



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

WWW.WASHCO-MD.NET

BOARD OF COUNTY COMMISSIONERS

September 1, 2020

OPEN SESSION AGENDA

The meeting of the Board of County Commissioners of Washington County will be held at 100 West Washington Street, Suite 1113, Hagerstown. Due to Governor Hogan's Executive Order and gathering restrictions, Board members will be practicing social distancing. County buildings remain closed to public access except by appointment. Therefore, there will be no public attendance in the meeting chambers. The meeting will be live streamed on the County's YouTube and Facebook sites.

- 10:00 AM** **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
CALL TO ORDER, *President Jeffrey A. Cline*
- 10:05 AM** **APPROVAL OF MINUTES:** *August 18, 2020*
- 10:10 AM** **COMMISSIONERS' REPORTS AND COMMENTS**
- 10:15 AM** **SALARY STUDY COMMISSION** – *Kendall Desaulniers, Deputy County Attorney*
- 10:20 AM** **CITIZEN PARTICIPATION DURING OPEN MEETINGS** – *Tom Brown, Emergency Manager, Emergency Services*
- 10:25 AM** **COVID-19 EXECUTIVE ORDER ENFORCEMENT OVERVIEW** – *Tom Brown, Emergency Manager, Emergency Services; Earl Stoner, Health Officer, Health Department*
- 10:35 AM** **LOCAL MANAGEMENT BOARD BYLAW REVISION** – *Allison Hartshorn, Grant Manager, Office of Grant Management*
- 10:45 AM** **ZIMMERMAN CONSERVATION RESERVE ENHANCEMENT PROGRAM EASEMENT PROPOSAL** – *Chris Boggs, Land Preservation Planner, Planning & Zoning*
- 10:50 AM** **EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF COLE ROAD PROPERTIES (A-2020-03)** – *Jill Baker, Director, Planning & Zoning*
- 10:55 AM** **EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF VALLEY MALL OUTPARCELS (A-2020-04)**
- 11:05 AM** **EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF THOMAS, BENNETT, AND HUNTER (A-2020-05)** – *Jill Baker, Director, Planning & Zoning*
- 11:15 AM** **EXPRESS APPROVAL: TOWN OF HANCOCK ANNEXATION OF 305, 307, 317, & 319 EAST MAIN STREET, HANCOCK** – *Jill Baker, Director, Planning & Zoning*
- 11:25 AM** **2020 CENSUS UPDATE** – *Kimberly Buchanan, Director of Development, Community Action Council*

11:30 AM CLOSED SESSION - *(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To consult with counsel to obtain legal advice on a legal matter; To consult with staff, consultants, or other individuals about pending or potential litigation; To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.)*

12:00 PM ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: Salary Study Commission

PRESENTATION DATE: September 1, 2020

PRESENTATION BY: Kendall A. Desaulniers, Deputy County Attorney

RECOMMENDED MOTION: Move to appoint the individuals to the Salary Study Commission as presented.

REPORT-IN-BRIEF: State statutes, specifically Md. Code Ann., *Local Gov't* §§ 28-201 through 28-209, require the constitution and appointment of the Salary Study Commission every four years. The last statutory salary study was conducted in 2016. The statutorily designated groups have submitted individuals for the Commissioners' appointment. In addition to the designated members, the Commissioners will need to determine an at-large appointment of a Washington County resident who meets the statutory qualifications.

The statutorily designated groups and their respective submitted individuals are as follows:

1. Democratic Central Committee of Washington County – Peter E. Perini, Sr.;
2. Republican Central Committee of Washington County – Ray Foltz;
3. Washington County Chamber of Commerce – Paul Frey;
4. Washington County Farm Bureau – J. D. Repp;
5. League of Women Voters of Washington County – Richard Willson;
6. Cumberland Valley Associated Builders and Contractors, Inc. – no viable candidates (all employees reside in Pennsylvania);
7. Joint Veterans Council of Washington County – no viable candidates (all members are elderly or reside out of state);
8. At-large appointed Washington County resident – to be determined by the Commissioners.

DISCUSSION: N/A

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Md. Code Ann., *Local Gov't* §§ 28-201 through 28-209

AUDIO/VISUAL NEEDS: N/A

MD Code Annotated, Local Government §§28-201 to 28-209

§28-201 "Commission" defined

In this subtitle, "Commission" means the Washington County Salary Study Commission.

§28-202 Established

There is a Washington County Salary Study Commission.

§28-203 Membership

Composition.

