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**BOARD OF COUNTY COMMISSIONERS**  
**October 24, 2017**  
**Agenda**

- 09:30 A.M. INVOCATION AND PLEDGE OF ALLEGIANCE  
CALL TO ORDER, *President Terry L. Baker*  
APPROVAL OF MINUTES – October 17, 2017
- 09:35 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 09:40 A.M. REPORTS FROM COUNTY STAFF
- 09:45 A.M. CITIZENS PARTICIPATION
- 09:50 A.M. FOURTH QUARTER (FINAL) ADJUSTMENTS TO WASHINGTON COUNTY BOARD OF EDUCATION'S FY2017 GENERAL FUND BUDGET – *Jeffrey Proulx, Chief Operating Officer and David Brandenburg, Executive Director of Finance, Washington County Public Schools*
- 10:15 A.M. CONTRACT AWARD (PUR-1363): BOND COUNSEL SERVICES – *Rick Curry, CPPO, Purchasing Director and Sara Greaves, Deputy Director – Division of Budget and Finance*
- 10:20 A.M. POTENTIAL LEGISLATIVE ITEMS – *Kirk Downey, Deputy County Attorney*
- 10:25 A.M. CITIZEN COMMENT REVIEW AND EXPRESS APPROVAL – SMITHSBURG ANNEXATION OF CLOVERLY HILL LLC – *Stephen Goodrich, Director, Department of Planning and Zoning*
- 10:30 A.M. VACANCIES AND ORGANIZATION – *Rob Slocum, County Administrator and Stephanie Stone, Director, Health and Human Resources*
- 10:40 A.M. PARKS AND FACILITIES DIRECTOR – *Robert Slocum, County Administrator and Stephanie Stone, Director, Health and Human Resources*
- 10:50 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; and to consult with counsel to obtain legal advice on a legal matter.*)

EVENING MEETING AT THE MAUGANSVILLE RURITAN

*Location: 18007 Maugans Avenue, Hagerstown, MD*

- 07:00 P.M. INVOCATION AND PLEDGE OF ALLEGIANCE  
CALL TO ORDER, *President Terry L. Baker*
- 07:05 P.M. COMMISSIONERS' REPORTS AND COMMENTS
- 07:10 P.M. TOWN OF MAUGANSVILLE LEADERS' REPORTS AND COMMENTS
- 07:20 P.M. REPORTS FROM COUNTY STAFF
- 07:25 P.M. CITIZENS PARTICIPATION



## Agenda Report Form

### Open Session Item

**SUBJECT:** Fourth Quarter (Final) Adjustments to Washington County Board of Education's FY2017 General Fund Budget

**PRESENTATION DATE:** October 24, 2017

**PRESENTATION BY:** Jeffrey Proulx, Chief Operating Officer, Washington County Public Schools  
David Brandenburg, Executive Director of Finance, Washington County Public Schools

**RECOMMENDED MOTION:** Move to approve the requested fourth quarter adjustments to the Board of Education's FY2017 General Fund Budget.

**REPORT-IN-BRIEF:** The Annotated Code of Maryland requires local school systems to periodically re-forecast their financial needs and make necessary changes to their budget. At year-end, this process serves to align the budget with actual performance, as the Maryland State Department of Education regulations require that no category may be overspent or under-spent after final adjustments.

**DISCUSSION:** The requested budget adjustments for the fourth quarter of FY2017 are attached. The major requests for adjustments relate to social security and pension savings from vacancies and health insurance tax savings (Fixed Charges), reduced spending in technology, utilities, and custodial overtime (Operation of Plant), and a variety of Special Education costs that came in lower than the previously increased budgets.

As several of the requested adjustments cross major categories, the County Commissioners must approve these adjustments. The proposed changes are necessary to properly categorize the Board's FY2017 budget and finalize the closeout of FY2017. These requested changes yield an increase to the fund balance of \$1,849,975 in the fourth quarter, and \$2.303M for the full-year.

**FISCAL IMPACT:** There is a full-year change of \$2,303,155, (approximately 0.88%) with a corresponding increase in the Board of Education's general fund balance as a result of FY2017 operations.

**CONCURRENCES:** The Board of Education's Finance Committee reviewed these adjustments at their meeting on September 26, 2017 and recommended them for approval by the full Board. The Board of Education approved these changes at their October 3, 2017 meeting.

**ALTERNATIVES:** None

### ATTACHMENTS:

1. Proposed fourth quarter budget adjustments for the Washington County Board of Education's FY2017 General Fund Operating Budget, and
2. A quarter-by-quarter schedule of FY2017 adjustments by category.

**AUDIO/VISUAL NEEDS:** None

## Washington County Public Schools Requested Fourth Quarter FY2017 Budget Adjustments

Line	Category	Increase/ (Decrease)	The primary reason for the requested change is:
1	Revenue	\$149,739	Nonpublic reimbursements from State, grants for quality teachers from State and risk management from MABE
2	Administration	(72,835)	Savings in contracted services and supplies
3	Mid-Level Administration	(70,500)	School communications and technology services lower than expected
4	Instructional Salaries	(15,711)	Substitutes lower
5	Instructional Textbooks & Supplies	118,918	Replacement iPads purchased for outdated ones
6	Other Instructional Costs	38,304	Staff development increased, partially offset by contracted services adjustment
7	Special Education	(351,377)	Savings in travel, materials, substitutes and salaries
8	Student Personnel Services	15,200	Social workers salaries higher
9	Student Health Services	(87,483)	Adjustment of prior year service contracts
10	Student Transportation Services	(274,806)	Field trip reimbursements higher, fuel tax refunds due to law change, vacancies due to bus driver shortage
11	Operation of Plant	(463,294)	Savings in technology, utilities lower due to mild weather, lower overtime
12	Maintenance of Plant	475,721	Additional maintenance projects, including Boonsboro ES HVAC
13	Capital Outlay	(1,245)	Savings in travel, dues, and wages
14	Food Service	(7,636)	Outdoor school meals less than estimated
15	Fixed Charges	(1,003,492)	Social security and pension savings from vacancies and health insurance tax savings.
16	Net Change in Fund Balance	\$1,849,975	

Note: An increase in the revenue budget has the same effect as a decrease in the expense budget. (They are both positive.) Therefore, when adding the column, one must reverse the sign on the requested change in revenue.

Washington County Public Schools  
Summary of FY2017 Budget Adjustments by Quarter

Category	Increase/(Decrease)				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year
Revenue	(\$389,617)	\$0	\$48,000	\$149,739	(\$191,878)
Administration	137,530	0	(482,732)	(72,835)	(\$418,037)
Mid-Level Administration	0	(553,390)	0	(70,500)	(\$623,890)
Instructional Salaries	24,180	(298,470)	(994,074)	(15,711)	(\$1,284,075)
Instructional Textbooks and Supplies	86,850	0	(347,365)	118,918	(\$141,597)
Other Instructional Costs	(20,000)	200,000	342,851	38,304	\$561,155
Special Education	0	250,000	400,000	(351,377)	\$298,623
Student Personnel Services	0	0	(18,295)	15,200	(\$3,095)
Student Health Services	0	(109,390)	(64,120)	(87,483)	(\$260,993)
Student Transportation Services	(82,552)	(200,000)	(150,642)	(274,806)	(\$708,000)
Operation of Plant	0	(480,870)	(190,000)	(463,294)	(\$1,134,164)
Maintenance of Plant	62,000	695,575	1,802,837	475,721	\$3,036,133
Capital Outlay	(597,625)	(5,285)	25,040	(1,245)	(\$579,115)
Food Service	0	0	0	(7,636)	(\$7,636)
Fixed Charges	0	501,830	(728,680)	(1,003,492)	(1,230,342)
Undesignated Fund Balance Change	\$0	\$0	\$453,180	\$1,849,975	\$2,303,155

Note: An increase in the revenue budget has the same effect as a decrease in the expense budget. They are both positive. Therefore, when adding the column, one must reverse the sign on the requested change in revenue.



Agenda Report Form

Open Session Item

**SUBJECT:** Contract Award (PUR-1363) - Bond Counsel Services

**PRESENTATION DATE:** October 24, 2017

**PRESENTATION BY:** Rick Curry, CPPO – Purchasing Director and Sara Greaves – Deputy Director of Budget and Finance

**RECOMMENDED MOTION:** Move to award the contract for Bond Counsel Services as related to bond issues and for all other work.

**REPORT-IN-BRIEF:** Attached is an excerpt from the Request for Proposal (RFP) document of the “Scope of Services” to be rendered under this contract. The RFP was advertised locally in the newspaper and on the County’s web site, as well as on the State’s “eMaryland Marketplace” web site. Fifteen (15) persons/companies registered/downloaded the bid document on-line. The following persons served as members on the Coordinating Committee: County Administrator (Chairperson), Deputy Director of Budget & Finance, Senior Accountant, County Attorney, and Director of Purchasing.

Four (4) firms were represented at the pre-proposal conference. Three (3) proposals were received for the subject services. The Qualifications & Experience/Technical Proposals of the three (3) firms were considered to be responsive by the Committee and their Price Proposal was opened for evaluation as shown on the attached Fee Schedule.

The initial term of this contract is anticipated to be for a one (1) year period tentatively commencing November 1, 2017 and ending October 31, 2018, with an option by the County to renew for up to four (4) consecutive one (1) year periods thereafter, based on the annual lump sum fees proposed by the successful firm. For your easy reference, the pricing under the present contract with Funk & Bolton, P.A. is shown on the attached Fee Schedule.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Capital Improvement Plan (CIP) – Bond Issuance Cost, Account No. 30-10500-ADM001 and other operating accounts will be utilized to cover costs if needed.

