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BOARD OF COUNTY COMMISSIONERS
December 10, 2019
OPEN SESSION AGENDA

09:00 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – December 3, 2019

09:05 A.M. CLOSED SESSION

(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to discuss an investigative proceeding on actual or possible criminal conduct)

10:00 A.M. RECONVENE IN OPEN SESSION

10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS

10:15 A.M. REPORTS FROM COUNTY STAFF

10:25 A.M. CITIZENS PARTICIPATION

10:35 A.M. REPAIR OF THE COMPACTORS FOR THE DEPARTMENT OF SOLID WASTE – *David A. Mason, P.E., Deputy Director, Department of Solid Waste*

10:40 A.M. RESPONSE TO MINIMUM WAGE LEGISLATION – *Sara Greaves, Chief Financial Officer and Rachel Brown, Director, Human Resources*

11:00 A.M. PUBLIC HEARING – WATER AND SEWERAGE PLAN AMENDMENT, CITY OF HAGERSTOWN WS-19-003 – *Jill Baker, Director, Department of Planning and Zoning*

11:30 A.M. ADJOURNMENT

Open Session Item

SUBJECT: Repair of the Compactors for the Department of Solid Waste

PRESENTATION DATE: December 10, 2019

PRESENTATION BY: David A. Mason, P. E., Deputy Director, Department of Solid Waste

RECOMMENDED MOTION: Motion to approve the lease of a Tracked Excavator for the Department of Solid Waste

REPORT-IN-BRIEF: The Department has two existing Excavators: #199 Caterpillar 345B purchased 2000, 18,000 hours and #235 LinkBelt 330LX, purchased 2008, 10,500 hours. These types of equipment have a life expectancy of ten to twelve years (10,000 to 15,000 hours). Staff will use the SourceWell National Contracts to procure the lease.

DISCUSSION: The excavators are used daily to load the daily cover material and help grind brush for mulch. They are typically used six to eight hours a day, six days per week, approximately 2000 hours per year. As of November 14, 2019, the LinkBelt 330LX has had a major engine failure and will require approximately \$50,000 worth of repairs.

FISCAL IMPACT: Funding has been allocated in the FY21 budget to lease equipment for the Department. We are requesting approval to have the lease secured in early 2020, to fund the lease; the Department of Solid Waste has identified three pieces of equipment to trade-in. It is anticipated the funds received on the trade-in will cover the lease payments until July of 2020. The equipment to be traded is as follows:

Equipment	Serial Number	Hours	Trade-In Value (maximum)
• 2001 CATERPILLAR D400	08PS01035	15,000 Hours	\$30,000
• 2002 John Deere 850C	T0850CX908492	12,500 Hours	\$15,000
• 2008 LinkBelt 330LK	LBX330Q3N8HE7408	10,500 Hours	\$11,000*

* Estimated amount given the engine failure

#199 will be kept to serve as a backup and for use when the new truck is being serviced.

Monthly Lease Payment – \$7,100 (maximum)

FY20 Lease Payments - \$42,600 (6 months)

FY21 Lease Payments - \$85,200 (12 months)

Actual payment amounts may change based on actual terms of the lease and manufacturer.

CONCURRENCES: Director of Environmental Management, Chief Financial Officer

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Open Session Item

SUBJECT: Response to Minimum Wage Legislation

PRESENTATION DATE: December 10, 2019

PRESENTATION BY: Sara Greaves, Chief Financial Officer and Rachel Brown, Director, Human Resources

RECOMMENDED MOTION: For consideration to establish an approach for the FY2021 budget and future years.

REPORT-IN-BRIEF: Commissioner Meinelschmidt requested the County's plan of action to address the minimum wage legislation through FY2025. The CFO presented options for discussion on 10/15/2019 and 11/12/2019 and was directed to bring back one recommendation to the BOCC.

DISCUSSION: The current minimum wage is \$10.10 per hour. Maryland law makers passed legislation to raise minimum wage to \$15 per hour by 2025 through incremental yearly increases.

Current legislation

Below are the required minimum wage changes per Maryland legislation.

\$10.10 Current

\$11 on Jan. 1, 2020, 9% increase

\$11.75 on Jan. 1, 2021, 7% increase

\$12.50 on Jan. 1, 2022, 6% increase

\$13.25 on Jan. 1, 2023, 6% increase

\$14 on Jan. 1, 2024, 6% increase

\$15 on Jan. 1, 2025, 7% increase

Stability is an important component of County employment. Long term sustainability relies on conservative spending and flexibility of reserves. Economical and financial challenges are in our County's future. Some of those include the possibilities of a recession, uncertainty that comes with the 2020 presidential election, Kirwan, solutions for Fire & EMS, and even the business impact on our county from the minimum wage legislation. Because of this, the County must choose to implement wage changes related to the minimum wage legislation in the most cost-effective manner.

The Challenge

The below chart represents the estimated number of employees under minimum wage by year. Both Regular-PT and Temporary-PT positions are included in the chart. In 2025, 40 of the 369 represent regular-PT positions, while the remainder are temporary-PT positions.

The majority of those directly affected by the minimum wage are PT-Temporary employees, which are seasonal employees such as life guards at the pool or seasonal maintenance workers.

Min Wage	2020	2021	2022	2023	2024	2025
\$ 11.00	155					
\$ 11.75		169				
\$ 12.50			181			
\$ 13.25				325		
\$ 14.00					342	
\$ 15.00						369

Solution

PT-Regular: The regular part timers will remain on the regular scale, at 8% between grades and 2.5% between steps. In 2022, Regular PT employees on grade 3 will move to grade 4. In 2024, regular PT employees on grade 4 will move to grade 5. In 2025, regular Part time employees on grade 5 will move to grade 6. Grades below a 6 will be unused on the regular part time scale.

PT-Temporary: Implement a separate scale with 4% between grades and 1.5% between steps. The scale will begin (grade 1, step 1) with the minimum wage. This scale will change each year, with each minimum wage increase. The reasoning for a separate scale is to create a separation and differentiation between seasonal positions and year-round county positions that make close to minimum.

Pros of the above solution

- All workers under \$15 will be addressed in the most cost-effective manner
- Congestion will be reduced with the implementation of the new PT-Temporary scale
- Existing County plan to provide an annual step places current employees at a step 5, while new hires will be at step 1, between now and full implementation to help with congestion.
- No reduction in services or positions.

Cons of the above solution

- PT-Temporary employees will not receive the same Grade and step benefits as PT-Regular employees
- Does not fully address congestion

Closing Remarks

Minimum wage is a mandate that the County must provide for. The County has been proactive in thinking about this legislation and the impact on both employees and local business. Managing County resources in a responsible and cost-effective manner, not only for today, but for the future of our county is the driving force behind the above suggestion.