- (a) Subject to subsections (b) and (d) of this section, the Commission consists of the following members:
1. One member from the Democratic Central Committee of Washington County;
 2. One member from the Republican Central Committee of Washington County;
 3. One member from the Washington County Chamber of Commerce;
 4. One member from the Washington County Farm Bureau;
 5. One member from the League of Women Voters of Washington County;
 6. One member from the Western Maryland Central Labor Council;
 7. One member from the Cumberland Valley Associated Builders and Contractors, Inc.;
 8. One member from the Joint Veterans Council of Washington County; and
 9. One at-large member who is a resident selected by the County Commissioners of Washington County.

Qualifications.

- (b) Each member shall be a registered voter of Washington County who in the previous 4 years has voted in at least two elections, at least one of which was in the gubernatorial election year.

Recommendations for appointment.

- (c) On or before March 31, 2016, and on or before March 31 each fourth year thereafter, the County Commissioners of Washington County shall request that each organization listed in subsection (a) of this section recommend an appointee to the county commissioners on or before the following May 15.

Appointment.

- (d) (1) The County Commissioners of Washington County shall appoint the individual recommended by each organization listed in subsection (a) of this section.
- (2) If an organization fails to make a recommendation to the county commissioners on or before June 1, the members who have been appointed to the Commission shall meet,

solicit prospective members from the public, and select by majority vote a qualified substitute public member to the Commission to serve through the following December 1.

(3) A member of the Commission may not be an elected official or an employee of an official whose salary the Commission studies.

§28-204 Chair

From among its members, the Commission shall elect a chair.

§28-205 Quorum; Meetings; Compensation; Staff

Quorum.

(a) Five members of the Commission are a quorum.

Meetings.

(b) The Commission shall meet on or before the June 30 immediately following appointment.

Compensation.

(c) A member of the Commission may not receive compensation as a member of the Commission.

Staff.

(d) The County Commissioners of Washington County shall provide professional staff to the Commission as necessary for the Commission to issue its report.

§28-206 Public Hearing

In general.

(a) The Commission shall hold at least one public hearing ever 4 years.

Notice.

(b) The Commission shall publish notice of each hearing in a newspaper of general circulation in the county.

Money for notice.

(c) The County Commissioners of Washington County shall provide money necessary for the Commission to advertise its hearings so that the public receives sufficient notice and an opportunity to attend and present testimony at the hearings.

§28-207 Duties of Commission

Salary Study.

- (a) The Commission shall study the salaries of:
 - 1. The County Commissioners of Washington County;
 - 2. The Washington County Board of Education;
 - 3. The Washington County Board of Liquor License Commissioners;
 - 4. The judges of the Orphans' Court for Washington County;
 - 5. The Sheriff of Washington County; and
 - 6. The Treasurer of Washington County.

Report to county commissioners.

- (b) On or before the December 1 following appointment, the Commission shall issue a report that contains recommendations to the County Commissioners of Washington County for review and consideration.

§28-208 Required considerations by Commission

In formulating its report and recommendations, the Commission shall consider for each office:

- (1) The scope of responsibilities of the office;
- (2) The education, skills, abilities, licensure, and certification required to perform the duties of the office;
- (3) The salaries of similar offices in other jurisdictions;
- (4) The time required to perform the duties of the office;
- (5) The salaries of subordinate employees under the direct supervision of the office;
- (6) The volume of workload of the office; and
- (7) Any other relevant information.

§28-209 Establishment of salaries by county commissioners

In general.

- (a) Subject to subsection (b) of this section and Article III, §35 of the Maryland Constitution, within 60 days after receiving the recommendations of the Commission under §28-207(b) of this subtitle, the County Commissioners of Washington County, by local law, shall set the salary for each office included in the recommendations.

Permissible actions.

- (b) The County Commissioners of Washington County may accept, reduce, or reject, but may not increase, the recommendations of the Commission.



Agenda Report Form

Open Session Item

SUBJECT: Citizen Participation During BOCC Open Meetings Discussion

PRESENTATION DATE: September 1, 2020

PRESENTATION BY: Tom Brown, Emergency Manager

RECOMMENDED MOTION: Discussion and consensus as to how citizen participation during BOCC open meetings will be handled while the COVID-19 pandemic continues.

REPORT-IN-BRIEF: In March 2020, public meetings were cancelled as gatherings of people could cause a health risk to citizens and County staff due to the COVID-19 pandemic. When Commissioner meetings resumed, they remained closed to public attendance. Citizen comments were received, and continue to be received, via email, mail, or telephone calls to the County Clerk. Over the course of the last few weeks, several Commissioners expressed an interest in determining whether it was safe to allow the public to resume in person comments even if the practice were modified from its traditional nature.