**CONCURRENCES:** As recommended by the Coordinating Committee that included the County Administrator

**ALTERNATIVES:** N/A

**ATTACHMENTS:** (1) Fee Schedule and (2) Scope of Services from the RFP document.

**AUDIO/VISUAL NEEDS:** N/A

## PUR-1363 BOND COUNSEL

### II. SCOPE OF SERVICES:

All firms responding to this proposal shall demonstrate the capabilities and experience to conduct the following scope of services if requested:

- A. Assist in the planning of the financing and structuring of the debt issue.
- B. Review the transcripts of proceedings taken to date to authorize the debt and determine whether there is legal authority to issue debt.
- C. Assist with the bond sale proceedings, including preparation of documents necessary or appropriate for the authorization, issuance, sale, and delivery of the bonds or other debt.
- D. Prepare the appropriate resolutions authorizing the issuance of the debt and determine if the debt was legally sold or placed.
- E. Assist in various aspects of preparing the official statements or other disclosure documents to be disseminated in connection with the issuance of debt.
- F. Obtain from governmental authorities such approvals, rulings, permissions, and exemptions as bond counsel determines are necessary or appropriate with respect to the issue.
- G. Render legal opinions approving the validity of the debt. In this capacity, bond counsel shall inform the County through the approving opinion of the nature of the security for the debt; the legality, validity and tax-exempt status of the securities; and the legality and validity of the requisite documentation and procedures.
- H. Render legal opinions on such related matters as:
  - 1. the applicability of particular provisions of federal and state securities laws;
  - 2. the applicability of tax law provisions governing estate and gift taxation;
  - 3. the eligibility of the debt for investment by various fiduciaries and other regulated investors;
  - 4. the status of the debt and related obligations under laws relating to creditors' rights; and
  - 5. the validity and enforceability of security agreements, indentures, and other documents related to the debt and its security.

- I. Assist in preparing information for submission to rating agencies and bond insurers.
- J. Assist in other specified activities related to debt such as special taxing districts and tax increment financing.
- K. Advise the County on legal considerations relating to financing alternatives within the context of statutory and constitutional constraints.
- L. Answer questions about the debt by prospective purchaser in the secondary market or by public officials.
- M. Answer questions about the application of “arbitrage” and other federal tax regulations, the County’s obligations contained in covenants securing outstanding debt, the investment and expenditure of proceeds, and the collection, investment and application of funds used to pay debt.
- N. Attend various conferences and meetings, including public hearings and meetings of the Board of County Commissioners for the reception of bids and adoption of awarding resolutions.
- O. Perform all other requested legal services necessary and appropriate to the completion of County transactions concerning debt and reviewing related responsibilities.



Agenda Report Form

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Open Session Item

**SUBJECT:** Potential Legislative Items

**PRESENTATION DATE:** October 24, 2017

**PRESENTATION BY:** Kirk C. Downey, Deputy County Attorney

**RECOMMENDED MOTION:** N/A. Discussion only.

**REPORT-IN-BRIEF:** This is a preliminary discussion about potential issues the County may like to see addressed during the next session of the General Assembly.

**DISCUSSION:** The following have been identified from county staff as being items of potential interest:

1. Bond borrowing authorization; and
2. Disabled Veterans Tax Credit.

**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:** Citizen Comment review and Express Approval – Smithsburg Annexation of Cloverly Hill LLC

**PRESENTATION DATE:** October 24, 2017

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

**RECOMMENDED MOTION:** Following review, questions and answers, Move to grant/not grant express approval to the Town of Smithsburg to allow development on the annexed Cloverly Hill LLC property in conformance with the Town Residential and General Commercial zoning district in the acreage amounts and densities proposed which may be substantially different than the uses and densities that would be allowed under the current County zoning districts of Residential Transition and Business Local.

**REPORT-IN-BRIEF:** On September 26, 2017 Commissioners heard a presentation about a proposal by Cloverly Hill LLC for annexation into the Town of Smithsburg. In the annexation process County government is afforded the opportunity to grant express approval to the Municipal government to apply zoning which can result in substantially different land uses on the annexed land than uses that would be permitted under County zoning. The County Commissioners delayed action on the proposal until it could receive and evaluate additional information and citizen feedback. The Mayor and Council of Smithsburg were also interested in conferring on the annexation application. A portion of the County Commissioners October 10, 2017 meeting was conducted in the evening in the Town of Smithsburg. With the Mayor and Council present, Commissioners included a Citizen Participation session during that meeting. Citizen comment received that evening was exclusively directed to the Cloverly Hill annexation.

Following the meeting, Planning and Zoning staff prepared and includes herein a summary of citizen questions and concerns accompanied by information to address them. The opportunity for discussion and action on express approval remains. The information provided may help to clarify a position on the annexation and lead to action.

**DISCUSSION:** As a refresher and for consistency, all of the information provided for the initial annexation discussion from the September 26, 2017 meeting is enclosed.

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.”*

**FISCAL IMPACT:** No cost to Washington County

**CONCURRENCES:** N/A

**ALTERNATIVES:**

**ATTACHMENTS:** Questions and Concerns Raised During Citizen Participation  
Agenda Report Form and attachments from September 26, 2017  
meeting

**AUDIO/VISUAL NEEDS:** N/A

QUESTIONS AND CONCERNS RAISED DURING CITIZEN PARTICIPATION  
COUNTY COMMISSIONERS MEETING  
SMITHSBURG, MD  
TUESDAY, OCTOBER 10, 2017

QUESTIONS AS THEY WERE PRESENTED DURING CITIZEN PARTICIPATION

**Where is all the money coming from?** - Property owner/developer Cloverly Hill LLC will pay for all activities necessary to construct the development as well as any additional costs to upgrade public infrastructure if improvements are determined necessary through analysis in the development review process. In addition, many fees will be paid to government agencies that review and approve plans to offset the cost of the agency's review before the development will start construction.

**Will the taxpayers get stuck?** - Hard to know what the questioner means by "stuck". Developers typically do extensive research to determine if their product is needed at the chosen location. Developers don't normally proceed with projects without knowing that they have the financial resources to insure the development plan will come to fruition and be profitable and therefore continue it through to the end. The development review, approval and construction permitting process has many protections in the form of legal agreements and sureties (bonds, letters of credit, etc) to insure that if the developer does not follow through there will be financial resources to finish or correct the situation. On rare occasions developers do abandon unfinished projects. They are usually purchased by a new developer and finished. Projects abandoned in mid-construction will have sureties in place that can be claimed and used to resolve immediate concerns. I know of no development project in Washington County that required County funds to complete because the developer didn't complete it.

**What's it going to cost the people in Smithsburg?** - In terms of actual dollars from current Smithsburg residents there should be no cost, the developer will pay all costs to construct the development.

**How will it benefit Smithsburg?** - Whether it's annexed into the Town or not, residents of the development will likely patronize businesses in the community for food, gas, residential services and support community organizations. If it is annexed the property owners will pay property taxes and various utility charges that will increase the revenue to the Town and service providers. These revenues support the continued operation and maintenance of the service and may provide additional revenue for enhanced amenities in the community such as parks.

**How to make it work (make it happen without the negative aspects)?** - Civil participation in an open process is the key to making citizen concerns known and development of solutions for those issues. Participation often reveals unknown concerns that developers are often willing to address on their own. There are multiple reviews that have a public meeting requirement attached to them such as the annexation hearing(s), the County open meeting where express approval is discussed and Planning Commission multiple plan reviews and approvals.

**Will I have to hook up to sewer?** (The developer will make a profit but it costs me) - Multiple factors contribute to answering this question and various combinations can lead to a yes, no or maybe. The

factors include the service provider (Washington County owns and operates the treatment plant and Smithsburg owns the collection system), the location and capacity of the new sewer lines, the distance to the unserved property, the condition of the existing septic system, the service provider's adopted regulations and policies and others. By State law on-site septic systems are considered temporary and all new lots created since at least 1980 have been approved with the condition for connection to a public sewer system if it becomes "available". The County code and Sewer Service policy do require connections under certain conditions and the policy specifies a distance of 350 feet as the threshold when connection is required. The type of line that becomes available has a bearing on required connection. For example, if it is a "force main" that is constructed, service laterals cannot be connected.

**How many people will it take to sign a petition to stop this?** - There is no known or predetermined number of signatures on an opposition petition that would be needed to convince the Mayor and Council to vote down the annexation. There are so many more factors that are considered to determine each council members vote and how that would affect the collective vote. However, there is a defined process in Maryland annexation law that creates the opportunity for citizens or the governing body of the County to bring the annexation decision to a referendum (vote of town residents and voters in the annexed area). Within 45 days after enactment of the annexation resolution by the Town, at least 20% of the qualified voters in the Town or 20% of the registered voters in the area to be annexed may petition the Mayor for a referendum on the annexation resolution. By a two thirds majority vote, the governing body of the County may also petition the Mayor of the Town for a referendum on the annexation resolution. There are specific requirements in Maryland's Local Government Article in the Annotated Code about advertising and conducting a referendum. A majority of the votes must be in favor of the annexation for it to be enacted. The annexation resolution becomes void unless a majority of the votes are in favor. If County government petitions for a referendum, eligible voters would be the residents/property owners in the annexed area. Since the developer is the sole property owner of the area to be annexed a County initiated request for referendum may not be an effective method to resolve the question. This may need further legal evaluation (Local Government Article of the Maryland Annotated Code, Subtitle 4-400).

**What is County's vision for Smithsburg area?** - On a micro scale, the zoning on a property, applied by the Town or the County, defines the uses that the Town or the County determines are appropriate (or not appropriate) for that location. The zoning will implement the jurisdictions plan for the overall arrangement of land uses.

Most of the property has a County zoning designation of Residential Transition (RT) which means the County would allow and desires to have one and two family residential development and a few other compatible uses (day care, schools, churches and civic uses). A little over an acre has County Business Local (BL) zoning which allows local or small scale businesses and services, neighborhood shopping centers, funeral establishments and several senior care alternatives. If the annexation occurred according to the application, the Town of Smithsburg would apply its Town Residential (TR) zoning to approximately 40 acres of the site. The Town Residential zoning would allow a similar mixture of single and two family dwellings but the density (permitted # of units per acre) would be greater. TR also allows elementary and middle schools and cemeteries but churches are a special exception.

Approximately 25 acres would receive the Town's General Commercial (GC) zoning district which allows many of the same commercial uses allowed in the County designation but also allows additional uses of a more intense commercial nature (for example indoor recreation facilities, building material sales, hotels and motels or a shopping mall).

On a greater scale, Washington County and the Town of Smithsburg have worked cooperatively since the early 1980's to establish and maintain a Town Growth Area, a major component of the County's growth management plan. It is an effective and often used strategy of defining an area where development supporting infrastructure is available or can be efficiently extended and adopting regulation or policy to further encourage most new development to locate in that area. Within the growth area, land use laws (most often zoning and water and sewer availability) are designed to encourage most new development to locate in the growth area and additional design guidelines to produce a desirable living environment. More recently, municipalities have been required by State laws to incorporate future annexation boundaries in their Comprehensive Plans to better plan for providing utility extensions in relation to capacities. When the County is the decision maker on land use matters, the vision or intention is to permit or encourage development that will make the most efficient and safe use of available infrastructure and provide design guidelines that produce a desirable residential, commercial or employment product appropriate for the location in the Smithsburg community. Channeling development to locations where it can be supported by existing infrastructure takes development pressure off rural areas where the intent is to preserve and protect resources. The Town of Smithsburg (or any other town that is the focus of a growth area) plays a major role in the development that occurs in its growth area by participating in the process of setting the growth area boundary and County zoning within that area, coordinating its annexation boundary and its policies for annexation and providing services inside and outside of its corporate boundaries. In other words, the Town and County act as partners in a citizen inclusive process to make future land use decisions to create an environment that reflects citizen needs and benefits and consistency for the Town.

