



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201
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BOARD OF COUNTY COMMISSIONERS
January 15, 2019
OPEN SESSION AGENDA

- 08:00 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE
 CALL TO ORDER, *President Jeffrey A. Cline*
 APPROVAL OF MINUTES – January 8, 2019
- 08:05 A.M. CLOSED SESSION
(To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation)
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:20 A.M. REPORTS FROM COUNTY STAFF
- 10:35 A.M. CITIZENS PARTICIPATION
- 10:45 A.M. CASCADE TOWN CENTRE UPDATE – *Joe Lee, JG Business Link International*
- 11:15 A.M. ECONOMIC DEVELOPMENT COALITION UPDATE – *Michael Reyka, Executive Chair, Washington County Economic Development Coalition*
- 11:30 A.M. STATE HOMELAND SECURITY GRANT PROGRAM – APPROVAL TO ACCEPT AWARDED FUNDING – *Stephanie Lapole, Senior Grant Manager, Office of Grant Management, Sheriff Douglas Mullendore, Washington County Sheriff Office, and Tom Brown, Assistant Director, Emergency Services*
- 11:35 A.M. FY20 RURAL LEGACY PROGRAM GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDS – *Stephanie Lapole, Senior Grant Manager, Office of Grant Management, Eric Seifarth, Rural Preservation Administrator, Department of Planning & Zoning, and Chris Boggs, Land Preservation Planner, Department of Planning & Zoning*
- 11:45 A.M. HAGERSTOWN ANNEXATION OF FOGGY BOTTOM FARM, ANTIETAM CREEK BED AND OTHER LANDS – *Stephan Goodrich, Director, Department of Planning & Zoning*
- 12:15 P.M. CITY OF HAGERSTOWN ANNEXATION PLAN A -2018-01 PUBLIC COMMENTS – *Andrew Eshleman, Director, Public Works*

- 12:30 P.M. PROPOSED BUILDING CODE REVIEW COMMITTEE – *Richard Eichelberger, Director, Division of Construction / Code Official, Frank Quillen, Chief Plans Examiner / Deputy Code Official, and Ashley Holloway, Director, Plan Review & Permitting*
- 12:45 P.M. COUNTY STEP AND COLA DISCUSSION – *Sara Greaves, Chief Financial Officer*
- 01:00 P.M. BUDGET TRANSFER FOR FIRE TRUCKS REPAIRS AND BUILDING IMPROVEMENTS – *Garrison Plessinger, Director, Hagerstown Regional Airport*
- 01:15 P.M. PAY DISCREPANCY BETWEEN AIRFIELD AND TERMINAL MAINTENANCE STAFF – *Garrison Plessinger, Director, Hagerstown Regional Airport*
- 01:30 P.M. RECESS

EVENING MEETING AT THE TOWN OF FUNKSTOWN

Location: 30 East Baltimore Street, Funkstown, MD

- 07:00 P.M. INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
- 07:05 P.M. TOWN OF FUNKSTOWN LEADERS' REPORTS AND COMMENTS
- 07:10 P.M. COMMISSIONERS' REPORTS AND COMMENTS
- 07:20 P.M. REPORTS FROM COUNTY STAFF
- 07:30 P.M. CITIZENS PARTICIPATION
- 07:35 P.M. ADJORNMENT



Open Session Item

SUBJECT: Cascade Town Centre Update

PRESENTATION DATE: January 15, 2018

PRESENTATION BY: Joe Lee, JG Business Link International

RECOMMENDED MOTION: N/A

REPORT-IN-BRIEF: JG Business Link International (JGBLI) has an update to provide to the Board of County Commissioners regarding the progress of the Cascade Town Centre Development.

DISCUSSION: JGBLI would like to review the current progress at the Cascade Town Centre, discuss the potential investors and possible visits, and inform the Board of County Commissioners of a request from Jangheung Business Council.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Economic Development Coalition Update

PRESENTATION DATE: January 15, 2018

PRESENTATION BY: Michael Reyka, EDC Executive Chair

RECOMMENDED MOTION: N/A

REPORT-IN-BRIEF: The Economic Development Coalition (EDC) is here to provide the Board of County Commissioners a brief update regarding the progress of the Coalition.

DISCUSSION: The Executive Committee of the EDC has met several times since the release from Washington County Board of County Commissioners. Thus far the group has established a draft for initial structure (the HUB), a mission and vision, a draft of guiding principles, and roles and responsibilities of each executive committee organization member.

Mission: The Economic Development Coalition is a collaborative hub of business opportunity and economic prosperity.

Vision: The Economic Development Coalition will build a culture of business retention, expansion and attraction, providing opportunity for a thriving and prosperous community.

In the coming weeks the group will be focused on a monthly meeting schedule, timeline and items for discussion. Additionally, the EDC would like to possibly seek funding for initial marketing and promotional efforts including; branding, logo and website.

Lastly, the Board of Health Advisory Commission work group will be making its recommendation to the Board of County Commissioners in the coming weeks with regard to documents related to the organizational structure, mission, and membership recommendations.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: State Homeland Security Grant Program – Approval to Accept Awarded Funding

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Stephanie Lapole, Senior Grant Manager, Office of Grant Management, Sheriff Douglas Mullendore, Washington County Sheriff Office and Tom Brown, Assistant Director, Emergency Services

RECOMMENDED MOTION: Move to approve acceptance of the award from the Maryland Emergency Management Agency in the amount of \$30,000.

REPORT-IN-BRIEF: The State of Maryland through the Maryland Emergency Management Agency (MEMA) has an initiative for a Statewide Maryland Incident Management Team that provides a valuable capability to the communities in Maryland and surrounding areas to supplement resources with trained personnel who can assist with management of a major incident. MEMA wants to employ Charlie Summers for 16 hours per week to help with the organization, training and implementation of the Incident Management Team throughout the State with a primary emphasis on Western Maryland. When he is not doing business to assist the Incident Management Team, he will be utilized by the Washington County Sheriff's Office to assist with emergency management, CALEA Accreditation, management of the county radio system fleet map and a variety of other duties for the Sheriff's Office. His salary and all incidental costs would be paid for by MEMA and the time he spends working for the Sheriff's Office would not cost the County anything.

DISCUSSION: The Office of Grant Management has reviewed the grant funding guidelines. Matching funds or in-kind support is not required and there are no unusual conditions or requirements associated with the grant.

FISCAL IMPACT: MEMA will continue to pay for this position through the grant until the position is no longer needed. The position would be discontinued at that time.

CONCURRENCES: David Hays, Division Director, Emergency Services and Susan Buchanan, Director, Office of Grant Management

ALTERNATIVES: Deny acceptance of the award

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: FY20 Rural Legacy Program Grant – Approval to Submit Application and Accept Awarded Funds

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Stephanie Lapole, Senior Grant Manager, Office of Grant Management; Eric Seifarth, Rural Preservation Administrator, Department of Planning & Zoning and Chris Boggs, Land Preservation Planner, Department of Planning & Zoning

RECOMMENDED MOTION: Move to approve the expansion of the Rural Legacy Area and submission of the fiscal year 2020 Rural Legacy Program grant application in the amount of \$3,416,500 and accept funding as awarded.

REPORT-IN-BRIEF: Each year the Department of Planning and Zoning submits a funding request to the Maryland Department of Natural Resources for the purchase of easements in the County's Rural Legacy Area. Rural Legacy properties are lands of significant agricultural, historic, environmental, public and cultural value inside of the designated Rural Legacy Area boundary, which is concentrated around the Antietam Battlefield. This year's grant application will include an expansion of the Rural Legacy Area to incorporate further significant historic and agricultural lands in the County for considered easements. Past Rural Legacy Program grants have significantly contributed to the progress Planning & Zoning has made toward the goal of 50,000 permanently preserved acres of prime and productive farm and open space land.

DISCUSSION: The Office of Grant Management has reviewed the grant application and funding guidelines. There are no unusual conditions or requirements attached to the acceptance of the grant.

FISCAL IMPACT: There are recurring department operating expenses for the inspections of the easement properties by staff. Time required for inspections are 8 hours per year or \$300.00 per year and the cost is covered by the Department of Planning and Zoning. The grant provides 3% administration for staff time and 1.5% compliance allowance. All title, survey and settlement costs are paid 100% by the grant.

