays, Director, Division of Emergency Services

RECOMMENDED MOTION: Move to accept the recommendations of the Director of Emergency Services, authorizing the Division of Emergency Services to make notification of the grant award from the FY 2019 Senator William H. Amoss Fire, Rescue, and Ambulance Fund subsidy as outlined in the attached document. The total fiscal year 2019 funding received by the County is \$337,711.00

REPORT-IN-BRIEF: The State of Maryland distributes an annual payment to each County for support of local fire and rescue operations. The County in turn makes notification of the funding to the eligible vol. fire and rescue corporations. Financial accountability and reporting are handled within the Division of Emergency Services and the Division of Budget and Finance, with the County filing a financial report with the State on an annual basis.

DISCUSSION: The Senator William H. Amoss Fire, Rescue and Ambulance Fund is authorized within the Public Safety Article of the Annotated Code of Maryland. The Maryland Emergency Management Agency is responsible for the program.

FISCAL IMPACT: Loss of funding would result in the reduction of capital equipment funding and expenditures that are available to the independent fire and EMS companies.

CONCURRENCES: R. David Hays, Director, Division of Emergency Services, and Kim Edlund, Director, Budget and Finance

ALTERNATIVES: None

ATTACHMENTS: Fiscal Year 2019 Distribution Matrix

AUDIO/VISUAL TO BE USED: None

**Washington County, Maryland
Allocation of 508 State Grant Funds**

Fiscal Year 2019

<u>Fire</u>		Total Distributions	Amount
Hagerstown Fire Department	1468	6	77,933.30
First Hose Company of Boonsboro	920	1	12,988.88
Clear Spring Volunteer Fire Company	396	1	12,988.88
Williamsport Volunteer Fire and EMS	2651	1	12,988.88
Community Volunteer Fire Company	699	1	12,988.88
Funkstown Volunteer Fire Company	1377	1	12,988.88
Volunteer Fire Company of Halfway	1498	1	12,988.88
Leitersburg Volunteer Fire Company	1688	1	12,988.88
Maugansville Goodwill Volunteer Fire Company	1813	1	12,988.88
Smithsburg Community Volunteer Fire Company	2310	1	12,988.88
Sharpsburg Volunteer Fire Company	2224	1	12,988.88
Potomac Valley Volunteer Fire Company	2068	1	12,988.88
Hancock Volunteer Fire Company	1510	1	12,988.88
Longmeadow Volunteer Fire Company	1698	1	12,988.88
Mt. Aetna Volunteer Fire Company	1908	1	12,988.88
Total Distribution - Fire		20	259,777.68
<u>EMS</u>			
Sharpsburg Area Emergency Medical Service	6013	1	12,988.88
Hancock Rescue Squad	1502	1	12,988.88
Boonsboro Area Emergency Medical Service	281	1	12,988.88
Clear Spring Volunteer Ambulance Club	393	1	12,988.88
Smithsburg Area Emergency Medical Service	2309	1	12,988.88
Community Rescue Service, Inc.	1035	1	12,988.88
Total Distribution - EMS		6	77,933.30
Grand Total		26	337,710.98



LAWRENCE J. HOGAN, JR.
GOVERNOR
COMMANDER-IN-CHIEF

STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

LINDA L. SINGH
MAJOR GENERAL
THE ADJUTANT GENERAL

Ms Sara L. Greaves
Washington County
Department of Finance
100 West Washington St.,
Hagerstown, MD 21740

Re: FY 2019 Senator William H. Amoss Award

Dear Ms. Greaves,

Your jurisdiction has been approved as a recipient of the above award for State Fiscal Year 2019. The annual distribution will be made on or about mid-November. Your FY 2019 allocation is itemized as follows:

	Washington
Municipal Share	\$1,587
County Share	<u>\$336,124</u>
Total	\$337,711
Minimum FY19 Distribution to VFRACS	\$336,124

All reports and attestation forms should be mailed to the following address on or before December 31, 2018:

Maryland Military Department,
Office of State Finance & Administration, Room B-9
Fifth Regiment Armory, 29th Division Street
Baltimore, Maryland 21201-2288
Attention: E. Scott Gordon, Fiscal Services Chief

Should you have any questions, please contact me by telephone or email. My e-mail address is scott.gordon@maryland.gov. My telephone number is 410-234-3829.

Sincerely,

E. Scott Gordon,
Fiscal Services Chief



Open Session Item

SUBJECT: Presentation of the 2020-2029 Capital Budget – Draft 1

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Sara Greaves, Chief Financial Officer

RECOMMENDED MOTION: For informational purposes

REPORT-IN-BRIEF: Discussion of Draft 1 of the FY2020-2029 Capital Budget.

DISCUSSION: A Ten-Year Capital Improvement Plan is developed each fiscal year and includes scheduling and financing of future community facilities such as public buildings, roads, bridges, parks, water and sewer projects, and educational facilities. The plan is flexible and covers ten years with the first year being the Capital Improvement Budget. Funds for each project are allocated from Federal, State, and local sources.

A primary purpose of the Capital Improvement Program is to provide a means for coordinating and consolidating all departmental and agency project requests into one document. Capital budget requests were submitted on December 28, 2018. Project costs that were submitted exceeded available funding sources by approximately \$85 million dollars. It is the CIP Committee's responsibility to review all requests that County departments and agencies submit. All projects are ranked based on established criteria for priority ranking. Considering current and future needs, as developed in the ten-year plan, available funding sources, and the results of the priority ranking process, the CIP Committee determines which capital projects best meet established criteria for the current fiscal year Capital Improvement Budget and the nine-year forecast. Not all projects can be funded due to limited resources.

Topics of discussion will include:

- Draft 1 of Capital budget including project changes from what was originally submitted
- Debt affordability analysis
- Funding assumptions

FISCAL IMPACT: FY2020 Capital budget of \$60,908,000

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Handout

AUDIO/VISUAL NEEDS: None

**Washington County, Maryland
Capital Improvement 10yr Detail
Fiscal Year 2020 - 2029
Draft 1**

	Total	Prior Appr.	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Airport												
Passenger Terminal Hold Room Expansion	5,484,000	1,084,000	2,400,000	2,000,000	0	0	0	0	0	0	0	0
T-Hangar 1, 2, & 3 Replacement	442,000	103,000	32,000	32,000	33,000	28,000	34,000	35,000	35,000	36,000	37,000	37,000
Airport Roof Replacement Project	349,220	62,220	37,000	15,000	15,000	45,000	35,000	55,000	25,000	15,000	20,000	25,000
Airport Security System Enhancements	736,000	250,000	138,000	98,000	100,000	150,000	0	0	0	0	0	0
Capital Equipment - Airport	4,771,059	1,531,059	0	20,000	180,000	290,000	120,000	290,000	30,000	900,000	310,000	1,100,000
Land Acquisition-Airport	7,295,000	2,507,000	0	0	0	0	1,140,000	1,228,000	590,000	600,000	610,000	620,000
Runway 9/27 Rehabilitation	6,500,000	500,000	6,000,000	0	0	0	0	0	0	0	0	0
Airport Environmental Assessment	2,145,000	1,145,000	0	0	0	1,000,000	0	0	0	0	0	0
Hangar 21 Stairs	40,000	0	40,000	0	0	0	0	0	0	0	0	0
Proposed Taxiway S	1,180,000	0	0	0	0	0	0	0	1,180,000	0	0	0
Runway 9 MALSR	1,484,000	0	0	0	0	0	0	0	0	0	244,000	1,240,000
Snow Removal Equipment Storage Building Expansion	1,950,000	0	0	0	0	250,000	1,700,000	0	0	0	0	0
Taxiway H Rehabilitation	1,250,000	0	0	250,000	1,000,000	0	0	0	0	0	0	0
Taxiway G Rehabilitation	1,920,000	0	0	0	0	0	0	0	0	1,920,000	0	0
Taxiway T Construction	915,000	0	0	0	0	0	0	0	0	0	159,000	756,000
Airport	36,461,279	7,182,279	8,647,000	2,415,000	1,328,000	1,763,000	3,029,000	1,608,000	1,860,000	3,471,000	1,380,000	3,778,000
Bridges												
Bridge Inspection and Inventory	627,500	60,500	175,000	0	22,000	0	171,000	0	24,000	0	175,000	0
Roxbury Road Bridge W5372	3,144,077	2,614,077	530,000	0	0	0	0	0	0	0	0	0
Bridge Scour Repairs	263,184	31,184	0	0	0	0	0	232,000	0	0	0	0
Halfway Boulevard Bridges W0912	2,112,000	115,000	1,007,000	990,000	0	0	0	0	0	0	0	0
Keefer Road Bridge 15/20	231,000	85,000	146,000	0	0	0	0	0	0	0	0	0
Appletown Road Bridge W2184	479,000	0	0	0	0	0	0	0	0	479,000	0	0
Ashton Road Culvert 04/06	399,000	0	0	0	0	0	0	0	0	30,000	369,000	0
Back Road Culvert 11/03	295,000	0	295,000	0	0	0	0	0	0	0	0	0
Bowie Road Culvert	305,000	0	0	0	0	0	0	35,000	270,000	0	0	0
Broadfording Road Culvert 04/03	30,000	0	0	0	0	0	0	0	0	0	0	30,000
Burnside Bridge Road Culvert 01/03	329,000	0	0	0	0	114,000	215,000	0	0	0	0	0
Draper Road Culvert 04/07	428,000	0	0	0	0	0	0	0	0	0	36,000	392,000
Draper Road Culvert 04/08	379,000	0	0	0	0	0	0	0	0	0	36,000	343,000
Frog Eye Road Culvert 11/06	652,000	0	0	0	266,000	386,000	0	0	0	0	0	0
Greenspring Furnace Road Culvert 15/15	398,000	0	0	87,000	311,000	0	0	0	0	0	0	0
Gruber Road Bridge 04/10	288,000	0	0	0	0	0	0	0	0	0	10,000	278,000
Harpers Ferry Road Culvert 11/02	541,000	0	0	0	0	33,000	508,000	0	0	0	0	0
Henline Road Culvert 05/05	465,000	0	0	0	0	0	0	34,000	431,000	0	0	0
Hoffman's Inn Road Culvert 05/06	313,000	0	0	0	0	0	0	165,000	148,000	0	0	0
Kretsinger Road Culvert 14/01	316,000	0	0	31,000	285,000	0	0	0	0	0	0	0
Lanes Road Culvert 15/12	317,000	0	0	32,000	285,000	0	0	0	0	0	0	0
Long Hollow Road Culvert 05/07	316,000	0	0	0	0	0	66,000	250,000	0	0	0	0
Mercersburg Road Culvert 04/16	384,000	0	0	0	0	0	0	0	0	16,000	368,000	0
Mooreville Road Culvert 15/21	355,000	0	0	0	0	0	0	0	0	355,000	0	0
Remsburg Road Culvert	287,000	0	0	0	0	0	0	189,000	98,000	0	0	0
Rinehart Road Culvert 14/03	332,000	0	0	31,000	301,000	0	0	0	0	0	0	0
Slabtown Road Bridge	3,800,000	0	0	200,000	1,000,000	2,600,000	0	0	0	0	0	0
Stone Masonry Bridge Repairs	270,000	0	0	0	0	0	0	0	0	270,000	0	0
Taylor's Landing Road Bridge W7101	1,179,000	0	0	0	0	0	0	0	35,000	510,000	634,000	0
Willow Road Culvert 05/10	323,000	0	0	0	0	0	0	0	151,000	172,000	0	0
Yarrowsburg Road Bridge W6191	186,000	0	0	0	0	0	0	0	0	0	124,000	62,000
Bridges Total	19,743,761	2,905,761	2,153,000	1,371,000	2,470,000	3,133,000	960,000	905,000	1,157,000	1,832,000	1,752,000	1,105,000

Washington County, Maryland
Capital Improvement 10yr Detail
Fiscal Year 2020 - 2029
Draft 1

	Total	Prior Appr.	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Drainage												
Stream Restoration at Various Locations	1,731,782	594,782	0	351,000	0	0	381,000	0	0	405,000	0	0
Stormwater Retrofits	12,397,483	3,000,483	894,000	586,000	1,009,000	945,000	962,000	979,000	996,000	1,013,000	1,013,000	1,000,000
Broadfording Church Road Culvert	231,000	0	0	231,000	0	0	0	0	0	0	0	0
Chestnut Grove Road Drainage	84,000	0	84,000	0	0	0	0	0	0	0	0	0
Crestwood Drive Culvert	75,000	0	75,000	0	0	0	0	0	0	0	0	0
Drainage Improvements at Various Locations	750,000	0	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Draper Road Drainage Improvements	509,000	0	0	0	0	0	0	259,000	250,000	0	0	0
Harpers Ferry Road Drainage, 3600 Block	376,000	0	0	75,000	301,000	0	0	0	0	0	0	0
Shank Road Drainage	153,000	0	0	153,000	0	0	0	0	0	0	0	0
Trego Mountain Road Drainage	315,000	0	0	0	0	0	0	0	0	0	315,000	0
University Road Culvert	203,000	0	0	0	0	203,000	0	0	0	0	0	0
Drainage Total	16,825,265	3,595,265	1,128,000	1,471,000	1,385,000	1,223,000	1,418,000	1,313,000	1,321,000	1,493,000	1,403,000	1,075,000
Education												
Board of Education												
Capital Maintenance - BOE	19,685,882	4,512,882	1,615,000	1,558,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Sharpsburg Elementary School Replacement	26,728,000	10,461,000	10,076,000	6,191,000	0	0	0	0	0	0	0	0
Elementary School 1	40,203,000	0	0	0	3,565,000	9,030,000	12,571,000	12,181,000	2,856,000	0	0	0
Elementary School 2	34,997,000	0	0	0	0	0	0	0	709,000	8,742,000	12,541,000	13,005,000
Urban Education Campus-BOE Component	19,318,000	10,386,000	6,462,000	2,470,000	0	0	0	0	0	0	0	0
Board of Education Total	140,931,882	25,359,882	18,153,000	10,219,000	5,065,000	10,530,000	14,071,000	13,681,000	5,065,000	10,242,000	14,041,000	14,505,000
Hagerstown Community College												
Student Center Parking Lot	696,000	483,000	213,000	0	0	0	0	0	0	0	0	0
ARCC Air Conditioning	2,727,000	0	0	0	0	0	0	305,000	2,422,000	0	0	0
ATC Operations Building	5,400,000	0	0	0	0	0	0	0	0	878,000	4,522,000	0
Campus Road & Parking Lot Overlays	2,000,000	0	0	0	0	0	0	0	0	0	0	2,000,000
Center for Business and Entrepreneurial Studies	7,690,000	0	6,281,000	1,409,000	0	0	0	0	0	0	0	0
CVT Instructional Facility Acquisition	2,400,000	0	1,400,000	0	1,000,000	0	0	0	0	0	0	0
CVT Renovation/Construction Project	2,500,000	0	0	0	97,000	1,523,000	501,000	379,000	0	0	0	0
LRC Exterior Metal Panel System and Roof Replacement	1,703,000	0	0	1,149,000	0	554,000	0	0	0	0	0	0
Hagerstown Community College Total	25,116,000	483,000	7,894,000	2,558,000	1,097,000	2,077,000	501,000	684,000	2,422,000	878,000	4,522,000	2,000,000
Public Libraries												
Systemic Projects - Library	141,492	41,492	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Hancock Public Library Replacement	2,826,000	122,000	10,000	78,000	2,616,000	0	0	0	0	0	0	0
Public Libraries Total	2,967,492	163,492	20,000	88,000	2,626,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Education Total	169,015,374	26,006,374	26,067,000	12,865,000	8,788,000	12,617,000	14,582,000	14,375,000	7,497,000	11,130,000	18,573,000	16,515,000
General Government												
Cost of Bond Issuance	1,176,600	143,600	99,000	98,000	98,000	99,000	98,000	99,000	98,000	98,000	122,000	124,000
Contingency - General Fund	1,199,305	449,305	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Systemic Improvements - Building	2,310,707	337,707	196,000	197,000	197,000	196,000	196,000	196,000	197,000	199,000	199,000	200,000
Information Systems Replacement Program	1,295,871	305,871	180,000	50,000	70,000	90,000	100,000	100,000	100,000	100,000	100,000	100,000
Financial System Management & Upgrades	600,516	238,516	50,000	32,000	33,000	34,000	34,000	35,000	35,000	36,000	36,000	37,000
County Wireless Infrastructure	129,422	107,422	11,000	11,000	0	0	0	0	0	0	0	0
Accela Software Upgrade	38,351	8,351	30,000	0	0	0	0	0	0	0	0	0
Tree Forestation	70,548	70,548	0	0	0	0	0	0	0	0	0	0
General - Equipment and Vehicle Replacement Program	4,660,505	660,505	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Multi-Purpose Facility	7,631,000	0	200,000	881,000	1,222,000	3,092,000	2,236,000	0	0	0	0	0
Facilities Roof Repairs	1,360,000	0	100,000	130,000	130,000	100,000	100,000	150,000	275,000	150,000	125,000	100,000
General Government Total	20,472,825	2,321,825	1,341,000	1,874,000	2,225,000	4,086,000	3,239,000	1,055,000	1,180,000	1,058,000	1,057,000	1,036,000
Parks and Recreation												
BR Capital Equipment Program	244,000	44,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Tennis Court Resurfacing	302,990	42,990	30,000	30,000	30,000	30,000	30,000	30,000	20,000	20,000	20,000	20,000
Ag Center Land Development	151,000	98,000	53,000	0	0	0	0	0	0	0	0	0
Park Equipment/Surfacing Replacement, Various Locations	1,592,000	92,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Parking Lot Repair/Overlay, Various Locations	1,192,000	192,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000