**What is plan for safety (unclear if its crime, traffic, etc)?** - Safety is built into most decisions in the development approval process. The annexation process is supposed to include consideration for the Town's ability to provide protective services for the annexed area or a plan to improve services in the future to meet that need. The Town is also considering if it can provide all of the other services needed by future Town residents and their development review processes all have safety components (Will the road be safe and convey traffic in an efficient and safe manner? Will the water be safe to drink and will the distribution system operate in a way that it will not present risks to users? Will it provide sufficient water pressure for fire protection? Will stormwater be managed safely so that it doesn't present unsafe conditions? Will structures in the development be arranged in such a manner that unsafe conditions are not created? etc., etc.). Another example is the requirement for traffic impact studies and consideration discussed below.

**We should have a say in what happens** - Any party that wishes to participate in the process whether it's the initial annexation or multiple development reviews has an opportunity to participate if they desire. However, participants should not expect that if they are opposed development that it will be denied on citizen input alone. Approvals are also a matter of meeting regulation and guidelines and overall effects

on the general health, safety and welfare of entire community. Annexation law has provisions for citizens opposed to petition for a referendum. Other development review processes also have appeal options.

**Will this happen for sure?** - Developers do not request annexation or prepare development plans without serious consideration and investment for a successful outcome. However, there isn't a guarantee because some factors are unpredictable such as the economy, market demand for a particular product or regulatory requirements that were not planned for. Odds are that the property will be developed soon or in the future regardless of annexation.

**Previously voted down, what has changed?** - Can't answer the question of what was in the minds of Smithsburg officials that caused them to vote the annexation proposal down in the past. The annexation process that the Town of Smithsburg is conducting now is a required response to a formal application. The results are unknown at this time. Ultimately the annexation request could be rejected again or approved.

**What will it do to my property values?** - This is impossible to answer definitively. If an annexation allowed an undesirable use (slaughterhouse for example) next to a single family subdivision, then it would be fairly certain that property values could be negatively affected. However, it could easily work in the opposite direction. If the annexation resulted in the construction of million dollar homes next to that same single family subdivision or created permanently protected park land or a school, it could raise the property values in the entire area. Neither the proposed Town zoning nor current County zoning allows a slaughterhouse on the property. Zoning can only limit dwellings by type but not by cost or value.

Even with an approved development plan for the site, property values are determined most often by what a willing buyer will pay and what a willing seller will accept. These values, called comparable sales, are most often what determine property value.

#### GENERALIZED ISSUES

***Effects on schools, Teacher/student ratio*** – As noted briefly during the meeting, the development proposal will be reviewed by school authorities on multiple occasions with an opportunity to communicate to the Town the effects of the additional students on schools. The Town has an Adequate Public Facilities Ordinance (APFO) and has the ability to deny the development proposal for over capacity issues. There is also the ability for the developer to negotiate contributions (monetary, land or other) to mitigate over capacity issues and gain approval. Development approvals can be phased to spread out the number of new students over time to lessen the effects, the BOE could redistrict or request use of additional tax revenue gained from additional property taxes that result from the new dwelling units to schedule capital improvements for the affected school. If the development occurred in the County which also has an APFO, all of the above options exist also. The County would also perform an “adequacy test” and could require an Alternate Monetary Contribution (AMC) to gain approval if the projected students cause an over capacity situation. The fees are earmarked for education improvements. The public school system has all of the authority and many options to make decisions

and adjustments within its organization's operations to address additional students from new development.

**Traffic concerns and specifically at school entrance** – Adequate Public Facilities Ordinances also address road adequacy and traffic concerns. Again, the development plan, in the Town or in the County, will be evaluated by all agencies that have jurisdiction over road construction, maintenance and access permits to determine the effects of the development. A detailed traffic impact study will be required. It will project the amount of traffic based on the actual development proposal, define portions of the road network that are likely to be affected, use sophisticated traffic analysis models to determine how the network will be affected, where it will be adequate to support the additional traffic, where it won't be adequate and specify improvements (that the developer pays for) that will be needed to resolve the inadequacies. The developer would have to agree to make those improvements or at least pay for them before approval is granted. These contributions are most often included in Developer Agreements that are binding legal documents and have back up provisions if developers default on the agreement.

**Loss of small town character/feel** - There may not be a way to address this concern if it comes from a strong objection to any new development. However, the Town of Smithsburg should be considering the effects of the annexation on its current citizens and will be assigning a Town zoning designation to the property that should have compatibility with existing development in the Town. These zoning districts are developed by the Town with Town citizen input and should reflect the design guidelines acceptable to them. The Town officials can also place certain design requirements on the annexed property that will improve the compatibility of the new development with existing development. Since the actual development proposal including the number of units and design intentions have not been presented it may be premature to assume that the character of the development will not enhance the existing Town character.

**Property tax break** – The possibility of a tax break was addressed by the developer's attorney during the meeting. The developer requested a waiver of Town property taxes for 10 years. It would become void if the period expires, the land is sold or the land is developed. The Town has the authority to approve the tax waiver, shorten the time frame, alter the conditions, add its own conditions or reject it completely. It is only a waiver of Town property taxes if approved, not County property taxes.

**Town doesn't need expansion** - This is a very subjective opinion and can't be addressed.

**Need more information** - This appears to have been addressed in three ways. The developer's attorney provided some explanations and verifications of truth, rumors and misinformation. Town officials indicated that they were inclined to hold additional information meetings. The developer offered to supply additional information as well. Any individual can view any of the information submitted with the annexation application at the Town Hall.

**Property values** - See property values question above

**Detracts from existing local business** – Additional business entities of the same kind currently located in and around the Town could experience competition from new businesses that may locate on the

annexed area. There will be substantially more commercial zoning on the property if it is annexed into the Town than if it retains its current County zoning. However, new businesses could also serve to generate additional customer traffic for existing business. Zoning law would not allow the Town to restrict certain business if they are permitted by the zoning district.

**Need reserve sewer capacity for other areas that will need to hook up in future to correct problem (Holiday Acres, etc.)** – Sewer treatment authorities indicated that capacity and hook ups are on a first come first served basis upon payment. Since treatment plant operations are supported by user fees, they are not in a financial position to not receive revenue while waiting for unknown future users.

**Town needs additional revenues** – Can't verify or deny if the Town needs additional revenue or if that is a factor in an annexation decision. A decision has not been made. Of course if Town services are to be provided to an expanded area the Town will need additional revenue to support that.

**Need to be able to participate** – This seems to be addressed by the additional information concern above and the better advertising of opportunity below.

**Better advertising of opportunity to participate** – This is a frequent concern by citizens that don't follow the notification methods required by annexation law or the additional methods chosen by the Town. The Town may or may not change or add to its notification methods in the future as a result of this concern. Many note their concern that they were not notified when they attend a meeting.

It is important to understand that the Town **must** initiate this annexation review process if an annexation application is submitted. Annexation is not guaranteed. After the required process is completed, the Town can certainly deny the application and not annex the property. Development on the property is still a possibility under County guidelines if the annexation is not approved.

**Next steps:**

Washington County – determine if Express Approval will be granted

Town of Smithsburg – The Town has conducted the required public hearing. It must decide if additional hearings are desired or needed. Then it must act on the application for annexation. If the action is favorable, it will be accompanied by a resolution spelling out the terms and conditions of the annexation such as the zoning to be assigned, property tax arrangements, etc.



## Agenda Report Form

### Open Session Item

**SUBJECT:** Express Approval – Smithsburg Annexation of Cloverly Hill LLC

**PRESENTATION DATE:** September 26, 2017

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

**RECOMMENDED MOTION:** Move to grant/not grant express approval to the Town of Smithsburg to allow development on the annexed Cloverly Hill LLC property in conformance with the Town Residential and General Commercial zoning district in the acreage amounts and densities proposed which may be substantially different than the uses and densities that would be allowed under the current County zoning districts of Residential Transition and Business Local.

**REPORT-IN-BRIEF:** Cloverly Hill, LLC has petitioned the Town of Smithsburg requesting annexation of 3 parcels of land it owns, approximately 65.5 acres. The properties proposed for annexation are located in the northeast quadrant of the intersection of MD Rt. 64 and MD Rt. 77. The Smithsburg Mayor and Council's Resolution to effect the annexation states that the Town will assign the Town Residential (TR) and General Commercial (GC) zoning districts to the property upon annexation. The property currently has County zoning designations of Residential Transition (RT) and Business Local (BL). The permitted uses in Smithsburg's Town Residential district are virtually the same as the County's Residential Transition district (single family, two family and semi-detached units) but the permitted densities are between 11 and 50 % higher in the Town. There are 61+ acres of County Residential Transition zoning while there would be 35+ acres of Town Residential zoning. The difference in the number of units that could be built is between 11% and 34% less in the Town than in the County because the acreage for residential development in the Town would be less.