CONCURRENCES: N/A

ALTERNATIVES: Deny approval for the submission of this request

ATTACHMENTS: Rural Legacy maps and background information

AUDIO/VISUAL NEEDS: N/A

Rural Legacy Program (RLP) Expanded Area and Background Information

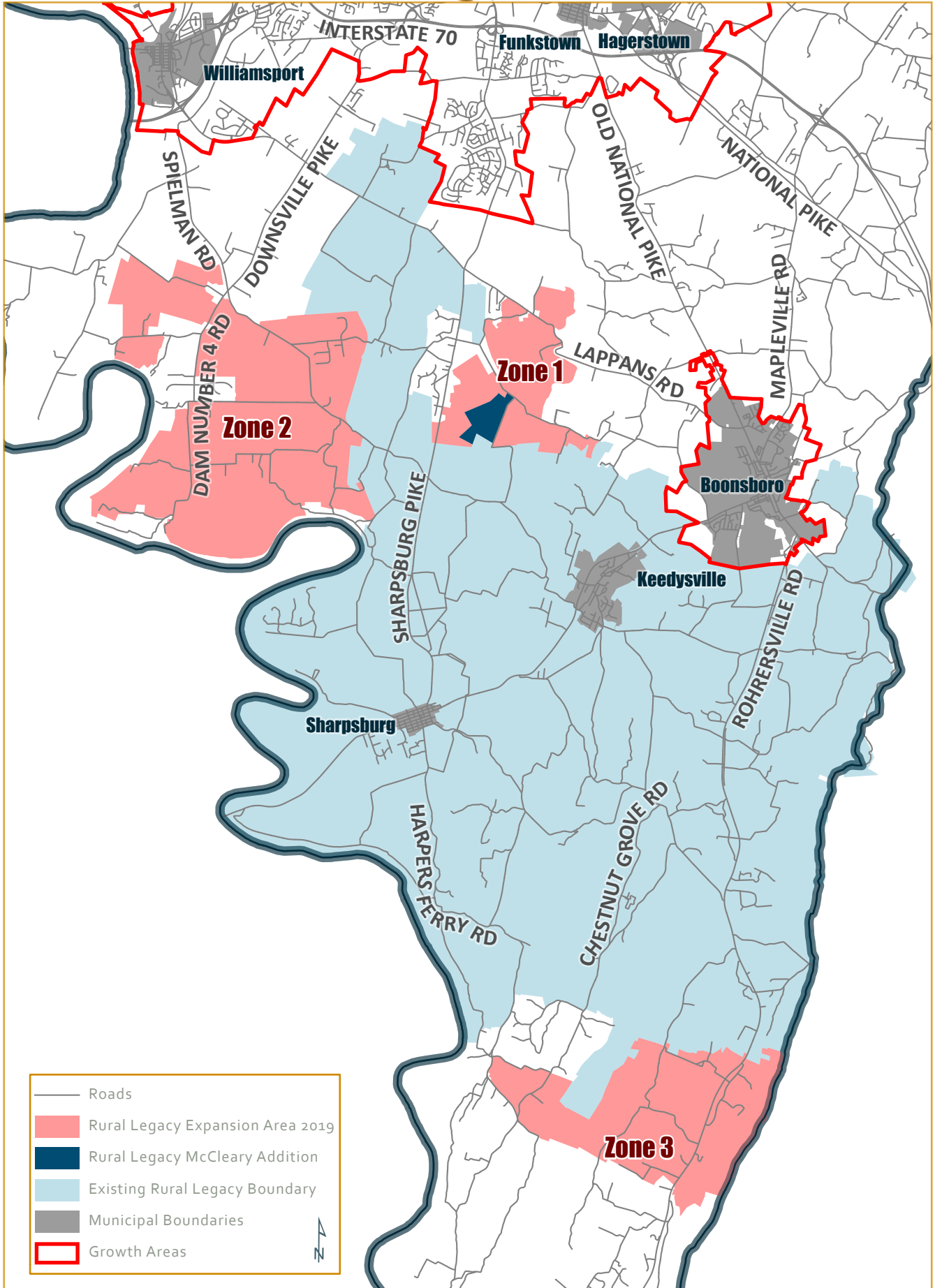
Purpose of Program: RLP was enacted in 1997 by the General Assembly and the program seeks to protect farmland and open space which contains significant agricultural, environmental and cultural/historic features. The Maryland Department of Natural Resources (DNR) funds the program and protects land mainly with the use of permanent easements. However, the Board of County Commissioners of Washington County is the holder of RLP easements for Washington County properties. Washington County has participated in the program from the start and was key to the early formation of the program details.

Easement Valuations: The price paid for permanent easements is determined using a valuation worksheet. The more of the above listed features on the property, the higher the easement values. Currently, values average about \$3,000 to \$3,200 per acre. To date Washington County has received more than \$22 million to preserve more than 6,900 acres on 65 farms in the Antietam Battlefield area.

Priority of Properties: As with most programs of this sort, there is a chronic shortage of funds available. Therefore, properties that are contiguous to existing permanently protected land are given priority. Other priorities include: prime agricultural lands; prime woodland (CREP is encouraged); land with environmental features needing protection such as endangered species, streams, sinkholes, and properties with historic value such as Antietam Battlefield area.

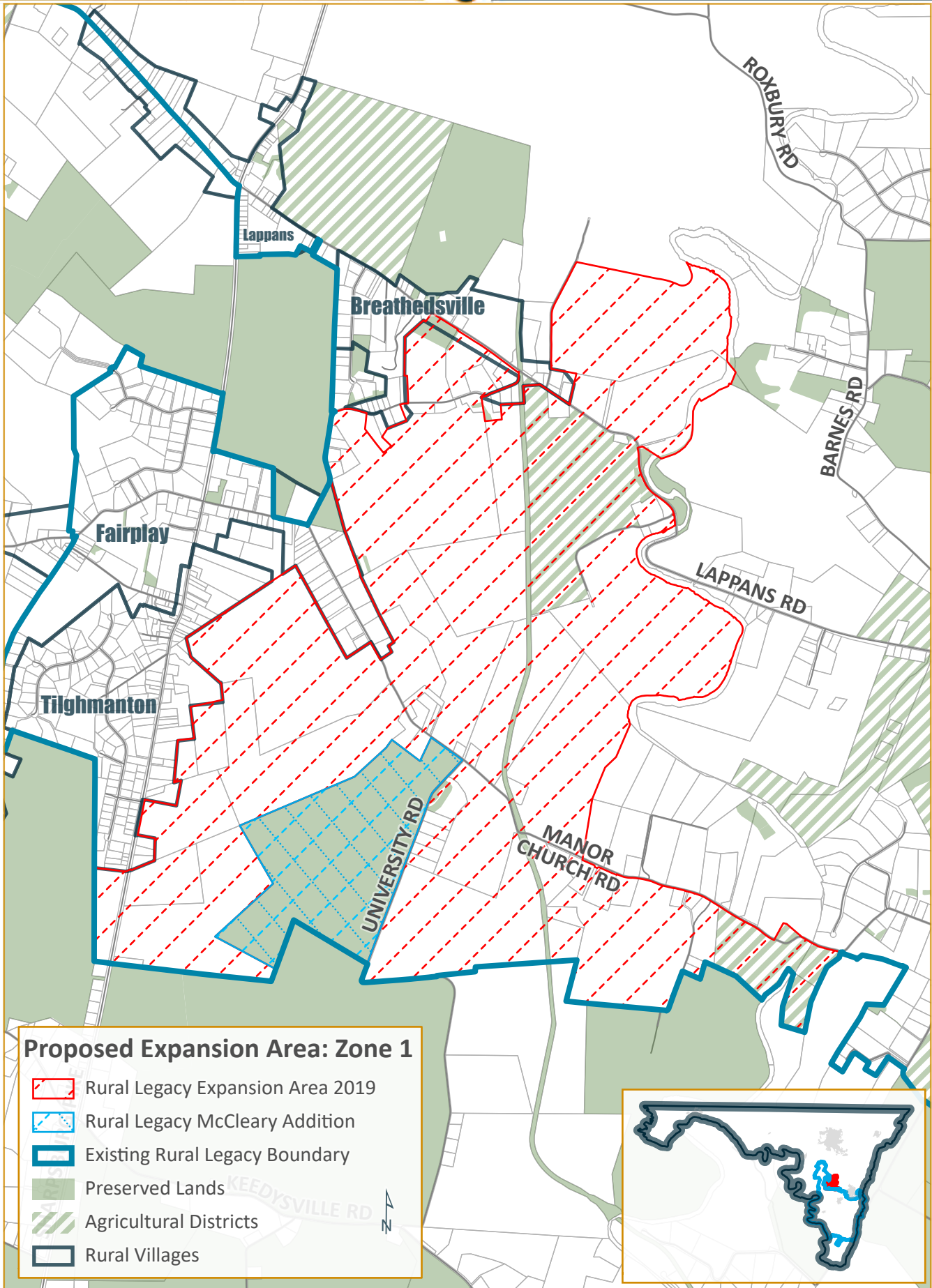
Processing of Applications: Each year, Washington County applies to DNR for RLP funding. Negotiations then begin with landowners who have expressed interest in the program. There are many steps until easement settlement occurs and the process takes about a year to complete once properties are chosen for processing. After the BOCC approves the applications, the Board of Public Works in Annapolis makes final selections for funding.

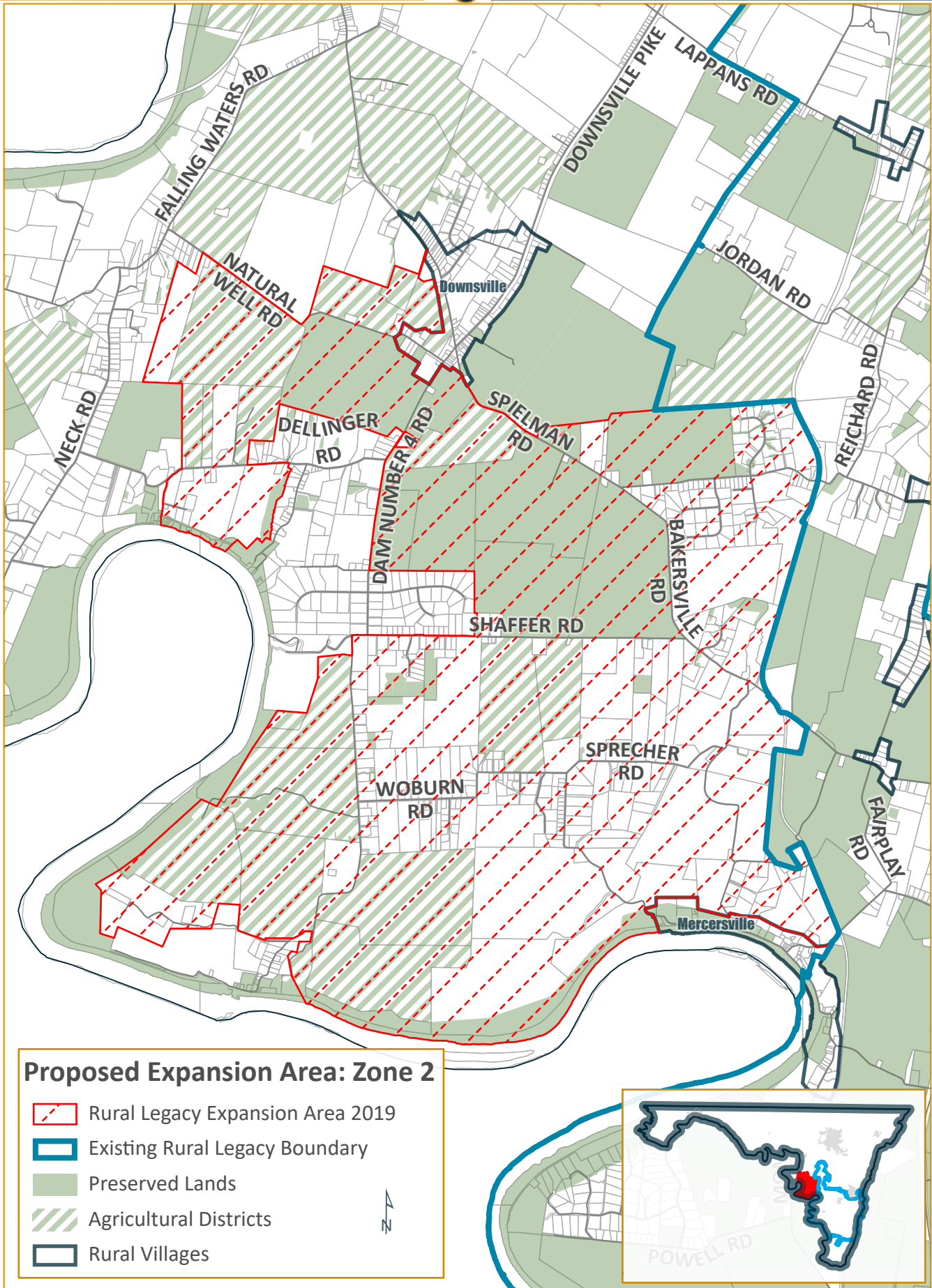
Expanded Rural Legacy Area(RLA): Along with the FY 20 RLP grant request, Washington County Land Preservation staff is requesting that DNR expands our current 44,270 RLA. The reason is twofold. First, the current Governor has been restoring funds to RLP that were being diverted to other purposes for years. Secondly, Washington County has been successful in preserving much of the current large acreage in the RLA from willing easement sellers, and to take advantage of the increasing available funding we want to make sure we have sufficient qualifying land on which to purchase easements. The attached maps show the proposed expanded area.