**Washington County, Maryland
Capital Improvement 10yr Detail
Fiscal Year 2020 - 2029
Draft 1**

	Total	Prior Appr.	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Marty Snook Park Fence Upgrades	20,000	0	20,000	0	0	0	0	0	0	0	0	0
Ag Center Garage Doors	15,000	0	15,000	0	0	0	0	0	0	0	0	0
Ag Center Track Upgrades	50,000	0	50,000	0	0	0	0	0	0	0	0	0
Ag Center Kitchen Equipment Replacement	60,000	0	60,000	0	0	0	0	0	0	0	0	0
Doubs Woods Equipment Storage Building	150,000	0	0	150,000	0	0	0	0	0	0	0	0
North Central County Park	2,676,000	0	0	0	0	0	0	46,000	47,000	0	721,000	1,862,000
Parks and Recreation	6,452,990	468,990	498,000	450,000	300,000	300,000	300,000	346,000	337,000	290,000	1,011,000	2,152,000
Public Safety												
Detention Center - Systemic Projects	3,029,571	689,571	0	260,000	260,000	260,000	260,000	260,000	260,000	260,000	260,000	260,000
Police & EMS Training Facility	11,500,000	5,800,000	1,500,000	1,400,000	1,400,000	1,400,000	0	0	0	0	0	0
Communication Tower(s) Various	711,345	141,345	106,000	0	110,000	0	114,000	0	118,000	0	122,000	0
Motorola Portable Radio Replacement Program	1,250,000	104,000	106,000	108,000	110,000	112,000	114,000	116,000	118,000	120,000	120,000	122,000
Patrol Fuel Center	380,000	0	380,000	0	0	0	0	0	0	0	0	0
Law Enforcement - Vehicle & Equipment Replacement Program	7,509,706	629,706	625,000	930,000	650,000	650,000	650,000	675,000	675,000	675,000	675,000	675,000
Emergency Services Equipment & Vehicle Program	2,047,183	622,183	100,000	100,000	100,000	100,000	100,000	175,000	175,000	175,000	200,000	200,000
County Rescue Fleet Replacement	9,500,000	800,000	800,000	800,000	800,000	800,000	800,000	900,000	900,000	900,000	1,000,000	1,000,000
Public Safety	35,927,805	8,786,805	3,617,000	3,598,000	3,430,000	3,322,000	2,038,000	2,126,000	2,246,000	2,130,000	2,377,000	2,257,000
Railroad												
Railroad Study & Improvements	2,044,837	669,837	0	0	295,000	0	0	348,000	0	360,000	0	372,000
Railroad	2,044,837	669,837	0	0	295,000	0	0	348,000	0	360,000	0	372,000
Road Improvement												
Transportation ADA	1,194,450	351,450	83,000	82,000	83,000	84,000	86,000	87,000	84,000	85,000	85,000	84,000
Pavement Maintenance and Rehab Program	58,556,194	8,306,194	4,750,000	4,750,000	4,750,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,500,000	5,500,000
Longmeadow Road	810,000	0	0	0	0	0	0	810,000	0	0	0	0
Eastern Boulevard Extended	7,850,000	0	0	0	0	0	677,000	1,792,000	3,264,000	2,117,000	0	0
Eastern Boulevard Widening Phase II	5,672,300	2,691,300	927,000	1,854,000	200,000	0	0	0	0	0	0	0
Professional Boulevard Extended Phase II	4,309,200	2,824,200	1,235,000	250,000	0	0	0	0	0	0	0	0
Valley Mall Area Road Improvements Phase II	992,000	0	250,000	0	0	0	742,000	0	0	0	0	0
Professional Boulevard Extended Phase III	1,203,000	0	0	0	0	0	900,000	303,000	0	0	0	0
Showalter Road Extended East	2,251,000	510,000	0	0	0	0	0	0	0	351,000	1,026,000	364,000
Halfway Boulevard Extended	5,972,000	2,323,000	749,000	2,000,000	900,000	0	0	0	0	0	0	0
Bucky Avenue	355,000	0	0	0	0	0	0	0	355,000	0	0	0
Burnside Bridge Road Spot Improvements	544,000	0	0	0	0	0	0	0	544,000	0	0	0
Colonel Henry Douglas Drive Extended Phase II	800,000	0	0	0	0	0	0	0	0	0	0	800,000
E. Oak Ridge Drive/South Pointe Signal	461,000	0	0	0	0	0	111,000	350,000	0	0	0	0
Mt Aetna Road Spot Improvements	2,399,000	0	0	0	0	0	0	0	0	758,000	641,000	1,000,000
Professional Boulevard Extended - Phase IV	800,000	0	0	0	0	0	0	800,000	0	0	0	0
Rockdale Road and Independence Road Spot Improvements	1,225,000	0	0	0	0	0	0	0	0	0	650,000	575,000
Wright Road	2,750,000	0	0	100,000	1,250,000	1,400,000	0	0	0	0	0	0
Road Improvement	98,144,144	17,006,144	7,994,000	9,036,000	7,183,000	6,484,000	7,516,000	9,142,000	9,247,000	8,311,000	7,902,000	8,323,000
Highways												
Highway - Vehicle & Equipment Replacement Program	11,624,095	1,074,095	1,250,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,100,000	1,100,000	1,100,000
Highway Western Section - Fuel Tank Replacement	847,000	486,000	193,000	168,000	0	0	0	0	0	0	0	0
Highways	12,471,095	1,560,095	1,443,000	1,168,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,100,000	1,100,000	1,100,000
Solid Waste												
Contingency - Solid Waste	399,000	87,000	0	0	0	30,000	30,000	35,000	35,000	60,000	60,000	62,000
40 West Truck Loading Facility	500,000	0	500,000	0	0	0	0	0	0	0	0	0
Close Out Cap - Rubblefill	2,092,000	0	0	0	100,000	1,992,000	0	0	0	0	0	0
SW Equipment & Vehicle Replacement	316,668	28,668	27,000	27,000	28,000	28,000	29,000	29,000	30,000	30,000	30,000	30,000
40 West Landfill - Cell 5 Construction	4,083,000	0	0	0	0	0	440,000	3,472,000	171,000	0	0	0
City/County Groundwater Investigation	156,000	0	0	156,000	0	0	0	0	0	0	0	0
Solid Waste	7,546,668	115,668	527,000	183,000	128,000	2,050,000	499,000	3,536,000	236,000	90,000	90,000	92,000

Washington County, Maryland
Capital Improvement 10yr Detail
Fiscal Year 2020 - 2029
Draft 1

	Total	Prior Appr.	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Transit												
Vehicle Preventive Maintenance	4,207,251	457,251	375,000	375,000	375,000	375,000	375,000	375,000	375,000	375,000	375,000	375,000
Fixed Route Bus Replacement Program	7,558,000	2,994,000	978,000	0	652,000	0	0	0	0	0	2,934,000	0
ADA Bus Replacement	450,000	0	0	75,000	0	75,000	75,000	0	75,000	0	75,000	75,000
Transit	12,215,251	3,451,251	1,353,000	450,000	1,027,000	450,000	450,000	375,000	450,000	375,000	3,384,000	450,000
Water Quality												
Utility Administration												
General Building Improvements	1,187,710	223,710	0	0	0	0	370,000	594,000	0	0	0	0
Lab Equipment Replacement	288,581	57,581	21,000	22,000	22,000	22,000	23,000	23,000	24,000	24,000	25,000	25,000
WQ Equip/Vehicle Replacement Program	1,055,219	220,219	75,000	75,000	80,000	80,000	80,000	85,000	85,000	90,000	90,000	95,000
Contingency - Utility Admin	135,677	135,677	0	0	0	0	0	0	0	0	0	0
Utility Administration	2,667,187	637,187	96,000	97,000	102,000	102,000	473,000	702,000	109,000	114,000	115,000	120,000
Sewer												
Replace Grinder Pumps	818,531	33,531	40,000	60,000	80,000	80,000	80,000	80,000	90,000	90,000	90,000	95,000
Pen Mar/ Highfield/ Cascade Septic Tank Pumping and Replacement	115,000	35,000	40,000	40,000	0	0	0	0	0	0	0	0
Pump Station Upgrades - Various Stations	3,352,557	1,064,557	500,000	0	0	153,000	0	0	885,000	0	750,000	0
Collection System Rehabilitation Project	4,046,924	691,924	0	275,000	560,000	0	0	870,000	0	900,000	0	750,000
Capacity Management Project	8,800,542	1,280,542	3,180,000	4,340,000	0	0	0	0	0	0	0	0
Smithsburg WWTP ENR Upgrade	3,828,387	1,903,387	1,925,000	0	0	0	0	0	0	0	0	0
Heavy Sewer EQP and VEH Replacement	1,013,972	427,972	94,000	94,000	94,000	94,000	35,000	35,000	35,000	35,000	35,000	35,000
Contingency - Sewer	36,939	36,939	0	0	0	0	0	0	0	0	0	0
Potomac Edison Pump Station & Force Main	1,700,000	0	0	0	0	0	0	0	0	0	1,700,000	0
General WwTP Improvements	1,350,000	0	0	0	300,000	250,000	250,000	300,000	250,000	0	0	0
Sewer Fund	25,062,852	5,473,852	5,779,000	4,809,000	1,034,000	577,000	365,000	1,285,000	1,260,000	1,025,000	2,575,000	880,000
Water												
Water Meter Replacement	252,839	102,839	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Mt Aetna Water System Improvements	729,000	130,000	0	0	0	599,000	0	0	0	0	0	0
Sharpsburg Water Treatment Plant	794,000	204,000	0	0	0	0	0	0	590,000	0	0	0
General WTP Improvements	859,298	37,298	0	0	0	242,000	0	290,000	0	290,000	0	0
Contingency - Water	26,800	26,800	0	0	0	0	0	0	0	0	0	0
Highfield/Sharpsburg Water Storage Tank	336,000	0	0	0	0	0	0	336,000	0	0	0	0
Sharpsburg Water Meter Cradle Replacement	1,000,000	0	250,000	250,000	250,000	250,000	0	0	0	0	0	0
WQ Main Replacement	866,000	0	0	0	0	566,000	100,000	100,000	0	0	100,000	0
Water Fund	4,863,937	500,937	265,000	265,000	265,000	1,672,000	115,000	741,000	605,000	305,000	115,000	15,000
Water Quality	32,593,976	6,611,976	6,140,000	5,171,000	1,401,000	2,351,000	953,000	2,728,000	1,974,000	1,444,000	2,805,000	1,015,000
TOTAL	469,915,270	80,682,270	60,908,000	40,052,000	30,960,000	38,779,000	35,984,000	38,857,000	28,505,000	33,084,000	42,834,000	39,270,000



Agenda Report Form

Open Session Item

SUBJECT: Hagerstown Annexation - A-2018-01 Foggy Bottom Farm and other lands and A-2018-02 Antietam Creek creek bed

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Stephen T. Goodrich, Director, Department of Planning and Zoning

RECOMMENDED MOTION: Move to grant/not grant *express approval* to the City of Hagerstown to allow development on the annexed land of *A- 2018-01 Foggy Bottom Farm and other lands* in conformance with the Hagerstown zoning district I-MU (Industrial-Mixed Use) as described in the annexation Resolution and Annexation Plan, which may be substantially different than the uses that would be allowed under the current County zoning districts of Office Research and Industry (ORI).

REPORT-IN-BRIEF: Staff presented this matter initially on January 15, 2019 and Commissioners deferred action until the required public hearing with the Hagerstown Mayor and Council was held. The hearing occurred on January 29, 2019. In addition to the City staff presentation on the annexation, three individuals spoke to the matter. Andrew Eshelman, Director of Public Work for Washington County, reiterated the County's concerns regarding Professional Boulevard, the Antietam Creek bridge and the County's storm water management structure, that were stated in a letter to the Mayor and Council from the County Commissioners. Jason Divelbiss, an attorney representing Meritus Medical Center, submitted a letter in opposition to the proposed annexation. (letter attached) A private citizen stated his objection to the annexation and stated the opinion that the City should focus on lands already within the municipal boundary. At the conclusion of the hearing, Mayor Bruchey stated that the record would be held open until February 15, 2019 to allow for submission of comments from the County Commissioners resulting from consideration during the February 12 meeting.

The information from the ARF introducing the subject during the January 15, 2019 meeting is restated here. The City of Hagerstown proposes to annex approximately 101 acres of land adjacent to its eastern border between Antietam Creek and Yale Drive in the Robinwood area (A-2018-01). The land is owned by the City of Hagerstown (parcel 1587, 11.9 acres, 11850 Indian Lane, aka Foggy Bottom farm), Meritus Medical Center (parcel 1718, 78 acres) and Washington County (parcel 1755, 10.8 acres, regional storm water management structure). The Hagerstown Mayor and Council's Resolution states that the City will assign the AT-Agricultural Transition zone to the 11.9 acre parcel it owns at 11850 Indian Lane. This parcel is zoned RT-Residential Transition by the County. The City will assign the I-MU, Industrial-Mixed Use zone to the Meritus Medical Center and County owned parcels (total approximately 89 acres). These two

parcels are currently zoned Office Research and Industry-ORI in the County. The permitted uses in Hagerstown's AT district are generally the same as the County's Residential Transition district (continuing agricultural use and single-family dwellings). There are several uses permitted in the Hagerstown I-MU district that would not be permitted by the County ORI district which prompts a discussion on the need for express approval of the I-MU zoning proposed by Hagerstown.

A-2018-02 involves 1.47 acres of land that lies within the banks of the Antietam Creek, most of it under water. The ownership is undetermined. Hagerstown plans to zone the land AT-Agricultural Transition. The current County zoning is RT-Residential Transition.

Maryland's Annotated Code, Local Government Article, §4-416 restricts substantially different development on the annexed property for 5 years unless the County grants its **express approval** to allow it.

DISCUSSION: The basis for seeking Washington County Commissioners **express approval** of the annexation comes from the Local Government Article of Maryland's Annotated Code, §4-416(b) which says:

"Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation. "

The area to be annexed under case #A-2018-01 surrounds but does not include the right of way or soon to be constructed by Washington County extension of Professional Boulevard.

FISCAL IMPACT: No cost to Washington County

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Hagerstown Annexation Resolutions and Plans for A-2018-01 and A-2018-02, comparison charts of City and County zoning, and Meritus letter of opposition

AUDIO/VISUAL NEEDS: N/A



CITY OF HAGERSTOWN, MARYLAND


Planning and Code Administration Department

MEMORANDUM

RECEIVED

TO: Stephen Goodrich, Director
Washington County Department of Planning and Zoning

DEC 21 2018

FROM:  Stephen R. Bockmiller, AICP
Development Review Planner/Zoning Administrator

WASHINGTON COUNTY
PLANNING DEPARTMENT

DATE: December 21, 2018

SUBJECT: Annexation Plan – A-2018-01 – Foggy Bottom Farm and Other Lands

Pursuant to Division II (Municipalities) Section 4-406(c) of the Local Government Article, Code of Maryland, please find attached for your review a copy of the Annexation Plan and location map of the annexation referenced above, totaling 101.03 acres of land, more or less. The Annexation Plan for this proposal was adopted by the Mayor and City Council on November 27, 2018. A Public Hearing for the annexation has been scheduled for January 29, 2019 at 7:00 p.m. in the City Council Chambers, Second Floor of City Hall at the address on this letterhead.