The permitted uses in the County BL district are generally of a local retail sales and service nature or uses that would be appropriate in neighborhoods. The Smithsburg General Commercial (GC) district also allows those uses but is also more permissive and allows uses that would not be permitted in the County BL district. If the annexation is approved by the Town of Smithsburg there would be 25.7 acres of General Commercial zoning. There is currently only 1.05 acres of County Business Local zoning. The substantial difference between development under Town zoning and County zoning comes from 24.65 more acres of Smithsburg General Commercial zoning that allows several uses that are not permitted in the County Business Local district. Those 24.65 more acres of commercial zoning would be on land where commercial development would not be permitted in the County. 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.”*

**FISCAL IMPACT:** No cost to Washington County

**CONCURRENCES:** N/A

**ALTERNATIVES:**

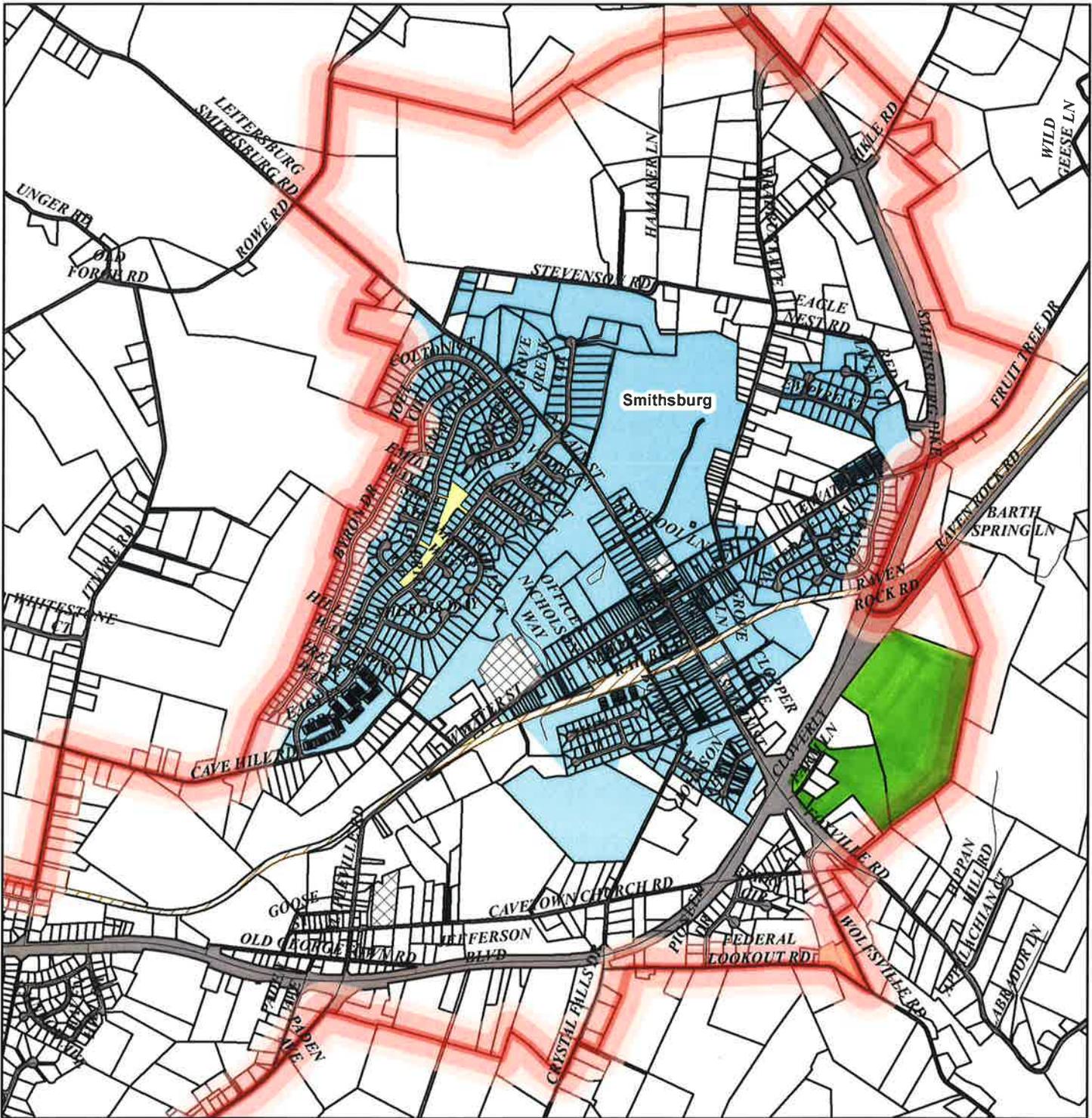
**ATTACHMENTS:** Location Map  
Smithsburg Annexation Plan A2017-01, Cloverly Hill LLC and related documents  
Comparison charts of Town and County zoning  
List of Smithsburg General Commercial zoning permitted uses

**AUDIO/VISUAL NEEDS:** N/A

# LOCATION MAP

## Smithsburg Annexation

### Cloverly Hill LLC



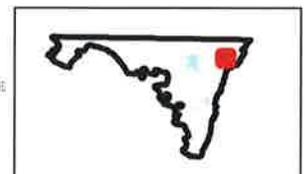
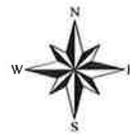
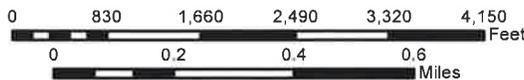
**Legend**

- Growth Area Boundaries
- Account Unknown
- Exempt Property
- Open Space
- Tax Parcel
- Railroad
- Road
- Town Boundaries

= SITE

WARNING! This map is for internal use by the Washington County Planning Department. It is not for general distribution to the public, and should not be scaled or copied. Sources of the data contained herein are from various public agencies which may have use restrictions and disclaimers.

The parcel lines shown on this map are derived from a variety of sources which have their own accuracy standards. The parcel lines are approximate and for informational purposes ONLY. They are not guaranteed by Washington County Maryland or the Maryland Department of Assessments and Taxation to be free of errors including errors of omission, commission, positional accuracy or any attributes associated with real property. They shall not be copied, reproduced or scaled in any way without the express prior written approval of Washington County Maryland Planning and Zoning Department. This data DOES NOT replace an accurate survey by a licensed professional and information shall be verified using the relevant deeds, plats and other recorded legal documents by the user.



Annexation Plan  
Town of Smithsburg, Maryland  
Annexation No.: A2017-01

Property Owner: Cloverly Hill LLC  
Location: S/E Corner of Smithsburg Pike (MD 64) and Wolfsville Road (MD 77)  
Zoning Map/Parcel: Map 40; Parcels 29, 120,262, portion of SHA R/W  
Acres: 65.5 acres  
Existing Zoning: Business Local (BL)/Residential, Transition (RT)  
Proposed Zoning: General Commercial (GC)/ Town Residential (TR)

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.

**Land Use Patterns of the Areas to be Annexed**

The resolution submitted to the Town of Smithsburg consists of 3 parcels of land that total approximately 65.5 acres of land located in the southeast corner of the intersection of Smithsburg Pike (MD Route 64) and Wolfsville Road (MD Route 77).

The applicant has requested that the properties be zoned a mixture of GC (25.7 ac) and TR (39.8 ac). The GC area is proposed to be split into two areas; one located at the corner of MD 64 and MD 77 (approx. 6.5 ac.) and one further east (19.2 ac) near the intersection of MD 64 and MD 491 (Raven Rock Road).

The proposed annexation area is located within a designated Growth Area boundary in both the County and Town of Smithsburg Comprehensive Plans. Furthermore, the area is located within a designated annexation area established in Municipal Growth Element of the Town of Smithsburg Comprehensive Plan. Parcel 120 and a small portion of Parcel 29 are located within a designated Priority Funding Area.

*Consistency with the County Zoning*

The purpose of the General Commercial District is to “provide for commercial uses mainly for retail sales and services, and related activities. The purpose of the Town Residential District is to “provide for somewhat higher densities than the suburban residential development, where future development of this type can safely proceed. The Town Residential District is intended to recognize existing Town development and its logical extension; it accommodates a variety of residential uses, plus limited ‘convenience’ retail commercial uses desirable to serve only residential areas.”

The General Commercial zoning district is generally consistent with the Business General District of the County. Likewise, the Town Residential district is generally consistent with the Residential, Transition zoning District of the County. While the purpose of the districts between the Town and the County are

similar, the location of the areas are not completely consistent. The non-conforming area is located along the north eastern edge of the property near the intersection of MD 64 and MD 491. There is an area of approximately 19.2 ac that the applicant is requesting GC zoning that is currently zoned RT in the County. This will likely require a request to the Board of County Commissioners of Washington County to grant "express approval" of this request.

**Schedule and Method of Financing the Extension of Each Municipal Service Currently Performed within the Town of Smithsburg into the Area Proposed to be Annexed**

**Wastewater Services:** The proposed annexation currently has no existing wastewater service. According to the 2009 Water and Sewerage Plan a portion of the property is located within an S-5; Long Term Planned Service area while the majority of the area is located within an S-7; No Planned Service Area. While this appears to be inconsistent with the adopted Water and Sewerage Plan it should be noted that the portion of the property located within the S-7 wastewater designation was included within a recent amendment to the Washington County Comprehensive Plan. It is anticipated that during the next update of the Water and Sewerage Plan this area will be re-designated. If development on this parcel occurs prior to the Plan update then a Plan amendment will need to be initiated by the developer.

At such time development would occur it would be the responsibility of the developer to extend the necessary infrastructure to provide adequate service. The infrastructure will be turned over to the Town of Smithsburg. Treatment of wastewater from this area would be handled by the Smithsburg Wastewater Treatment Facility owned and maintained by Washington County. While there is currently capacity available in the treatment plant for this property, allocation is provided on a first come, first served basis and is not guaranteed. Should allocation not be available at the time of development then growth will not occur until such time upgrades have been made at the treatment facility.

**Water Services:** A portion of the proposed annexation has existing water service provided by the Town of Smithsburg. There is an existing water line along Cloverly Lane that services the existing homes in that area. Another small portion of the annexation area is located within a W-5; Long Term Planned Service Area. The remainder of the area is located within a W-7; No Planned Service Area. This inconsistency is also results from the same Comprehensive Plan amendment process completed by the County recently (see Wastewater Service).

At such time development would occur it would be the responsibility of the developer to extend the necessary infrastructure to provide adequate service. The infrastructure will be turned over to the Town of Smithsburg. The Town purchases its water from the City of Hagerstown. As growth occurs, the Town has an agreement with the City to increase its allocation as needed therefore there will be adequate capacity available for this property. The proposed annexation area is included in the Town of Smithsburg Municipal Growth Element and is also included within the City of Hagerstown Water Resources Element.

**Schools:** The proposed annexation area is located within the Smithsburg Elementary, Middle, and High School attendance areas set by the Washington County Board of Education. The Town of Smithsburg does have an adopted Adequate Public Facilities Ordinance (APFO) that mimics that of the County. The following table provides a simplistic snap shot of current school capacities. THIS CHART IS FOR ILLUSTRATIVE PURPOSES ONLY AND NOT MEANT TO DEPICT ACTUAL MITIGATION NEEDS BY THE DEVELOPER. As shown in the chart, there appears to be some capacity available at all levels of schools

in the system. The capacity of the school districts will be evaluated in more detail when definitive development plans are submitted. In accordance with the APFO the developer will be responsible to mitigate for capacity if there is a need determined.