DISCUSSION: There are two options available for the Board to consider. The first option, which is recommended from a public health perspective, is to continue with the current modifications in place. Citizens would have the ability to call, write, or e-mail the County Clerk with their comments which they would like to have heard in open session. The second option is to allow a small number of citizens to appear in person individually during the scheduled agenda time. This option would allow for no more than three to five citizens to make comments. Those citizens making comments would be required to schedule an appointment and would only be permitted into the meeting individually at their scheduled time. They would be required to leave after making comment. Ability to comment would be on a first-come, first-served basis, until the available slots were filled. After discussion, staff did not believe it was feasible to schedule citizen comments periodically throughout the meeting because the agenda may move more quickly or slower than scheduled.

FISCAL IMPACT: None

CONCURRENCES: Interim County Administrator

ALTERNATIVES: None

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: COVID-19 Executive Order Enforcement Overview

PRESENTATION DATE: September 1, 2020

PRESENTATION BY: Tom Brown, Emergency Manager, Earl Stoner, Health Officer

RECOMMENDED MOTION: Overview discussion regarding enforcement activities of the Governor's Executive Orders.

REPORT-IN-BRIEF: Throughout the COVID-19 pandemic the Governor of the State of Maryland and the Secretary of Health have issued a number of Executive Orders in an effort to keep all Marylanders safe and combat the COVID-19 virus. Recently, the Governor issued instruction to Local Executives charging the Local Health Department, Local Law Enforcement, Local Emergency Management, and Local Liquor Board with enforcement of all Executive Orders.

DISCUSSION: The Local Health Department, Local Law Enforcement, Local Emergency Management, and Local Liquor Board met by way of teleconference to set up reporting and enforcement processes. Complaints for non-compliance are received either through the Local Health Department or one of the participating agencies. The Local Health Department compiles all complaints received including those from the State call center. Education is the primary component of the enforcement effort. This is accomplished by making contact with reported establishments by either e-mail or phone to provide them with information. Continued offenses by the same business results in a letter of compliance being issued and the owner being advised that if they do not correct deficiencies they may be ordered to close. The focus of the enforcement effort is to gain compliance through education in an effort to protect all citizens and visitors and ensure that all businesses within Washington County can continue to remain open.

FISCAL IMPACT: None

CONCURRENCES: Interim County Administrator

ALTERNATIVES: None

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Local Management Board Bylaw Revisions

PRESENTATION DATE: August 25, 2020

PRESENTATION BY: Allison Hartshorn, Grant Manager, Office of Grant Management

RECOMMENDED MOTION: Move to approve the proposed revisions as presented.

REPORT-IN-BRIEF: The Local Management Board (LMB) reviewed and approved the proposed revisions as presented by vote on June 19, 2020. The proposed revisions are technical and not substantive in nature. They accurately reflect current practices that are in accord with revisions to the LMB Manual made effective July 26, 2016.

DISCUSSION: The proposed revisions pertain to LMB membership composition, positions and committees. Changes reflect that the LMB shall have (11) standing ex-officio member of which will now include the Local Care Team Coordinator for Washington County, elimination of Board Membership Committee and Treasurer Position.

FISCAL IMPACT: None

CONCURRENCES: County Attorney and Local Management Board

ALTERNATIVES: Disapprove proposed revisions, take no action

ATTACHMENTS: LMB Bylaws as revised

AUDIO/VISUAL NEEDS: N/A

**Washington County Office of Grant Management
(Local Management Board)**

BYLAWS

Article I

Name

The name of the Local Management Board (the “LMB” or the “Board”) shall be the “Washington County Office of Grant Management.” It was created by the County Commissioners of Washington County, Maryland (the “Commissioners”), pursuant to Md. Code, Human Services § 8-301.

Article II

Principal Office

The principal office of the Board shall be located at Hagerstown, Maryland.

Article III

Mission Statement and Duties and Powers

The purpose of the LMB is to serve as the local management board mandated by Human Services Article § 8-301. The LMB shall comply with, implement, and perform the obligations set forth in contractual agreements executed by and between the State of Maryland, the Children’s Cabinet, the Governor’s Office for Children, the Commissioners, and the LMB. The LMB has the power to enter into contracts incidental to the performance of its duties provided that these contracts have been approved by the Commissioners. The LMB shall comply with, implement, and perform such directives of the Commissioners in accordance with the mission of the LMB as may be issued from time to time. The LMB may issue press releases from time to time in accordance with its procedures for so doing with the approval of the Director, Washington County Office of Grant Management (or such other person as the Commissioners may designate from time to time).