The area to be annexed is currently located in the RT (Residential Transition) Zoning District and the ORI (Office, Research and Industry) Zoning District. The City intends to assign the property currently zoned RT to the AT (Agricultural Transitional) Zoning District. Since the house on the property is listed on the County's historic properties survey, it would be annexed with a "potential landmark" designation. It is our understanding that these are the nearest compatible districts between our two Ordinances and, as such, AT zoning is not subject to expressed approval by the Board of County Commissioners.

City's Assessment of AT Zoning Compatibility:

The AT District is a "placeholder" classification that allows uses on recently annexed property, especially agricultural activity, to continue "as is" until there is a proposal for development. At that time a rezoning would be initiated to assign the appropriate classification – consistent with the City's Comprehensive plan - for the proposed development. There are no plans for the development of Foggy Bottom Farm at this time. The Future Land Use Map of the Plan designates this area for "medium density residential" development. See page 2-17 for a description of this designation.

Our understanding of the existing RT District applicable to this property would allow the continued use of the property for agriculture and one single-family detached dwelling, and generally, continuation of the existing use would be more restrictive than the County's RT classification. It is unlikely that a use would be proposed on this property in the next five years that is inconsistent with the uses permitted by right or special exception in the RT District. As such, we do not believe expressed approval from the Board of County Commissioners is necessary.

Should development be proposed in the next five years, the property would be reclassified to a district that is consistent with the City's Comprehensive Plan. If development is proposed, given its designation on the Future Land Use Map, this would likely be assigned RMOD (Residential Moderate Density) zoning, which appears very consistent with the County's RT District. Less likely would be assignment of RMED (Residential Moderate Density) zoning, which does have some differences with the RT district. Should reassignment occur within the next five years, the City would have to consult you and your elected body for zoning consistency and expressed approval if necessary.

The City intends to assign the properties currently zoned ORI to the I-MU (Industrial – Mixed Use) Zoning District.

City's Assessment of I-MU Zoning Compatibility:

Around 2014, knowing that the Mt. Aetna/Meritus area east of Antietam Creek would be ripe for annexation at some point in the foreseeable future, City staff met with Mr. Snook regarding ways that the City's I-MU District can be made more compatible with the County's ORI District. The City amended its zoning ordinance in 2015 implementing these changes.

In the City's zoning ordinance, the stated purpose of the I-MU district is "to provide locations for light industrial parks, office parks, research and development facilities, high-tech communications and technology facilities, trucking and distribution facilities, and minor commercial uses that support job centers". The I-MU District does include some uses intended mostly as conveniences for those who work within the area not having to leave the industrial or business park to obtain basic services. The purpose of the County's ORI District is "... support the County's economic development effort by providing additional locations for employment and will allow the variety of uses which may benefit from locations in proximity to each other. Limited commercial activities are also permitted to serve the needs of employees in the District." The Future Land Use Map of the Vision Hagerstown 2035 designates this area as "Business – Employment".

It is our assessment that their missions are the same, and the list of uses are generally consistent as the result of amendments made by the City in 2015 to make the two more consistent (although a few uses may vary). As such, expressed approval is not necessary.

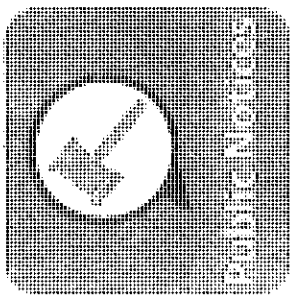
The Hagerstown Planning Commission will be reviewing this proposal and making a recommendation to the Mayor and City Council on the proposed zoning at its meeting on January 9. It would be most efficient if the County could respond as soon as possible prior to that meeting. Otherwise, the Mayor and City Council public hearing is scheduled for 7 p.m., on Tuesday, January 29, 2019 in the City Council Chambers in City Hall.

Please note that the City desires to move forward with alacrity on this matter. In assessing the situation, the City's position is that we have little concern over the specific zoning districts assigned (on the understanding that they are consistent with the City's Comprehensive Plan), nor is the City concerned whether the lands are annexed with or without expressed consent and does or does not become subject to a five year moratorium requirement. However, City staff will gladly meet with County staff and the Board of County Commissioners, as necessary to shepherd this process in an effective manner. If the Board of County Commissioners determines that expressed consent is necessary, it would be more to the benefit of the current land owner and future developers to have this issue resolved now, during the annexation process. The alternative would be to wait for developers to express interest in these lands for certain uses and then find it necessary to approach the County regarding zoning during their study periods. But the annexation process will not be delayed.

Thank you for your attention to this matter. If you have any questions, please let me know.

Attachments –	Annexation Plan, Vicinity Map and Proposed Plat of Annexation	
Copy:	Valerie Means, City Administrator	Jennifer Keefer, Esq., City Attorney
	Mayor and City Council	Donna Spickler, City Clerk
	Robert Slocum, County Administrator	Hagerstown Planning Commission Members
	Megan Flick, Planner	Jason Divebiss, Esq. – Rep. of Meritus

(301)797-5356. L/M if interested.



Notices

**NOTICE OF APPOINTMENT
NOTICE TO CREDITORS
NOTICE TO**

UNKNOWN HEIRS
TO ALL PERSONS
INTERESTED IN THE
ESTATE OF

Charles A. Smith
ESTATE NO. 75023
Notice is given that
Dwane E. Smith
486 Eckerd Lane
Berkeley Springs, WV 25411
was on November 28, 2018 ap-
pointed personal representative
of the estate of Charles A. Smith
who died on November 20,
2018 with a will.
Further information can be ob-
tained by reviewing the estate
file in the office of the Register
of Wills or by contacting the
personal representative or the
attorney.
All persons having any objection
to the appointment (or to the
probate of the decedent's will)
shall file their objections with the
Register of Wills on or before the
28th day of May, 2019.
Any persons having a claim
against the decedent must
present the claim to the under-
signed personal representative

**Notice of Appointment
Notice to Creditors
Notice to**

UNKNOWN HEIRS
TO ALL PERSONS
INTERESTED IN THE
ESTATE OF

Della Jane D'Aquino
ESTATE NO. 75040
Notice is given that
John A. D'Aquino
109 Elm St.
Chestertown, MD 21620
was on December 05, 2018
appointed personal representa-
tive of the estate of Della Jane
D'Aquino who died on Novem-
ber 27, 2018 with a will.
Further information can be ob-
tained by reviewing the estate
file in the office of the Register
of Wills or by contacting the
personal representative or the
attorney.
All persons having any objection
to the appointment (or to the
probate of the decedent's will)
shall file their objections with the
Register of Wills on or before the
5th day of June, 2019.
Any persons having a claim

**Notice of Appointment
Notice to Creditors
Notice to**

UNKNOWN HEIRS
TO ALL PERSONS
INTERESTED IN THE
ESTATE OF

Della Jane D'Aquino
ESTATE NO. 75040
Notice is given that
John A. D'Aquino
109 Elm St.
Chestertown, MD 21620
was on December 05, 2018
appointed personal representa-
tive of the estate of Della Jane
D'Aquino who died on Novem-
ber 27, 2018 with a will.
Further information can be ob-
tained by reviewing the estate
file in the office of the Register
of Wills or by contacting the
personal representative or the
attorney.
All persons having any objection
to the appointment (or to the
probate of the decedent's will)
shall file their objections with the
Register of Wills on or before the
5th day of June, 2019.
Any persons having a claim

Report of Sale

**IN THE CIRCUIT COURT
FOR
WASHINGTON COUNTY,
MARYLAND**

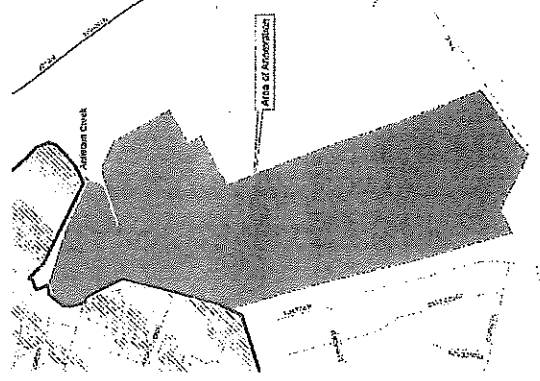
**Case No.
C-21-CV-18-000342**

Edward S. Cohn
Stephen N. Goldberg
Richard E. Solomon
Richard J. Rogers
Michael McKeefery
Christianna Kersey
600 Baltimore Avenue,
Suite 208
Towson, MD 21204
Substitute Trustees
Plaintiffs
v.
Ellen E. Albert
AND
Wayne E. Albert
1527 Kensington Drive
Hagerstown, MD 21742
Defendants
NOTICE

**City of Hagerstown
Public Hearing
Proposed Annexation**
Tuesday, January 29, 2019, 7:00 PM
City Hall, Council Chambers
1 East Franklin Street
Hagerstown, Maryland

Case No. A-2018-01 (City of Hagerstown) Approximately 101.03 acres of property, consisting of three properties, located east of Antietam Creek and west of Yale Drive. One is assigned the address of 11850 Indian Lane. The other two properties are accessed via Yale Drive and contain no structures. That property which is currently assigned RT (Residential Transition) zoning in the County would be assigned to the AT (Agricultural Transition) Zoning District in the City and designated as a "potential landmark", and those properties assigned ORI (Office - Research - Industrial) zoning in the County would be assigned to the I-MU (Industrial - Mixed Use) Zoning District in the City.
Resolution to approve the proposed annexation was introduced by the Mayor and City Council on November 27, 2018. The annexation and proposed zoning changes would become effective 45 days following approval unless a proper petition for referendum is filed as permitted by law.

Details of the Petition for Annexation, Proposed Zoning, and Tax Maps, and referenced documents are available for review and inspection in the office of the City Clerk, City Hall, Room 200, 1 East Franklin Street, Hagerstown, Maryland, Monday through Friday, 8:00 a.m. to 4:30 p.m., except legal holidays. Persons requiring special accommodations for the Public Hearing may contact the Office of the City Clerk, 301-739-8577, extension 113. Hearing impaired individuals may call 301-797-6617 (TDD).



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Date: **November 27, 2018**

TOPIC: **Introduction of Annexation Resolution**
Foggy Bottom Farm and other Lands
Case No. A-2018-01

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	<u> X </u>
Other	_____

MOTION: I hereby move that the Mayor and City Council Introduce an Annexation Resolution for an annexation known as the “Foggy Bottom Farm and Other Lands”, for three properties located between Antietam Creek and Yale Drive. The portion of property to be annexed is approximately 101.03 acres in size and is intended to be added to and made part of the adjacent municipal lands.

DATE OF INTRODUCTION:	11/27/18
HEARING DATE:	01/29/19
DATE OF PASSAGE:	02/26/19
EFFECTIVE DATE:	04/12/19

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF HAGERSTOWN TO ENLARGE THE CORPORATE BOUNDARIES AND THEREBY AMEND THE CORPORATE BOUNDARIES AS CONTAINED IN SECTION 104 OF THE ARTICLE 1 OF THE CHARTER OF THE CITY OF HAGERSTOWN, MARYLAND AND AT THE SAME TIME ESTABLISH THE ZONING CLASSIFICATION OF THE AREA TO BE ANNEXED.

WHEREAS the City of Hagerstown, pursuant to its rights and authority under the Local Government Article, §4-403 of the Annotated Code of Maryland may annex into the City additional lands in accordance with the requirements set forth therein;

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article, §4-401 *et seq.*, the City desires to enlarge the corporate boundaries of the City of Hagerstown, Maryland by adding or annexing thereto the within described areas which are immediately adjacent to and adjoining the present corporate boundaries thereof, and to be popularly known as the "Foggy Bottom Farm and Other Lands Annexation, Case No. A-2018-01" for identification; and identification of the same is incorporated herein by reference as if set forth into and made a part hereof. **See Exhibit A – Annexation Plat (3 pages);**

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article §4-403(b)(1), the City may annex land with the consent of at least twenty-five (25) percent of the registered voters residing within the area to be annexed, and the City of Hagerstown, as the sole owner of "Foggy Bottom Farm", leases this property to Jarris and Jocelyn Crooks, being registered voters who are residents of "Foggy Bottom Farm", which is the only residentially occupied property of the three included in this petition, and they have agreed and consented to the annexation as set forth in the attached Consent and there are no registered voters residing on the remaining two properties to provide or withhold consent, **See Exhibit B – Consent of Resident Registered Voters;**

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article, §4-403(b)(2), the City may annex lands with the consent of the owners of twenty-five (25) percent of the assessed value of lands to be annexed, and the City of Hagerstown, which has provided consent for this annexation is the owner of ninety-three and seventeen one-hundredths (93.17) percent of the assessed value of the lands subject to this resolution, **See Exhibit C – Consent of Property Owners;**

WHEREAS, this Resolution for Annexation meets all the requirements of the law, and, pursuant to the Maryland Annotated Code, Local Government Article, §4-406(c), the Annexation was referred to the appropriate State, Regional, and County Planning authorities,

WHEREAS, in accordance with historic City practice in processing annexations, the issue of the proposed zoning of the area to be annexed to the corporate limits was referred to the Planning Commission for the City of Hagerstown, Maryland which said Commission for the City of Hagerstown has studied the proposed zoning of the tracts described herein in relation to the

Comprehensive Plan, the Zoning Ordinance, and all other applicable ordinances, the needs of the City and County, and the needs of the particular neighborhood and vicinities of the areas, and have approved the same and that the rezoning for the said tract of land is proper and desirable under all of the circumstances and should be accomplished at this time.

Section 1. Now, therefore, be it resolved by the Mayor and City Council of the City of Hagerstown, Maryland that the boundaries of the City, pursuant to the Local Government Article, Subtitle 4-401 *et seq.*, be and are hereby amended so as to annex and include land within said City all that certain area of land together with the persons residing therein and the properties therein, contiguous to the corporate limits of the City and being more particularly described by metes and bounds in **Exhibit A – Annexation Plat (3 pages)** attached hereto and made a part thereof;

Section 2. And be it further resolved by the Mayor and City Council, that the subject properties to be annexed shall have zoning classifications as follows upon annexation:

Meritus Medical Center Lands	I-MU (Industrial – Mixed Use)
Washington County Commissioners	I-MU (Industrial – Mixed Use)
Foggy Bottom Farm (11850 Indian Lane)	AT (Agricultural Transition), and with a designation as a “potential landmark”

Section 3. And be it further resolved that the annexation of the said area be made subject to the terms and conditions as set forth in the Annexation Plan attached hereto as Exhibit D and made part hereof upon final agreement and passage; **See Exhibit D – Annexation Plan;**

Section 4. And be it further resolved that the conditions and circumstances applicable to the change in said corporate boundaries and to the residents and property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code of the City of Hagerstown, and all acts, ordinances, resolutions and policies.

Section 5. And be it further resolved by the Mayor and Council, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject however, to the right of referendum as contained in the Local Government Article of the Maryland Code, as amended.

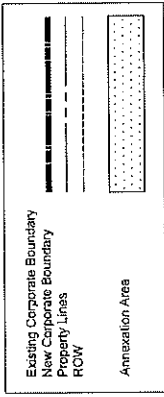
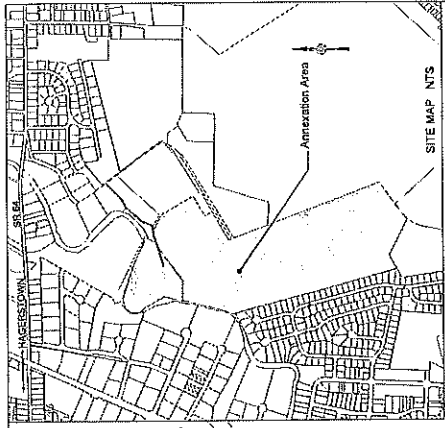
WITNESS AND ATTEST
AS TO CORPORATE SEAL

BY ORDER OF THE MAYOR AND
THE CITY COUNCIL OF HAGERSTOWN,
MARYLAND

Donna K. Spickler
City Clerk

By: _____
Robert E. Bruchey, II
Mayor

Date Introduced: 11/27/18
Hearing Date: 01/29/19
Final Enactment 02/26/19
Effective Date: 04/12/19



Wash Co MISC Plat #
 This plat does not represent any property conveyances nor have any lot lines changed.