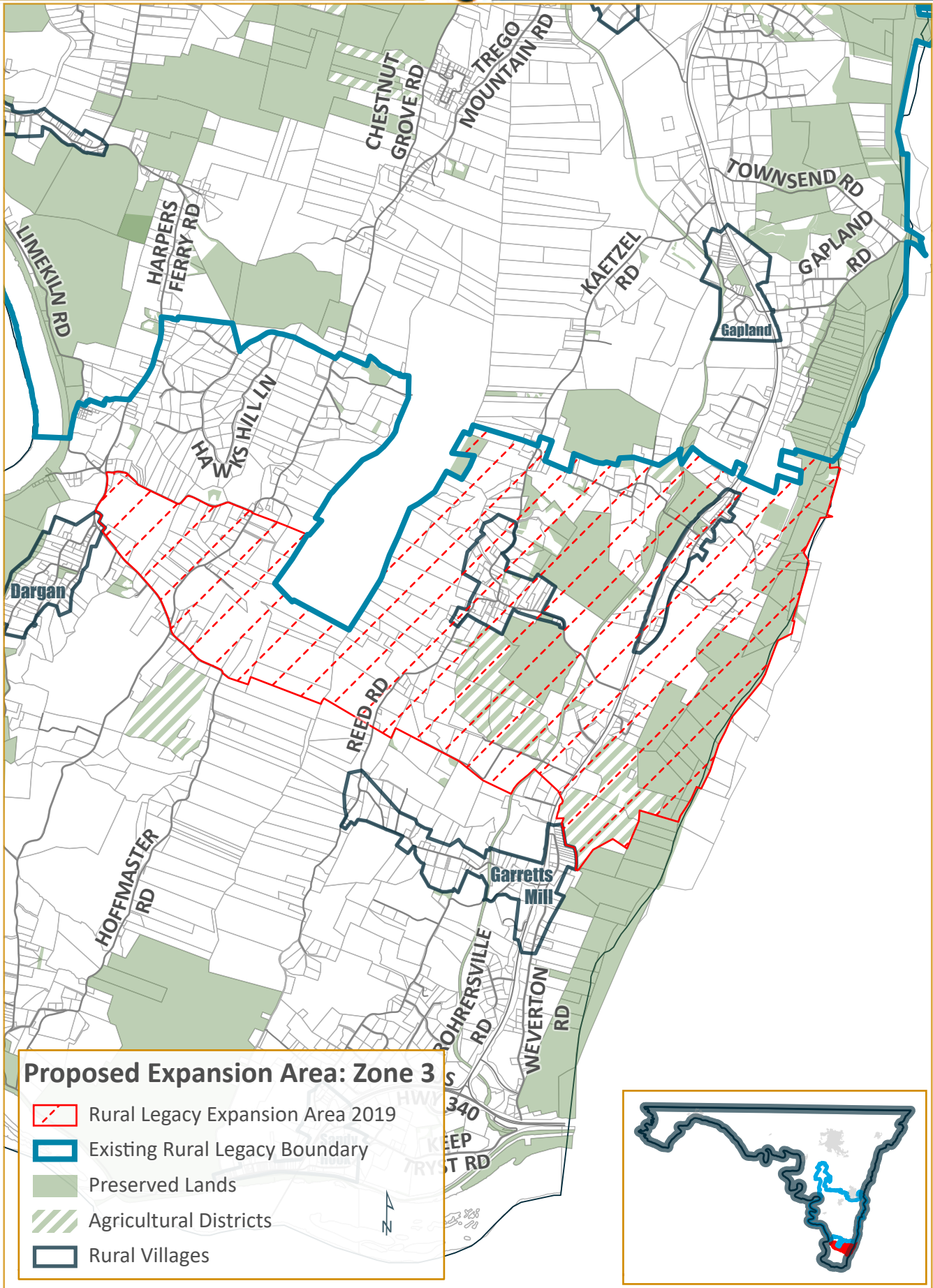


	Roads
	Rural Legacy Expansion Area 2019
	Rural Legacy McCleary Addition
	Existing Rural Legacy Boundary
	Municipal Boundaries
	Growth Areas











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: January 15, 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: 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 to effect the annexation 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 units). 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:

ATTACHMENTS: Hagerstown Annexation Resolutions and Plans for A-2018-01 and A-2018-02
Comparison charts of City and County zoning

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.

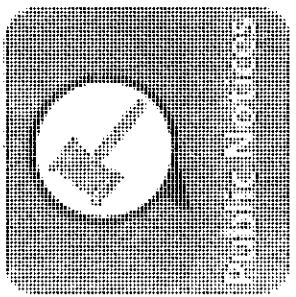
The Hagerstown Planning Commission will be reviewing this proposal and making a recommendation to the Mayor and City Council on the proposed zoning at its meeting on January 9. It would be most efficient if the County could respond as soon as possible prior to that meeting. Otherwise, the Mayor and City 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)797-6356. 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

ifying the creditor that the claim
will be barred unless the creditor
presents the claim within two
months from the mailing or oth-
er delivery of the notice. Claims
filed after that date or after a
date extended by law will be
barred.
Foreign Personal
Representatives:
Roger L. Barnes
True Test Copy
JASON A MALOTT
24 SUMMIT AVE, ROOM 213
HAGERSTOWN, MD
21740-4896
Register of Wills
for Washington County

Register of Wills
for Washington County

**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

the creditor that the claim will
be barred unless the creditor
presents the claim within two
months from the mailing or oth-
er delivery of the notice. Claims
filed after that date or after a
date extended by law will be
barred.
Foreign Personal
Representatives:
Roger L. Barnes
True Test Copy
JASON A MALOTT
24 SUMMIT AVE, ROOM 213
HAGERSTOWN, MD
21740-4896
Register of Wills
for Washington County

Register of Wills
for Washington County

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

Ellen E. Albert
AND
Wayne E. Albert
1527 Kensington Drive
Hagerstown, MD 21742
Defendants

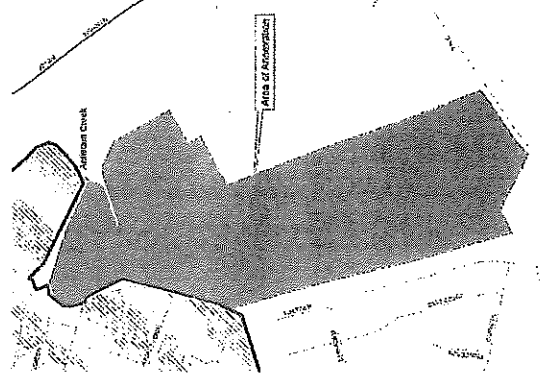
NOTICE

**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.

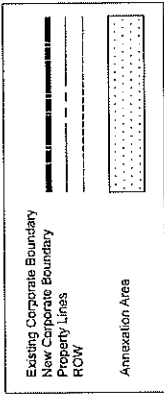
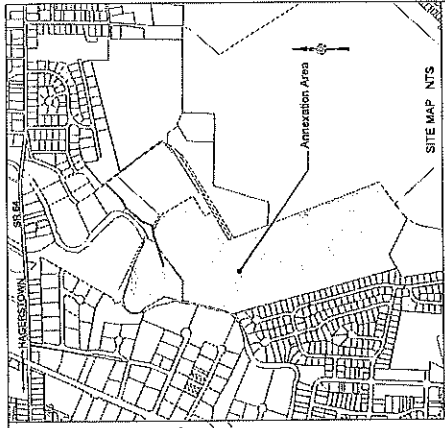
WITNESS AND ATTEST
AS TO CORPORATE SEAL

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

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

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

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

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

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

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

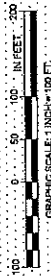


EXHIBIT A

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.