School	State Capacity	Rated	APFO Capacity	Rated	Average Enrollment over last 4 quarters	Difference
Smithsburg Elementary	419		377		364	13
Smithsburg Middle	829		829		661	168
Smithsburg High	829		829		799	30

Source: These figures are based on May, 2017 figures provided by the Washington County Board of Education and Washington County Department of Planning and Zoning.

Roads: The area proposed for annexation fronts on two State owned and maintained roads (MD 64 and MD 77). Any internal roads constructed for access to the proposed annexation area will be required to be built by the developer in accordance with standards set by the Town of Smithsburg. After construction and performance periods the Town will take over ownership and maintenance of these local roads.

Emergency Services and Police Protection: Fire and Rescue services would be provided to the proposed annexation area by Smithsburg Emergency Medical Services Inc. (SEMS) and the Volunteer Fire Company of Smithsburg. Police service would be provided by the Town of Smithsburg Police Department. No significant impacts are expected on these services by the proposed annexation area.

Parks and Recreation: There are currently two parks located within the Town of Smithsburg; Veterans Park and Lions Club Community Park. It is not anticipated that park and recreation facilities will need to be expanded for the proposed annexation.

All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the Town of Smithsburg. 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 Town of Smithsburg, unless alternative arrangements are provided for the Annexation Resolution.

**Availability of Land Needed for Public Facilities**

As described in the previous section, many of the facilities are already existing with expansion needs to be handled by the developer. School capacity impacts will be handled through designated mitigation efforts in coordination with the County. Even if there are impacts it does not appear that area for a new school site would be prudent. Water and wastewater facilities are already in existence and seem to be adequate for the proposed annexation area. Emergency Services facilities are already existing and seem to be adequate for the annexation area as well. While the facilities are currently adequate, the Smithsburg Emergency Medical Services organization is seek area to expand. The developer has offered to provide an area for said relocation. This is not a condition of the annexation because it is not necessary but is a favorable asset to the proposed annexation area.



## Cloverly Hill, LLC

Daniel C. Cross, CCIM  
Cross & Company, LLC  
5301 Buckeystown Pike  
Frederick, MD 21704  
301-682-9015



03 October 2016

Randy Dick, Planning & Zoning Administrator  
Town of Smithsburg  
21 West Water Street  
Smithsburg, MD 21783  
Via e-mail: [rdick@townofsmithsburg.org](mailto:rdick@townofsmithsburg.org)

Dear Randy:

I look forward to meeting with the Planning Commission on 12 October 2016. Because Cloverly Hill, LLC is not now an actual applicant before the Town, I understand that this will be an "informal appearance," representing an opportunity for me, joined by Jason Divelbiss and Fred Frederick, to share our ideas and hear from the Commission what they, in turn, may wish. To that end, I invite you to please share this letter with the Planning Commission members in advance of the meeting.

I wish to create a new mixed-use neighborhood with a broad appeal across the demographic spectrum that makes up the fabric of American society today:

- Housing and whole-of-living experiences should be created for the young and the old, for the single person and families, for those at the start of the economic ladder of American opportunity and those who through hard work and success are comfortably in the middle; with a sharp eye upon development and construction expenses. My hope is not to be compelled into the creation of high-end homes.
- I seek to create a neighborhood village, where fellow citizens interact with each other directly from front porches, sidewalks, walking paths and community open space rather than automobiles. (Please see author Ross Chapin's *Pocket Neighborhoods*). A neighborhood village where young children attend day care and after-school programs in their neighborhood, rather than in some distant commercial center. A neighborhood village where the honored elderly of our society still participate and engage in the lives of their children and grandchildren, but have housing options appropriate to their mobility and health. (Please see author Charles Durrett's *Creating Cohousing and The Senior Cohousing Handbook*).
- I seek the opportunity to create houses, living spaces and at-home working spaces that embrace the changes occurring in multi-generational family life and interconnected employment. A "home" for working parents, their children (including "rebound" young

adult children in the midst of higher education or otherwise back at home), and grandparents. A home for all under one roof, or cottage roofs in very close proximity. But still a home where even the best of families don't have to have dinner for three generations and multiple people every night out of the same kitchen. However, we measure dwelling units and in turn houses today via the number of kitchens. This is a societal issue that I as a developer seek to engage you as policy makers.

- I seek to create open spaces that respect the topography of the ground and existing specimen trees, but that still remain usable via walking trails and athletic fields. I believe a child should walk to their afternoon soccer practice. I believe an adult should run and walk outdoors (perhaps with their dog) on a nature trail or sidewalk amongst the houses and green space of their neighborhood, rather than only at the health club.
- I believe that certain activities, and the buildings in which they occur, which we may now think of as a "commercial use", should instead take place intermingled with housing, specifically the care of the elderly across the full transitions of older age, the care and play of our youth, and those buildings that provide essential functions in our society but that are not commercial by nature (i.e., a new purpose-built headquarters for the Smithsburg Emergency Medical Service).
- I believe that other "commercial use" buildings should be part of this new community, but in an adjacent commercial center within walking distance of the residential neighborhood. A commercial center needs to be accessible from multiple entrances from State Highways, have adequate intermingled parking, and be so situated as to be competitive and attract consumer dollars. I am aware that there are strong "wishes" about desirable stores; over the years I have been asked to please include a service station and convenience store, a food service provider, a pharmacy, and retailers. However, I have learned that only stores economically appropriate to the low traffic counts on MD 64 & MD 77 and the demographics of Smithsburg will consider this location. Costs will have to be sharply controlled in order to make this "wish" feasible.

The applicant intends to submit an Annexation Request to the Town of Smithsburg in order to create this neighborhood village. It may be necessary to request the annexation of different ground (and their associated Tax Map ID numbers) in stages in order to preserve the economic viability of the proposed new community, including its residential and commercial components. I look forward to working in cooperation with the Planning Commission and staff, and the Town Council, to create a new community of both societal and economic value.

Best regards,



Daniel C. Cross, CCIM  
Cloverly Hill, LLC

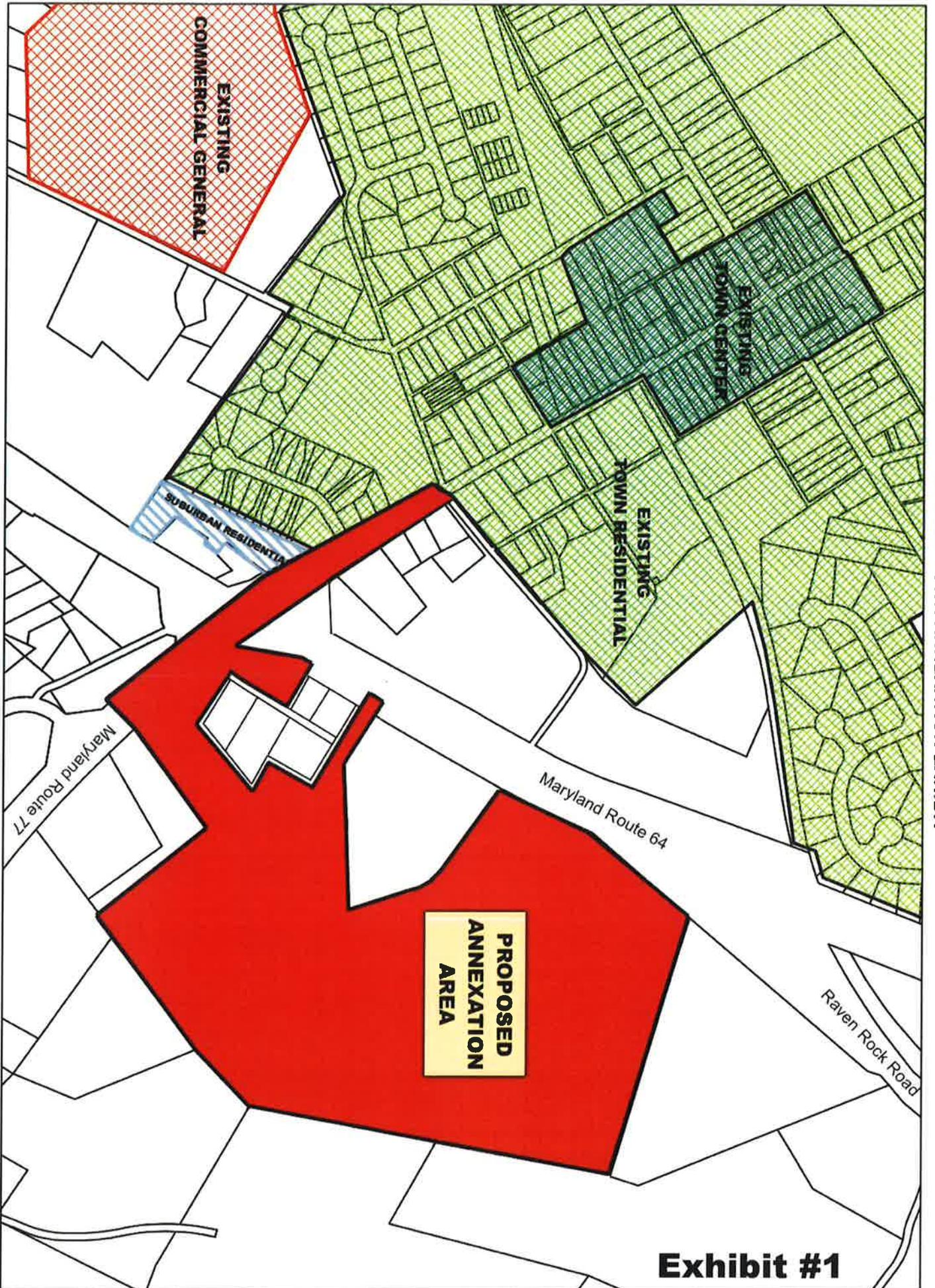
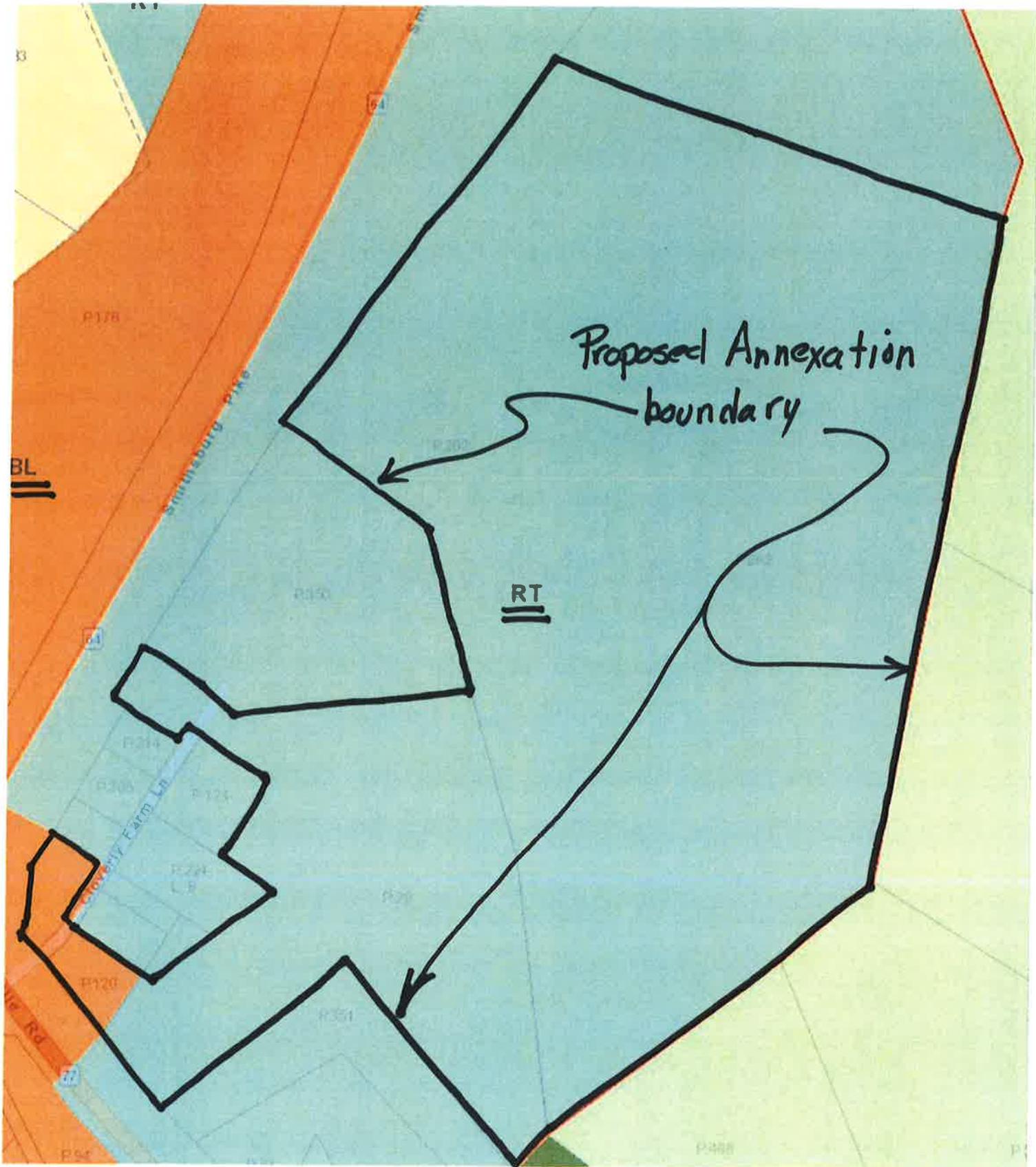