Article IV

Vision Statement

All Washington County children will be born and raised in a safe, healthy, and nurturing environment to become healthy and responsible adults.

Priorities

1. Act as a neutral convener to stimulate local action by State and local government, public and private providers, business and industry, and residents to create an effective system of services, supports, and opportunities that improve outcomes for children, youth, and families;
2. Participate in the development and the implementation of a strategic plan and community needs assessment in relation to children, youth, and families;
3. Develop and implement strategies to achieve clearly defined results for families and children consistent with the priorities and goals of the Governor's Office for Children; and
4. Maintain standards of accountability for locally agreed upon results for children and families while maximizing return on investment of funds received.

Article V

Membership

A. *Composition.* The LMB shall be composed of seventeen to twenty (17-20) voting members or their designees and two (2) non-voting members, including:

1. *Individual voting members (6-9):* No less than six (6) or more than nine (9) private citizens who are residents of Washington County and have an interest in child well-being, which may include the professional and business community, recipients or providers of services for children and families, child service volunteers, leaders of the religious community, and providers of services directed toward the prevention of family violence and/or the treatment of those impacted by family violence.

2. Standing *ex officio*, voting members or their sworn designees^{1 2} (11): Eleven (11) standing ex-officio, voting members or their sworn designees, including:

- a. The Department of Social Services Director;
- b. The Schools Superintendent;
- c. The County Health Officer;
- d. The Department of Juvenile Services Director;
- e. The Core Service Agency Director.
- f. A Housing Authority (City or County);
- g. The law enforcement community;
- h. The United Way of Washington County;
- i. The Developmental Disabilities Administration Regional Director, Western Maryland Region;
- j. The Washington County State's Attorney; and
- k. The Western Maryland Consortium.
- l. The Local Care Team Coordinator

3. *Ex officio*, non-voting members or sworn designees (2): Two (2) ex-officio, non-voting members or their sworn designees, including:

- a. A member of the Board of County Commissioners; and
- b. One representative from the Washington County Delegation to the Maryland General Assembly, appointed by the Delegation.

B. *Voting*. Only voting members, or in their absence, when applicable, their sworn designees, are entitled to vote.

¹ "Sworn" shall signify a person sworn as a designee member of the LMB by the Clerk of the Circuit Court.

² "Designee" shall signify a person authorized to act on behalf of the member.

C. *Appointment of Members.* Except as set forth above, members of the LMB shall be appointed by the Commissioners who may, in their discretion, select members from nominees of the LMB. Recommendations for membership will be made by the ~~Board Membership and Development Committee~~ Executive Committee to the LMB for approval and then to the Commissioners for consideration of appointment to the LMB.

D. *Terms.* Standing ex officio voting members are not term-limited. Terms of the individual voting members shall be three (3) years. The individual voting members shall be appointed so that one-third (1/3) of the members' terms shall expire in each of three (3) consecutive years. Individual members shall be eligible for reappointment for one (1) consecutive term only and, following the second consecutive three (3) year term, shall be eligible for reappointment only after an intervening three (3) year period. Individual voting members filling a partial term vacancy shall complete the partial term and will be eligible for reappointment for two (2) additional consecutive terms.

E. *Reimbursement.* Members of the LMB may receive reimbursement for expenses in amounts as may be set forth from time to time by the Commissioners.

F. *Termination of Membership and Vacancies.*

1. Membership on the LMB may be terminated by voluntary withdrawal or by removal. All rights, privileges, and interests of a member in or to the LMB shall cease on termination of membership. Memberships are not transferable. Any member may withdraw from membership by giving a written 30-day notice to the LMB chair of such intention. Withdrawals shall be effective on fulfillment of all obligations to the date of withdrawal.

2. The LMB may recommend to the Commissioners that the membership of an LMB member be terminated based on one or more of the following criteria:

- a. inadequate attendance;
- b. breach of confidentiality;

c. behavior that in the opinion of the LMB is inappropriate or inconsistent with LMB policy; or

d. violations of Article X of these bylaws (Conflicts of Interest).

3. In addition to the basis for removal set forth in paragraph 2 above, the Commissioners shall have the authority to remove any members of the LMB when, in the Commissioners' discretion, the best interest of the community shall be served thereby.