FISCAL IMPACT: Variable

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Temporary-PT scales through FY2025

AUDIO/VISUAL NEEDS: N/A

Washington County Government
FY 2021 Part-Time Salary Scale
7/1/2020

GRADE	STEP																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Base	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%
5	28,600	29,037	29,474	29,910	30,368	30,826	31,283	31,782	32,240	32,718	33,218	33,717	34,216	34,736	35,256	35,776	36,317	36,858	37,419	37,981	38,542
	13.75	13.96	14.17	14.38	14.60	14.82	15.04	15.27	15.50	15.73	15.97	16.21	16.45	16.70	16.95	17.20	17.46	17.72	17.99	18.26	18.53
4	27,498	27,914	28,330	28,746	29,182	29,619	30,056	30,514	30,971	31,429	31,907	32,386	32,864	33,363	33,862	34,362	34,882	35,402	35,942	36,483	37,024
	13.22	13.42	13.62	13.82	14.03	14.24	14.45	14.67	14.89	15.11	15.34	15.57	15.80	16.04	16.28	16.52	16.77	17.02	17.28	17.54	17.80
3	26,437	26,832	27,227	27,643	28,059	28,475	28,912	29,349	29,786	30,222	30,680	31,138	31,595	32,074	32,552	33,030	33,530	34,029	34,549	35,069	35,589
	12.71	12.90	13.09	13.29	13.49	13.69	13.90	14.11	14.32	14.53	14.75	14.97	15.19	15.42	15.65	15.88	16.12	16.36	16.61	16.86	17.11
2	25,418	25,792	26,187	26,582	26,978	27,373	27,789	28,205	28,621	29,058	29,494	29,931	30,389	30,846	31,304	31,782	32,261	32,739	33,238	33,738	34,237
	12.22	12.40	12.59	12.78	12.97	13.16	13.36	13.56	13.76	13.97	14.18	14.39	14.61	14.83	15.05	15.28	15.51	15.74	15.98	16.22	16.46
1	24,440	24,814	25,189	25,563	25,938	26,333	26,728	27,123	27,539	27,955	28,371	28,787	29,224	29,661	30,098	30,555	31,013	31,470	31,949	32,427	32,906
	11.75	11.93	12.11	12.29	12.47	12.66	12.85	13.04	13.24	13.44	13.64	13.84	14.05	14.26	14.47	14.69	14.91	15.13	15.36	15.59	15.82

4% C

1/1/2021

**Washington County Government
 FY 2025 Part-Time Salary Scale
 7/1/2024**

GRADE	STEP																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Base	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%
5	36,504	37,045	37,606	38,168	38,750	39,333	39,915	40,518	41,122	41,746	42,370	43,014	43,659	44,304	44,970	45,635	46,322	47,008	47,715	48,422	49,150
	17.55	17.81	18.08	18.35	18.63	18.91	19.19	19.48	19.77	20.07	20.37	20.68	20.99	21.30	21.62	21.94	22.27	22.60	22.94	23.28	23.63
4	35,090	35,610	36,150	36,691	37,232	37,794	38,355	38,938	39,520	40,123	40,726	41,330	41,954	42,578	43,222	43,867	44,533	45,198	45,885	46,571	47,278
	16.87	17.12	17.38	17.64	17.90	18.17	18.44	18.72	19.00	19.29	19.58	19.87	20.17	20.47	20.78	21.09	21.41	21.73	22.06	22.39	22.73
3	33,738	34,237	34,757	35,277	35,797	36,338	36,878	37,440	38,002	38,563	39,146	39,728	40,331	40,934	41,558	42,182	42,806	43,451	44,096	44,762	45,427
	16.22	16.46	16.71	16.96	17.21	17.47	17.73	18.00	18.27	18.54	18.82	19.10	19.39	19.68	19.98	20.28	20.58	20.89	21.20	21.52	21.84
2	32,448	32,926	33,426	33,925	34,424	34,944	35,464	36,005	36,546	37,086	37,648	38,210	38,792	39,374	39,957	40,560	41,163	41,787	42,411	43,056	43,701
	15.60	15.83	16.07	16.31	16.55	16.80	17.05	17.31	17.57	17.83	18.10	18.37	18.65	18.93	19.21	19.50	19.79	20.09	20.39	20.70	21.01
1	31,200	31,678	32,157	32,635	33,134	33,634	34,133	34,653	35,173	35,693	36,234	36,774	37,336	37,898	38,459	39,042	39,624	40,227	40,830	41,434	42,058
	15.00	15.23	15.46	15.69	15.93	16.17	16.41	16.66	16.91	17.16	17.42	17.68	17.95	18.22	18.49	18.77	19.05	19.34	19.63	19.92	20.22

1/1/2025

Washington County Government
FY 2024 Part-Time Salary Scale
7/1/2023

GRADE	STEP																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Base	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%
5	34,070	34,590	35,110	35,630	36,171	36,712	37,253	37,814	38,376	38,956	39,541	40,144	40,747	41,350	41,974	42,598	43,243	43,888	44,554	45,219	45,906
	16.38	16.63	16.88	17.13	17.39	17.65	17.91	18.18	18.45	18.73	19.01	19.30	19.59	19.88	20.18	20.48	20.79	21.10	21.42	21.74	22.07
4	32,760	33,259	33,758	34,258	34,778	35,298	35,818	36,358	36,899	37,461	38,022	38,584	39,166	39,749	40,352	40,955	41,579	42,203	42,827	43,472	44,117
	15.75	15.99	16.23	16.47	16.72	16.97	17.22	17.48	17.74	18.01	18.28	18.55	18.83	19.11	19.40	19.69	19.99	20.29	20.59	20.90	21.21
3	31,491	31,970	32,448	32,926	33,426	33,925	34,424	34,944	35,464	36,005	36,546	37,086	37,648	38,210	38,792	39,374	39,957	40,560	41,163	41,787	42,411
	15.14	15.37	15.60	15.83	16.07	16.31	16.55	16.80	17.05	17.31	17.57	17.83	18.10	18.37	18.65	18.93	19.21	19.50	19.79	20.09	20.39
2	30,285	30,742	31,200	31,678	32,157	32,635	33,134	33,634	34,133	34,653	35,173	35,693	36,234	36,774	37,336	37,898	38,459	39,042	39,624	40,227	40,830
	14.56	14.78	15.00	15.23	15.46	15.69	15.93	16.17	16.41	16.66	16.91	17.16	17.42	17.68	17.95	18.22	18.49	18.77	19.05	19.34	19.63
1	29,120	29,557	29,994	30,451	30,909	31,366	31,845	32,323	32,802	33,301	33,800	34,299	34,819	35,339	35,859	36,400	36,941	37,502	38,064	38,626	39,208
	14.00	14.21	14.42	14.64	14.86	15.08	15.31	15.54	15.77	16.01	16.25	16.49	16.74	16.99	17.24	17.50	17.76	18.03	18.30	18.57	18.85

1/1/2024

**Washington County Government
 FY 2023 Part-Time Salary Scale
 7/1/2022**

GRADE	STEP																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Base	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%	+1.5%
5	32,240	32,718	33,218	33,717	34,216	34,736	35,256	35,776	36,317	36,858	37,419	37,981	38,542	39,125	39,707	40,310	40,914	41,538	42,162	42,786	43,430
	15.50	15.73	15.97	16.21	16.45	16.70	16.95	17.20	17.46	17.72	17.99	18.26	18.53	18.81	19.09	19.38	19.67	19.97	20.27	20.57	20.88
4	30,992	31,450	31,928	32,406	32,885	33,384	33,883	34,382	34,902	35,422	35,963	36,504	37,045	37,606	38,168	38,750	39,333	39,915	40,518	41,122	41,746
	14.90	15.12	15.35	15.58	15.81	16.05	16.29	16.53	16.78	17.03	17.29	17.55	17.81	18.08	18.35	18.63	18.91	19.19	19.48	19.77	20.07
3	29,808	30,243	30,701	31,158	31,616	32,094	32,573	33,051	33,550	34,050	34,570	35,090	35,610	36,150	36,691	37,232	37,794	38,355	38,938	39,520	40,123
	14.33	14.54	14.76	14.98	15.20	15.43	15.66	15.89	16.13	16.37	16.62	16.87	17.12	17.38	17.64	17.90	18.17	18.44	18.72	19.00	19.29
2	28,662	29,099	29,536	29,973	30,430	30,888	31,346	31,824	32,302	32,781	33,280	33,779	34,278	34,798	35,318	35,838	36,379	36,920	37,482	38,043	38,605
	13.78	13.99	14.20	14.41	14.63	14.85	15.07	15.30	15.53	15.76	16.00	16.24	16.48	16.73	16.98	17.23	17.49	17.75	18.02	18.29	18.56
1	27,560	27,976	28,392	28,808	29,245	29,682	30,118	30,576	31,034	31,491	31,970	32,448	32,926	33,426	33,925	34,424	34,944	35,464	36,005	36,546	37,086
	13.25	13.45	13.65	13.85	14.06	14.27	14.48	14.70	14.92	15.14	15.37	15.60	15.83	16.07	16.31	16.55	16.80	17.05	17.31	17.57	17.83