Exhibit #1

Drawn by: BAW  
REVISED 3-29-2017 1 inch = 500 feet

APU



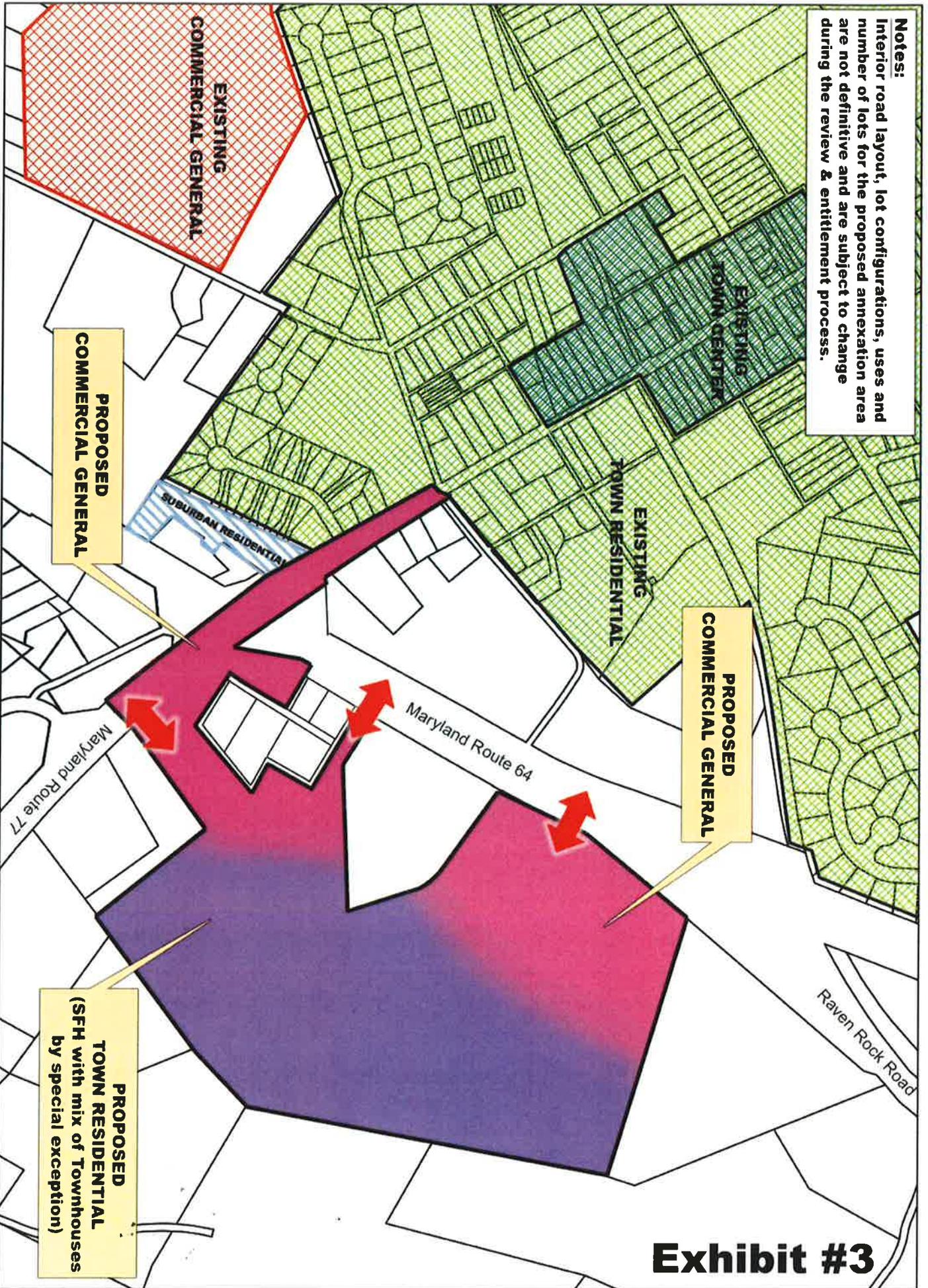
# COUNTY ZONING

EXHIBIT 2

AP7

CLOVERLY PROPOSED TOWN ZONING-EXHIBIT

**Notes:**  
Interior road layout, lot configurations, uses and number of lots for the proposed annexation area are not definitive and are subject to change during the review & entitlement process.



**PROPOSED COMMERCIAL GENERAL**

**PROPOSED COMMERCIAL GENERAL**

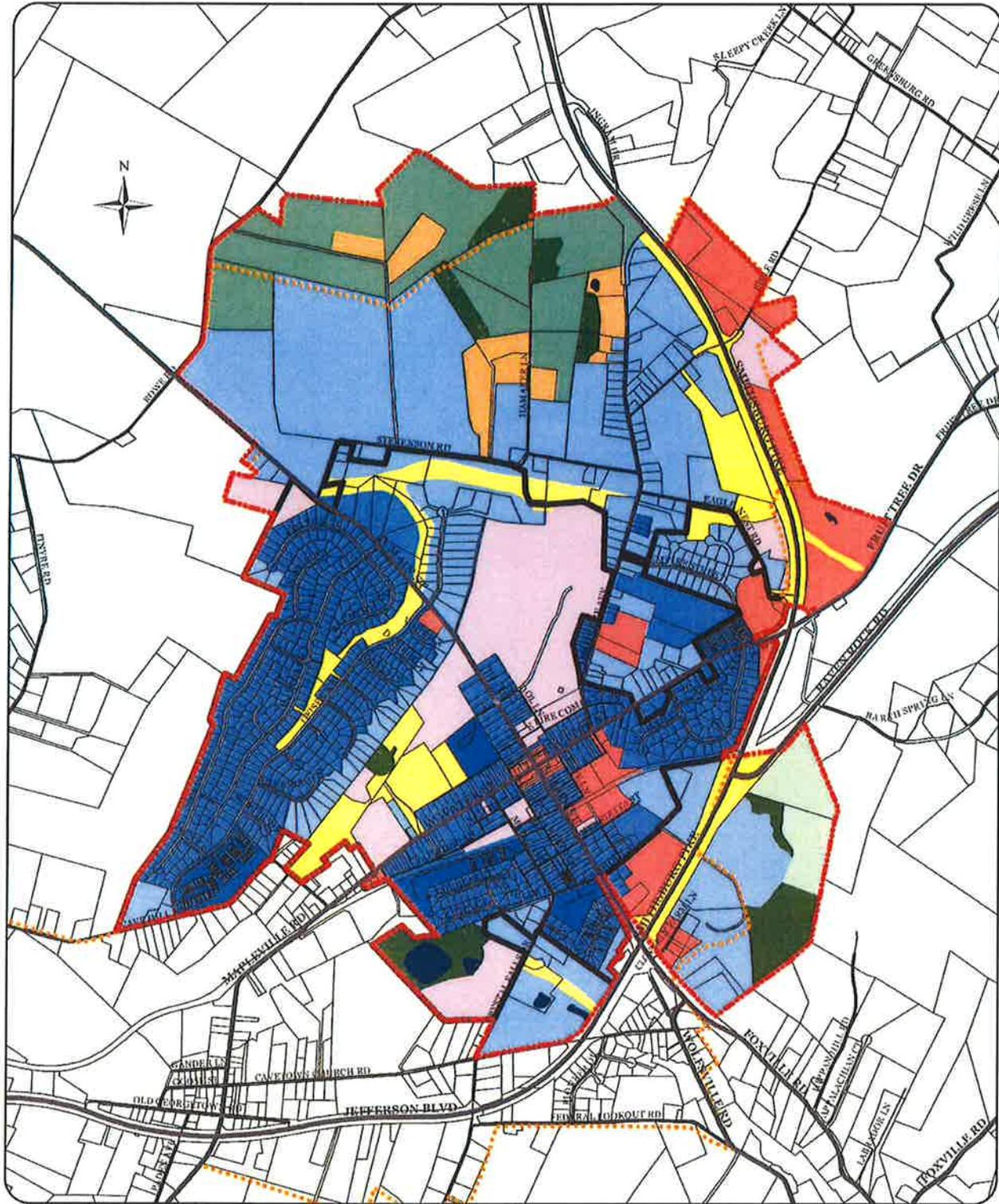
**PROPOSED TOWN RESIDENTIAL (SFH with mix of Townhouses by special exception)**