4. In the event of an LMB member vacancy, the vacancy shall be filled in accordance with Article V.C.

Article VI

Meetings

A. *Meetings.* Meetings shall be subject to the Open Meetings Act and members of the public shall be entitled to attend all meetings of the LMB, except as provided by law. Parliamentary rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. *Regular Meetings.* Meetings shall occur throughout the year according to a schedule, which shall be established at the annual meeting. Notice of this schedule shall be provided to members of the LMB and to all of the persons on the current mailing list. Every effort shall be made to provide minutes of the prior meeting, and the agenda for the next scheduled meeting shall be provided to all members prior to the scheduled meeting.

2. *Special Meetings.* Special meetings of the LMB may be called at any time by the chair or, in the chair's absence, by the vice-chair. One (1) week advance notice of any special meeting should be given to the members by the chair or vice-chair, and the notice must state the subject of the meeting.

3. *Annual Meeting.* At the annual meeting, the installation of officers shall occur and a schedule of regular meetings shall be established by the LMB for the upcoming year.

B. *Attendance.* All members, or in their absence, their sworn designees, shall be required to attend the regularly scheduled LMB Board meetings each fiscal year. Failure to follow this attendance policy may, at the discretion of the Executive Committee, result in the following:

1. *Individual Voting Members*

a. A third missed meeting in any fiscal year may result in a letter to the member from the Board chair regarding the attendance policy.

b. Disassociation from the board as a voting member may occur after the third absence of regularly scheduled meetings in any fiscal year.

2. *(Ex officio) Voting Agency Members*

a. *A second missed meeting* - a letter from the Board chair to the member reminding the member of Board Attendance Policy.

b. *A third missed meeting* - a letter to the Commissioners from the LMB chair advising them of the member's lack of attendance (copy to board member).

c. *A fourth missed meeting* - a letter from the Commissioners to the member's state agency advising of the member's lack of participation.

C. *Excusable Absence.* The LMB Executive Committee may excuse a member from attendance for reasonable cause. To obtain an excused absence the member must submit a request in writing or by email within seven (7) days of the meeting to the OGM-LMB Point of Contact. Upon receipt of a request for an excused absence, the Executive Committee will consider a request and formally approve or deny the request. The decision of the Executive Committee will be communicated to the requestor in writing. Excused absences will not be attributed to or considered a missed meeting.

C. *Quorum.* Fifty-one percent (51%) of the total Board membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. *Committees.*

1. Committees shall consist of:

~~a. a standing Board Membership and Development Committee;~~

~~a~~^b. a standing Community Planning and Review Committee;

~~b~~^e. a standing Executive Committee;

~~c~~^d. other standing or special committees as the LMB may determine to be necessary.

2. *Executive Committee.*

a. *Chair.* The chair of the LMB shall serve as the chair of the Executive Committee.

b. *Membership.* The members of the Executive Committee shall consist of the chair of the LMB, all elected officers of the LMB, the immediate past chair when his/her term on the LMB has not expired, one (1) At-large member appointed by the Chair with the concurrence of the Executive Committee, and the chairs of each standing committee of the LMB, not to exceed a total membership of nine (9) persons. In the event that there are more than three standing committees at any given time, the Executive Committee of the LMB shall determine which persons shall serve on the Executive Committee. Sworn designees shall be considered members for the purposes of these bylaws, except that a designee shall not be entitled to vote when the member for whom the designee is a representative is present. It is the intention of this provision that sworn designees shall be entitled to serve as members, officers, and chairs of committees.

c. *Duties.* It shall be the duty of the Executive Committee to act in emergencies and to perform such other duties as may be assigned from time to time.

d. *Requirements.* All committee members on the Executive Committee ~~and the Board Membership and Development~~

~~Committee~~ must be members of the LMB. Other committees shall be chaired by a member of the LMB and may be composed of LMB members and such other persons as the LMB shall designate.

Article VII

Officers

A. *Elected Officers.* Members of the LMB shall elect from among their members a chair and a vice-chair. Notwithstanding any provision of these bylaws, no member or agency may hold more than one office. The officers shall have the duties and powers usually attendant upon such officers, and other duties and powers not inconsistent herewith as may be provided by the LMB.

B. *Terms.* The chair and vice-chair shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. *Chair.* The chair presides as the chief officer of the organization and shall be present at meetings of the LMB. The chair shall serve as a non-voting ex officio member of all committees. The chair shall appoint the chair of each committee from among the LMB members. The chair shall ensure that proper records are maintained. The chair shall communicate to the LMB such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws. The Chair shall perform such other duties as are necessarily incidental to the office.