Kline, Jamie L & Shelly W
 11842 Indian Ln
 P 287
 L-F 5794-217

Jennings, Ryan S &
 Joanne K Linthicum
 11855 Indian Ln
 L-F 1564-1091

Line #	Length	Direction	Line Table	Line Table
L1	466.47	S72° 22' 25" W	L21 395.75	S13° 39' 45" W
L2	76.79	S73° 05' 32" W	L22 277.51	S10° 39' 38" W
L3	29.15	S85° 04' 13" W	L23 49.52	S15° 25' 49" W
L4	217.11	N65° 00' 25" W	L24 55.24	S11° 10' 22" W
L5	538.13	N93° 55' 00" W	L25 95.21	S08° 48' 17" W
L6	322.37	N60° 04' 14" E	L26 28.61	S13° 50' 48" E
L7	120.00	N29° 55' 00" W	L27 86.09	S24° 17' 41" E
L8	464.08	N60° 04' 14" E	L28 45.38	S22° 49' 31" E
			L29 28.29	S34° 43' 46" E
			L30 133.54	S33° 35' 51" E
			L31 48.07	S73° 56' 38" E
			L32 113.89	S13° 09' 23" E
			L33 72.02	S05° 48' 21" W
			L34 148.05	S38° 52' 59" W
			L35 77.47	S60° 15' 57" W
			L36 508.53	N71° 35' 41" W
			L37 405.12	N88° 00' 32" W
			L38 52.95	S60° 29' 41" W
			L39 181.86	N26° 42' 18" E
			L40 349.40	N72° 15' 58" E
			L41 15.59	N20° 49' 01" W
			L42 232.77	S72° 15' 40" W

Property Line Connected to agree with Parcel on opposite side of Creek (Kiwamis Park)

CITY of Hagerstown
 11850 Indian Ln.
 P 1587
 L-F 5531-49

Washington County Mental
 Health Center INC
 L-F 1955-370
 PLAT 6178

Quit-Claim "Line" from L-F 5441-94

Meritus Medical Center, INC.
 11118 Medical Campus Rd.
 P 1715
 L-F 5441-94

Secor
 11846 Indian Ln
 P 439
 L-F 3792-150

SURVEYOR'S CERTIFICATION
 I hereby certify that the plat shown hereon is correct and that existing monuments, which were used as the primary basis with the recorded deed calls and that according to my professional opinion, the property shown and described herein and the surveys on which it is based were prepared and performed in accordance with Title 9, Subtitle 13, Chapter 6.03 of the Annotated Code of Maryland and the Guidelines and Requirements for Annexation Surveys for the City of Hagerstown.

Jair N. Swen, MD Professional
 Licensed Surveyor # 21552
 Exp. 12-22-2018

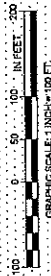


EXHIBIT A

Annexation Plat
 Lands of the City of Hagerstown,
 Meritus Medical Center, INC. and
 Washington County Commissioners
 to be Annexed into the City of
 Hagerstown, MD.

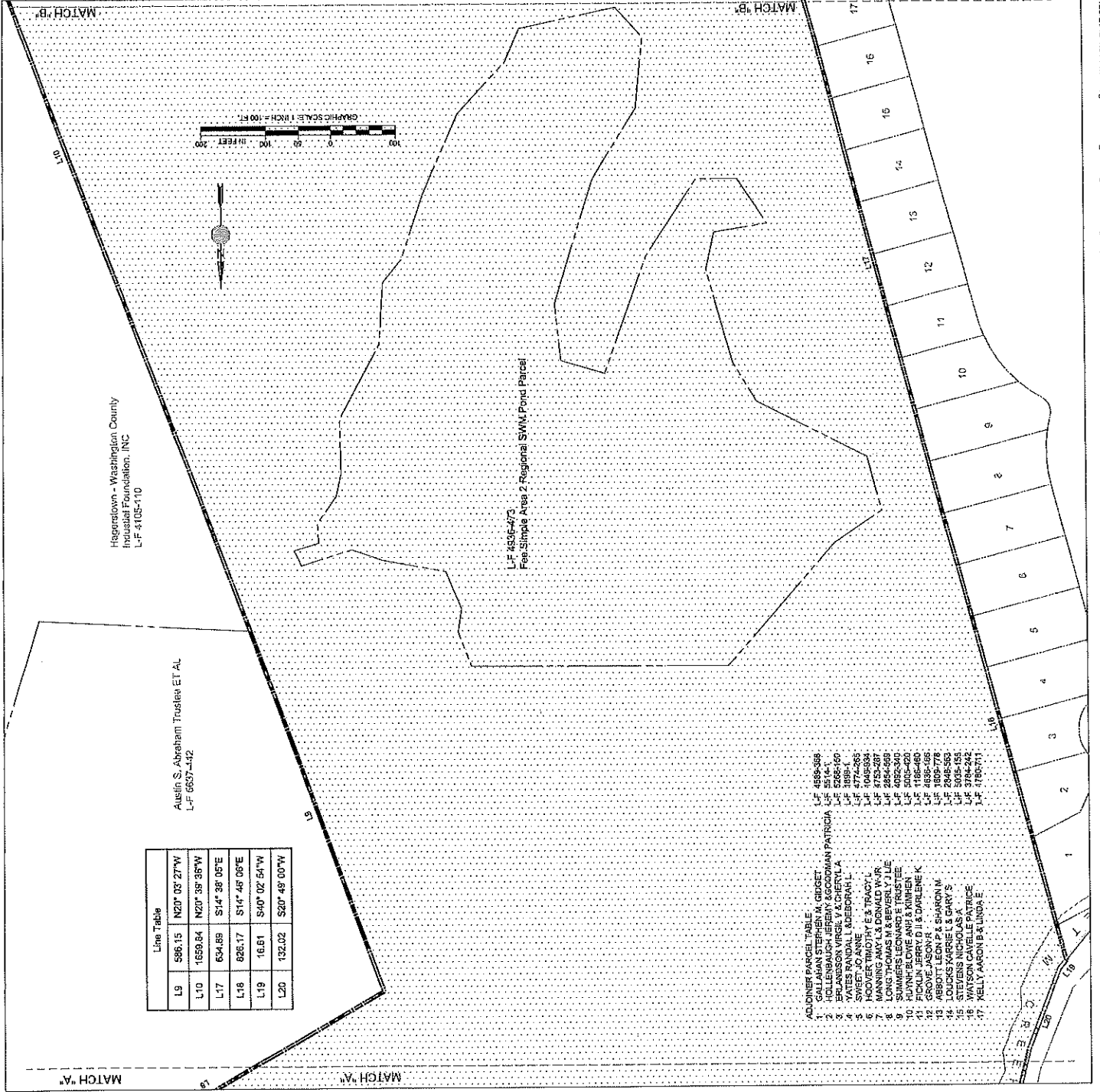
CITY OF HAGERSTOWN, MARYLAND
DEPARTMENT OF
PARKS & ENGINEERING
 Address: Washington County Tax Map No. 50
 WASHINGTON COUNTY, MARYLAND
 Drivers Bldg. 3155 Date: 05/20/18 | Scale: 1" = 100'
 Survey By: JNS Date: 7/2/2018 | City Tax Map 75 & 85

SHEET No. 1 of 3
 CITY DRAWING NUMBER 70-110-01
 A-2018-01

Austin S. Abraham Trustee ET AL
 L-F 5637-442

MATCH "A"

MATCH "A"



Hagerstown - Washington County
Industrial Foundation, INC
L-F 4105-110

Austin S. Abraham Trustee ET AL
L-P 6637-142

L-F 4336-473
Fee Simple Area 2 Regional SWM Pond Parcel

Line Table		
L9	S86°15'	N20°02'27"W
L10	S69°04'	N20°38'35"W
L17	S34°08'	S14°38'05"E
L18	S26°17'	S14°46'06"E
L19	S16°01'	S40°02'54"W
L20	S32°02'	S20°48'00"W

- ADJACENT PARCEL TABLE
- 1. GALLAHAN STEPHEN M. GIBGET L-F 4932-308
 - 2. HOLLENBAUGH JEREMY & GOODMAN PATRICIA L-F 5255-250
 - 3. HOLLANDER LISA L-F 3195-1
 - 4. YATES RANDALL LACEBROUGH L-F 4774-265
 - 5. SWIGET JO ANNE L-F 1045-594
 - 6. HOOVER TIMOTHY E & TRACY L L-F 7325-287
 - 7. MANNING AMY L & DONALD W JR L-F 4952-300
 - 8. LONG JAMES LESLIE & TRUSTEE L-F 4005-420
 - 9. LONG JAMES LESLIE & TRUSTEE L-F 1186-460
 - 10. PICKLIN JERRY D II & DARLENE K L-F 4936-106
 - 11. GROVE JASON R L-F 3945-578
 - 12. ABBOTT LEON P & SHARON W L-F 3035-155
 - 13. HARRIS JERRY S L-F 3784-242
 - 14. STEIGEN NICHOLAS A L-F 1850-711
 - 15. WATSON CAVELLE PATRICE L-F 1850-711
 - 16. KELLY ARON B & LINDA E L-F 1850-711

Wash Co MISC Plat #
This plat does not represent any property conveyances not have any lot lines changed.

Annexation Plat Lands of the City of Hagerstown, Mentus Medical Center, INC, and Washington County Commissioners to be Annexed into the City of Hagerstown, MD.	
CITY OF HAGERSTOWN, MARYLAND DEPARTMENT OF PARKS & ENGINEERING	
Washington County Tax Map Records WASHINGTON COUNTY, MARYLAND City of Hagerstown	
Drawn By: jpe	Date: 9/25/2013
Survey By: jms	Date: 7/27/2013
Scale: 1" = 100'	City Tax Map 75 & 85
SHEET No.	CITY DRAWING NUMBER
2 of 3	70-110-02

Hagerstown - Washington County
Industrial Foundation, INC
L-F 4105-110

*I hereby certify that the intent of this annexation plat is to incorporate these parcels into the corporate limits of the City of Hagerstown. The legal owners of record are City of Hagerstown, Meritus Medical Center, INC, Washington County Commissioners, The City of Hagerstown, Meritus Medical Center, INC, Washington County Commissioners consented to the Annexation of its parcel, which consent is evidenced in Exhibit A1 attached to the Resolution.

Robert E. Bruchey II, Mayor
of the City of Hagerstown

ACREAGE TABLE

MERITUS
Washington County SW Parcel
78.18 ac.
10.78 ac.
12.07 ac.
101.03 ac. total

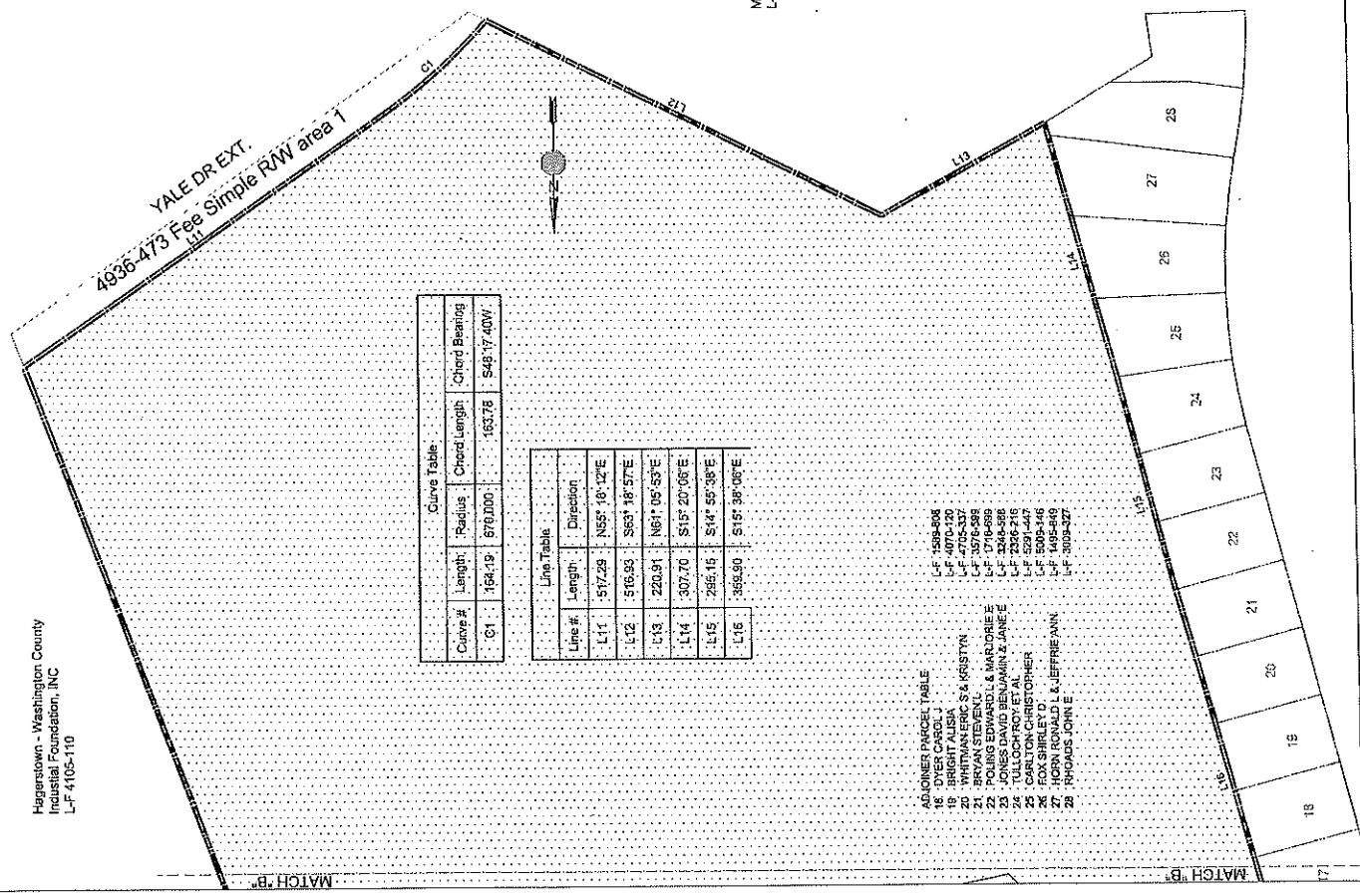


Meritus Medical Center, INC
L-F 4565-1

Wash Co MISC Plat #
This plat does not represent any property conveyances nor have any lot lines changed.

Annexation Plat Lands of the City of Hagerstown, Meritus Medical Center, INC, and Washington County Commissioners to be Annexed into the City of Hagerstown, MD.	
CITY OF HAGERSTOWN, MARYLAND DEPARTMENT OF PARKS & ENGINEERING Washington County Tax Map No. 200006 Date: 06/20/18 Scale: 1" = 300'	
Drawn By: JES	Date: 06/20/18
Survey No.:	Date: 7/27/2018
City Tax Map 75 & 85	
SHEET No.	CITY DRAWING NUMBER
3 of 3	70-110-03

- GENERAL NOTES:**
- Coordinates and relation based on Hagerstown City Central Monument 115
 - Current owners of record are:
City of Hagerstown, Meritus Medical Center, INC,
Washington County Board of Commissioners
 - Zoning Classification: Current County: ORI
 - Proposed City Effective Date: xxxxxxxx
 - Case # A-2018-01



Curve #	Length	Radius	Chord Length	Chord Bearing
C1	164.19	876.000	163.78	S48°17'40"W

Line #	Length	Direction
L11	517.29	N55°10'32"E
L12	516.93	S63°18'57"E
L13	220.81	N61°05'53"E
L14	307.70	S15°20'08"E
L15	285.15	S141°55'38"E
L16	365.90	S15°39'00"E

- ADJACENT PARCELS TABLE**
- 16 DINES CAROL L-F 1598-908
 - 17 BRIGHT ALISA L-F 4070-120
 - 18 WHTMAN ERIC S & KRISTYN L-F 4775-337
 - 19 POLJIS EDWARD L & MARJORIE L-F 3576-589
 - 20 TULLOCH ROY ET AL L-F 3048-588
 - 21 CARLTON CHRISTOPHER L-F 2336-216
 - 22 FOX SHIRLEY D L-F 6291-447
 - 23 HORN RONALD L & JEFFRE ANN L-F 5009-146
 - 24 THOMAS JOHN E L-F 1036-949
 - 25 L-F 3894-927
 - 26 L-F 1598-908
 - 27 L-F 4070-120
 - 28 L-F 4775-337
 - 29 L-F 3576-589
 - 30 L-F 3048-588
 - 31 L-F 2336-216
 - 32 L-F 6291-447
 - 33 L-F 5009-146
 - 34 L-F 1036-949
 - 35 L-F 3894-927

EXHIBIT B
CONSENT OF RESIDENT REGISTERED VOTER(S)

Pursuant to the Local Government Article, Subtitle 4-400 (Annexation) of the Annotated Code of Maryland, I (we) the undersigned, being resident occupant(s) of the property owned by the City of Hagerstown, known as 11850 Indian Lane (also known as "Foggy Bottom Farm"), having reviewed the proposed annexation plat with Metes and Bounds Description, do hereby consent to the Annexation of the lands as described in *Foggy Bottom Farm and Other Lands - Annexation A-2018-01*.