1/1/2023

Washington County Government
FY 2022 Part-Time Salary Scale
7/1/2021

GRADE	STEP																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Base	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	+ 1.5%	
5	30,410	30,887	31,325	31,803	32,282	32,780	33,259	33,758	34,258	34,778	35,298	35,818	36,358	36,899	37,461	38,022	38,584	39,168	39,749	40,352	40,955
	14.62	14.84	15.06	15.29	15.52	15.75	15.99	16.23	16.47	16.72	16.97	17.22	17.48	17.74	18.01	18.28	18.55	18.83	19.11	19.40	19.69
4	29,245	29,682	30,118	30,576	31,034	31,491	31,970	32,448	32,926	33,426	33,925	34,424	34,944	35,484	36,005	36,546	37,086	37,648	38,210	38,792	39,374
	14.06	14.27	14.48	14.70	14.92	15.14	15.37	15.60	15.83	16.07	16.31	16.55	16.80	17.05	17.31	17.57	17.83	18.10	18.37	18.65	18.93
3	28,122	28,538	28,974	29,411	29,848	30,308	30,783	31,221	31,899	32,178	32,858	33,155	33,854	34,154	34,874	35,194	35,714	36,254	36,795	37,357	37,918
	13.52	13.72	13.93	14.14	14.35	14.57	14.79	15.01	15.24	15.47	15.70	15.94	16.18	16.42	16.67	16.92	17.17	17.43	17.69	17.96	18.23
2	27,040	27,458	27,872	28,288	28,704	29,141	29,578	30,014	30,472	30,930	31,387	31,888	32,344	32,822	33,322	33,821	34,320	34,840	35,360	35,901	36,442
	13.00	13.20	13.40	13.60	13.80	14.01	14.22	14.43	14.65	14.87	15.09	15.32	15.55	15.78	16.02	16.26	16.50	16.75	17.00	17.26	17.52
1	26,000	26,395	26,790	27,186	27,802	28,018	28,434	28,870	29,307	29,744	30,181	30,838	31,098	31,554	32,032	32,510	32,989	33,488	33,987	34,507	35,027
	12.50	12.69	12.88	13.07	13.27	13.47	13.67	13.88	14.09	14.30	14.51	14.73	14.95	15.17	15.40	15.63	15.86	16.10	16.34	16.59	16.84

1/1/2022



Open Session Item

SUBJECT: PUBLIC HEARING – Water and Sewerage Plan amendment, City of Hagerstown WS-19-003

PRESENTATION DATE: December 10, 2019

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

RECOMMENDED MOTION: This is a public hearing to take comment on the proposed amendment. No motion is required. However, following conclusion of the public hearing, Commissioners may discuss and reach consensus on a proposed action or delay discussion and a decision to a future meeting

REPORT-IN-BRIEF: The City of Hagerstown, through the Planning and Codes Administration Department, has submitted a request for amendment to the Water and Sewerage Plan. The amendment proposes additional text in Chapters 2, 3 and 4 to include references and information related to the City’s recently adopted Comprehensive Plan, *visionHagerstown 2035*. The proposed additional text will elaborate on the City’s intentions and abilities to provide public water and sewer services to development in and outside of various designated growth areas around the City. The proposed text describes Hagerstown’s growth management strategy and enumerates current policies regarding the provision of service from its water and sewer facilities to development outside the municipal limits and outside of the Medium Range Growth Area. The proposed amendment will be an addition to the current language in the plan.

DISCUSSION: Washington County is required and designated by the Maryland Code, Environment Article, Title 9, Subtitle 5, *County Water and Sewerage Plans*, as the entity responsible for preparing a comprehensive water and sewerage plan. Section 9-504(a) of the Code specifies:

“To the extent that the incorporation will promote the public health, safety, and welfare, each county plan shall incorporate all or part of the subsidiary plans of each town, municipal corporation, sanitary district, privately owned facility, or local, State, or federal agency that has existing or planned development in that county.”

Inclusion of this most accurate information, if the amendment is approved, sets the stage for Hagerstown and the County to begin to plan for system upgrades to provide the adequate service necessary to continue offering and implementing growth management plans.

Service priority designations, which are a general indicator of the intention and timing of the provision of service, but are not a commitment or guarantee of service on a certain schedule, are **not** proposed to be changed by this amendment. However, the proposed new text will elaborate on Hagerstown policies regarding where it intends or is unable to allow connections to its water and sewer systems and confirms its absolute authority to allow or not permit connections to its systems.

The Planning Commission held a public information meeting on October 7, 2019 to take public comment on the application. On November 4, 2019 the Planning Commission considered the application, staff report, and comments made during the public information meeting. It recommends adoption of the proposed amendment with minor text revisions to further clarify that the policies referenced are those of the City of Hagerstown and to explain the GWUDI acronym (groundwater under the direct influence of surface water).

FISCAL IMPACT: None

CONCURRENCES: City of Hagerstown

ALTERNATIVES: Following the public hearing and consideration of all pertinent information, adopt the amendment without the Planning Commission recommended additions, adopt the amendment with additional text changes desired by the County Commissioners or do not adopt the proposed amendment at all.

ATTACHMENTS: Hagerstown application package including proposed text modifications, Staff Report and Planning Commission recommendation including additional text revisions

AUDIO/VISUAL NEEDS: None



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

November 13, 2019

WS-19-003

**APPLICATION FOR AMENDMENT TO THE
WASHINGTON COUNTY WATER AND SEWERAGE PLAN
PLANNING COMMISSION RECOMMENDATION**

The City of Hagerstown through the Planning and Code Administration Department has requested a text amendment to the Washington County Water & Sewerage Plan. The City has proposed additional text for Chapters 2, 3 and 4 of the Plan in the following locations.

- Chapter 2 BACKGROUND INFORMATION
 - Section C Land Use and Growth Management Strategy
- Chapter 3 EXISTING AND PLANNED WATER SUPPLY SYSTEMS
 - Section P Service Area Requirements
 - Section Q Priority Requirements
 - Section R Water Service Priority Area Maps
- Chapter 4 EXISTING AND PLANNED WASTEWATER SYSTEMS
 - Section D City of Hagerstown
 - Section S Service Area Requirements
 - Section T Priority Classification Requirements
 - Section U Sewerage Service Priority Maps

The Planning Commission held a public information meeting on Monday, October 7, 2019. Staff provided a presentation of the application. Staff noted that the proposed text is intended to include references and information related to the adoption of the City's most recent Comprehensive Plan, [visionHagerstown2035](#). It will elaborate on the City's intentions and abilities to provide public water and sewer services to development in and outside of various designated growth areas around the City. The proposed text describes Hagerstown's growth management strategy and enumerates current policies regarding the provision of service from its water and sewer facilities to development outside the municipal limits and outside of the Medium Range Growth Area. City staff attended the meeting and spoke briefly to confirm the intent of the requested amendment. There was no other public comment received.

The Washington County Planning Commission discussed the proposed changes during its regular meeting on November 4, 2019, at which time Staff recommended a few minor changes to the text. These minor changes would serve to further clarify certain language and definitions within the proposed text submitted by the City of Hagerstown.