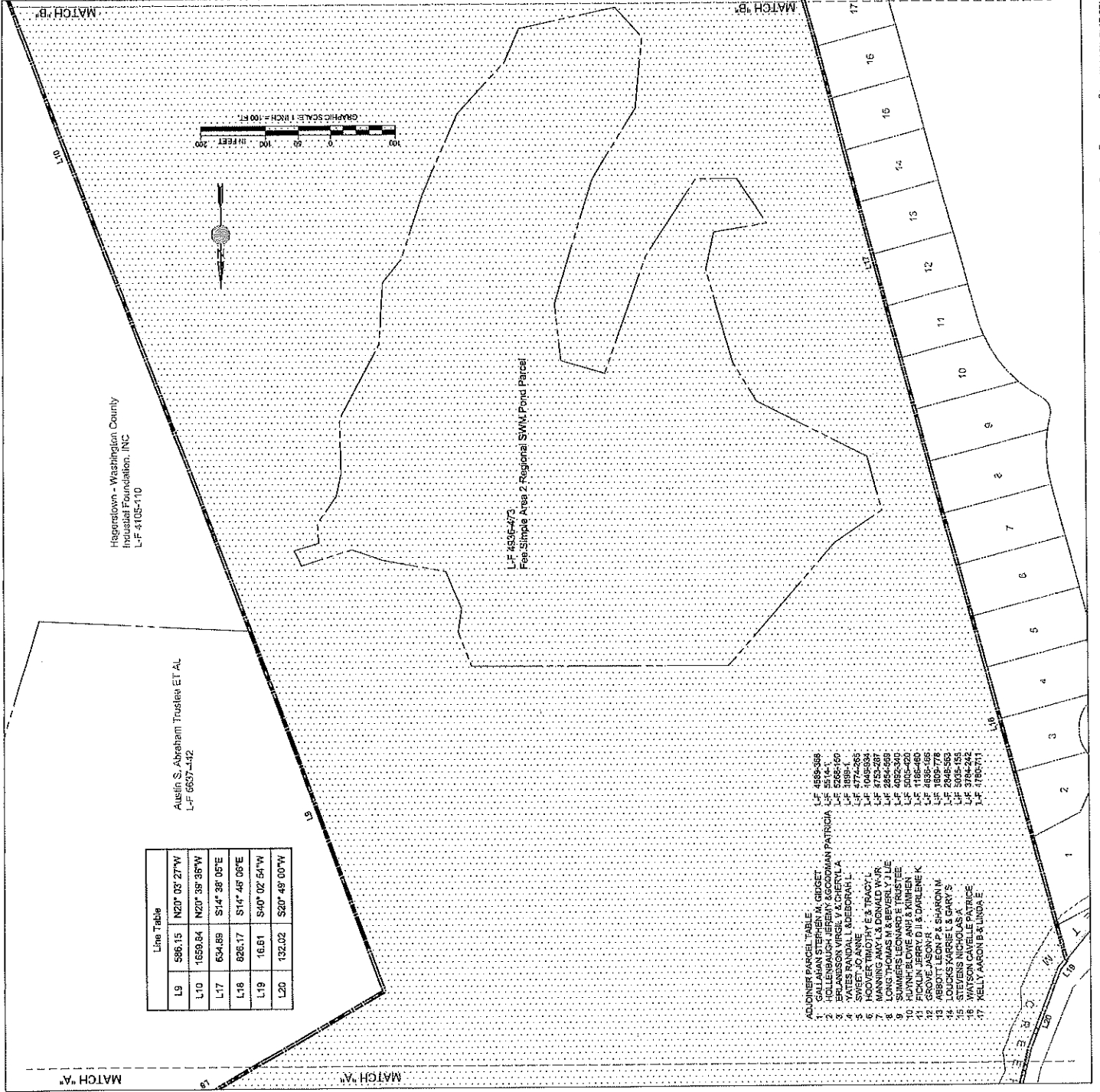
CITY OF HAGERSTOWN, MARYLAND
 DEPARTMENT OF
PARKS & ENGINEERING
 Address: Washington County Tax Map No. 50
 WASHINGTON COUNTY, MARYLAND
 Drivers Bldg. 3155 Date: 05/20/18 | Scale: 1" = 100'
 Survey By: JNS Date: 7-2-2018

City Tax Map 75 & 85
 SHEET No. CITY DRAWING NUMBER
 1 of 3 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	1659.64	N20° 38' 35"W
L17	634.89	S14° 38' 05"E
L18	826.17	S14° 46' 06"E
L19	16.81	S40° 02' 54"W
L20	132.02	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 3185-1
 - 4. YATES RANDALL LACEBROUGH L-F 4774-265
 - 5. SWIGET JO ANNE L-F 1045-994
 - 6. HOOVER TIMOTHY E & TRACY L L-F 7325-287
 - 7. MANNING AMY L & DONALD W JR L-F 4052-300
 - 8. LONG JAMES LESLIE & TRUSTEE L-F 4005-420
 - 9. LONG JAMES LESLIE & TRUSTEE L-F 1186-460
 - 10. PUGH BLOVE AMY & WARREN L-F 4936-106
 - 11. PICKLIN JERRY D II & DARLENE K L-F 3945-593
 - 12. GROVE JASON R L-F 3784-242
 - 13. ABBOTT LEON P & SHARON W L-F 1850-711
 - 14. HARRIS JERRY S L-F 3784-242
 - 15. STEIGEN NICHOLAS A L-F 1850-711
 - 16. WATSON CAVELLE PATRICE L-F 1850-711
 - 17. 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, 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 Recorder	Washington County, MARYLAND
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

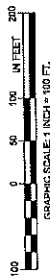
Hagerstown - Washington County
Industrial Foundation, INC
L-F 4105-110

*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

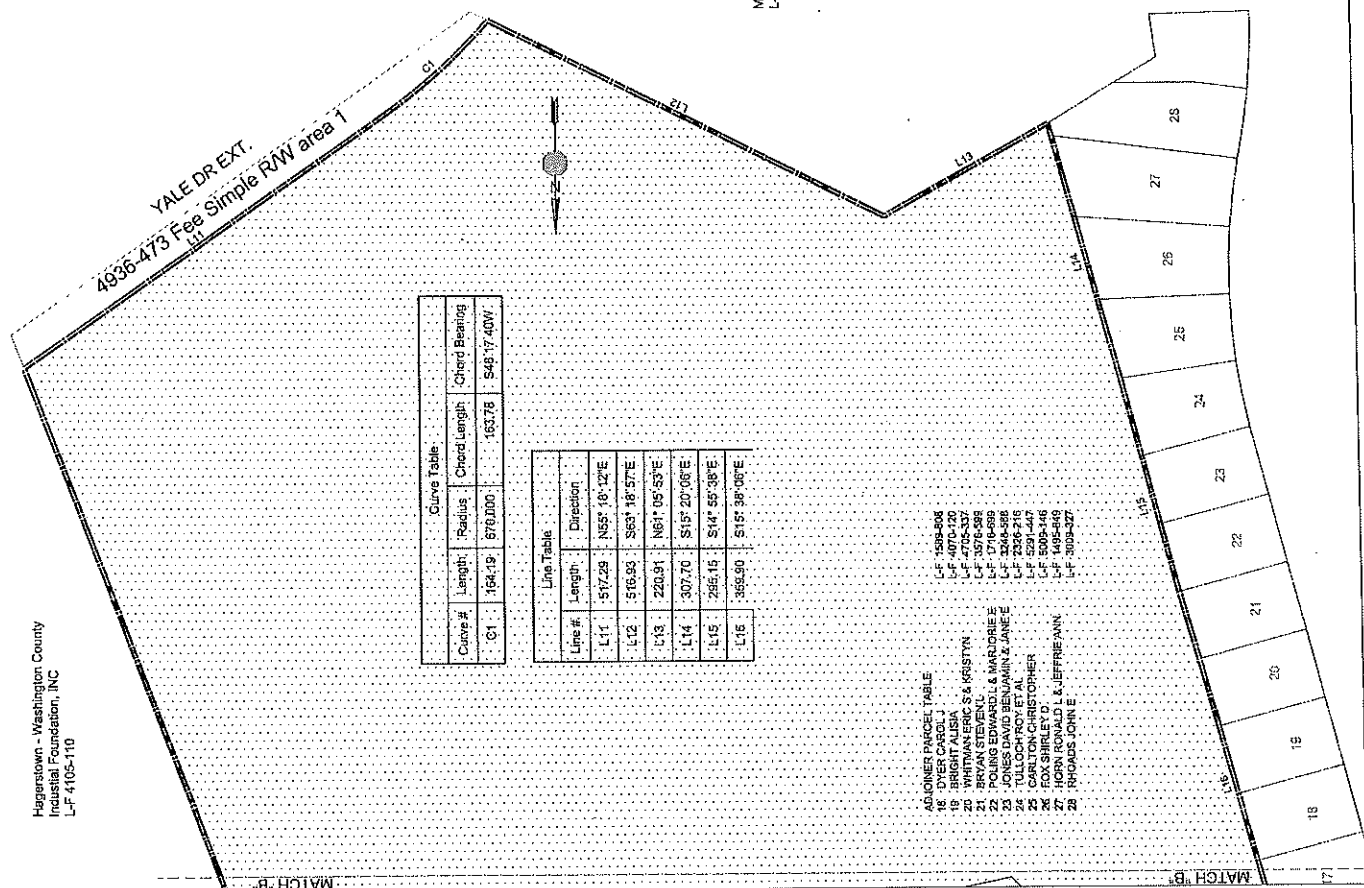


Meritus Medical Center, INC
L-F 4565-1

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: 10/01/2018
 - 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
 - 26
 - 27
 - 28