Valerie A. Mears
Witness:

 10-23-18
Signature Date

JARZYS CROOKS
Print Name

Valerie A. Mears
Witness:

Jocelyn Crooks 10/23/18
Signature Date

Jocelyn Crooks
Print Name

EXHIBIT C
CONSENT OF PROPERTY OWNER(S)

Pursuant to the Local Government Article, §4-401 et seq. (Annexation) of the Annotated Code of Maryland, the City of Hagerstown, being the sole owner of the "Foggy Bottom Farm" tract, being 11.934 acres of land, and consisting of 93.17 percent of the assessed value of lands within the area subject to this resolution for annexation (exceeding the minimum requirement of 25% of the owners of the assessed value of lands), having read the Metes and Bounds Description does hereby consent to the Annexation of its property as described in *Foggy Bottom Farm and Other Lands Annexation A-2018-01*, subject to all of the terms and conditions set forth in the Resolution and other documents set forth above.

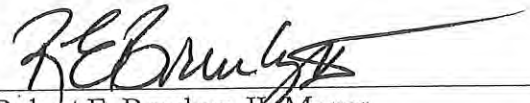
The City of Hagerstown further agrees and consents to execute such documents and to perform such acts as may be required to complete the Annexation of the property.

IN WITNESS WHEREOF, The City of Hagerstown has caused its corporation name to be here unto subscribed by Donna K. Spickler, City Clerk, and its corporate seal to be affixed hereto and duly attested by its City Clerk.

ATTEST AS TO
CORPORATE SEAL

THE CITY OF HAGERSTOWN, MARYLAND


Donna K. Spickler, City Clerk

BY: 
Robert E. Bruchey, II, Mayor

ASSESSMENT OF LANDS TO BE ANNEXED (IN U.S. DOLLARS)

Property	Land	Improvements	Total
City of Hagerstown Property (Foggy Bottom Farm)	219,600	140,800	360,400
Washington County Govt. (Stormwater Management Facility)	0	0	0
Meritus Medical Center, Inc.	26,400	0	26,400
TOTAL	246,000	140,800	386,800

Assessed Value of Foggy Bottom Farm:	360,400÷
<u>Total Assessed Value of Three Properties to be Annexed:</u>	<u>386,800</u>
Percentage of Assessed Value of Lands to be Annexed Owned by the City:	93.17%

Source: Maryland Department of Assessment and Taxation database records for each of the three properties provided by D. Pitsnogle, MD DAT staff, Hagerstown office, on October 31, 2018, copies of which are included with Annexation File A-2018-01.

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Date: **November 27, 2018**

TOPIC: **Adoption of an Annexation Plan**
 Foggy Bottom Farm and other Lands
 Case No. A-2018-01

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move that the Mayor and City Council Adopt an Annexation Plan for the
 “Foggy Bottom Farm and Other Lands” Annexation (A-2018-01).

DATE OF ADOPTION:	11/27/18
EFFECTIVE DATE:	11/27/18

City of Hagerstown, Maryland

EXHIBIT D ANNEXATION PLAN *Annexation Case No. A-2018-01*

Property Owner/Applicant: City of Hagerstown – By Resolution

Location of Properties:

11850 Indian Lane (Map 0050, Parcel 1587)
Lands west of Yale Drive (Map 0050, Parcel 1718)
Stormwater Facility (Map 0050, Parcel 1755)

Owners:

City of Hagerstown
Meritus Medical Center
Board of County Commissioners

Annexation Plan

Pursuant to §4-415 of the Local Government Article of the Annotated Code of Maryland, herewith is a proposed outline for extension of services and public facilities into the areas proposed to be annexed. It is also noted that any future amendments to the Annexation Plan may not be construed in any way as an amendment to the resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure then in process.

I. Land Use Patterns of Areas Proposed to be Annexed -

- A. The area of annexation is +/- 101.03 acres.
- B. The proposed zoning is AT (Agricultural Transition) for Parcel 1587, with designation as a “Potential Landmark”. The purpose of the AT zoning district is as follows:

The purpose of the AT District is to enable agricultural uses to continue on newly annexed land, if desired by the property owner, as a temporary use until such time that the land is re-zoned for development.

All lands within this district proposed for development shall be rezoned to another district to accommodate that development, in accordance with the policies and procedures set forth in this Article.

The Planning Commission and the Mayor and City Council shall consider the policies and recommendations of the Comprehensive Plan when re-assigning zoning classification for AT land for development.

When the property is to be given another classification, whether there was a mistake in assigning the AT classification and/or whether changes in the character of the neighborhood have occurred may be taken into consideration. However, a finding of mistake or change in character of the neighborhood shall not be required.

The AT zoning classification is generally consistent with the County's current zoning of RT; thus, no "express approval" of a zoning change by the County is needed.

The Zoning Ordinance (Article 4, Land Management Code, Section 140 of the City Code), Section A.13.b states:

When County-designated historic districts and County inventory properties are annexed into the City, they will be annexed with a landmark overlay or be considered City Potential Landmarks. If demolition is proposed for any such Potential Landmarks, the review process in Subsection T.6 must be followed. Landmarks are subject to Section T of this Article.

Foggy Bottom Farm appears on the County's historic property inventory map, and is included in the Maryland Historical Trust inventory of historic properties as site WA-I-066. Therefore, the property will be annexed with a "Potential Landmark" designation.

The proposed zoning for Parcels 1718 and 1755 is I-MU (Industrial – Mixed Use). The purpose of the I-MU zoning district is as follows:

To provide locations for light industrial parks, office parks, research and development facilities, high-tech communications and technology facilities, trucking and distribution facilities, and minor commercial uses that support job centers.

The I-MU zoning classification is generally consistent with the County's current zoning of ORI (Office – Research – Industrial); thus, no "express approval" of a zoning change by the County is needed.

- C. These properties are within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service, as defined in the 2018 Comprehensive Plan.
- D. These properties are within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area (PFA).

II. Availability of Land Needed for Public Facilities -

- A. The area of annexation contains, in part, one existing dwelling unit on an 11.934 acre residentially zoned parcel. However, the future use of this property has not been determined by the City. The property is owned by the City and is adjacent to a City-owned public park and the Antietam Creek. There is no foreseeable impact annexing this parcel will have on Washington County Board of Education Facilities. The remaining two parcels proposed in this annexation are non-residential in nature and will

have no additional impact on Washington County Board of Education facilities with respect to school capacity.

- B. The area of annexation contains one existing dwelling. However, the future proposed use of most of the lands of this annexation are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

III. Schedule and Method of Financing the Extension of Each Municipal Service Currently Performed Within the City of Hagerstown into the Area Proposed to be Annexed -

- A. The area of annexation current has no City Wastewater Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation current has no City Water Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service is currently provided by Potomac Edison.

For the provision of street lighting, The City of Hagerstown Light Department (HLD) supplies street light services to public streets and supplies the manpower and equipment to serve a new area once the developer designs, purchases, and installs the infrastructure to HLD specifications. The HLD assumes ownership of the street light system twelve (12) months after the City of Hagerstown assumes ownership of the street(s). Until such time, the developer is the owner of the system and is responsible for its operation and maintenance. Being this location is not part of the City of Hagerstown until the effective date of annexation, electrical usage of the system will be the responsibility of the owner until such time the City of Hagerstown assumes ownership of street(s). When the City of Hagerstown assumes ownership of street(s), the City of Hagerstown will be responsible for the electrical usage of the lights and at such time as mentioned above, the HLD will take over ownership and responsibility for operation and maintenance.

Washington County is completing the design for Professional Boulevard, which will bisect the annexed area. Proposed street lighting has been designed in consultation with the Hagerstown Light Department. The City

does not intend to accept Professional Boulevard for dedication to the City within the area of annexation (See Section H on the next page). The City will not assume responsibility for any existing street lighting, or future street lighting to be installed that has not been approved by the Hagerstown Light Department, or on streets of which the City will not assume ownership. Street lights for any future connecting streets designed after annexation will be required to be designed to City specifications and standards and ownership and maintenance of those street lights would be assumed by the City per standing policy should the City accept ownership of those streets.

The HLD will have the resources to maintain and operate the streetlight system constructed to its standards only, and on streets accepted for ownership by the City.

- D. No significant impact on emergency service delivery is expected.
- E. The properties proposed for annexation front on or are accessed via Indian Lane and Yale Drive, both of which are County-maintained roads. The County is currently planning for construction of an extension of Professional Court which will connect to Yale Drive through the area subject to this annexation resolution (Professional Boulevard). Washington County will be permitted to continue the planning and construction of this road under its own authority and design standards, and the City will not require its own permitting or inspection of this construction.

Platting of street rights of way and/or lots that occur after the effective date of the annexation shall be in accordance with the Hagerstown Land Management Code and shall be approved through the City's subdivision process. Any proposed construction of buildings and/or site improvements (including but not limited to motor vehicle parking, landscaping, paving, storm water management and other improvements) that occurs after the effective date of annexation shall be reviewed and approved by the City of Hagerstown in accordance with the Hagerstown Land Management Code.

- F. Parks and recreation facility expansion are not proposed for this annexation. However, in the future, all or parts of Foggy Bottom Farm (City of Hagerstown property) may be reserved for parkland, given its location adjacent to Antietam Creek and existing Kiwanis Park. Nothing in this agreement shall be interpreted or construed to commit the City to reserve this parcel for park use or development at this time or in the future.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.

- H. Any streets designed, constructed and offered for public acceptance by the City of Hagerstown as a public street shall be constructed to City Standards and Specifications. The City Council shall formally accept the streets after which the City will maintain the accepted streets. Professional Boulevard, which is to be constructed by the County, shall remain a right of way of the County and shall be maintained by the County.



- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for in the Annexation Resolution.

IV. Annexation Agreements -

No Annexation Agreement with property owners or developers with interest in property subject to this annexation is included with this resolution. Should the City decide to enter into such an agreement with property owners or developers at a later date, such agreement shall be adopted by Resolution as required by §4-405(b)(2) of the Local Government Article, Annotated Code of Maryland.

Annexation of Foggy Bottom Farm and Other Lands



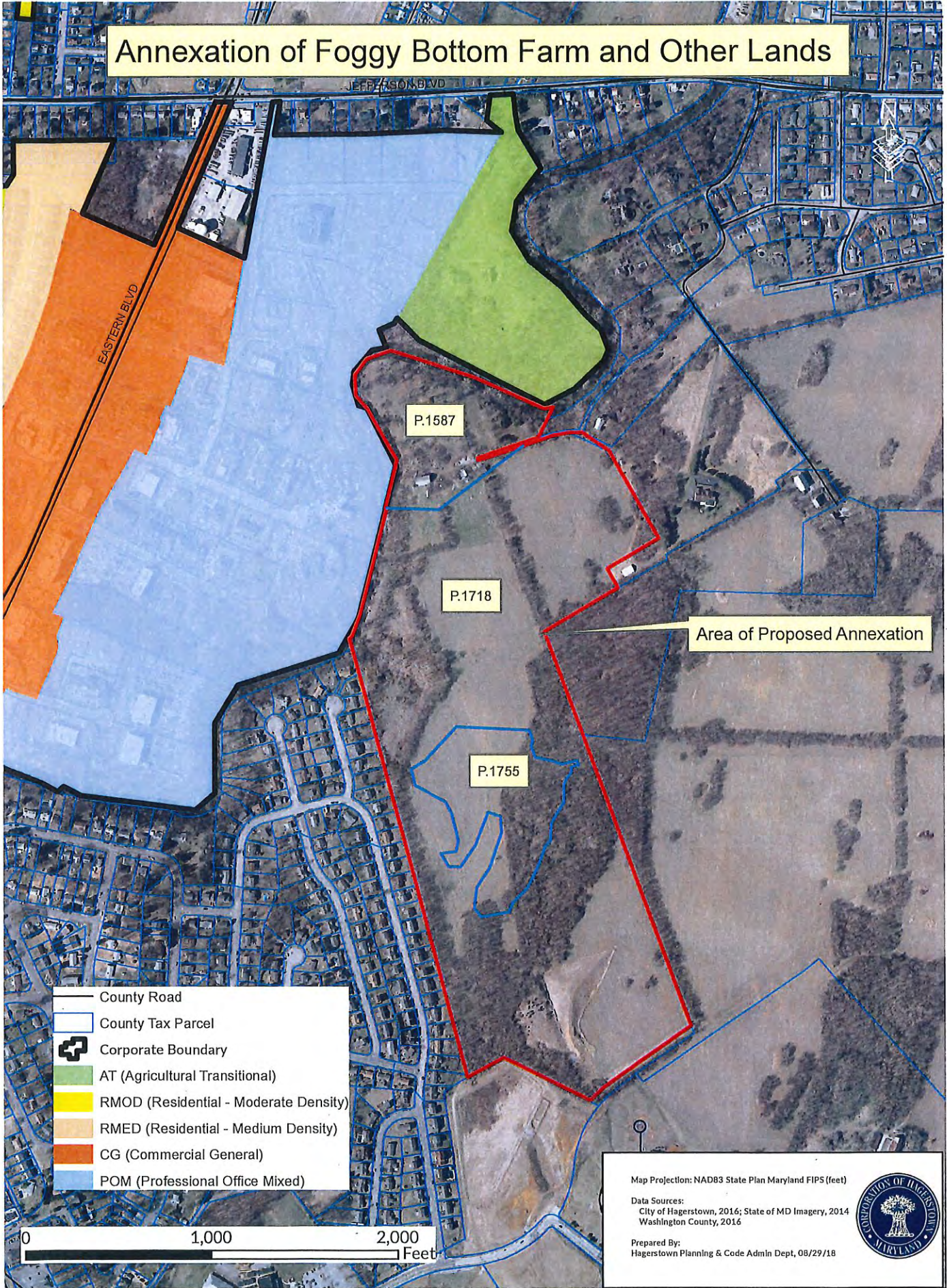
 County Tax Parcel
 Corporate Boundary

Map Projection: NAD83 State Plan Maryland FIPS (feet)
Data Sources:
City of Hagerstown, 2016; State of MD Imagery, 2014
Washington County, 2016

Prepared By:
Hagerstown Planning & Code Admin Dept, 08/29/18



Annexation of Foggy Bottom Farm and Other Lands



- County Road
- County Tax Parcel
- Corporate Boundary
- AT (Agricultural Transitional)
- RMOD (Residential - Moderate Density)
- RMED (Residential - Medium Density)
- CG (Commercial General)
- POM (Professional Office Mixed)

Area of Proposed Annexation

P.1587

P.1718

P.1755

0 1,000 2,000 Feet

Map Projection: NAD83 State Plan Maryland FIPS (feet)
Data Sources:
City of Hagerstown, 2016; State of MD Imagery, 2014
Washington County, 2016

Prepared By:
Hagerstown Planning & Code Admin Dept, 08/29/18





CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department


MEMORANDUM

RECEIVED

DEC 21 2018

WASHINGTON COUNTY
PLANNING DEPARTMENT

TO: Stephen Goodrich, Director
Washington County Department of Planning and Zoning

FROM:  Stephen R. Bockmiller, AICP
Development Review Planner/Zoning Administrator

DATE: December 21, 2018

SUBJECT: Annexation Plan – A-2018-02 – Antietam Creek Creek Bed
Located in the bed and on the banks of Antietam Creek, east of Kiwanis Park

Pursuant to Division II (Municipalities) Section 4-406(c) of the Local Government Article, Code of Maryland, please find attached for your review a copy of the Annexation Plan and location map of the annexation referenced above, totaling 1.47 acres of land, more or less. The Annexation Plan for this proposal was adopted by the Mayor and City Council on November 27, 2018. A Public Hearing for the annexation has been scheduled for January 29, 2019 at 7:00 p.m. in the City Council Chambers, Second Floor of City Hall at the address on this letterhead.

The area to be annexed is currently located in the RT (Residential Transition) Zoning District. The City intends to assign this property to the AT (Agricultural Transitional) Zoning District. It is our understanding that these are the nearest compatible districts between our two Ordinances and, as such, is not subject to expressed approval by the Board of County Commissioners.