The Washington County Planning Commission took action at its regular meeting on November 4, 2019 to recommend to the Board of County Commissioners approval of the proposed text including the minor recommended changes made by Staff. The Commission's action was based upon a determination that

100 West Washington Street , Suite 2600 | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1



the request is consistent with the goals and policies of the adopted Comprehensive Plan and the adopted Water and Sewerage Plan of Washington County.

Copies of the application, staff report, staff's proposed changes to the text, and minutes of the October 7, 2019 and unapproved minutes of the November 4, 2019 Planning Commission meetings are attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen T. Goodrich", with a stylized flourish at the end.

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

STG/dse
Attachments
cc: Kirk Downey

CITY OF HAGERSTOWN REQUESTED AMENDMENT LANGUAGE WITH COUNTY PLANNING STAFF
RECOMMENDED REVISIONS

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Chapter 2, Background Information

C. Land Use & Growth Management Strategy

Please add a new subsection for 'Land Use & Growth Management Strategy of the City of Hagerstown' on 11-38 :

visionHagerstown 2035 is the City of Hagerstown's comprehensive plan and it sets the policies and recommended actions to guide future development, infrastructure, and the physical character of Hagerstown for a 20-year period. Major focus areas of the plan include growth and annexation, wastewater and water resources, revitalization of existing land, revitalization of downtown, transportation, housing and neighborhood revitalization, and environmental resources. The plan meets the legal requirements for local government planning in Maryland pursuant to State enabling legislation and requirements contained in the Land Use Article in the Annotated Code of Maryland. This includes the requirements for a Water Resources Element and a Municipal Growth Element, which provide analyses of projected growth in and around the city and the available public water and wastewater capacity to serve development in and around the city.

The Growth Management and Land Use Element of the City's comprehensive plan sets forth the policies to guide future residential and non-residential development, annexation, and redevelopment of vacant and underutilized areas in the City of Hagerstown. This element contains the future land use plan for the city and its growth area, which includes 10 different land use policy classifications. These land use classifications are implemented through the City's Land Management Code and a comprehensive rezoning process for the city following plan adoption. The goals of this element of the plan are to:

1. Channel future growth in a way that strengthens the City's role as the provider of urban services to the Hagerstown Urban Growth Area, and as the economic, cultural, and institutional center of Washington County;
2. Enlarge the city's corporate boundaries in order to become a stronger city, increase economic development, deliver urban services in an efficient manner, and promote fiscal stability;
3. Physically integrate the proposed growth area with existing developed areas of the city;
4. Re-use and revitalize vacant and underutilized land, to support economic development and neighborhood enhancement goals;
5. Re-align the Medium Range Growth Area (MRGA) to include areas where growth is more likely to occur and to de-emphasize areas where growth is not likely to happen within the 20 year life of the plan.

City of Hagerstown Request for Amendment
Washington County Water & Sewerage Plan (2009)
August 12, 2019

As required by State law for municipalities, the City's comprehensive plan defines a growth boundary around the city which is prioritized for growth based on the ability to provide public

City of Hagerstown Request for Amendment
Washington County Water & Sewerage Plan (2009)
August 12, 2019

water and wastewater to serve new development. The plan identifies the City of Hagerstown as the number one priority for service to ensure redevelopment and infill development in the city has sufficient utility capacity available to serve new customers. The provision of City water service outside the corporate limits of the city is contingent upon location in the City's growth area, unless an exception is granted for outside that area, and upon annexation or granting of a pre-annexation agreement on the property, as required by the City's Annexation Policy. The City's comprehensive plan in 2008 established a two-tier growth area - a Medium Range Growth Area (MRGA) and a Long Range Growth Area (LRGA). vision/Hagerstown 2035 re-established this growth tier system and made some adjustments to the MRGA boundary based on current growth demands.

The MRGA and the city are the City's planned area of service for its water and wastewater resources for the 20 year life of the plan. The analysis of growth and available capacity to serve growth in the plan has determined that there is adequate capacity to meet the projected growth demands in the city and the MRGA for the 20 year life of the plan. There is not sufficient capacity currently for full build out of the MRGA, however. The boundaries of the LRGA mirror the County's 2002 Urban Growth Area boundary. Because of these capacity limitations, City water and wastewater service is not planned for the area between the MRGA and LRGA boundaries before 2035, unless an exception is provided by the City Utilities Director or the Mayor and City Council through the City's Water and Wastewater Policy. Any City water lines located outside the LRGA are considered restricted and new service shall may not be permitted, except for health and safety reasons.

The City developed a Water and Wastewater Policy in 2004 to address those exceptions which the City Utilities Director and the Mayor and City Council may consider for service requests outside the growth area. Subsequent amendments tied this policy to the MRGA and added additional exceptions consistent with comprehensive plan goals. The policy implements the City's comprehensive plan direction that service outside the MRGA may be considered for employment centers in support of City and County economic development and other goals and policies in the City plan. The City's Water and Wastewater Policy acknowledges that water commitments may have been made previously outside the MRGA and those commitments will be honored. In addition, existing lots of record for residential development which were platted along streets containing public water or wastewater lines before the adoption of this policy have the legitimate expectation of eventual service, and so requests for water for single-family and two-family homes in this circumstance will be honored through an exemption in this policy. The policy also provides conditions for certain exceptions for public health and safety reasons, such as 1) a property with a failing or condemned well or septic system, and 2) existing or proposed lots for single-family and two-family development along streets containing water or wastewater lines in the GWUDI area near Hagerstown where the Health Department will not approve new wells has indicated concern for issuing permits for new wells. (GWUDI is an acronym which stands for groundwater under the direct influence of surface water and indicates potential for contamination of groundwater by surface water. The policy sets a cap on the number of lots that may be approved for the GWUDI exception per year. Other possible

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City of Hagerstown Request for Amendment
Washington County Water & Sewerage Plan (2009)
August 12, 2019

exceptions are for system improvements, affordable

City of Hagerstown Request for Amendment
Washington County Water & Sewerage Plan (2009)
August 12, 2019

housing developments, facilities for an essential public service, and vital economic development projects in targeted areas for industrial and non-retail economic development.

The entirety of the City's Comprehensive Plan, Water and Wastewater Policy, and Annexation Policy may be viewed on the Planning and Zoning page of the City web site at www.hagerstownmd.org.

Chapter 3, Existing and Planned Water Supply Systems

P. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on 111-31:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

3. Restricted Service Areas

Please insert at the end of the sentence in the first paragraph on 111-32 :

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider:

Please add a footnote at the end of the above modified sentence on 111-32:

Any existing or future City of Hagerstown water lines extending outside the Hagerstown LRGA shall be considered restricted and no additional connections will be permitted, except for health and safety reasons as outlined in the City of Hagerstown Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

Q. Priority Classification Requirements

1. W-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 12' to sub-section 'a' on 111- 33:

The adequacy or availability of community water service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on 111-33:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. W-3 Priority (Programmed Service)

Please modify sub-section 'b' on 111-34:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

R. Water Service Priority Area Maps

Please add a new paragraph three on 111-35:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater

Policy. The City's growth area map and service policy may be viewed on the City's web site: www.hagerstownmd.org.

Chapter 4, Existing and Planned Wastewater Systems

D. City of Hagerstown

Please modify the second to last sentence of the first paragraph on IV-12-13:

City wastewater collection and treatment service is also provided to industrial, commercial, residential and institutional customers in certain areas within the Consolidated General Service Agreement area of Washington County.

Please add a new paragraph two on IV-13:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy .

S. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on IV-40 :

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy .

3. Restricted Use Service Areas

Please insert at the end of the sentence in the first paragraph on IV-41:

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider.