**Exhibit #3**

Drawn by: BAW  
REVISED 3-29-2017 1 inch = 500 feet

AP 8

# Future Land Use

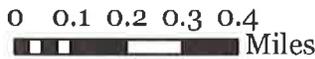


Created by: Washington County, MD Planning Dept. GIS  
Date: February 2011

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**NOTICE:** The parcel lines shown on this map are derived from a variety of sources which have their own warranty standards. The parcel lines are approximate and for informational purposes ONLY. They are not guaranteed by Washington County Maryland or the Maryland Department of Assessment and Taxation for any errors including errors of omission, commission, positional accuracy or any attribute associated with real property. They are currently in BMAP format and shall not be employed, reproduced or included in any way without the express prior written approval of Washington County Maryland Planning and Zoning Department. This data DOES NOT replace an accurate survey by a licensed professional and information should be verified using the relevant deeds, plats and other recorded legal documents.

Path: T:\Policy\Develop\Smithsburg\viomaps\smithsburg\_FUTURElanduse.mxd



## Legend

- Roads
- Smithsburg Town Growth Area
- County Growth Area
- Town Boundary
- Land Use
  - Agriculture
  - Commercial
  - Institutional
  - High Density Residential
  - Medium Density Residential
  - Low Density Residential
  - Rural Residential
  - Mixed Forest
  - Open Spaces/Parks/FP
  - Orchard
  - Water



RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SMITHSBURG,  
MARYLAND TO ENLARGE THE CORPORATE BOUNDARIES AND THEREBY AMEND  
THE CORPORATE BOUNDARIES AS CONTAINED IN THE APPENDIX OF THE  
CHARTER OF THE TOWN OF SMITHSBURG AND TO ESTABLISH THE ZONING  
CLASSIFICATION OF THE AREA TO BE ANNEXED

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SMITHSBURG**, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and MD Code, Local Government §4-401 to enlarge the corporate boundaries of the TOWN OF SMITHSBURG, a municipal corporation existing under and by virtue of the Laws of the State of Maryland, as defined by the CHARTER OF THE TOWN OF SMITHSBURG, and pursuant to the provisions of Local Gov't §4-401, *et seq.*, by adding or annexing to said corporate boundaries the following areas immediately adjacent and adjoining the present corporate boundary:

**METES AND BOUNDS DESCRIPTION ATTACHED AS EXHIBIT "A"**

**WHEREAS**, the proposal to enlarge the corporate boundaries of the Town of Smithsburg by adding or annexing thereto the above described areas which are immediately adjacent to and adjoining the present corporate boundaries thereof, as contained in the Petition signed by the requisite number of persons as prescribed and set forth in MD Code, Local Govt §4-404(a), as residents, registered voters, and/or owners of the realty contained within the area to be annexed; the same are incorporated herein by reference as if set forth herein and made a part hereof.

**WHEREAS**, the Mayor, who is the presiding officer of the legislative body, has caused to be made a verification of the signatures on said Petition, and has ascertained that the requirements of MD Code, Local Gov't. §4-401, *et seq.*, as more fully appears from the certificate of verification subscribed by Justine Keadle, Town Clerk, which certificates were presented at this meeting, are attached hereto and incorporated herein as "Exhibit E" and made part hereof, have been met.

**WHEREAS**, the Petition for Annexation meets all the requirements of the law, and pursuant to §4-406 of the Local Government Article of the Annotate Code of Maryland, the Annexation was referred to the appropriate State, Regional and County planning authorities.

**WHEREAS**, the proposed zoning of the area to be annexed to the corporate limits was referred to the Planning Commission for the Town of Smithsburg, which said Commission 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 Town and County, and the needs of the particular neighborhoods and vicinities of the areas, and have approved the same and that the rezoning of said tract of land is proper and desirable under all of the circumstances and should be accomplished at this time.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Smithsburg, that the boundaries of the Town, pursuant to the provisions of §4-400 MD Code, Local Gov't. be and the same are hereby amended and enlarged so as to annex and include

within said Town all that certain area of land together with the persons residing therein, if any and their property, contiguous to the corporate limits of the Town and being more particularly described in Exhibit A.

**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 Petition for Annexation attached hereto as Exhibit "B" and made a part hereof upon final agreement and passage.

**AND BE IT FURTHER RESOLVED**, by the Mayor and Town Council, that the subject property to be annexed shall have zoning classifications of CG (Commercial General) and TR (Town Residential), as more particularly described on the schematic entitled "Zoning Exhibit for Cloverly Hill, LLC," dated August 3, 2017, attached hereto and incorporated herein as Exhibit "C" and said

**AND, BE IT FURTHER RESOLVED**, that the above mentioned Petition for Annexation and the Certificates of Verification hereinabove referred to, be filed and recorded among the records with the Clerk of the Town of Smithsburg and to be filed with the records of this meeting as part of this resolution by reference.

**AND, BE IT FURTHER RESOLVED**, that the description of the corporate boundaries of the Town of Smithsburg as referred to and incorporated in the Charter of the Town of Smithsburg, is hereby amended by eliminating from said existing description of the corporate boundaries that part thereof and said new description to be filed in accordance with the provisions of the Annotated Code of Maryland and the Charter of the Town of Smithsburg shall read as follows:

**[SEE ATTACHED EXHIBIT "D" FOR NEW METES AND BOUNDS DESCRIPTION OF TOWN]**

**AND, BE IT FURTHER RESOLVED**, that this Resolution shall become effective at the end of forty-five (45) days following its final enactment, unless a proper petition for referendum hereon shall be filed

**AND, BE IT FURTHER RESOLVED**, that the Engineer or Acting Engineer of the TOWN OF SMITHSBURG be and he is authorized and directed to amend and change the corporate boundaries of the Zoning Map of the TOWN OF SMITHSBURG as it now exists to henceforth show classification of the aforesaid area described herein as set forth.

**AND, BE IT FURTHER RESOLVED**, that the aforesaid Resolution relative to zoning shall take effect when and if the aforesaid Resolution regarding annexation shall become effective as above set forth.

[SIGNATURES ON FOLLOWING PAGE]

WITNESS AND ATTEST  
AS TO CORPORATE SEAL:

BY ORDER OF THE MAYOR AND  
THE TOWN OF SMITHSBURG,  
MARYLAND

\_\_\_\_\_  
Justine Keadle  
Town Clerk

By: \_\_\_\_\_  
Mildred Myers  
Mayor

Date Introduced: 08/08/2017  
Public Hearing: \_\_\_\_\_  
Final Enactment: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

PREPARED BY:  
SALVATORE & MORTON, LLC  
Town Attorneys

---

**PUBLIC NOTICE – ANNEXATION PETITION**

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Notice is hereby given that the Mayor and Council of the Town of Smithsburg, Maryland will hold a public hearing on **Tuesday, September 26, 2017 at the hour of 7:00 p.m.** at Smithsburg Town Hall, Mayor and Council meeting room, 21 West Water Street, Smithsburg, Maryland. The public hearing is for the purpose of considering an annexation petition submitted by Cloverly Hill LLC. The petition is requesting annexation of three parcels of record that total approximately 68.18 acres of land, located on the southeast corner of the intersection of Smithsburg Pike (Maryland Route 64) and Wolfsville Road (Maryland Route 77). The Petitioner, Cloverly Hill LLC, is requesting zoning on the parcels to be split between General Commercial (GC) and Town Residential (TR).

All parties in interest and citizens, either in support of or in opposition to the annexation petition, shall have the opportunity to be heard at said time and place.

A copy of the **annexation petition** and all information related to the official record is available for review at Smithsburg Town Hall, 21 West Water Street, Smithsburg, Maryland.

Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Authority, Town of Smithsburg, Maryland

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**INSTRUCTIONS**

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Publish in the Herald-Mail

Dates of Publication – **August 21, 2017; August 28, 2017; September 4, 2017; September 11, 2017**

## SMITHSBURG ANNEXATION OF CLOVERLY HILL, LLC

### ACREAGE AND ZONING COMPARISONS

(Some acreage figures are estimated)

Parcel #	Acreage	Acreage-Wash Co current zoning		Acreage-Smithsburg proposed zoning	
		Business Local BL	Residential Transition RT	General Commercial GC	Town Residential TR
Parcel 29	13.37 ac	.50 ac	12.87 ac	5.95 ac	7.42 ac
Parcel 120	.55 ac	.55 ac	0.00 ac	.55 ac	0.00 ac
Parcel 262	47.53 ac	0.00 ac	47.53 ac	19.20 ac	28.33 ac
<b>TOTAL</b>	<b>61.45 ac</b>	<b>1.05 ac</b>	<b>60.40 ac</b>	<b>25.70 ac</b>	<b>35.75 ac</b>

### RESIDENTIAL DEVELOPMENT COMPARISONS

(Some acreage is estimated)

(du = dwelling unit)

(sf = square feet)

Use	Wash Co Residential Transition RT				Smithsburg Town Residential TR			
	Acreage	Min lot size	Max # units	Density du/acre	Acreage	Min lot size	Max # units	Density Du/acre
Single family	60.40	15,000 sf/du	175	2.90 du/ac	35.75	10,000 sf/du	155	4.35 du/ac
Two family (2 du/lot)	60.40	10,000 sf/du	263	4.35 du/ac	35.75	9,000 sf/du	173	4.84 du/ac
Semi- detached (1 du/lot)	60.40	7,500 sf/du	350	5.80 du/ac	35.75	5,000 sf/du	311	8.71 du/ac