City's Assessment of AT Zoning Compatibility:

The AT District is a "placeholder" classification that allows uses on recently annexed property, especially agricultural activity, to continue "as is" until there is a proposal for development. At that time a rezoning would be initiated to assign the appropriate classification – consistent with the City's Comprehensive plan - for the proposed development.

The lands subject to this annexation are mostly under Antietam Creek or within the floodway, and are undevelopable. This area is only being annexed due to the pending annexation of an adjacent property which would otherwise leave this land as a narrow sliver of County jurisdiction between two areas within the City. This annexation would create a regular municipal boundary in this area.

The adjacent property to the north (Crumrine) is located in an AT zone, and the City's proposed zoning for the property to the south ("Foggy Bottom Farm") is likewise AT. Assigning AT zoning to this annexation would be consistent with both adjacent properties that have the vast majority of common property line with (and nearly surround) this area to be annexed.

It is extremely unlikely that development would be proposed for the area within this annexation. Should development be proposed on one of the two adjacent AT zoned properties, it would be reclassified to a district that is consistent with the City's Comprehensive Plan. When (and if) that occurs, the City would likely also assign that designation to this annexed area as well. This is so that the area subject to this annexation will not sit permanently in what is generally intended to be a placeholder district pending future development.

Both the Crumrine and Foggy Bottom Farm properties are designated "medium density residential" on the Future Land Use Map found in the City's Comprehensive Plan. If development is proposed on one or both, given its designation on the Future Land Use Map, that property would likely be assigned RMOD (Residential Moderate Density) zoning, which appears very consistent with the County's RT District. Less likely would be assignment of RMED (Residential Moderate Density) zoning, which does have some differences with the RT district. Unless the Board of County Commissioners determine that expressed approval is not required for this annexation, should reassignment occur within the next five years, the City would consult you and your elected body for zoning consistency and expressed approval if necessary.

Ultimately, however, assigning and considering zoning of the area of this annexation could best be described as "housekeeping" as this area is likely never to be developed, given its physical circumstances and conditions.

The Hagerstown Planning Commission will be reviewing this proposal and making a recommendation to the Mayor and City Council on the proposed zoning at its meeting on January 9. It would be most efficient if we could have your response to the above questions as soon as possible prior to that meeting. Otherwise, the Mayor and City Council will conduct its public hearing on this matter at 7 p.m. on Tuesday, January 29, 2019 in the City Council Chambers, on the second floor of City Hall.

Thank you for your consideration. If you have any questions, please contact me at your convenience.

Attachments – Annexation Plan
Vicinity Map
Proposed Plat of Annexation

Copy: Valerie Means, City Administrator
Mayor and City Council
Robert Slocum, County Administrator
Megan Flick, Planner

Jennifer Keefer, Esq., City Attorney
Donna Spickler, City Clerk
Hagerstown Planning Comm. Members

Cars - Used

2007 Lincoln Town Car, Signature Limited, pearl white, moon roof, recent brakes, tune up & vogue tires, \$4,500. Call (240) 291-0687.

2008 Chrysler 300, Auto 4 dr., Cream, 95k mi., CC, PS, PW, PL AC, black leather-like new interior, weather tech firmats, well maint. mechanically, 2 keys, 2 fobs, \$6,500/obo. Call 240-291-1328.

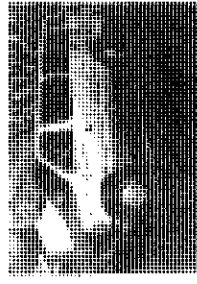
SUVs & 4 Wheel Drives

2004 GMC Slt Envoy, Push button, 4x4 Auto, 4 dr., gray with gray leather, 168k mi., CC, PW, PL, PS, AC, 2 keys & fob; \$3,000/obo. Call 240-291-1328

Trucks

Chevrolet Silverado 1500 Classic Extended Cab LT1 2010, Automatic, Silver, 131,000 miles, good condition, new transmission and brakes \$12,900. (301) 842-2216; playsax@hotmail.com

Vans



2004 Ford E-350 Super Duty 15 Passenger Van, good condition. 67,077 mi. \$5,000/obo.

Notices

**NOTICE OF APPOINTMENT
NOTICE TO CREDITORS
NOTICE TO UNKNOWN HEIRS**

TO ALL PERSONS INTERESTED IN THE ESTATE OF **Shirley Jean Harris Estate No. 75043** Notice is given that Eugene T. Harris II 14314 Clear Spring Road Williamsport, MD 21795 was on November 29, 2018 appointed personal representative of the estate of Shirley Jean Harris who died on November 17, 2018 with a will. Further information can be obtained by reviewing the estate file in the office of the Register of Wills or by contacting the personal representative or the attorney.

All persons having any objection to the appointment (or to the probate of the decedent's will) shall file their objections with the Register of Wills on or before the 29th day of May, 2019.

Any persons having a claim against the decedent must present the claim to the undersigned personal representative or file it with the Register of Wills with a copy to the undersigned on or before the earlier of the following dates:

- (1) Six months from the date of the decedent's death, except if the decedent died before October 1, 1992, nine months from the date of the decedent's death; or
- (2) Two months after the personal representative mails or otherwise delivers to the creditor a copy of this published notice.

Notices

**NOTICE TO CREDITORS
OF APPOINTMENT OF
FOREIGN PERSONAL
REPRESENTATIVE**

Estate No. 75052 NOTICE IS GIVEN that the Register of Wills court of Common Pleas, Franklin County, Pennsylvania appointed Roger L. Barnes 226 Parkwood Dr. Chambersburg, PA 17201 as the executor of the Estate of **Vivian E. Weagley** AKA: Vivian Elaine Weagley, Vivian E. Barnes who died on June 28, 2018 domiciled in Pennsylvania USA. The Maryland resident agent for service of process is Randall K. Barnes whose address is 11016 Hickory School Rd. Williamsport, MD 21795

At the time of death, the decedent owed real or leasehold property in the following Maryland counties: WASHINGTON COUNTY

All persons having claims against the decedent must file their claims with the Register of Wills for WASHINGTON COUNTY with a copy to the foreign personal representative on or before the earlier of the following dates:

- (1) Six months from the date of the decedent's death, except if the decedent died before October 1, 1992, nine months from the date of the decedent's death; or
- (2) Two months after the foreign personal representative mails or delivers to the creditor a copy of this published notice, or other written notice, notifying

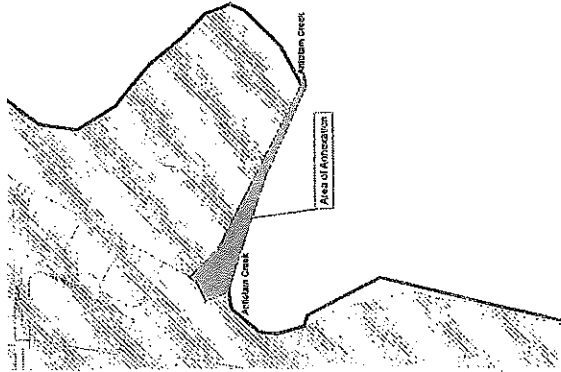
**City of Hagerstown
Public Hearing**

Proposed Annexation
Tuesday, January 29, 2019, 7:00 PM
City Hall, Council Chambers
1 East Franklin Street
Hagerstown, Maryland

Case No. A-2018-02 (City of Hagerstown) Approximately 1.47 acres of property, consisting mostly of submerged lands within the banks of Antietam Creek but including a small area of land on the west bank of the creek adjacent to Kiwanis Park (terminus of Dynasty Drive). Currently assigned RT (Residential Transition) zoning in the County, it would be assigned to the AT (Agricultural Transition) Zoning District in the City.

Resolution to approve the proposed annexation was introduced by the Mayor and City Council on November 27, 2018. The annexation and proposed zoning changes would become effective 45 days following approval unless a proper petition for referendum is filed as permitted by law.

Details of the Petition for Annexation, Proposed Zoning, and Tax Maps, and referenced documents are available for review and inspection in the office of the City Clerk, City Hall, Room 200, 1 East Franklin Street, Hagerstown, Maryland, Monday through Friday, 8:00 a.m. to 4:30 p.m., except legal holidays. Persons requiring special accommodations for the Public Hearing may contact the Office of the City Clerk, 301-739-8577, extension 113. Hearing impaired individuals may call 301-797-6617 (TDD).



MW-950218-1

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Date: **November 27, 2018**

TOPIC: **Introduction of Annexation Resolution**
Lands of Undetermined Ownership Within the Bed and Adjacent Floodplain of Antietam Creek for the Purpose of Creating a Regular and Logical Municipal Boundary Resulting from Annexation of Adjacent Lands, to be known as “Antietam Creek Creek Bed Annexation”
Case No. A-2018-02

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	<u> X </u>
Other	_____

MOTION: I hereby move that the Mayor and City Council Introduce an Annexation Resolution known as the Antietam Creek Creek Bed Annexation. The portion of property to be annexed is approximately 1.47 acres in size and is intended to be added to and made part of the adjacent municipal lands for the purpose of creating logical and regular municipal boundaries in conjunction with the annexation of adjacent lands incorporated into the City through Case No. A-2018-01.

DATE OF INTRODUCTION:	11/27/18
HEARING DATE:	01/29/19
DATE OF PASSAGE:	02/26/19
EFFECTIVE DATE:	04/12/19

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF HAGERSTOWN TO ENLARGE THE CORPORATE BOUNDARIES AND THEREBY AMEND THE CORPORATE BOUNDARIES AS CONTAINED IN SECTION 104 OF THE ARTICLE 1 OF THE CHARTER OF THE CITY OF HAGERSTOWN, MARYLAND AND AT THE SAME TIME ESTABLISH THE ZONING CLASSIFICATION OF THE AREA TO BE ANNEXED.

WHEREAS the City of Hagerstown, pursuant to its rights and authority under the Local Government Article, §4-403 of the Annotated Code of Maryland may annex into the City additional lands in accordance with the requirements set forth therein;

WHEREAS, pursuant to the Maryland Annotated Code, Local Government Article, §4-401 *et seq.*, the City desires to enlarge the corporate boundaries of the City of Hagerstown, Maryland by adding or annexing thereto the within described area which is immediately adjacent to and adjoining the present corporate boundaries thereof, and to be popularly known as the "Antietam Creek Creek Bed Annexation, Case No. A-2018-02" for identification; and the same is incorporated herein by reference as if set forth into and made a part hereof. **See Exhibit A – Annexation Plat;**

WHEREAS, these lands are immediately adjacent to the lands being annexed via "Foggy Bottom Farm and other Lands Annexation, Case No. A-2018-01";

WHEREAS, the land included in this Resolution consist of lands totaling 1.47 acres, more or less, that has historically escaped accurate survey due to its presence in and along Antietam Creek, is almost entirely within the bed of Antietam Creek and/or the associated and adjacent 100 year floodplain, in an area of steep banks, is un-assessed, un-taxed, undeveloped, unoccupied and the best research of the land records by a Maryland Licensed Land Surveyor determines is apparently an unowned gap area between lands described in deeds of adjacent parcels.

WHEREAS, the Resolution for Annexation meets all the requirements of the law, and pursuant to the Local Government Article, §4-406(c) , the Annexation was referred to the appropriate State, Regional and County planning authorities, and the adoption of logical and regular municipal boundaries in in the interest of the City, the County and the community at large.

WHEREAS, the proposed zoning of the area to be annexed to the corporate limits, was referred to the Planning Commission for the City of Hagerstown, Maryland which said Commission for the City of Hagerstown has studied the proposed zoning of the tracts described herein in relation to the Comprehensive Plan, the Zoning Ordinance, and all other applicable ordinances, the needs of the City and County, and the needs of the particular neighborhood and vicinities of the areas, and have approved the same and that the rezoning for the said tract of land is proper and desirable under all of the circumstances and should be accomplished at this time.

Section 1. Now, therefore, be it resolved by the Mayor and City Council of the City of Hagerstown, Maryland that the boundaries of the City, pursuant to the Local Government Article,

§4-401, et seq. be and are hereby amended so as to annex and include land within said City all that certain area of land described by metes and bounds in **Exhibit A - Plat** attached hereto and made a part thereof;

Section 2. And be it further resolved by the Mayor and City Council, that the subject area shall be assigned the City Zoning classification of AT (Agricultural Transition),

Section 3. And be it further resolved that the annexation of the said area be made subject to the terms and conditions as set forth in the Annexation Plan attached hereto as Exhibit D and made part hereof upon final agreement and passage; **See Exhibit B – Annexation Plan;**

Section 4. And be it further resolved that the conditions and circumstances applicable to the change in said corporate boundaries and to the property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code of Hagerstown, and all acts, ordinances, resolutions and policies.

Section 5. And be it further resolved by the Mayor and Council, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject however, to the right of referendum as contained in the Local Government Article of the Maryland Code, as amended.

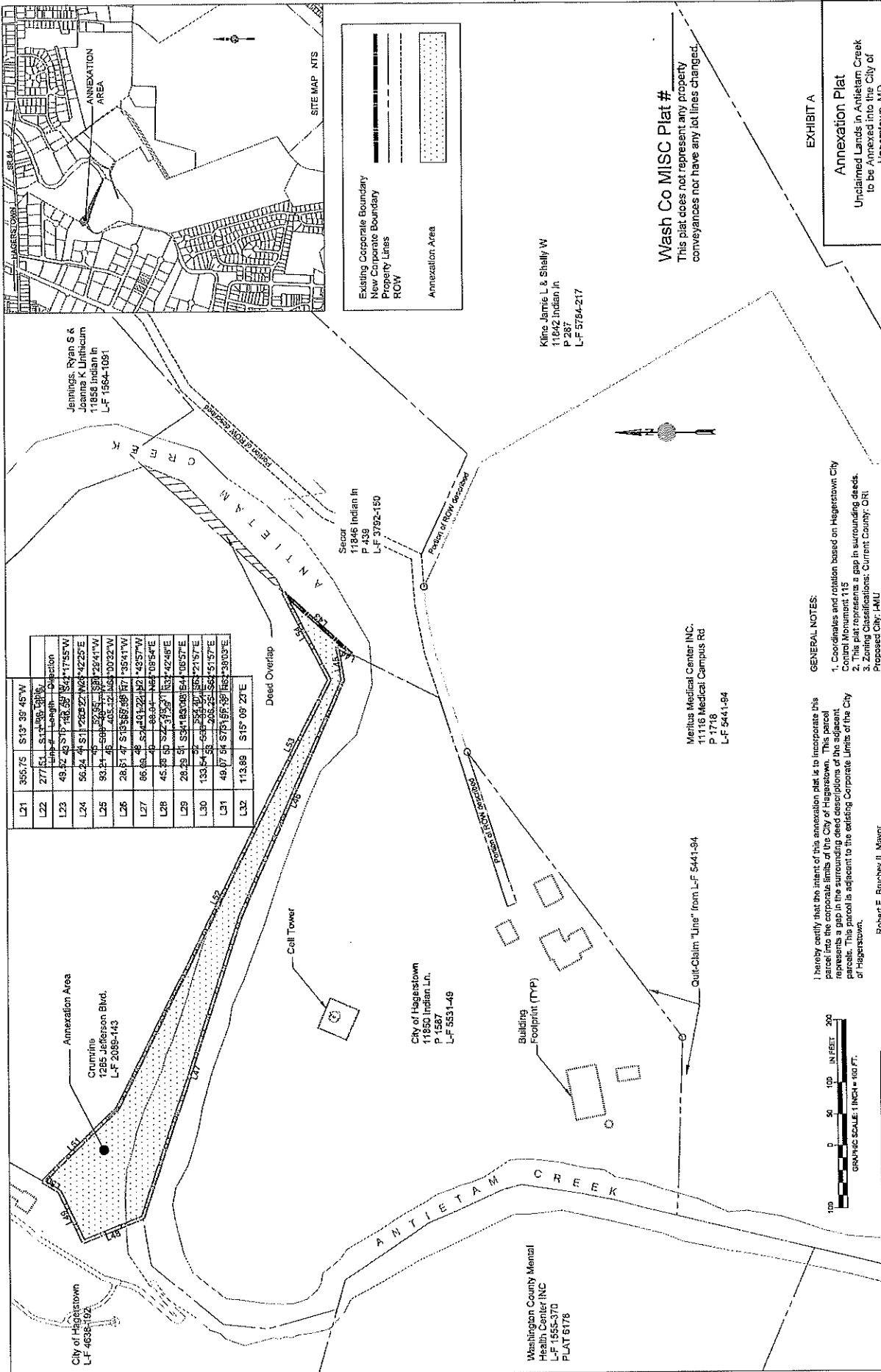
WITNESS AND ATTEST
AS TO CORPORATE SEAL

BY ORDER OF THE MAYOR AND
COUNCIL OF HAGERSTOWN,
MARYLAND

Donna K. Spickler
City Clerk

By: _____
Robert E. Bruchey, II
Mayor

Date Introduced: 11/27/18
Hearing Date: 01/29/19
Final Enactment 02/26/19
Effective Date: 04/12/19



Point	Bearing	Distance
L21	S13° 38' 45"W	355.75
L22	S13° 00' 30"W	277.51
L23	S44° 17' 55"W	49.32
L24	S22° 25' 42"E	56.24
L25	S23° 54' 11"W	80.34
L26	S85° 49' 17"E	28.61
L27	S43° 57' 11"W	86.66
L28	S42° 42' 48"E	45.39
L29	S54° 08' 57"E	28.29
L30	S21° 57' 15"E	133.64
L31	S15° 58' 51"E	49.07
L32	S15° 09' 23"E	113.80

Deed Overlap

Cell Tower

Building Footprint (TYP)

Quit-Claim "Line" from L-F 5441-94

Meritus Medical Center, INC.
11135 Medical Campus Rd
P 1718
L-F 5441-94

City of Hagerstown
11850 Indian Ln.
P 1587
L-F 5631-49

City of Hagerstown
11850 Indian Ln.
P 439
L-F 3792-150

Kline, Jamie L & Shally W
11842 Indian Ln.
P 287
L-F 5784-217

Jennings, Ryan S & Joanna K. Unifacum
11858 Indian Ln
L-F 1964-1091

Washington County Health Center, INC
L-F 1555-370
PLAT 6178

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

- GENERAL NOTES:**
- Coordinates and rotation based on Hagerstown City Control Monument T15
 - Unclaimed gap in surrounding deeds.
 - Zoning Classification: Current: County: CRT
 - Proposed City: LAMU
 - Annexation Effective Date: xxxxxxxx
 - Case # A-2018-02

I hereby certify that the intent of this annexation plat is to incorporate this parcel into the corporate limits of the City of Hagerstown. This parcel represents a gap in the surrounding deed descriptions of the adjacent parcels. This parcel is adjacent to the existing Corporate Limits of the City of Hagerstown.