Please add a footnote at the end of the above modified sentence on IV-41:

Any existing or future City of Hagerstown water or wastewater lines extending outside the Hagerstown LRGA shall be considered restricted and no additional connections will be permitted, except for health and safety reasons as outlined in the City of Hagerstown Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

T. Priority Classification Requirements

1. S-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 17' to sub-section 'a' on IV-42:

The adequacy or availability of community sewerage service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on IV-42:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. S-3 Priority (Programmed Service)

Please modify sub-section 'b' on IV-43:

City of Hagerstown Request for Amendment
Washington County Water & Sewerage Plan (2009)
August 12, 2019

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

U. Sewerage Service Priority Area Maps

Please add a new paragraph three on IV-44:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy. The City's growth area map and service policy may be viewed on the City's web site: www.hagerstownmd.org.



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

RECEIVED

AUG 21 2019

August 14, 2019

WASHINGTON COUNTY
PLANNING DEPARTMENT

Steve Goodrich
Planning Director
Washington County
100 W. Washington Street
Hagerstown, MD 21740

RE: Amendment Request
2009 County Water & Sewer Plan

Dear Mr. Goodrich:

Attached is an application from the City of Hagerstown for a request to amend Washington County's 2009 Water and Sewer Plan. At this time, we are not proposing any revisions to the technical data or capital improvement plans related to the City's water and wastewater systems. Any amendments related to that data will come following completion of our upcoming Master Plan project for our water and wastewater utilities. This current amendment request is strictly related to the growth and utility planning in the City's 2018 Comprehensive Plan Update, which municipalities are required to include per State law.

If you have any questions about this request, please do not hesitate to contact me. I can be reached directly at (301) 739-8577, ext. 140, or kmaher@hagerstownmd.org.

Sincerely,

Kathleen A. Maher, AICP
Director, Planning & Code Administration Department

c: Mayor and City Council
Scott Nicewarner, City Administrator
Rob Slocum, County Administrator
Hagerstown Planning Commission
Nancy Hausrath, City Utilities Director
Dan DiVito, County Division of Environmental Management
Jill Thompson, Director of DCED
Susan Small, County Department of Business Development



Chapter 2, Background Information

C. Land Use & Growth Management Strategy

Please add a new subsection for 'Land Use & Growth Management Strategy of the City of Hagerstown' on II-38:

visionHagerstown 2035 is the City of Hagerstown's comprehensive plan and it sets the policies and recommended actions to guide future development, infrastructure, and the physical character of Hagerstown for a 20-year period. Major focus areas of the plan include growth and annexation, wastewater and water resources, revitalization of existing land, revitalization of downtown, transportation, housing and neighborhood revitalization, and environmental resources. The plan meets the legal requirements for local government planning in Maryland pursuant to State enabling legislation and requirements contained in the Land Use Article in the Annotated Code of Maryland. This includes the requirements for a Water Resources Element and a Municipal Growth Element, which provide analyses of projected growth in and around the city and the available public water and wastewater capacity to serve development in and around the city.

The Growth Management and Land Use Element of the City's comprehensive plan sets forth the policies to guide future residential and non-residential development, annexation, and redevelopment of vacant and underutilized areas. This element contains the future land use plan for the city and its growth area, which includes 10 different land use policy classifications. These land use classifications are implemented through the City's Land Management Code and a comprehensive rezoning process for the city following plan adoption. The goals of this element of the plan are to:

1. Channel future growth in a way that strengthens the City's role as the provider of urban services to the Hagerstown Urban Growth Area, and as the economic, cultural, and institutional center of Washington County;
2. Enlarge the city's corporate boundaries in order to become a stronger city, increase economic development, deliver urban services in an efficient manner, and promote fiscal stability;
3. Physically integrate the proposed growth area with existing developed areas of the city;
4. Re-use and revitalize vacant and underutilized land, to support economic development and neighborhood enhancement goals;
5. Re-align the Medium Range Growth Area (MRGA) to include areas where growth is more likely to occur and to de-emphasize areas where growth is not likely to happen within the 20 year life of the plan.

As required by State law for municipalities, the City's comprehensive plan defines a growth boundary around the city which is prioritized for growth based on the ability to provide public



water and wastewater to serve new development. The plan identifies the City of Hagerstown as the number one priority for service to ensure redevelopment and infill development in the city has sufficient utility capacity available to serve new customers. The provision of City water service outside the corporate limits of the city is contingent upon location in the City's growth area, unless an exception is granted for outside that area, and upon annexation or granting of a pre-annexation agreement on the property, as required by the City's *Annexation Policy*. The City's comprehensive plan in 2008 established a two-tier growth area – a Medium Range Growth Area (MRGA) and a Long Range Growth Area (LRGA). *visionHagerstown 2035* re-established this growth tier system and made some adjustments to the MRGA boundary based on current growth demands.

The MRGA and the city are the City's planned area of service for its water and wastewater resources for the 20 year life of the plan. The analysis of growth and available capacity to serve growth in the plan has determined that there is adequate capacity to meet the projected growth demands in the city and the MRGA for the 20 year life of the plan. There is not sufficient capacity currently for full build out of the MRGA, however. The boundaries of the LRGA mirror the County's 2002 Urban Growth Area boundary. Because of these capacity limitations, City water and wastewater service is not planned for the area between the MRGA and LRGA boundaries before 2035, unless an exception is provided by the City Utilities Director or the Mayor and City Council through the City's *Water and Wastewater Policy*. Any City water lines located outside the LRGA are considered restricted and new service shall not be permitted, except for health and safety reasons.

The City developed a *Water and Wastewater Policy* in 2004 to address those exceptions which the City Utilities Director and the Mayor and City Council may consider for service requests outside the growth area. Subsequent amendments tied this policy to the MRGA and added additional exceptions consistent with comprehensive plan goals. The policy implements the City's comprehensive plan direction that service outside the MRGA may be considered for employment centers in support of City and County economic development and other goals and policies in the City plan. The City's *Water and Wastewater Policy* acknowledges that water commitments may have been made previously outside the MRGA and those commitments will be honored. In addition, existing lots of record for residential development which were platted along streets containing public water or wastewater lines before the adoption of this policy have the legitimate expectation of eventual service, and so requests for water for single-family and two-family homes in this circumstance will be honored through an exemption in this policy. The policy also provides conditions for certain exceptions for public health and safety reasons, such as 1) a property with a failing or condemned well or septic system, and 2) existing or proposed lots for single-family and two-family development along streets containing water or wastewater lines in the GWUDI area near Hagerstown where the Health Department will not approve new wells. The policy sets a cap on the number of lots that may be approved for the GWUDI exception per year. Other possible exceptions are for system improvements, affordable

housing developments, facilities for an essential public service, and vital economic development projects in targeted areas for industrial and non-retail economic development.

The entirety of the City's Comprehensive Plan, Water and Wastewater Policy, and Annexation Policy may be viewed on the Planning and Zoning page of the City web site at www.hagerstownmd.org.

Chapter 3, Existing and Planned Water Supply Systems

P. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on III-31:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

3. Restricted Service Areas

Please insert at the end of the sentence in the first paragraph on III-32:

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider:

Please add a footnote at the end of the above modified sentence on III-32:

Any existing or future City water lines extending outside the LRGGA shall be considered restricted and no additional connections will be permitted, except for health and safety reasons as outlined in the City Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

Q. Priority Classification Requirements

1. W-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 12' to sub-section 'a' on III-33:

The adequacy or availability of community water service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on III-33:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. W-3 Priority (Programmed Service)

Please modify sub-section 'b' on III-34:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

R. Water Service Priority Area Maps

Please add a new paragraph three on III-35:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater

Policy. The City’s growth area map and service policy may be viewed on the City’s web site: www.hagerstownmd.org.