**RESIDENTIAL DEVELOPMENT COMPARISONS  
CHANGE IN MAXIMUM ALLOWABLE DENSITY AND  
MAXIMUM NUMBER OF UNITS**

(Du/ac = dwelling units per acre)

	Washington County		Smithsburg		Change	
	Max # units	Max density	Max # units	Max density	% change # units	% change max density
Single family	175	2.90 du/ac	155	4.35 du/ac	-11.4%	+50.0%
Two family	263	4.35 du/ac	173	4.84 du/ac	-34.2%	+11.3%
Semi - detached	350	5.80 du/ac	311	8.71 du/ac	-11.1%	+50.2%

Principal Permitted uses in Smithsburg General Commercial (GC) zoning district

Highlighted uses not listed as permitted in County Business Local (BL) district

**Agriculture**

Noncommercial parking garage or parking area intended to fulfill off-street parking requirements

Parks designed or intended for passive recreation or open space

Swimming pool (or beach) conducted as a principal use

Private or membership clubs or lodges not operated commercially, nor conducted primarily as a business enterprise

Golf driving or practice ranges, batting cages, racquet clubs/courts or miniature golf courses and the like, conducted as a principal use

Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts, health/recreation, billiard or poolroom facilities and the like

Transient or temporary recreational activity, such as a carnival, circus, fair or the like, provided each such activity does not exceed 14 days in a single year

Meeting or assembly halls for philanthropic, religious, fraternal, civic or other nonprofit organizations/corporations; see setback requirements in § 405-27

Civic buildings, including community centers, museums, post offices, libraries, fire and rescue stations, ambulance services and emergency medical transport services, and halls and public office buildings erected or used by federal, state, county or municipal governments or agencies thereof

Child-care centers, licensed, or drop-in centers as defined in Article II

Public or private trade or professional schools, or the like

Automobile car washes, motor vehicle repair garages, small engine and related equipment repair and maintenance, to include lawn mowers.

Automobile, truck, farm equipment, trailer, motorcycle, recreational vehicle and accessory equipment, snowmobile or mobile home display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that

Automobile service stations, except highway service plazas as defined in Article II.

Shopping center or mall

Building materials and supplies, for sale, provided that outdoor storage areas shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least 6 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.

Veterinarians offices limited to small animal practice and provided that no overnight boarding occurs for nonmedical reasons

Business, service

Professional offices

Medical and dental offices or clinics for outpatient treatment, including accessory laboratory facilities.

Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage

Funeral homes, mortuaries and the like.

Greenhouses and nurseries, including sales facilities

Hotels, motels and the like.

Printing, photographic processing, blueprinting, photocopying and similar reproduction services, and facsimile transmission, except publishing

Parking lot or garage as a commercial or public enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least 3 feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.

Business, personal service

Furniture, to include upholstery, repair, and refinishing

Restaurants and the like, except drive-in and drive-through restaurants as defined in Article II.

Drive-in and drive-through restaurants

Business, neighborhood retail

Convenience stores and centers

Specialty auto services, to include glass repair, lubrication, brake repair, and upholstery or the like

Business, general retail

Temporary signs

Civic billboards

Taverns

Mini warehousing/storage

Essential utility equipment

Utility equipment – other.



## Agenda Report Form

**SUBJECT:** Vacancies and Organization

**PRESENTATION DATE:** Tuesday, October 24, 2017

**PRESENTATION BY:** Robert Slocum, County Administrator, Stephanie Stone, Director of Health and Human Services

**RECOMMENDED MOTION:** Motion to approve the reclassification and advertisement of various vacant positions and move to eliminate a budgeted position, as explained below.

**REPORT-IN-BRIEF:** Recently one deputy director position (Permits Department) was eliminated. The surrounding staff was promoted to address their additional responsibility. A cost savings has been observed. A strategy for competitive selection and succession of responsibility was successfully employed. This report will share similar work in progress in other divisions then make specific recommendations upon five positions. The theme of these recommendations is to empower people to fill the County's needs and their capabilities at the highest level possible.

There are six vacant positions to be addressed across multiple departments. Staff has contemplated the best use of each position to address customer service, efficiency, and operations. First in this agenda is a brief summary on the status of two departments. These will be presented separately and in further detail, by the appropriate Directors, later in October.

The Director of Information Systems will bring before the Board recommendations for a vacant position and customer service enhancements in that department. The Director of Health and Human Services will bring before the Board a proposal regarding recent legal recommendations.

The discussion below will make recommendations upon the remaining positions in greater detail:

- Vacant Project Liaison Grade 14 (position eliminated) – New Position - **Business Leader**, Grade 15
- Budgeted Workforce Development & Partnership Manager, Grade 17 – Never filled - to be eliminated
- Vacant Director of Engineering and Construction Management, Grade 20 – New Position - **Chief Operations Officer**, Grade 19
- Vacant Assistant County Administrator, Grade 19 – New Position - **Director of Public Relations and Marketing**, Grade 18
- Vacant **Public Relations Coordinator**, Grade 15 – to be advertised as is

**DISCUSSION:** The vacant **Project Liaison** will be eliminated and a new position will added to the Business Development Department named **Business Leader** at Grade 15; the existing Ag Business Development Specialist will become **Ag Business Specialist** and upgraded from Grade 13 to Grade 14; the Business Development Specialist will become **Business Specialist** and upgraded from Grade 13 to Grade 14 , the existing Business Support and Retention Specialist will be renamed **Business and Event Coordinator** and upgraded from Grade 11 to Grade 12; The Administrative Assistant will be upgraded to **Office Manager**, from Grade 9 to Grade 10. The Office Manager will be responsible for the front desk of Business Development and Public Relations and Marketing. The **Business Development Director** will report directly to the County Administrator and be upgraded from Grade 17 to Grade 18. The Business Development office, with other County offices, will be available in person and via telephone during all business hours. The Director will develop a plan to proactively serve and recruit business. A Workforce Development and Partnership Manager that had been budgeted yet not filled will be eliminated.

The vacant Director of Engineering and Construction Management, Grade 20 will be changed to **Chief Operations Officer**, Grade 19. This position will serve and report to the Administrator and in the absence of the Administrator, the Board. The Position will handle special projects as assigned, facilitate and coordinate with senior staff to execute County business in a timely and effective manner. The position will serve various assignments independently with critical thinking, priority, and problem solving skills. Communication and collaboration with a wide variety of organizations and staff are essential to the success of the position.

The vacant Assistant County Administrator, Grade 19, will be eliminated and will become the **Director of Public Relations and Marketing** at Grade 18 and advertised as such. The position will report directly to the County Administrator. The recently vacated Public Relations and Community Affairs Manager position will be advertised. With staff and the assistance of the Office Manager above, the Public Relations office will also be available to customers during business hours. The Director will expand communication with the Board, Staff, and media. The Director will capitalize upon the successful branding to date to develop and execute the next generation of County marketing via conventional media, social media, the web, and live events.

With no additional cost and no additional positions, the proposal will reinvigorate the County's investment in Business Development and Public Relations for future success.

**FISCAL IMPACT:** The proposal above will result in a savings of \$87,154

**CONCURRENCES:** N/A

**ALTERNATIVES:** Staff has believes this proposal will most cost effectively serve the Public and the Board.

**ATTACHMENTS:** Vacancies and Organization Fiscal Impact

**AUDIO/VISUAL TO BE USED:** N/A

### Vacancies and Organization Fiscal Impact

	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
Project Liaison to Business Leader	54,380	69,760	(15,380)
Workforce Development & Partnership Manager (budgeted never filled) eliminated	66,190	-	66,190
Director of Engineering and Construction Management to Chief Of Operations	124,195	94,910	29,285
Assistant County Administrator to Director of Public Relations Marketing	105,230	87,860	17,370
Public Relations Coordinator to be filled as is (formerly PR & Community Affairs Man.)	60,790	60,790	-
Ag Business [Development] Specialist	55,820	58,250	(2,430)
Business [Development] Specialist	61,880	64,580	(2,700)
Business Support & Retention Specialist to Business and Event Coordinator	53,060	55,380	(2,320)
Administrative Assistance to Office Manager	38,309	39,970	(1,661)
Director of Business Development to be upgraded	90,220	94,120	(3,900)
<b>Total Savings</b>			<b>84,454</b>



## Agenda Report Form

**SUBJECT:** Parks & Facilities Director

**PRESENTATION DATE:** Tuesday, October 24, 2017

**PRESENTATION BY:** Jim Sterling, Director of Public Works  
Stephanie Stone, Dir., Health and Human Services

**RECOMMENDED MOTION:** Motion to approve the establishment of the Deputy Director of Public Works, Parks & Facilities position as recommended below

**REPORT-IN-BRIEF:** When the current Director of Public Works was promoted from the position of Parks & Facilities Director to Public Works Director on February 14, 2015, the position left vacant was not approved to be filled. The budget was adjusted such that the position no longer existed. This proposal is to properly establish the leadership role in Parks and Facilities as the Deputy Director of Public Works, Parks and Facilities. The proposal is consistent with the naming convention adopted many years ago for department and director positions throughout the County. If approved, the current Deputy Director of Parks & Facilities, under a legacy naming convention, will assume the position.

**DISCUSSION:** The essential workload and leadership required of the current Deputy Director position has only increased since 2015. The current Deputy Director is a grade 15. The position Deputy Director position was never addressed, despite the addition role and responsibilities since February 14, 2015.

The other positions reporting to the Director of Public Works range from Grade 16 to Grade 18, with various roles and responsibilities. Upon review of the Division, staff recommends that the proposed Deputy Director of Public Works, Parks and Facilities position is a Grade 17. To his credit the current Deputy Director has handled the same or more workload that the former Director of the Department handled, with no adjustment or change in position. Staff strongly recommends that Mr. Pennesi be granted the proposed adjustment and position for the work he has been performing and will continue to perform for the County.

**FISCAL IMPACT:** The proposal above will result in an increase to the Parks and Facilities department of \$6,640 (Current salary \$74,740 (Grade 15, Step 9) to \$81,370 (Grade 17, Step 7) as per policy.

**CONCURRENCES:** County Administrator

**ALTERNATIVES:** do nothing, or modify the proposal above

**ATTACHMENTS:** N/A

**AUDIO/VISUAL TO BE USED:** N/A