D. *Vice-Chair.* The vice-chair shall perform all duties of the chair during his or her absence.

E. *Officer Removal, Resignation, and Vacancies*

1. The LMB may recommend to the Commissioners that an LMB member serving as an Officer be removed from his or her position based on one or more of the following criteria:

- a. inadequate attendance;
- b. breach of confidentiality;
- c. behavior that in the opinion of the LMB is inappropriate or inconsistent with LMB policy; or
- d. violations of Article X of these bylaws (Conflicts of Interest).

2. In addition to the basis for removal set forth in paragraph 1 above, the Commissioners shall have the authority to remove any LMB member serving as an officer when, in the Commissioners' discretion, the best interest of the community shall be served thereby.

3. In the event of an Officer resignation, the vacancy caused by that resignation shall be filled in accordance with Article VII.E.4.

4. In the event of an Officer vacancy that is caused by removal, resignation, or any other reason, the LMB shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting of the LMB following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the Officer's term left vacant. The partial term served shall not be applied to the term limits as provided in Article VII.B. of these bylaws.

Article VIII

Indemnification

Indemnification of Directors and Officers. The Commissioners shall indemnify a director or officer of the Board in connection with a proceeding to the fullest extent permitted by and in accordance with County policy and applicable state law.

Article IX

Fiscal Year

Fiscal Year. The fiscal year of the LMB shall end on the last day of June.

Article X
Conflict of Interest

No member of the LMB shall cast a vote on any matter with financial benefit or other substantive interest (including a procurement or contract) to that member or to the agency represented by that member. No member shall otherwise give the appearance of a conflict of interest under this provision and County regulations, including the County's Ethics Ordinance. In any instance where the appearance of a conflict of interest is uncertain, any person (including an LMB member) can request clarification and determination of conflict of interest from the County Attorney and, if necessary, from the County Ethics Commission.

Article XI
Amendments

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole discretion. If such change is proposed by the LMB, such proposal must be submitted in writing and approved at a meeting of the LMB. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the LMB. At that time, the LMB shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the LMB. The bylaws must be reviewed and submitted at least every three years to the Board of County Commissioners.

Article XII
Severability

Should any provision, section, paragraph, or subparagraph of these bylaws, including any code or text adopted hereby, be declared null and void, illegal, or unconstitutional, or be otherwise determined to be unenforceable by the court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

Article XIII

Section Headings, Chapter Headings, Titles

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of these bylaws.

Upon the recommendation of the Local Management Board, these bylaws are hereby approved and adopted by the Board of County Commissioners and deemed effective this ____ day of _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to form and legal
sufficiency for execution by
the County:

Kendall A. McPeak
Deputy County Attorney

Section Four, Member, A. Composition, amended by Resolution dated February 24, 1998.

Revised April 20, 1999.

Revision 1, approved by the County Commissioners, April 27, 2004.

Revision 2, approved by the County Commissioners, March 8, 2005.

Reviewed and approved by LMB Board on February 15, 2008 (no changes).

Revision 3, approved by the County Commissioners, August 30, 2011.

Revision 4, approved by the County Commissioners, June 19, 2012.

Revision 5, approved by the County Commissioners, April 23, 2013.

Revision 6, approved by the County Commissioners, February 4, 2014.

Revision 7, approved by the County Commissioners, July 26, 2016.

Revision 8,

E:\LMB\Bylaws\LMB Bylaws - Revision September 2019.doc ~~*F:\Documents\WCCP\LMB (WCCP) bylaws
(previously Amended Resolution)\BYL\Bylaws - Revision 6.doc*~~



Agenda Report Form

Open Session Item

SUBJECT: Zimmerman Conservation Reserve Enhancement Program (CREP) Easement proposal

PRESENTATION DATE: September 1, 2020

PRESENTATION BY: Chris Boggs, Land Preservation Planner, Dept. of Planning & Zoning

RECOMMENDED MOTION: Move to approve the Ronnie R. Zimmerman CREP easement project, paid for 100% by the State, in the amount of \$91,497.66 for 33.49 easement acres, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of the necessary documentation to finalize the easement purchase.

REPORT-IN-BRIEF: The Zimmerman property is located at 14504 Reel Road, Hancock, and will protect 23.36 acres of woodland and 6.67 acres of hayland. Additionally, there is a 3.46-acre building envelop around the existing dwelling. This easement will serve to buffer roughly 3,200 feet of Little Tonoloway Creek on the property.