Chapter 4, Existing and Planned Wastewater Systems

D. City of Hagerstown

Please modify the second to last sentence of the first paragraph on IV-12-13:

City wastewater collection and treatment service is also provided to industrial, commercial, residential and institutional customers in certain areas within the Consolidated General Service Agreement area of Washington County.

Please add a new paragraph two on IV-13:

The City of Hagerstown’s Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City’s Water & Wastewater Policy.

S. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on IV-40:

The City of Hagerstown’s Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City’s Water & Wastewater Policy.

3. Restricted Use Service Areas

Please insert at the end of the sentence in the first paragraph on IV-41:

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider:

Please add a footnote at the end of the above modified sentence on IV-41:

Any existing or future City water lines extending outside the LRGAs shall be considered restricted and no additional connections will be permitted, except for health and safety reasons as outlined in the City Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

T. Priority Classification Requirements

1. S-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 17' to sub-section 'a' on IV-42:

The adequacy or availability of community sewerage service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on IV-42:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. S-3 Priority (Programmed Service)

Please modify sub-section 'b' on IV-43:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

U. Sewerage Service Priority Area Maps

Please add a new paragraph three on IV-44:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy. The City's growth area map and service policy may be viewed on the City's web site: www.hagerstownmd.org.

Goodrich, Stephen

From: michael.pindell@maryland.gov on behalf of wchd eh -MDH- <wchd.eh@maryland.gov>
Sent: Thursday, September 19, 2019 1:33 PM
To: Goodrich, Stephen
Subject: Fwd: Comments on proposed amendment to Water and Sewerage Plan
Attachments: WCHD Comments.docx

[EXTERNAL SENDER]

Good afternoon,

The Washington County Health Department would like to present the following comments for your review (see attachment). Thank you in advance for your kind consideration.

And, thank you for the opportunity to offer comments.

Washington County Health Department
Environmental Health
1302 Pennsylvania Avenue 2nd floor
Hagerstown MD 21742
240-313-3400 - Phone
240-313-3424 - Fax

washcohealth.org
facebook.com/WashHealth



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The Washington County Health Department would like to submit the following comments:

Under Chapter 2, Background Information, Section C:

Major focus areas of the plan should also include areas for smart growth with health department input concerning public health problem areas.

The actual available water and wastewater capacity needs to be determined prior to projected growth.

Regarding “3. Physically integrate the proposed growth area with existing developed areas in the city,” more elaboration is needed. Also, before allowing new growth, ensure existing areas are provided with water and wastewater as required by COMAR (islands).

Regarding number 5, when re-aligning Medium Range Growth Areas, with health department input, we can also solve certain public health issues if looked at jointly.

Growth boundaries should also prioritize service to existing development. Also, in addition to new customers, what about properties within city limits already which are not served.

Does the adequate capacity for projected growth include “islands?” Can the system handle new projected growth and also connect existing properties within the city limits or existing MRGA?

Existing lots of record for residential development should specify existing lots but not existing dwellings.

Regarding the policy providing exceptions, number 1 concerning failing or condemned wells and septic systems should be reworded. Number 2, regarding GWUDI area, should instead describe designated sensitive areas by the Washington County Health Department—areas where water quality issues make it difficult to gain approval for a private water supply. The sentence “The policy sets a cap on the number of lots..” should be removed.

Under Chapter 3, Existing and Planned Water Supply Systems, Section P:

Under added paragraph for number 1: Why not focus on ensuring everything within MRGA be served by public water and sewer first? Include upgrades/extensions of existing service lines.

Under added footnote for number 3: Our input was not considered for this. Language should be modified for #9, 3, 1.

Under Section Q:

Under modified footnote for number 1: Are areas within the MRGA actually planned for service? Also, if areas outside MRGA are not planned for City water or wastewater service before 2035, then these areas should not be W-1.

Under Section R:

Regarding added paragraph, what about extensions of existing lines? Islands?

Under **Chapter 4, Existing and Planned Wastewater Systems**, Section S:

Regarding added footnote to number 3, it should be looked into how the City could serve more long term goals with health department input instead of restricting.

Under Section T:

Regarding modified footnote under number 1, if areas outside the MRGA are not planned for City water or wastewater services before 2035, then these areas should not be S-1.

These minutes have been approved but have not be signed by the Chairman.

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING AND
PUBLIC INFORMATION MEETING
October 7, 2019**

The Washington County Planning Commission held a public information meeting and its regular monthly meeting on Monday, October 7, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, David Kline, BJ Goetz, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

CALL TO ORDER

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

PUBLIC INFORMATION MEETING

WS-19-003 – City of Hagerstown

Staff Presentation

Mr. Goodrich presented a proposed amendment to the Washington County Water and Sewerage Plan submitted by the City of Hagerstown. The requested amendment seeks to include additional language in the County's Water and Sewerage Plan to describe the City of Hagerstown's long-term growth management plans and service policies as established by its most recent update of the City's Comprehensive Plan ["Vision of Hagerstown 2035"]. Mr. Goodrich explained that in Chapter 2.C entitled "Land Use and Growth Management Strategy", there is a proposal to add a detailed description of the City of Hagerstown's Land Use and Growth Management Strategy. That strategy is a long-term plan to provide public water and sewer service inside the Medium Growth Range Area (MGRA) and not in the area between the MRGA and the long-range growth area which is equivalent to the County's Urban Growth Area. The City's MRGA is based on an analysis of existing land use, vacant land, population projections, and capacities of its water and sewer systems. In Chapters 3 and 4, the City has requested additions of the restated policy as explained in detail in Chapter 2. There is also language to strengthen the City's ultimate authority to allow or not allow connections to its system by adding the following language, "provided the service request is consistent with the policies and plans of the service provider". That applies not only to the City of Hagerstown but also to any other service providers.

Mr. Goodrich stated that the proposed amendment was sent to various agencies for review and comment including the Washington County Health Department. Their comments were received and were provided to the Planning Commission. A specific response was not given to the questions or suggestions of the Health Department; those comments will be addressed in the County's updated Comprehensive Plan and the updated Water and Sewerage Plan.

Applicant's Presentation

Ms. Kathy Maher, Director of Planning and Code Administration, and Ms. Nancy Hallsrath, Director of Utilities, were present to represent the City of Hagerstown. Ms. Maher stated that this is the first step in a multi-step process to communicate and work with the County to discuss growth and the ability to serve the public with water and waste water services. She explained how the City determined its MRGA boundary and what kind of growth might be expected in the next 20 years based on current zoning. The City believes this boundary could be served by public water, which is provided by the City, and public sewer which is provided by both the County and the City. Ms. Maher noted that although there are water lines located outside the MRGA, it is not the City's intent to serve those areas unless an exception is granted by the City from the Water and Wastewater Policy.

The public information meeting concluded at 7:20 p.m.

These minutes have been approved but have not be signed by the Chairman.

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the September 9, 2019 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved with Mr. Goetz abstaining from the vote.

- OLD BUSINESS

RZ-19-003 – Downsville Pike Land LLC

Mr. Allen reminded Commission members that a map amendment request was presented at the September 9, 2019 public information meeting for property located at 10656 and 10662 Downsville Pike. The property consists of two parcels totaling 1.6 acres of land currently zoned RS (Residential Suburban). The applicant is requesting a change in zoning to HI (Highway Interchange). During the public information meeting, both the applicant and staff presented their interpretation of data analyzing population change, traffic counts, site access, compatibility with other development in the neighborhood, relationship to the Comprehensive Plan, and evidence of a change in the character of the neighborhood since the comprehensive rezoning of 2012 or a mistake in the zoning designation assigned at that time. Public comment was taken during the public meeting from neighboring property owners, all of whom were opposed to the rezoning request. To date, six written comments and a petition with more than 230 signatures have been received in opposition to the request.