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



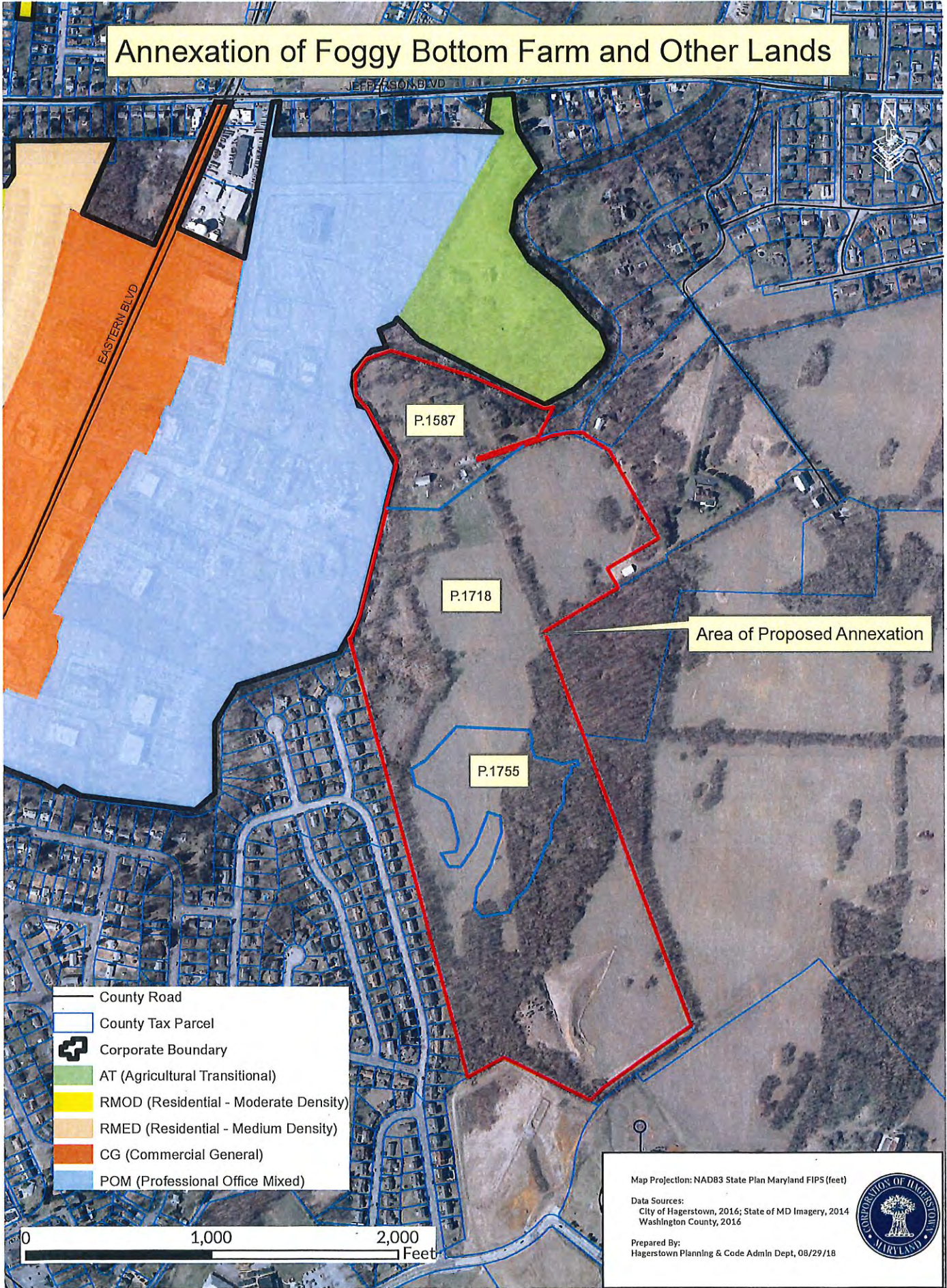
 County Tax Parcel
 Corporate Boundary

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





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 fir mats, well maint. mechanically, 2 keys, 2 fobs, \$6,500/obo. Call 240-291-1328.

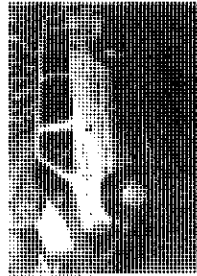
SUVs & 4 Wheel Drives

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

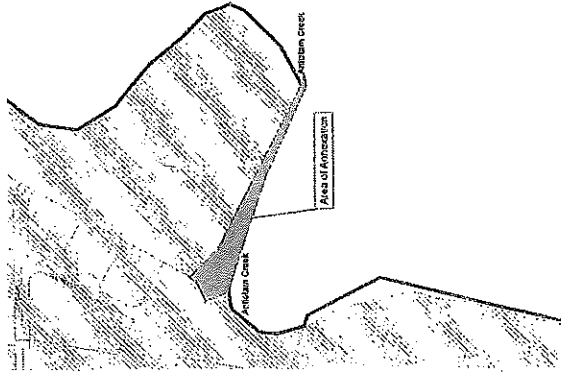
**City of Hagerstown
Public Hearing**

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.

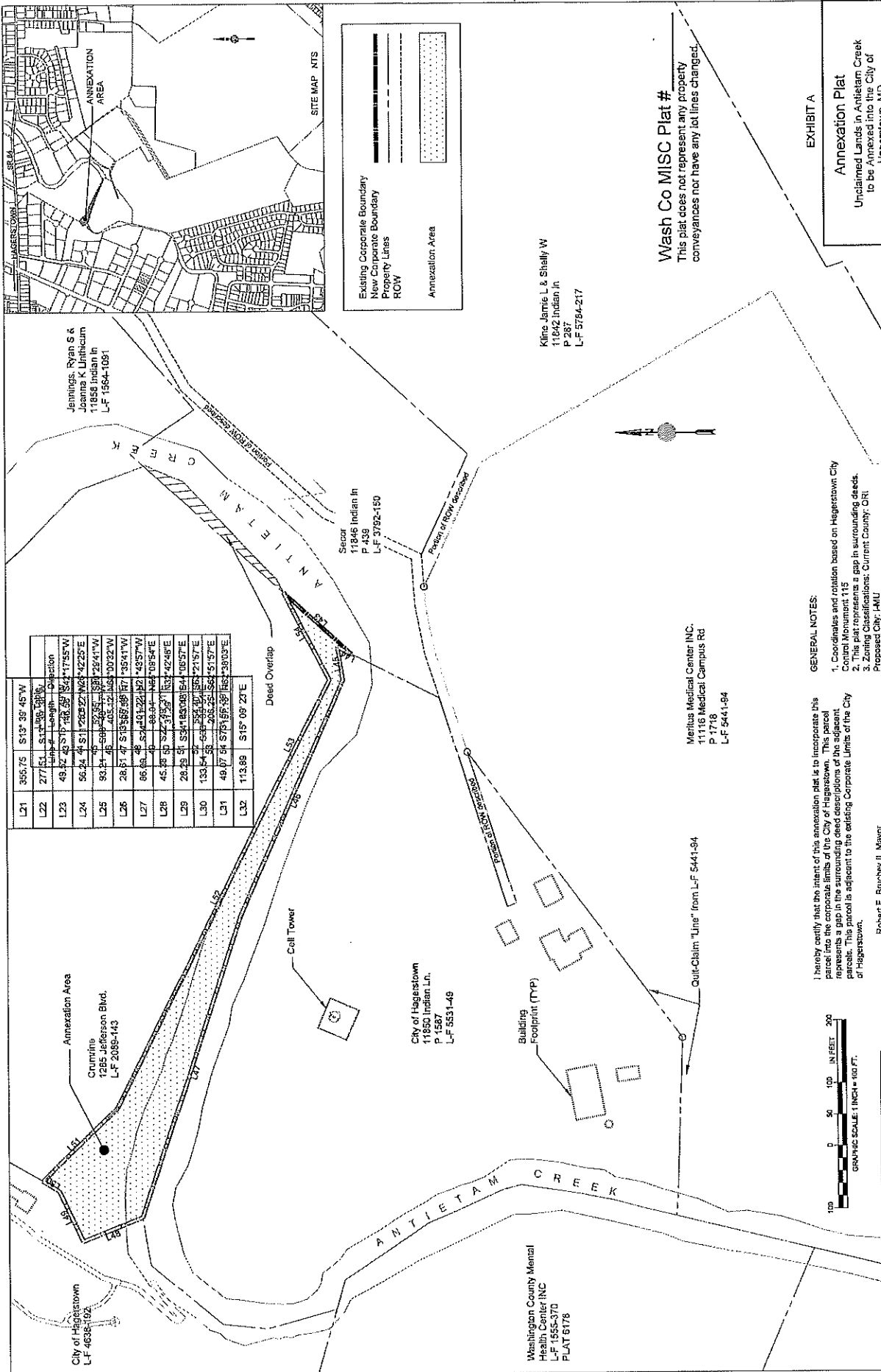
WITNESS AND ATTEST
AS TO CORPORATE SEAL

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"W	28.61
L27	S43° 57' 11"W	86.68
L28	S42° 42' 48"E	45.39
L29	S54° 08' 57"E	28.29
L30	S21° 57' 15"E	133.54
L31	S15° 51' 58"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.
11136 Medical Campus Rd
P 1718
L-F 5441-94

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

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

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

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

City of Hagerstown
L-F 4638-102

Annexation Area
Campus
1285 Jefferson Blvd.
L-F 2089-143

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

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

Annexation Area

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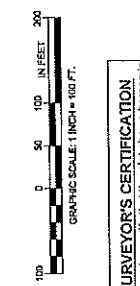
Annexation Area

Annexation Area

- GENERAL NOTES:**
- Coordinates and rotation based on Hagerstown City Control Monument 115
 - 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 nor 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 85

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

A-2018-02

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

**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.

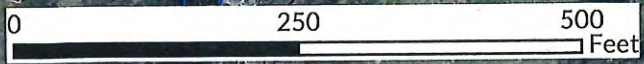
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service is currently provided by Potomac Edison.
- D. No significant impact on emergency service delivery is expected.
- E. Due to topographic and regulatory constraints, no construction 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

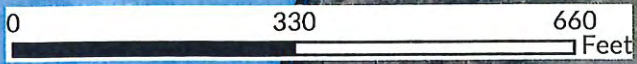


Annexation of Antietam Creek Creekbed



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	



Open Session Item

SUBJECT: City of Hagerstown Annexation Plan A-2018-01 Public Comments

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Andrew Eshleman, Director, Public Works

RECOMMENDED MOTION: Move to send the draft comment letter regarding the City's proposed Annexation Plan of lands that will impact future development and maintenance responsibilities.

REPORT-IN-BRIEF: The City of Hagerstown has initiated an Annexation Plan for three parcels that outlines resolutions including the annexation of property without the acceptance of the future Professional Blvd infrastructure and certain associated utilities within those properties.

DISCUSSION: The City of Hagerstown has initiated Annexation Plan A-2018-01, totaling 101.03 acres of land on three properties. The Plan was adopted by the Mayor and City Council on November 27, 2018. A public comment period is ongoing with a Public Hearing scheduled for January 29, 2019 at City Hall.

The annexation includes the Meritus Medical center lands where a portion of the future Professional Blvd extension will be constructed as well as an existing regional stormwater facility property owned by the County. Despite these properties being annexed into the City under the Plan, they are not proposing to accept Professional Blvd, associated utilities or the maintenance for the regional stormwater facility that will serve the surrounding lands.

While the County supports the annexation and the development of the property for the growth of the tax base that will benefit the City and the County, we believe that infrastructure within a municipality should ultimately be owned and governed by that municipality. A draft comment letter has been prepared that will be submitted during the City's comment period.

FISCAL IMPACT: N/A

CONCURRENCES: County Attorney, Engineering

ALTERNATIVES: Do not provide public comment

ATTACHMENTS: Draft Comment Letter and City Annexation Plan – A-2018-01 Foggy Bottom Farm and Other Lands

AUDIO/VISUAL NEEDS: N/A

January 15, 2019

Stephen Bockmiller
Development Review Planner/Zoning Administrator
One East Franklin Street
Hagerstown, MD 21740

RE: Annexation Plan – A-2018-01: Public Comments

Thank you for the opportunity to provide input on the proposed annexation of the property. The County supports the annexation and the development of the property. The growth of the tax base is of substantial benefit to the City and the County, and we are proud to work cooperatively with the City in its economic development initiatives.