Washington County has been funded to purchase CREP easements on over 1,100 acres of land since 2010. The Zimmerman easement will serve to both protect Maryland waterways, as well as preserve the agricultural, historic, cultural and natural characteristics of the land.

DISCUSSION: For FY 2021, the State of Maryland is awarding CREP grants to eligible properties on a project by project basis. Following County approval, the application will be submitted for State funding approval.

FISCAL IMPACT: CREP funds are 100% State dollars. In addition to the easement funds, the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all legal costs and surveys.

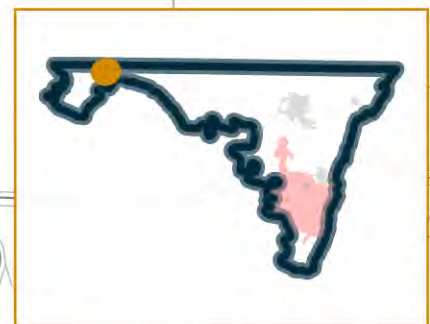
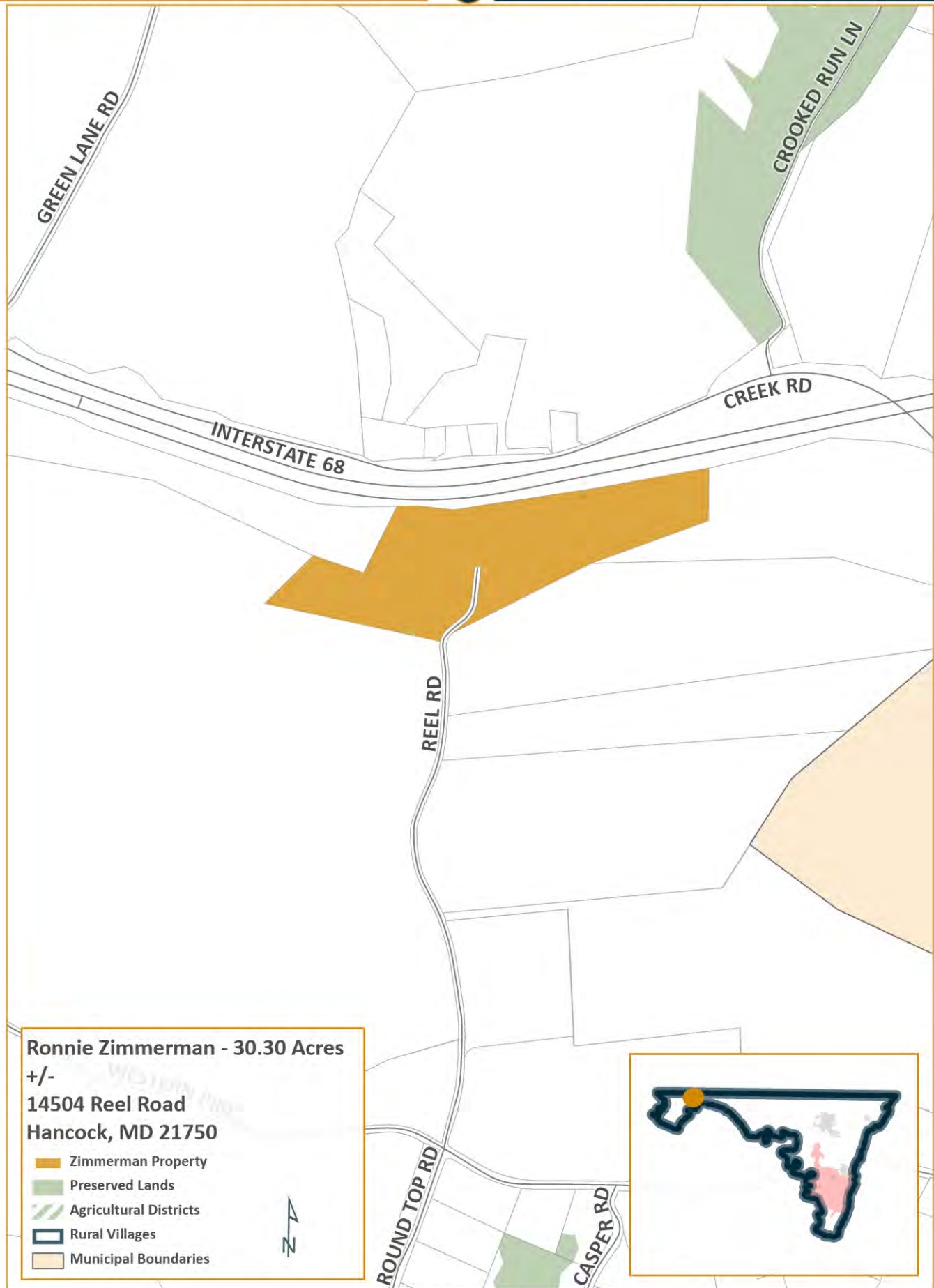
CONCURRENCES: DNR staff approves and supports our program. A final money allocation will be approved by the State Board of Public Works.