Robert E. Brochey II, Mayor
of the City of Hagerstown



SURVEYOR'S CERTIFICATION
I hereby certify that the plat shown herein is correct and that existing monumentation was held as the property corner where such monumentation closely agrees with the recorded deed calls and that according to my professional opinion, the property shown and described herein and the survey on which it is based are in accordance with Title 9, Subtitle 13, Chapter 63.03 of the Annotated Code of Maryland and the Guidelines and Requirements for Annexation Surveys for the City of Hagerstown.

Jeff N. Swain, MD Professional Licensed Surveyor # 21552
Exp. 12-22-2019

ACREAGE TABLE

Unclaimed Gap in Deeds 1.47 ac

Wash Co MISC Plat #
This plat does not represent any property conveyances not have any lot lines changed.

EXHIBIT A

Annexation Plat
Unclaimed Lands in Antietam Creek to be Annexed into the City of Hagerstown, MD.

CITY OF HAGERSTOWN, MARYLAND
DEPARTMENT OF PARKS & ENGINEERING
Washington County Tax Map No. 50
Address: Hagerstown, Maryland
Drawing No. 055 Date: 7-27-2018 Scale: 1"=100'
City Tax Map No. 85

Austin S. Abraham Trustee ET AL
L-F 5637-442

SHEET No.	CITY DRAWING NUMBER
1 of 1	70-111-01

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Date: **November 27, 2018**

TOPIC: **Adoption of an Annexation Plan**
Antietam Creek Creek Bed Annexation
Case No. A-2018-02

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move that the Mayor and City Council Adopt an Annexation Plan for the
“Antietam Creek Creek Bed” Annexation (A-2018-02).

DATE OF ADOPTION:	11/27/18
EFFECTIVE DATE:	11/27/18

City of Hagerstown, Maryland

EXHIBIT B ANNEXATION PLAN *Annexation Case No. A-2018-02*

Property Owner/Applicant: City of Hagerstown – By Resolution

Location of Properties:

1.47 acres of area located mostly within the banks of the Antietam Creek, located between the Gilbert Crumrine Property to the north and the City-owned “Foggy Bottom Farm” property to the south.

Owners:

Lands appear to be without ownership due to it being an area that is a gap between the deeds describing adjacent lands to the north and to the south.

Annexation Plan

Pursuant to §4-415 of the Local Government Article of the Annotated Code of Maryland, herewith is a proposed outline for extension of services and public facilities into the areas proposed to be annexed.

It is also noted that any future amendments to the Annexation Plan may not be construed in any way as an amendment to the resolution, nor may they serve in any manner to cause a re-initiation of the annexation procedure then in process.

II. Land Use Patterns of Areas Proposed to be Annexed -

- A. The area of annexation is +/- 1.47 acres.
- B. The proposed zoning is AT (Agricultural Transition). The purpose of the AT zoning district is as follows:

The purpose of the AT District is to enable agricultural uses to continue on newly annexed land, if desired by the property owner, as a temporary use until such time that the land is re-zoned for development.

All lands within this district proposed for development shall be rezoned to another district to accommodate that development, in accordance with the policies and procedures set forth in this Article.

The Planning Commission and the Mayor and City Council shall consider the policies and recommendations of the Comprehensive Plan when re-assigning zoning classification for AT land for development.

When the property is to be given another classification, whether there was a mistake in assigning the AT classification and/or whether changes in the character of the neighborhood have occurred may be taken into consideration. However, a finding of mistake or change in character of the neighborhood shall not be required.

The AT zoning classification is generally consistent with the County's current zoning of RT; thus, no "express approval" of a zoning change by the County is needed.

- C. This area is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service, as defined in the 2017 Comprehensive Plan.
- D. This area is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area (PFA).

II. Availability of Land Needed for Public Facilities -

- A. The lands involved in this petition are mostly within the banks of the Antietam Creek and entirely within the adjacent floodplain. Residential development of this area is unlikely in the extreme due to regulatory and topographic constraints in addition to the unknown ownership status of the area. There is no foreseeable impact annexing this parcel will have on Washington County Board of Education Facilities.
- B. For the same reasons as stated in II.A, above, this annexation will have no additional impact to the Washington County Free Library.

III. Schedule and Method of Financing the Extension of Each Municipal Service Currently Performed Within the City of Hagerstown into the Area Proposed to be Annexed.

- A. The area of annexation current has no City Wastewater Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation current has no City Water Service. If requested for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.

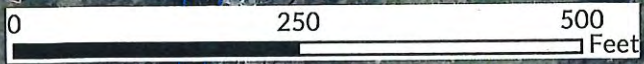
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service is currently provided by Potomac Edison.
- D. No significant impact on emergency service delivery is expected.
- E. Due to topographic and regulatory constraints, no construction of public roads within the area to be annexed would seem possible.
- F. Parks and recreation facility expansion are not proposed for this annexation or the adjacent "Foggy Bottom Farm and Other Lands" annexation. However, in the future, all or parts of the adjacent Foggy Bottom Farm (City of Hagerstown property) may be reserved for parkland, given its location adjacent to Antietam Creek and Kiwanis Park. Nothing in this agreement shall be interpreted or construed to commit the City to reserve this area or the adjacent parcel for park use or development at this time or in the future.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.
- H. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for in the Annexation Resolution. However, given the unique conditions of the property, it is unlikely this area would ever be developed for residential use.

Annexation of Antietam Creek Creekbed



Area of Proposed Annexation

- County Road
- County Tax Parcel
- Corporate Boundary



Map Projection: NAD83 State Plan Maryland FIPS (feet)

Data Sources:
City of Hagerstown, 2016; State of MD Imagery, 2014
Washington County, 2016

Prepared By:
Hagerstown Planning & Code Admin Dept, 08/29/18

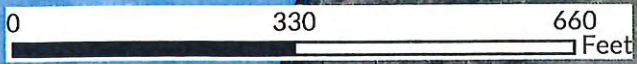


Annexation of Antietam Creek Creekbed



Area of Proposed Annexation

-  County Road
-  County Tax Parcel
-  Corporate Boundary
-  AT (Agricultural Transitional)
-  POM (Professional Office Mixed)



Map Projection: NAD83 State Plan Maryland FIPS (feet)

Data Sources:
City of Hagerstown, 2016; State of MD Imagery, 2014
Washington County, 2016

Prepared By:
Hagerstown Planning & Code Admin Dept, 08/29/18



ZONING USE COMPARISONS

USE	I-MU (HAG)		ORI (CO)
RESIDENTIAL USES			
Artist Live-Work Space in large former commercial, industrial or institutional buildings.	P		n
PUBLIC AND INSTITUTIONAL USES			
Ambulance services (621910), fire protection (922160) and police protection (922120).	P		21B1a12
Adult day-care services (624120).	P		21B1a13
Child day-care services (624410).	P		21B1a13
Fitness and recreational sports centers.	P		se
Primary and secondary schools, public and private, provided all setback, parking and other regulations are met without variance	P		21B1a1
Primary and secondary schools, public and private, for which setback, parking or other regulations cannot be met without variance.	P		21B1a1
Public administration (92), except correctional institutions publicly-managed (922140) and privately-managed (561210).	P		21B1a8
Public parks	P		21B1a12
Social assistance – services for the elderly and persons with disabilities (624120)	P		n

OFFICE AND PROFESSIONAL USES						
Administrative support services (561).		P			21B1a6	
Ambulatory health care services, with exception of outpatient substance abuse centers (621420).		P			n	
Banks, savings institutions & credit unions (521-522), except pawn shops (522298).		P			21B1a17	
Colleges, universities, trade and commercial schools, except primary and secondary schools (611).		P			21B1a1	
Finance and insurance (52), monetary authorities – central bank, credit intermediation and related activities (521-522), except pawn shops (522298).		P			21B1a6	
Hospitals, including psychiatric, substance abuse and specialty hospitals (622).		P			21B1a3	
Nursing homes and residential care facilities for the elderly.		P			n	
Offices, business and professional (55 and 56), except waste Management and remediation services (562).		P			21B1a6	
Offices for bonding, probation and parole of defendants in the criminal justice system, not within 500 feet of Public Square or within 250 feet of another such use.		P			21B1a6	

Outdoor Automated Teller Machines (ATM), not accessory to a banking institution.		P			21B1a17	
Professional, scientific & technical services (54), except veterinary services.		P			21B1a6	
Veterinary services (54194), completely enclosed.		P			n	
ENTERTAINMENT AND HOSPITALITY USES						
Hotels and motels (72111).		P			21B1a16	
Restaurants (7221 and 7222), no limit on size.		P			21B1b1 no drivethru	
BROADCAST AND PRODUCTION						
Broadcasting (515).		P			21B1a9	
Motion picture and sound recording industries (512).		P			?	
Telecommunications (517).		P			21B1a14	
SERVICE AND SALES INDUSTRIES						
Dry cleaning and laundry services (8123).		P			n	
Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211) and dog grooming establishments.		P			n	

Kennels, day boarding and over-night boarding, subject to conditions in I-MU enumerated in Subsection H.2.b (812910).		P			n	
Internet publishing and broadcasting (516).		P			21B1a2	
Internet service providers. web search portals and data processing services (518).		P			21B1a2	
Newspaper publishers (511110).		P			21B1a6 &b2	
Outdoor vending machines entirely on private property in active use and not in a public street right-of-way, provided that the vending machines(s)comply with building setbacks unless abutting a building.		P			N/A	
Personal and household goods repair and maintenance (8114).		P			n	
Photo finishing (81292).		P			21B1b2	
Produce stands (812910).		P			21B1a18	
Retail and wholesale trade excluding motor vehicle dealers (unless all vehicles stored indoors) and adult business, up to 15,000sf		P			n	
Tanning and depilatory salons (812199).		P			n	
AUTOMOBILE AND TRANSPORTATION RELATED USES						

Automotive Repair and Maintenance (8111) in buildings constructed prior to 2010 with outdoor storage and service areas screened with opaque fencing and landscaping in accordance with Article 5.		P			n
INDUSTRIAL, MANUFACTURING AND HEAVY LAND USES					
Butchering.		P			n
Carpet and upholstery cleaning services (56174).		P			n
Indoor plant cultivation and processing facilities, when interior space is 25,000 square feet or less in gross floor area.		P			21B1a18 or 21B1b3
Indoor plant cultivation and processing facilities, when interior space is over 25,000 square feet in gross floor area.		SE			21B1a18 or 21B1b3
Manufacturing, Light, when interior space is 25,000 square feet or less in gross floor area.		P			21B1b3
Manufacturing, Light, when interior space is over 25,000 square feet gross floor area.		SE			21B1b3
Research and development facilities.		P			21B1a4 or 21B1b3
Specialty Trade Contractors (238).		P			n
Vocational Rehabilitation Services (624310).		P			21B1a1
Warehousing & Storage (493).		P			n

Warehouse/Flex space, provided such space does not exceed more than 50% of the total gross floor area of the building.		P			n	
Wholesale and retail sales of products manufactured or stored on the premises in conjunction with any other principal permitted use.		P			n	
TEMPORARY USES						
Temporary Contractor Staging Facility, subject to provisions in Subsection K.13.		P			n	
Temporary Uses, subject to provisions in Section R.		P				

ZONING USE COMPARISONS

USE		AT (HAG)		RT (CO)	
RESIDENTIAL USES					
One single family dwelling per unit of land existing as of January 1, 2012		P		7a.1C	
PUBLIC AND INSTITUTIONAL USES					
Country Clubs, golf courses and summer camps		P		N	
OFFICE AND PROFESSIONAL USES					
Residential facilities with in house professional care for up to three residents with mental and/or physical disabilities-one per lot		P		N	
ENTERTAINMENT AND HOSPITALITY USES					
Agri-tourism		P		N	

SERVICE AND SALES INDUSTRIES					
Farms in existence on the date of adoption of this ordinance or annexation into the City		P		7a1A	
Kennels		P		N	
Nurseries and greenhouses - the raising of plants for sale with attached commercial outlet		P		N	
Wineries and vineyards		P		Vineyards as agriculture	
Blacksmithing and farriers		P		N	
TEMPORARY USES					
Temporary contractor staging facility		P		N	
Temporary uses		P		N	

January 29, 2019

Mayor & City Council
City of Hagerstown, Maryland
One East Franklin Street
Hagerstown, MD 21740

Re: Annexation Resolution A-2018-01 - "Foggy Bottom and other Lands"

Dear Mayor & Council Members:

I represent Meritus Medical Center, Inc. ("Meritus") owner of the +/- 75.71 ac. property located on the west side of Yale Drive (TM 50, Parcel 1718) (the "Meritus Property") which is included within the +/- 101.03 ac. annexation area proposed to be annexed into the City of Hagerstown pursuant to the above referenced Annexation Resolution.

Despite being the owner of 75% of the geographic area to be annexed, consent to the Annexation Resolution was not requested from Meritus. For that reason, as well as the additional reasons discussed herein, Meritus is opposed to the proposed annexation of the Meritus Property as part of Annexation Resolution A-2018-01 - "Foggy Bottom and other Lands".

In July 2016, following discussions with City staff, a detailed proposal to annex +/- 115 ac. of undeveloped land owned by Meritus including the subject +/- 75.71 ac. property, was outlined by Meritus and presented to the City. That proposal was never followed up on by the City.

Meritus remains open and amenable to a comprehensive plan for the annexation of Meritus owned properties in the Robinwood area and believes that such a plan would be more mutually beneficial to the City and Meritus than the current Annexation Resolution A-2018-01.

Additional Reasons Meritus Opposes Annexation Resolution A-2018-01:

Zoning

The Annexation Resolution recommends I-MU (Industrial, Mixed-use) zoning for the Meritus Property. As has been communicated to City staff, there are certain health care related uses which could foreseeably be part of future development plans for the Meritus property which are not permitted.

For example, "Outpatient Substance Abuse Centers" and "Medical and diagnostic laboratories" are not permitted uses in the I-MU district. In addition, uses such as "Child day-care services" and retail pharmacies are only permitted as part of a mixed-use building and are limited to 25% of the gross floor area of that building.

Although not exhaustive, this list is representative of the concerns Meritus has with the recommended I-MU zoning classification and thus with the subject Annexation Resolution.

Lack of “Express Approval” from Wash. Co.

As per MD Code, Local Government, §4-416: “Without the express approval of the county commissioners...for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use...in accordance with the zoning classification of the county applicable at the time of the annexation.”