We have some concerns, however, about the City's proposed intention to reject acceptance of existing and future public infrastructure into City inventory, even though such infrastructure has been and will be constructed and paid for by the County and will be--if this annexation occurs--within the municipal boundaries of the City of Hagerstown. There are practical difficulties to this dual-jurisdiction approach. First, severing the road and utility network from its surrounding properties introduces an additional layer of review and approval when development of the surrounding property occurs. Second, this approach creates confusion over maintenance responsibilities. For example, the County will ultimately have maintenance responsibility for the regional stormwater management pond, but will not have jurisdiction and authority over the development of the annexed property that will materially impact, drain into, and be served by the pond. Third, the County and City have different development requirements. These differing requirements will create confusion amongst developers, businesses, and citizens about the design, construction, and maintenance standards affecting the infrastructure and the annexed properties.

The County is not asking the City to bear unnecessary risks and would propose to warranty reasonably its future road network construction were the City to accept it into its network. The County simply believes that infrastructure within a municipality should ultimately be owned and governed by that municipality.

Again, the County appreciates the opportunity to comment and supports the proposed annexation while noting the above infrastructure concerns.

Sincerely,



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.

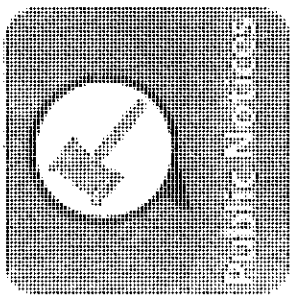
The Hagerstown Planning Commission will be reviewing this proposal and making a recommendation to the Mayor and City Council on the proposed zoning at its meeting on January 9. It would be most efficient if the County could respond as soon as possible prior to that meeting. Otherwise, the Mayor and City 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)797-6356. 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

ifying the creditor that the claim
will be barred unless the creditor
presents the claim within two
months from the mailing or oth-
er delivery of the notice. Claims
filed after that date or after a
date extended by law will be
barred.
Foreign Personal
Representatives:
Roger L. Barnes
True Test Copy
JASON A MALOTT
24 SUMMIT AVE, ROOM 213
HAGERSTOWN, MD
21740-4896
Register of Wills
for Washington County

Register of Wills
for Washington County

**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

the creditor that the claim will
be barred unless the creditor
presents the claim within two
months from the mailing or oth-
er delivery of the notice. Claims
filed after that date or after a
date extended by law will be
barred.
Foreign Personal
Representatives:
Roger L. Barnes
True Test Copy
JASON A MALOTT
24 SUMMIT AVE, ROOM 213
HAGERSTOWN, MD
21740-4896
Register of Wills
for Washington County

Register of Wills
for Washington County

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

Ellen E. Albert
AND
Wayne E. Albert
1527 Kensington Drive
Hagerstown, MD 21742
Defendants

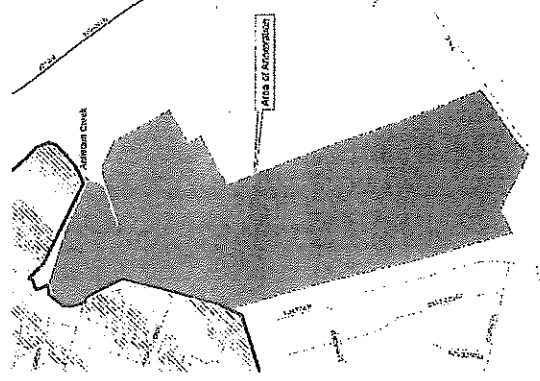
NOTICE

**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.

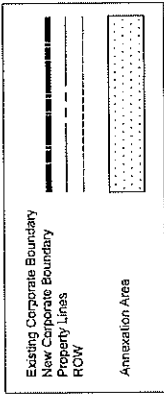
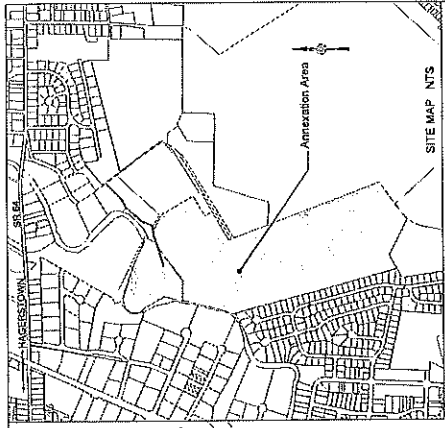
WITNESS AND ATTEST
AS TO CORPORATE SEAL

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	N29° 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

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

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

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

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

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

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. Swann, MD Professional
 Licensed Surveyor # 21552
 Exp. 12-22-2018

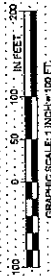


EXHIBIT A

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.

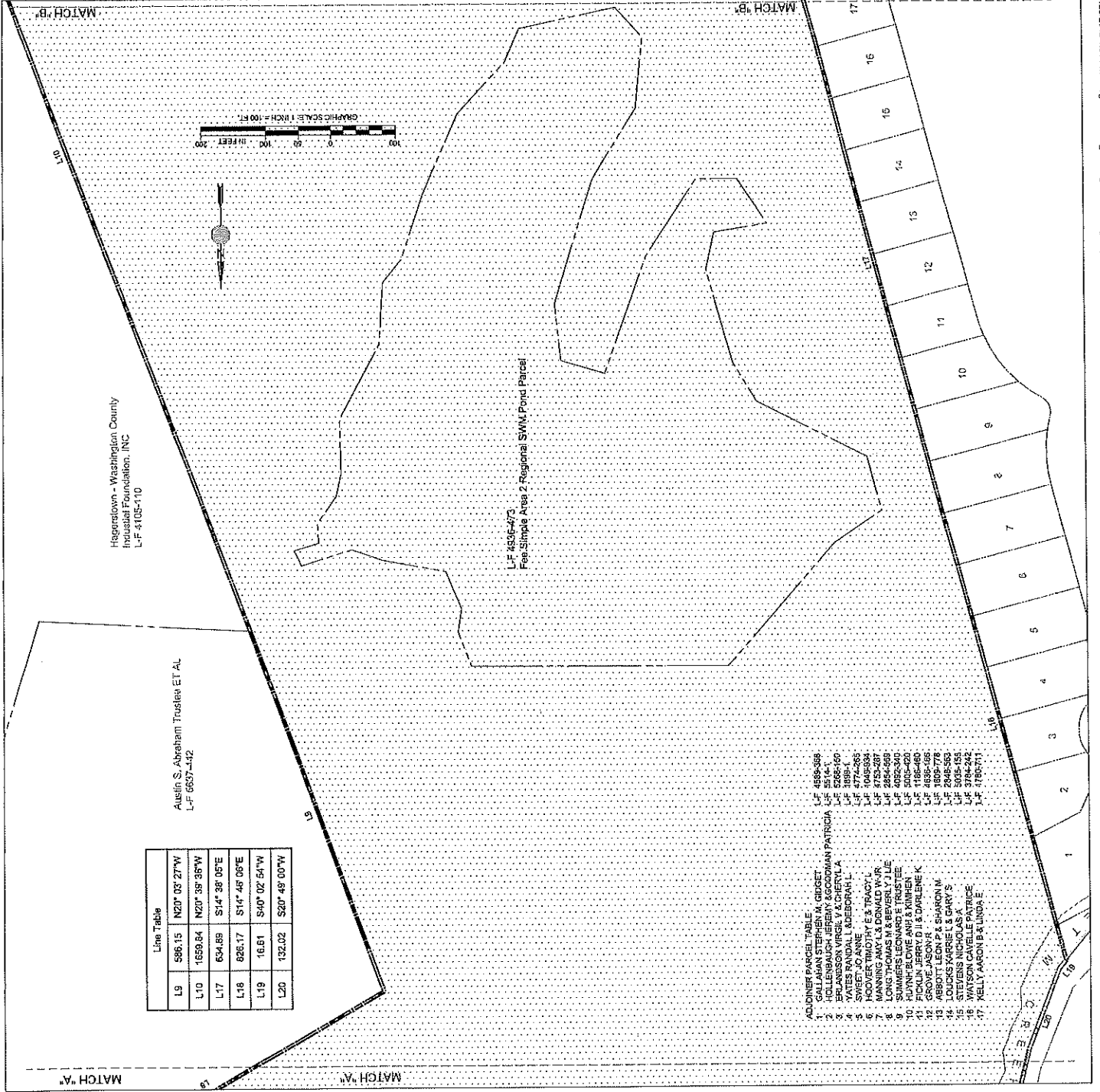
CITY OF HAGERSTOWN, MARYLAND
DEPARTMENT OF
PARKS & ENGINEERING
 Address: 1000
 Washington County Tax Map No. 50
 WASHINGTON COUNTY, MARYLAND
 District: B-1, S-1 Date: 05-20-2018 Scale: 1" = 100'
 Survey By: JNS Date: 7-2-2018 City Tax Map 75 & 85

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	1659.64	N20° 38' 35"W
L17	634.89	S14° 38' 05"E
L18	826.17	S14° 46' 06"E
L19	16.81	S40° 02' 54"W
L20	132.02	S20° 48' 00"W

- ADJACENT PARCEL TABLE
- 1. GALLAHAN STEPHEN M. GIBGETT L-F 4932-308
 - 2. HOLLENBAUGH JEREMY & GOODMAN PATRICIA L-F 5255-250
 - 3. HOLLANDER LISA L-F 3185-1
 - 4. YATES RANDALL LACEBROUGH L-F 4774-265
 - 5. SWIGET JO ANNE L-F 1045-994
 - 6. HOOVER TIMOTHY E & TRACY L L-F 7325-287
 - 7. MANNING AMY L & DONALD W JR L-F 4052-300
 - 8. LONG JAMES LESLIE & TRUSTEE L-F 4005-420
 - 9. LONG JAMES LESLIE & TRUSTEE L-F 1186-460
 - 10. PUGH BLOVE AMY & WARREN L-F 4936-106
 - 11. PICKLIN JERRY D II & DARLENE K L-F 3945-593
 - 12. GROVE JASON R L-F 3784-242
 - 13. ABBOTT LEON P & SHARON W L-F 1850-711
 - 14. HARRIS JERRY S L-F 3784-242
 - 15. STEIGEN NICHOLAS A L-F 1850-711
 - 16. WATSON CAVELLE PATRICIA L-F 1850-711
 - 17. 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, 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 Records	Washington County, MARYLAND
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

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.