Discussion and Comments: Mr. Kline asked what Staff recommends. Mr. Allen stated that staff is opposed to the request based on the limited time frame to prove change or mistake since 2012. Mr. Kline noted that Potomac Edison [his employer] once owned a large portion of property from Rench Road to the I-70 interchange at Downsville Pike and Halfway Boulevard. Potomac Edison was instrumental in getting the interchange in this location. He gave a brief overview of the vision that Potomac Edison had for this area, including the Friendship Technology Park, more than 25 years ago. Ms. Baker stated that during the comprehensive review of the interchanges in the 1990's, this particular interchange was discussed and at that time, the subject parcels were zoned for agriculture due to their proximity to the Marty Snook Park and the existing residential area. In 2012, the agricultural zone was eliminated in the UGA; therefore, these parcels were given a residential designation because there were houses on the site. Ms. Baker noted that during the comprehensive rezoning, no comments were received from property owners requesting a different designation. She also noted that during the 2012 rezoning, staff considered the areas across the Downsville Pike at the interchange and further down the Downsville Pike. Those areas were specifically designated for commercial uses because it was consistent with the County's adopted Comprehensive Plan.

Mr. Kline expressed his opinion that the neighborhood has not significantly changed since the 2012 comprehensive rezoning. He noted that during the public meeting there were two recurring points of discussion. One was for pedestrians crossing at this intersection, which he believes is an invalid point because this is a major intersection and it is not a pedestrian-friendly area. The second point of discussion was traffic-related issues. This he believes is a valid objection due to the volume of traffic in the area and safety concerns during ingress and egress from this particular site.

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

Mr. Goetz stated that this site would be challenging for residential use.

Motion and Vote: Mr. Kline made a motion to recommend [to the Board of County Commissioners] denial of this request because there has not been a substantial change in the character of the neighborhood nor was a mistake made during the 2012 comprehensive rezoning. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

RZ-19-004 – JPK Properties LLC

Ms. Baker reminded Commission members that a map amendment request was presented at the September 9, 2019 public information meeting to apply the Rural Business floating zone on property located at 18423 Breathedsville Road. The property is currently zoned A(R) – Agricultural Rural. The proposed use for the site would be for a contractor's storage yard. To date, one public comment has been received opposing the request.

Discussion and Comment: Mr. Kline stated he has no opposition to this request. Mr. Reeder concurred.

These minutes have been approved but have not be signed by the Chairman.

Motion and Vote: Mr. Reeder made a motion to recommend [to the Board of County Commissioners] approval of this request. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

-NEW BUSINESS

SITE PLANS

Mountain View Animal Emergency [SP-19-021]

Ms. Kelly presented for review and approval a site plan for Mountain View Animal Emergency located along the west side of Crayton Boulevard, north of Maugans Avenue. The property is currently zoned HI – Highway Interchange. The owners are proposing to construct a 16,330 square foot animal hospital on 3.35 acres. Three future additions are also proposed that would total 7,600 square feet of building space; the building height will be 30 feet. There will be a small fenced yard to the rear of the building and a loading area will be on the east side. There will be one main access into the site from Crayton Boulevard. The hospital will be open 24 hours per day, 7 days per week. A total of 80 parking spaces are required; 98 parking spaces will be provided. Public water and public sewer will serve the site. Deliveries will be made by box truck daily. Solid waste/recycling will be collected inside. Lighting will be pole mounted and building mounted. Signage will be building mounted. Landscaping will be installed around the building and in the parking islands. Forestation requirements will be met by paying the payment in lieu in the amount of \$6,664.68. All agency approvals have been received.

Motion and Vote: Mr. Goetz made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Thomas Bennett Hunter Inc. [SP-19-016]

Ms. Kelly presented for review and approval a site plan for Thomas Bennett Hunter, Inc. for property located along the south side of Hopewell Road. The property is currently zoned IG (Industrial General). The developers are proposing to construct a ready mix cement plant on a 19.37 acre parcel. Plans also include the construction of a 1,200 square foot office and a 6,000 square foot shop, a back-up portable plant and outdoor stockpiles. The Board of Zoning Appeals granted a special exception in August 2018 to allow for the establishment of the cement plant. The hours of operation will be Monday thru Friday, 6 am to 6 pm and Saturday from 6 am to noon. There will be 12 to 18 employees per day. Delivery/freight will be 4 tractor trailers per day. Parking spaces required is 22 spaces and 23 spaces will be provided. Public water and public sewer will serve the site. Lighting will be pole mounted throughout the parking area. Landscaping will be provided around the building. Forest Conservation requirements have been met with a previously approved plat in 2016 showing 3.85 acres of forest in a permanent easement. All agency approvals have been received.

Motion and Vote: Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Weddle and unanimously approved.

Dollar General – Hagerstown[SP-19-024]

Ms. Kelly (on behalf of Ashley Holloway) presented for review and approval a site plan for Dollar General Hagerstown located at 17213 Virginia Avenue. The developer is proposing to construct a 10,640 square foot commercial retail building on the vacant site of a former fuel station. Two entrances are proposed, one off of Virginia Avenue and one off of Bower Avenue. Hours of operation will be 8 am to 10 pm, 7 days per week. There will be a maximum of 4 employees on the site at one time; 10 employees will be on the payroll for this site. The Board of Zoning Appeals granted a variance for the reduction of parking from 54 spaces to 38 spaces. Public water from the City of Hagerstown and public sewer from Washington County will serve the site. Truck deliveries will be made on the east side of the building. Lighting will be building and pole mounted. Signage will be building mounted and a monument sign. Landscaping will be installed around the building. Forestation requirements will be met via the payment in lieu.

Discussion: There was a brief discussion regarding proposed roadway improvements at the site. An additional lane will be added to provide a right-turn lane and a separate left-turn lane off Bower Avenue. Sidewalks will be added to Bower Avenue for pedestrian traffic.

Motion and Vote: Mr. Goetz made a motion to grant staff the authority to approve the site plan pending all agency approvals and to approve the payment in lieu to meet Forest Conservation requirements. The motion was seconded by Mr. Kline and unanimously approved.

These minutes have been approved but have not be signed by the Chairman.

FOREST CONSERVATION

Accounting for Local Forest Conservation Funds

Ms. Baker announced that during the last legislative session Senate Bill 234 was passed which states that any County or entity that administers a Forest Conservation Ordinance must submit, to the Department of Natural Resources (DNR), a detailed accounting procedure of its payment-in-lieu of funds. If a plan is not submitted to DNR, the County would no longer be allowed to accept payment in lieu of funds. Ms. Baker noted that since 1994 the County has collected approximately \$2.4 million and expended \$1.9 million resulting in 888.55 acres of new forest planted or existing forest protected.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway was not present at the meeting; however, he provided a written update as follows: Land Development Approvals –5 site plans; 3 preliminary plats; 2 storm water management concept plans, 2 subdivision replats, 2 storm water standard plan; 3 standard grading plans; and 2 site specific grading plan; Permit Approvals – 14 grading permits, 28 entrance permits, 2 non-residential construction permit, 3 non-residential addition-alteration permits; 1 floodplain permit; and 1 utility permits.

-ADJOURNMENT

Mr. Goetz made a motion to adjourn the meeting at 8:10 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, November 4, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
November 4, 2019**

The Washington County Planning Commission held its regular monthly meeting on Monday, November 4, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Drew Bowen, David Kline, BJ Goetz, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; and Lisa Kelly, Senior Planner.

CALL TO ORDER

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

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the October 7, 2019 meeting as presented. The motion was seconded by Mr. Goetz and unanimously approved.