At its meeting on January 15, 2019, the Board of County Commissioners for Washington County (the “BOCC”) failed to take a position as to (i) whether “express approval” from the BOCC is required; or (ii) if required, whether the BOCC will grant said “express approval”.

Therefore, at this time, it is unknown whether the Meritus Property will be subject to a five (5) year restriction prohibiting its use for any use not permitted by the current County zoning of ORI (Office, Research, and Industry). This uncertainty is also a basis for Meritus’ opposition to the subject Annexation Resolution.

City Owned Property Not Eligible to be Included in Consent

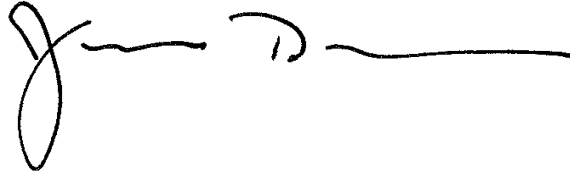
MD Code, Local Gov’t., §4-403 provides that an Annexation Resolution may be introduced in the Legislative Body with the consent of (i) at least 25% of the registered voters within the area to be annexed; and (ii) the owners of at least 25% of the assessed valuation of real property within the area to be annexed.

In the case of City of Salisbury v. Banker’s Life Co., 21 Md.App. 396 (1974), the Maryland Court of Special Appeals, in upholding the Wicomico County Circuit Ct.’s decision to invalidate a City of Salisbury annexation resolution, found that ***“only those who were to bear the financial burdens of a city government by the payment of real property taxes were to be allowed a voice in the annexation of real property to the municipal corporation.”***

The City of Hagerstown clearly does not fit into the category of a party who “bears the financial burdens of a city government by the payment of real property taxes”. Therefore, the City was not eligible to count its property or its consent in order to meet the minimum threshold of 25% of the assessed valuation of real property within the area to be annexed and the Annexation Resolution does not meet the MD Code, Local Gov’t., §4-403 requirements.

In sum, as stated above, Meritus Medical Center, Inc. is opposed to the annexation of its +/- 75.71 ac. property into the City of Hagerstown pursuant to the terms and conditions of Annexation Resolution A-2018-01 - "Foggy Bottom and other Lands".

Very truly yours,
JD LAW COMPANY, INC.

A handwritten signature in black ink, appearing to read "J. M. Divelbiss". The signature is stylized with a large initial "J" and a distinct "D".

Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com



Agenda Report Form

Open Session Item

SUBJECT: Increase fee paid to Soil Conservation District for administration of Forest Conservation Fund program

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Stephen T. Goodrich, Director, Department of Planning and Zoning

RECOMMENDED MOTION: Move to approve amendment of a Memorandum of Understanding (MOU) with the Soil Conservation District Board of Supervisors to increase the reimbursement for SCD services from \$700 to \$900 per acre and to add language to the explanatory statement that further describes eligible costs.

REPORT-IN-BRIEF: Washington County and the Soil Conservation District signed an MOU in 2003 that specified a \$700 per acre fee to be paid to the SCD for administration of a program that utilizes "Fee in lieu of forestation" payments from developers to plant new forest or protect existing forest. SCD costs to administer the program have increased over the 15 years that the agreement has been in place, but the payment has not. An increase is warranted. The program has created and protected more than 800 acres of forest and used more than \$1.5 million of "Fee in lieu of forestation" payments from developers.

DISCUSSION: Washington County has had an adopted Forest Conservation Ordinance since 1993. It is required by State law. The County ordinance is implemented through the new development review process. New development must analyze its effect on forest cover on the development site and, in certain cases, mitigate the loss of forest cover or establish new forest cover. When this is not feasible on the development site, payment of a "fee in lieu of forestation" is an option. The County is required by law to use these fees to protect existing forest or plant new forest elsewhere in the County. The Soil Conservation District administers the program for the County by using its existing contacts with landowner to identify potential sites and manage all steps necessary to get new forest planted or easements on existing forest. The SCD also takes on a maintenance and inspection responsibility. The payment to SCD is intended to compensate for these activities.

FISCAL IMPACT: No cost to Washington County's general fund

CONCURRENCES: Soil Conservation District, County Attorney

ALTERNATIVES: Decline to raise the payment

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Ft. Ritchie/Cascade Sustainable Communities Designation Renewal

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Stephen T. Goodrich, Director, Department of Planning and Zoning

RECOMMENDED MOTION: Move to direct staff to submit/not submit the application to renew the Sustainable Communities designation for Fort Ritchie/Cascade.

REPORT-IN-BRIEF: A Sustainable Communities designation was approved for the Ft. Ritchie/Cascade area in February 2014. The designation expires 5 years after approval and the Department of Housing and Community Development has inquired if the County intends to renew the designation. The designation provides access to a toolbox of revitalization financing programs and tax credit incentives for the designated area. The incentives are available to local governments, community development organizations, non-profits and some small businesses.

DISCUSSION: The initial designation was initiated by a member of the Board of Trustees of the former Pen Mar Development Corporation, a previous owner of the former Ft Ritchie property. The adjacent Cascade community was included and approved in the original designation of 1210 acres in order to extend the benefits of the assistance and incentive programs to the community which experienced losses when the former army base was closed.

FISCAL IMPACT: No cost to Washington County, however the County must act as a conduit or applicant for many of the programs.

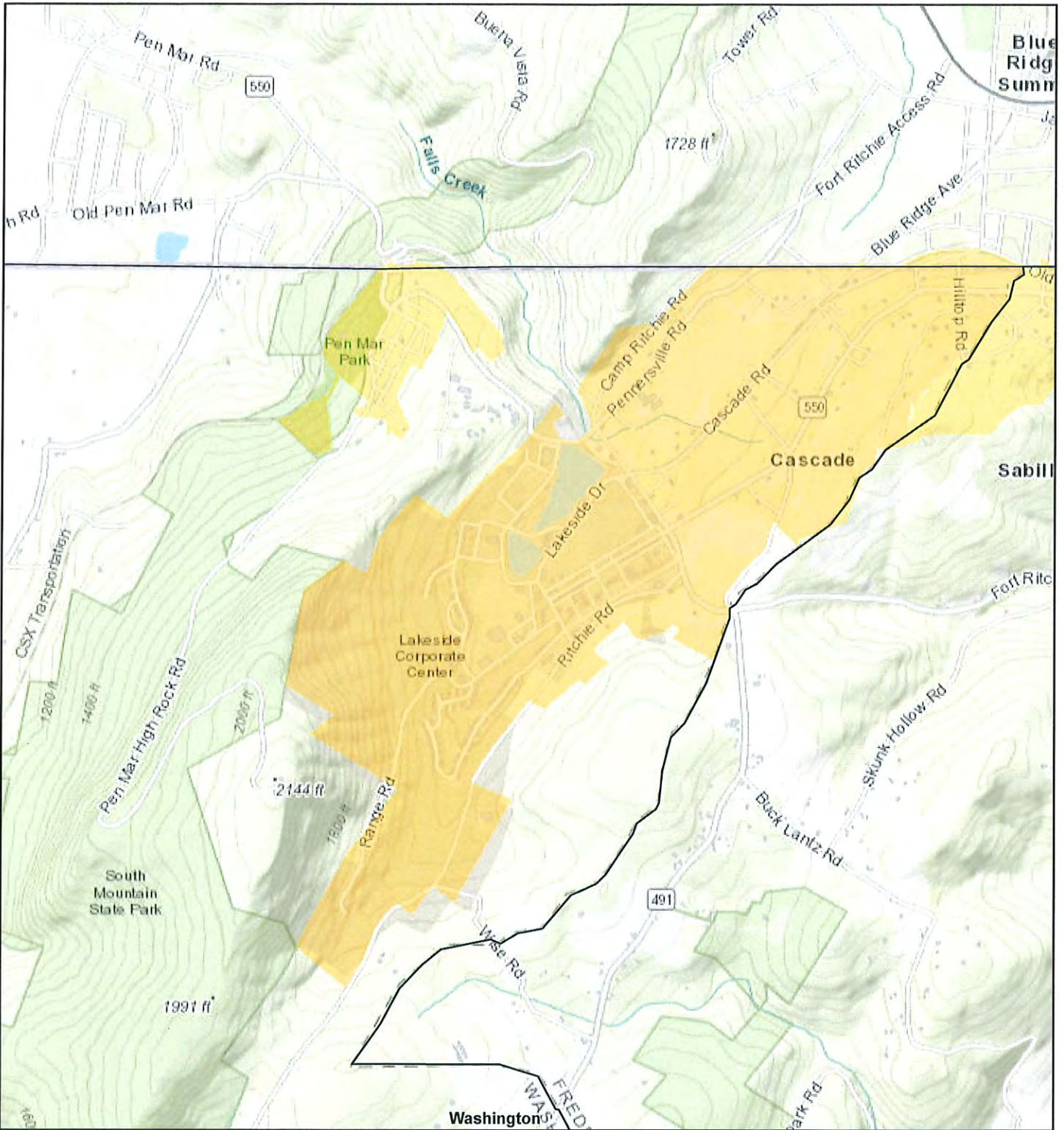
CONCURRENCES: Susan Buchanan, Director, Office of Grant Management

ALTERNATIVES: Allow the designation to expire

ATTACHMENTS: Map of Ft. Ritchie/Cascade Sustainable Community boundary and List of Sustainable Communities Programs

AUDIO/VISUAL NEEDS: N/A

Ft. Ritchie/Cascade Sustainable Community



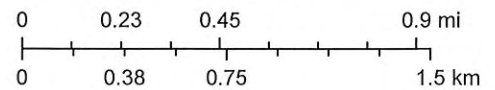
February 1, 2019

1:27,820

 County Boundary

 Sustainable Communities (DHCD)

 Municipal Boundaries



MD iMAP, MDP, SDAT, MD iMAP, DoIT, MDP, MDOT, MDOT SHA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



Sustainable Communities

Partnering to Revitalize Maryland Communities



The Sustainable Communities program is designed to encourage interagency and cross-governmental collaboration by providing designated Sustainable Communities with the opportunity to access an interagency revitalization toolbox of financing programs and tax credit incentives. The Maryland Department of Housing and Community Development and its partners support the development and prosperity of Sustainable Communities by providing the following benefits for Sustainable Communities:

Financing Programs (Dept. of Housing and Community Development)

Community Legacy Program: Provides local governments and community development organizations in Sustainable Communities with funding for essential projects aimed at strengthening communities through activities such as business retention and attraction, encouraging homeownership, and commercial revitalization. Some examples of eligible projects include mixed-use development consisting of residential, commercial and/or open space; streetscape improvements; and façade improvement programs.

Strategic Demolition Fund: Provides grants and loans to local governments and community development organizations in Sustainable Communities for predevelopment activities including demolition and land assembly for housing and revitalization projects. The Fund catalyzes public and private investment in the reuse of vacant and underutilized sites. Awards will focus on those smart growth projects that will have a high economic and revitalization impact in their existing communities.

Neighborhood BusinessWorks Program: Loan program providing gap financing, i.e. subordinate financing, to new or expanding small businesses and nonprofit organizations located in Priority Funding Areas. Projects must include first floor business or retail space that generates street-level activity in mixed use projects and improve either a vacant or under-utilized building or site.

Maryland Mortgage Program - You've Earned It! Initiative: For a limited time, the Maryland Mortgage Program is offering a 0.25% discount on the standard Maryland Mortgage Program mortgage rate and \$5,000 in Down Payment Assistance to qualified home buyers that have at least \$25,000 of student debt, and who are purchasing a home in one of Maryland's Sustainable Communities

Operating Assistance Grants: Provides funding for Main Street Improvement Program, Nonprofit Assistance Fund and Technical Assistance Grants to support costs such as, but not limited to, staff and a portion of general operating expenses; consulting expertise/technical assistance or training; and consultants or services directly associated with community development projects in Sustainable Communities.

Financing Programs (Dept. of Transportation)

Maryland Bikeways Program: Maryland Department of Transportation (MDOT) program supporting projects that maximize bicycle access and fill missing links in the State's bike system. Additional points awarded to projects located in or connecting to a Sustainable Community. Sustainable Communities also are considered a "priority investment area" under the Bikeways Program and projects may be eligible for reduced matching requirements.



Berlin Main Street



Development Park



Historic Commercial Building



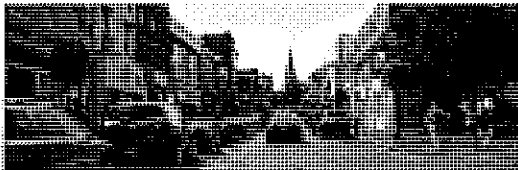
Modern Commercial Building



Modern Commercial Building



Modern Commercial Building



Annapolis, Annapolis Street

Community Safety and Enhancement Program: A State Highway Administration program that provides funding for transportation improvements along State highways that support planned or on-going revitalization efforts. Improvements typically include pedestrian and vehicular safety, intersection capacity/operations, sidewalks, roadway reconstruction or resurfacing, drainage repair/upgrade and landscaping. Projects must be in a Priority Funding Area and projects in Sustainable Community areas are given preference

Sidewalk Retrofit Program: This program helps finance the construction and replacement of sidewalks along State highways by covering 50 percent of the cost for approved projects. The program covers 100 per-



The Greenbelt Theater



Miller's Court mixed-use rehabilitation in Baltimore

Financing Programs (Dept. of Environment)

Water Quality Revolving Loan Fund: Administered by the Maryland Department of the Environment Water Quality Financing Administration, the fund provides below-market interest rate loans and additional subsidies—such as loan-forgiveness and grants—to finance: construction of publicly-owned wastewater treatment works, implementation of non-point source/estuary capital improvements, and/or implementation of U.S. EPA defined “green” projects. Projects are ranked and can receive up to 100 points. Seven points are awarded to projects in Sustainable Communities.



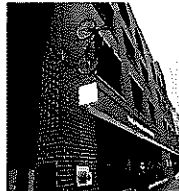
Greenbelt Homes, Greenbelt Homes, Greenbelt Homes

Tax Credit Programs and Incentives

Low Income Housing Tax Credit: Administered by the Dept. of Housing and Community Development and supports the development of multi-family affordable housing. Eight points are awarded to applications with projects located in a state-designated Transit Oriented Development area. For areas that are not state-designated Transit Oriented Development areas, but are Sustainable Communities, applications will be awarded four additional points.

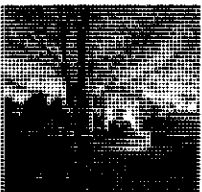


Greenbelt Homes, Greenbelt Homes, Greenbelt Homes



Hagerstown Bicycle Parking

Maryland Economic Development Corporation/Dept. of Planning - Enhanced Local Tax Increment Financing Authority: Enables designated Sustainable Communities to issue bonds to finance public improvements, and expands the permitted use of tax increment financing beyond traditional public infrastructure. The set of eligible uses of tax increment financing is broadened in Sustainable Communities to include historic preservation or rehabilitation; environmental remediation; demolition and site preparation; parking lots, facilities or structures of any type, public or private; highways; schools; and affordable or mixed-income housing. Local governments with Sustainable Communities may also pledge alternative local tax revenues generated within or attributed to the tax increment financing district to its associated special fund.



Greenbelt Homes, Greenbelt Homes, Greenbelt Homes



Greenbelt Homes, Greenbelt Homes, Greenbelt Homes

Job Creation Tax Credit: Administered by the Department of Commerce. Employers are eligible for enhanced incentives for new jobs created in Sustainable Communities. The maximum tax credit rises from \$1,000 to \$1,500 per employee. The threshold to qualify drops from 60 to 25 jobs created.

Other Incentives

Sustainable Maryland Certified: A program administered by the University of Maryland Environmental Finance Center that supports sustainability efforts in Maryland municipalities. With the Sustainable Community designation, a municipality can receive 20 points towards the 150 points needed for certification.



Open Session Item

SUBJECT: Request to fund Fort Ritchie Community Center

PRESENTATION DATE: February 12, 2019

PRESENTATION BY: Susan Small, Director, Department of Business Development

RECOMMENDED MOTION: Move to approve an allocation of \$150,000 in FY2020 for the Fort Ritchie Community Center.

REPORT-IN-BRIEF: Fort Ritchie Community Center (FRCC) has requested financial support in the amount of \$150,000 for FY2020 from the Cascade Town Centre Fund.

DISCUSSION: FRCC is requesting consensus from the Board of County Commissioners to fund \$150,000 towards the center, which is less than in previous years.

FISCAL IMPACT: \$150,000 in FY2020 from Cascade Town Centre Fund

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A