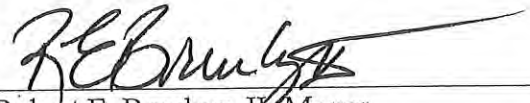
The City of Hagerstown further agrees and consents to execute such documents and to perform such acts as may be required to complete the Annexation of the property.

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



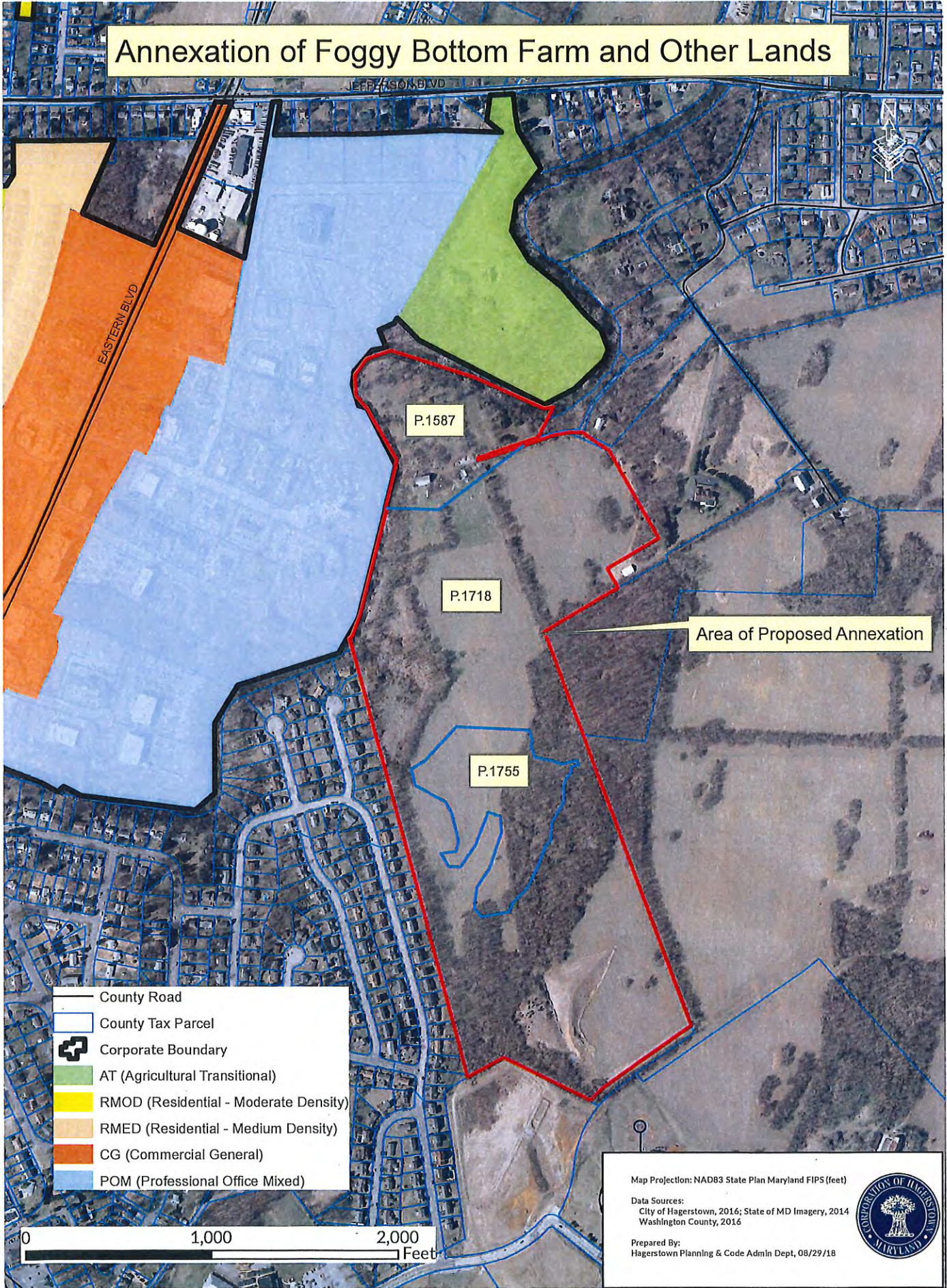
 County Tax Parcel
 Corporate Boundary

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

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





Open Session Item

SUBJECT: Proposed Building Code Review Committee

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Richard Eichelberger, Director, Division of Construction/Code Official, Frank Quillen, Chief Plans Examiner/Deputy Code Official, and Ashley Holloway, Director, Plan Review and Permitting

RECOMMENDED MOTION: Move to approve the formation of a Building Code Review Committee to assist in the review of the 2018 Building Codes in preparation for local adoption.

REPORT-IN-BRIEF: The 2018 code adoption, as required by the State of Maryland, includes State Building Performance Standards and Washington County local amendments. Local amendments allow for some modification to the new codes to meet local conditions and for consistency and coordination with customers as well as external agencies. The local amendments will be the result of the work of this committee.

DISCUSSION: The State of Maryland is scheduled to adopt the Maryland Building Performance Standards (MBPS) to become effective March 1, 2019. Local jurisdictions are required to adopt the MBPS with local amendments as needed to meet the needs of that jurisdiction within 12 months of state adoption. The committee will provide a review of the state adopted codes and provide recommendations to the Commissioners for final approval. The goal is to complete the process for adoption and implementation by the end of 2019.

As with prior code cycles, a request is being brought before the Board to create a Building Code Review Committee. The Committee will consist of various government, design, and construction representatives. The purpose of the review is to consider safety, consistency, common sense, and customer service across agencies as it relates to Washington County. A copy of the 2015 Review Committee Members has been provided to demonstrate the diversity of previous members.

The Plumbing, Mechanical, and Electrical codes will be reviewed by the members of their respective County Boards.

FISCAL IMPACT: Approximately \$3,500.00 for Committee member code books.

CONCURRENCES: Robert J. Slocum, County Administrator

ALTERNATIVES: N/A

ATTACHMENTS: 2015 Committee Members List

AUDIO/VISUAL NEEDS: N/A



DIVISION OF
ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW & PERMITTING DEPARTMENT

WASHINGTON COUNTY 2015 BUILDING CODE REVIEW COMMITTEE

- Maryland registered Architect – Michael Gehr AIA,
Bushey Feight Morin Architects Inc. – BFM Architects Inc.
301-733-5600 (work)
301-988-7290 (cell)
mgehr@bfmarchitects.com
- Maryland registered Structural Engineer – Dan Matonak, P.E.
Matonak Snyder & Associates
301-790-0111 (work)
dan@strengtheengineering.com
- Maryland license Mechanical Engineer – Les Grim, PE, LEED AP, CxA
L.S. Grim Consulting Engineers
301-797-1702 (work)
301-998-0678 (cell)
lsgrim@lsgrim.com
- Washington County licensed Residential Home Builder – Carl Vogel,
Oliver Homes
301-797-0000 (work)
E-Mail: carl@oliverhomes.com
- City of Hagerstown Building Official representative – Blaine Mowen
Chief Code Official
City Of Hagerstown Planning & Codes Administration
301-739-8577 Ext. 119 (work)
E-Mail: bmowen@hagerstownmd.org
- County Building Code Official/Division Director – Rob Slocum, P.E.
Division of Engineering & Construction Management
240-313-2418 (work)
E-Mail: rslocum@washco-md.net

- **County Deputy Code Official/Deputy Director – Terry Irwin**
Division of Engineering & Construction Management
Plan Review & Permitting Dept.
240-313-2473 (work)
E-Mail: tirwin@washco-md.net
- **County Deputy Code Official/Deputy Director – Rich Eichelberger**
Division of Engineering & Construction Management
Construction Dept.
240-313-2480 (work)
E-Mail: Reichelb@washco-md.net
- **County Chief Plans Examiner – Frank Quillen**
Plan Review & Permitting Dept.
240-313-2472 (work)
E-Mail: fquillen@washco-md.net
- **Maryland State Fire Marshal Official representative – Dan Hoang,**
State Fire Protection Engineer
State Fire Marshal's Office
301-766-3892 (work)
E-Mail: dan.hoang@maryland.gov

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Administrative Assistant

Kathy Kroboth

Division of Engineering & Construction Management

Plan Review & Permitting Dept.

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E-Mail: kkroboth@washco-md.net

Code Consultant

Senior Architectural Project Manager – Brennan Garrett

Division of Engineering & Construction Management

2440-313-2474 (work)

E-mail: bgarrett@washco-md.net

Code Review Coordinator

Chief Of Permitting – Angela Smith

Division of Engineering & Construction Management

Plan Review & Permitting Dept.

240-313-2468 (work)

301-992-3460 (cell)

E-mail: asmith@washco-md.net



Open Session Item

SUBJECT: County Step and COLA Discussion

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Sara Greaves, Chief Financial Officer

RECOMMENDATION: To provide information and receive feedback or consensus from the Board on a direction for the future.

REPORT-IN-BRIEF: The Office of Budget and Finance would like to present history of Step and COLA increases and recommend an improvement to the scale to provide for more consistent steps and COLA's moving forward.

DISCUSSION: The County has reviewed a 12-year history of both step and COLA increases. This analysis found that the County provided one or the other, but never both. In some years, the County did neither. It is our desire to find a solution that would provide for both a step and COLA to be issued annually, as long as the budget can provide for the increase.

The step increase is currently 3.5%. The historical review provides that the County has afforded steps in 4 of 12 years.

COLA's often vary in percentage. COLA's have been issued in 5 of the 12 years, with 3 of those being 2017, 2018, and 2019.

When steps are issued, but no COLA, the scale falls out of alignment with peers because the lowest grade and step never increase. We have seen evidence of this most recently which is why the County provided subsequent COLA's the past several years. However, issuing COLA's and no steps for several years has created a difficult situation where employees who have been with the County for 3 years still reside on a Step 1, equivalent to a new hire.

The County would like to find an adequate balance between Steps and COLA's, so that each year, if warranted and if revenues suffice, both a step and COLA can be issued. This serves a dual purpose, rewarding existing employees and maintaining an appropriate scale for the future.

Recommendations:

In order to provide consistent step and COLA increases to employees each year, it is proposed that steps reduce from 3.5% to 2.5%. In addition, the decreased step % for longevity will be removed, providing an equal 2.5% step to all employees.