OLD BUSINESS

Recommendation - WS-19-003 – City of Hagerstown

Mr. Goodrich presented for recommendation a proposed text amendment to the Washington County Water and Sewerage Plan submitted by the City of Hagerstown. He reminded Commission members that a public information meeting was held on October 5th for the proposed amendment. Mr. Goodrich distributed copies of the proposed text amendment with Staff's recommendations for a few minor changes. He briefly reviewed the proposed changes which would serve to further clarify certain language and definitions.

Motion and Vote: Mr. Bowen made a motion to recommend to the Board of County Commissioners approval of the proposed text including the recommended changes made by staff. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

-NEW BUSINESS

MODIFICATIONS

Lot 5 – Valley Mall – Golden Corral [OM-19-006] and Lot 1 – Valley Mall – Olive Garden [OM-19-007]

Ms. Kelly presented for review and approval two modification requests for Lots 1 and 5 at the Valley Mall. Two preliminary/final plats have been submitted to the Department of Plan Review & Permitting, one for Golden Corral and one for Olive Garden. The request is for shared parking for these two establishments because when subdividing these parcels, a portion of the parking for each site will remain on the Valley Mall parcel. Therefore, these two sites would not meet the parking requirements set forth in the Zoning Ordinance.

There will be 97 parking spaces on the Golden Corral site with 61 parking spaces on the adjacent parcel. The parking for Olive Garden, with the exception of a few spaces in the front and to the side of the building will be provided on the remaining lands of the Valley Mall.

Discussion and Comments: Mr. Steve Cvijanovich of Fox & Associates, Inc. and Ms. Julie Rohm of the Valley Mall were present at the meeting. Mr. Cvijanovich stated that the Golden Corral site plan was approved in July 2008. At that time, the site plan did not propose a subdivision; Golden Corral was built on an outparcel of the Valley Mall. The Valley Mall is now proposing to subdivide a 1.67 acre lot for Golden Corral. The purpose of the subdivision is to create a separate lot of record that could be offered for sale to net lease investors. The proposed acreage would include 97 of the 158 required parking spaces. The balance of needed parking spaces (61) would be provided for on the adjacent main mall lands. A Declaration of Easement for Shared Access and Parking would be recorded in the Washington County Land Records for both the Golden Corral and Olive Garden.

Mr. Kline expressed his concern about the shared parking agreement due to a similar agreement that was approved for the Noodles and Starbucks businesses. He noted that when the site plan for those businesses was approved, there were discussions about shared parking and walking across Valley Mall Road. The site plan originally showed a fence in the island of Valley Mall Road and a crosswalk for pedestrians. At that time, the Valley Mall requested the use of a hedge instead of a fence to stop people from crossing except at the crosswalk. Mr. Kline noted that the hedge is too low to stop people from crossing. He believes the Valley Mall did not meet the requirements set forth in the approval. Ms. Rohm stated that the plants were the size required by the site plan; however, they have not grown as expected. Mr. Kline recommended that the Valley Mall should correct this issue by installing a fence or planting larger vegetation for a hedge. Mr. Cvijanovich explained that an overall parking analysis was done and there are more parking spaces for the entire Valley Mall than are currently needed. He noted that the developer will be seeking a variance from the Board of Zoning Appeals because the 5.0 per thousand of gross leasable area is an antiquated regulation.

There was a brief discussion about the shared parking easement staying with the properties if they are sold. Mr. Cvijanovich stated the easement would stay with the parcels.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request for Lot 5 – Golden Corral contingent upon the easement remaining with the land and recorded in the land records of Washington County. The motion was seconded by Mr. Goetz and unanimously approved.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request for Lot 1 – Olive Garden contingent upon the easement remaining with the land and recorded in the land records of Washington County. The motion was seconded by Mr. Bowen and unanimously approved.

Mr. Wiley requested that the Valley Mall address the issue of the hedge from the Noodles/Starbucks parcel to the shared parking lot across Valley Mall Road due to safety concerns.

SITE PLANS

Holcim Solar Plant [SP-19-030]

Ms. Kelly presented for review and approval a site plan for a proposed solar energy generating system on 70 acres located along the north side of Jefferson Boulevard near Security Road. The property is currently

zoned AR (Agricultural, Rural) with an IM (Industrial Mineral) floating zone. The developer is proposing to construct a system that will include arrays of panels approximately 10 feet in height arranged in rows 5 to 15 feet apart. The total number of modules is 35,775. Each array will be enclosed by a 6 foot fence. The system will be screened with vegetation along the borders that are adjacent to residences. The system will be unmanned and remotely monitored. Access to the site is by way of private lanes on Holcim property. A special exception was approved by the Board of Zoning Appeals on October 6, 2017 to allow for the placement of this solar plant. The total area of forest to be retained is above the breakeven point and therefore no mitigation is required. All agency approvals have been received with the exception of the Soil Conservation District.

Discussion and Comments: Commissioner Wagner noted that the plant will service Holcim only. Mr. Justin Ficka, representing the owner of the solar project, stated the energy generated will be sold to the cement plant to offset their energy usage under a 20 year contract. The system will have the ability to tie into the grid; therefore, if the cement plant would ever close for any reason, the power could be exported to the grid.

There was a brief discussion regarding the lines to collect the energy. Mr. Todd Dodson, consultant, stated that everything within the solar array will be below ground. Overhead lines will be used across the Antietam Creek in order to stay out of the floodplain. Lines will go underground at the CSX rail spur and the physical tie-in with Potomac Edison will be above ground on Holcim property.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to give final approval pending receipt of approval from all reviewing agencies. The motion was seconded by Commissioner Wagner and unanimously approved.

FOREST CONSERVATION

Ms. Baker reminded Commission members that during the October 7th meeting the Commission was notified of new legislation [Senate Bill 234] which states that any County that administers a Forest Conservation Ordinance must submit to DNR a detailed accounting procedure of its payment-in-lieu (PIL) of funds. At that time it was noted that the County has approximately \$500,000 in its PIL account. She introduced Mr. Elmer Weibley of the Washington County Soil Conservation District.

Mr. Weibley briefly described several sites that were being considered for a Forest Conservation Easement. These sites were evaluated and scored using a newly adopted ranking system; a written summary was provided to the Commission. There were six properties to be considered; Mr. Weibley recommended four of those properties to be approved for an easement as follows: William and Heidi Bumpers, 17.7 acres; James Osen and Ann Aldrich, 22.5 acres; CR Semler LLC, 50.8 acres; and Gary and Brenda Beachley (Shanktown Road) 30.7 acres.

Motion and Vote: Mr. Goetz made a motion to recommend to the Board of County Commissioners approval of the four properties as described by Mr. Weibley for a Forest Conservation Easement. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway distributed a written report to Commission members and presented a summary as follows: Land Development Approvals – 3 preliminary plats; 8 county storm water management concept plans, 7 inspection and maintenance agreements; 7 standard grading plans; 5 storm water standard plans; and 2 redline revisions.

Proposed Text Amendment Discussion

Mr. Holloway stated that currently AirBnB type lodging is not a permitted use in the County. He noted that the AirBnb is for temporary, short-term lodging in a residential structure. He reviewed the terms and definitions that are needed and the zoning districts where these types of uses would be permitted or where a special exception would be needed. Mr. Holloway also explained the next steps needed to proceed with a text amendment.

Discussion and Comments: There was a brief discussion regarding taxes and regulations in other jurisdictions. Commission members expressed their opinions that this type of use should not be over regulated. Ms. Baker noted that the amendment may address some noise concerns and parking issues.

-ADJOURNMENT

Mr. Kline made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded by Mr. Goetz and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, December 2, 2019, 7:00 p.m., Washington County Planning Commission public information meeting and regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

Clint Wiley, Chairman