The Board of Education recently implemented a new scale, providing for 2.5% steps for all employees. Prior to that change, steps at WCPS varied greatly between the various positions. This proposed scale for Washington County of a 2.5% step would align with what the Board of Education provides for their employees on an annual basis.

The County currently uses an Ad Hoc approach to issuing COLA's, for both employees and retirees. A new method is being proposed which is based on increases in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). This CPI index is used for wage escalation agreements by many organizations, including the Social Security Administration. The most recent 12-month percent change in CPI will be used for the COLA amount, not to exceed 1% per year, unless extenuating circumstances exist or determined to be different by the Board of County Commissioners. The COLA will be approved for both active employees and retirees. In the event the CPI change is a reduction, employees will receive a 0% COLA. This method provides established criteria for decision making, guidance, stability, and a sensible solution to the current Ad Hoc approach.

Certainly, these recommendations may not always be possible in their entirety due to budgetary constraints. The County would look to first fund the step to reward existing employees, and then evaluate funding for the COLA.

FISCAL IMPACT: The following figures are estimates:

To move employees to a new scale – Total - \$730K (Wages - \$.5M & Fringe – \$.2M)

To provide employees a 2.5% step – Total - \$1.5M (Wages - \$1.1M & Fringe – \$.4M)

To provide employees a 3.5% step using same scale – Total - \$2.1M (Wages - \$1.5M & Fringe .6M)

Step and COLA increases are dependent on availability of revenues and are not guaranteed each year.

CONCURRENCES: N/A

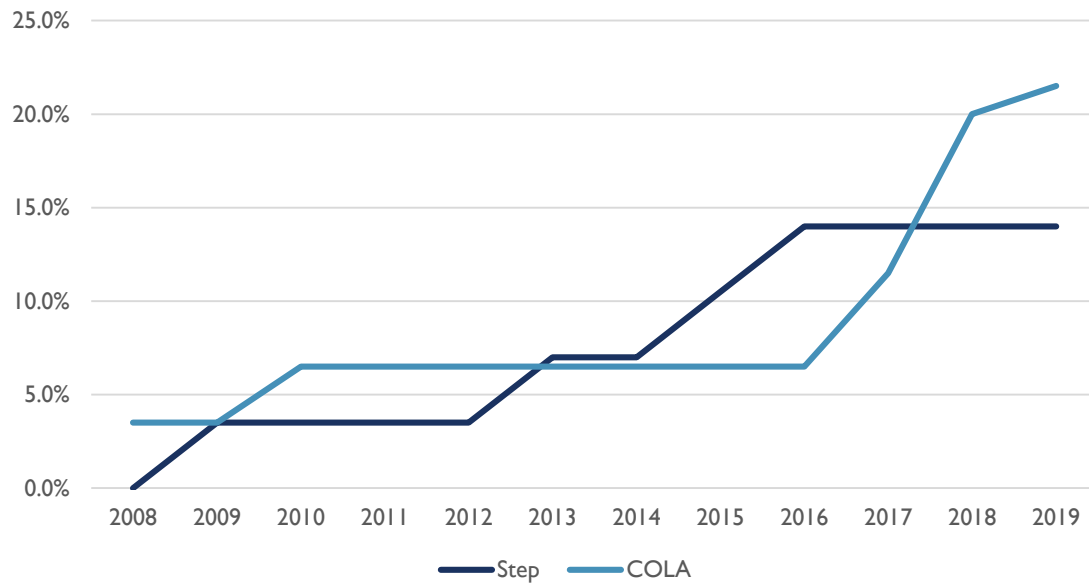
ALTERNATIVES: N/A

ATTACHMENTS: PowerPoint

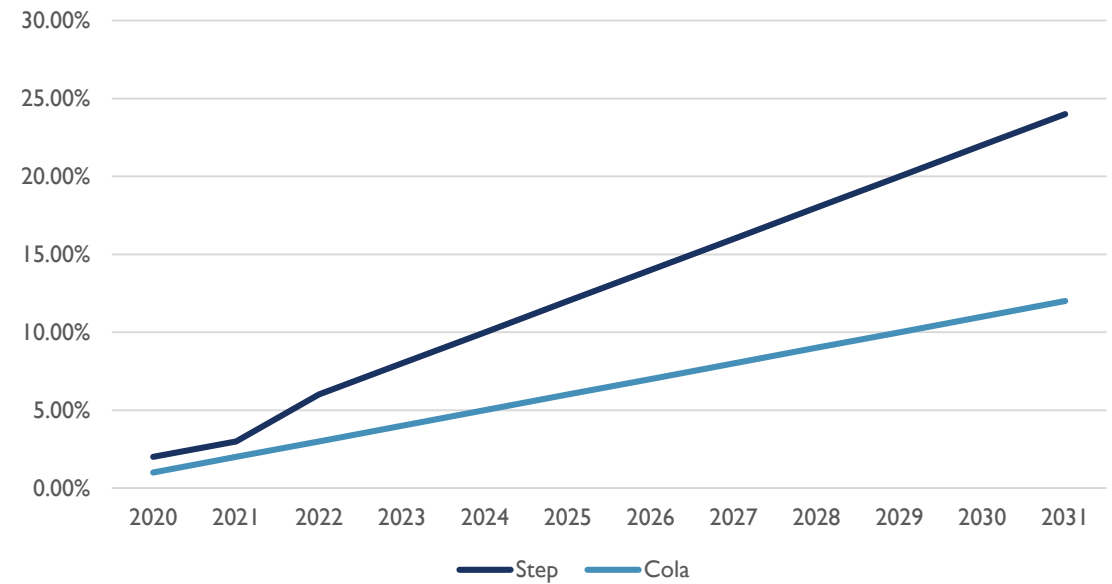
AUDIO/VISUAL NEEDS: None

COUNTY STEP AND COLA GROWTH

Historical Growth



Vision for the Future





Open Session Item

SUBJECT: Budget transfer for fire truck repairs and building improvements

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Garrison Plessinger, Director, Hagerstown Regional Airport

RECOMMENDATION: To approve the budget transfer to repair the fire truck and perform building improvements

REPORT-IN-BRIEF: Airport priorities have changed resulting in the requested removal of a budgeted project, BLD085 - Airport Traffic Control Tower Replacement. This project removal will provide funding for necessary repairs to one of the Airports Fire trucks and building rentals.

DISCUSSION: There is an existing project in the Airport fund for the Air Traffic Control Tower Replacement. After further review, this project is no longer needed. There is currently an adequate FAA tower. In addition, personnel costs related to the tower are funded by the FAA. If the Airport decides to construct its own tower, it will come with additional operating expenses which could cost between \$40K and \$80K annually. This is currently no longer a priority of the Airport. The savings realized from the removal of this project are being requested to be redirected to some immediate needs of the Airport.

One of the Airport's fire trucks was totaled in February 2018 due to a fire. Fortunately, the Airport received a donated fire truck from BWI. However, this truck needs repair at an estimated cost of \$145,000. In addition, electrical building improvements must be made to one of the Airport's rental properties in the amount of \$30,000. These amounts are estimates.

FISCAL IMPACT: No fiscal impact on the 2019 budget due to removal of the Air Traffic Control Tower Replacement project.

CONCURRENCES: N/A

ALTERNATIVES: Oppose the budget transfer

ATTACHMENTS: Budget Adjustment Form

AUDIO/VISUAL NEEDS: N/A



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 Digitally signed by Kelcee Mace
DN: cn=Kelcee Mace, o=Washington County,
ou=Budget and Finance,
email=kelcee@washco-md.net, c=US
Date: 2018.11.20 09:22:58 -0500

Preparer, if applicable

Department Head Authorization

Garrison Plessinger Digitally signed by Garrison Plessinger
Date: 2019.01.03 09:18:57 -05'00'

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) + / -
498710	35	45010	BLD085		OTHR	Capital Transfer - General	-219,000
599999	35	45010	BLD085		OTHR	Air Traffic Tower Replacement	-219,000
491730	45	00000				Operating Transfer - CIP	175,000
600300	45	45080				Vehicles	145,000
600200	45	45070				Building and Improvements	30,000

Explain Budget Adjustment

At this point in time, the Air Traffic Control tower replacement project must be eliminated. Currently, the tower is an FAA tower and FAA pays for salaries of those working in the tower. If the Airport decides to build its own tower, it will come with annual operating expense which could amount to anywhere from \$40K-\$80K per year.

Required Action by County Commissioners

- No Approval Required
- Approval Required

Approval Date if Known



Agenda Report Form

Open Session Item

SUBJECT: Pay discrepancy between Airfield and Terminal Maintenance Staff

PRESENTATION DATE: January 15, 2019

PRESENTATION BY: Garrison Plessinger, Director, Hagerstown Regional Airport

RECOMMENDED MOTION: To approve an increase of \$3.41 per hour for one Part-time Airfield Maintenance position by raising the hourly rate from \$15.49 to \$18.90 to solve an existing pay discrepancy.

REPORT-IN-BRIEF: The Airfield Maintenance position is currently classified at a grade 7 while its counterpart, Terminal Maintenance, is classified as a grade 9. After review of the job descriptions and daily responsibilities of these positions, it is evident that a pay disparity exists. Due to the variance in pay between the two positions, the Airfield Maintenance position remains unfilled.

DISCUSSION: Both part-time maintenance positions are critical to the success of the Airport. The Airfield Maintenance position is a very technical position and involves heavy equipment (plow trucks) and maintenance work on the entire airfield. The Terminal Maintenance position ensures the building is clean, safe and secure. There is an evident disproportion of pay as it relates to the job descriptions and daily duties of these positions. Both part-time maintenance positions stipulate a preference on the job description of ARFF experience which aids in the efficiency, timeliness and safety of both the commercial aircraft and its passengers. There is currently a lack of interest related to the Airfield Maintenance position due to the lower rate of pay.

There are 10 Terminal Maintenance positions and 1 Airfield Maintenance Position at the Airport. This wage increase will affect 1 position and therefore has a very low fiscal impact. The Airport has funds available in the existing 2019 budget to make this change immediately due to the position being vacant since July 2018.

FISCAL IMPACT: The estimated total annual salary impact of the proposed reclassification for the PT Airfield Maintenance Staff position is \$3,546.40 based off a 20-hour week.

CONCURRENCES: NA

ALTERNATIVES: Oppose the wage increase

ATTACHMENTS: NA

AUDIO/VISUAL NEEDS: NA