ALTERNATIVES: If Washington County rejects these State funds for CREP, the funds will be allocated to other counties in Maryland.

ATTACHMENTS: Aerial Map, Location Map, Detail Map, Ordinance

AUDIO/VISUAL NEEDS: Aerial Map







Agenda Report Form

Open Session Item

SUBJECT: Express Approval – City of Hagerstown Annexation of Cole Road properties (A-2020-03)

PRESENTATION DATE: September 1, 2020

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

RECOMMENDED MOTION: Move to grant/deny express approval to the City of Hagerstown to allow development of three properties proposed to be annexed along Cole Road including ARCP Mt. Hagerstown MD LLC, Kohls Department Stores Inc., and Emam Investment Group LLC.

REPORT-IN-BRIEF: The basis for seeking Washington County Commissioners express approval of this annexation comes from the Local Government Article of Maryland's Annotated Code §4-416(b) which states:

“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.”

DISCUSSION: Zoning regulations adopted by each jurisdiction are compared to determine whether a substantial difference in land use exists between the current authorized uses under County zoning and proposed authorized uses under City Zoning.

In this case all three properties are currently zoned Business General (BG) under County regulations. The City is proposing to apply Commercial Regional (CR) zoning on the properties upon annexation.

Both the County and the City Zoning regulations for these respective districts permit a variety of similar land uses including business and professional office uses, retail sales and services, social and cultural uses, and public administration services. The lone difference between the two districts appears to be the allowance of second floor residential uses in mixed use buildings in the City CR zone. The County BG zoning does not allow for any new residential uses. While this could be viewed as a significant difference because one district permits residential uses and one

does not, when put into a larger context of the existing sites and the purpose statements of each of the zoning districts, the difference does not appear to be significantly different.

All three parcels are already improved, and none are seeking to change the existing use of their property. Furthermore, the likelihood that the existing development would be revised in order to obtain residential density seems low. It is Staff's recommendation that the express approval be granted for this annexation based on the existing conditions of the properties already being improved and the majority of uses between the two districts being similar.

FISCAL IMPACT: n/a

CONCURRENCES: n/a

ALTERNATIVES: n/a

ATTACHMENTS: City Annexation Plan; Zoning Exhibit

AUDIO/VISUAL NEEDS: Zoning Exhibit

City of Hagerstown, Maryland
Annexation Case No. A-2020-03

Property Owners: ARCP Mt Hagerstown MD LLC
Kohls Department Stores Inc.
Emam Investment Group LLC

Applicant: City of Hagerstown

Location of Property: 17225-17239 Cole Road (Map 48, Parcel 701)
17145 Cole Road (Map 48, Parcel 919)
17111 Cole Road (Map 48, Parcel 952)

Annexation Plan

Pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-415, 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 reinitiation of the annexation procedure then in process.

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

- A. The area of annexation is approximately 34.31 acres.
- B. The proposed zoning is CR (Commercial Regional) which is a continuation of the types of zoning classifications on the adjacent properties. The purpose of the CR District is to provide locations for major retail shopping centers. The existing Washington County zoning classification for the Crosspoint Shopping Center is BG (Business General). The property is designated as Commercial General on the City's Future Land Use Map.

The CR zoning classification proposed for this site is similar in scope and permits similar uses as the County's current zoning of BG.

- C. It is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service based on development potential, as defined in the City's 2018 comprehensive plan, visionHagerstown 2035.
- D. It is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area.

II. Availability of Land Needed for Public Facilities -

- A. The uses of the annexation area are non-residential in nature and will have no additional impact on Washington County Board of Education facilities with respect to school capacity.
- B. The uses of the annexation area are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

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

- A. The area of annexation is currently served the County Department of Water Quality. The property will continue to be served by County Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation is currently served by City Water. The property will continue to be served by City Water. Sufficient capacity exists to serve the property. Water rates will be reduced to reflect the change in property status to “inside city.”
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service would be provided by Potomac Edison.

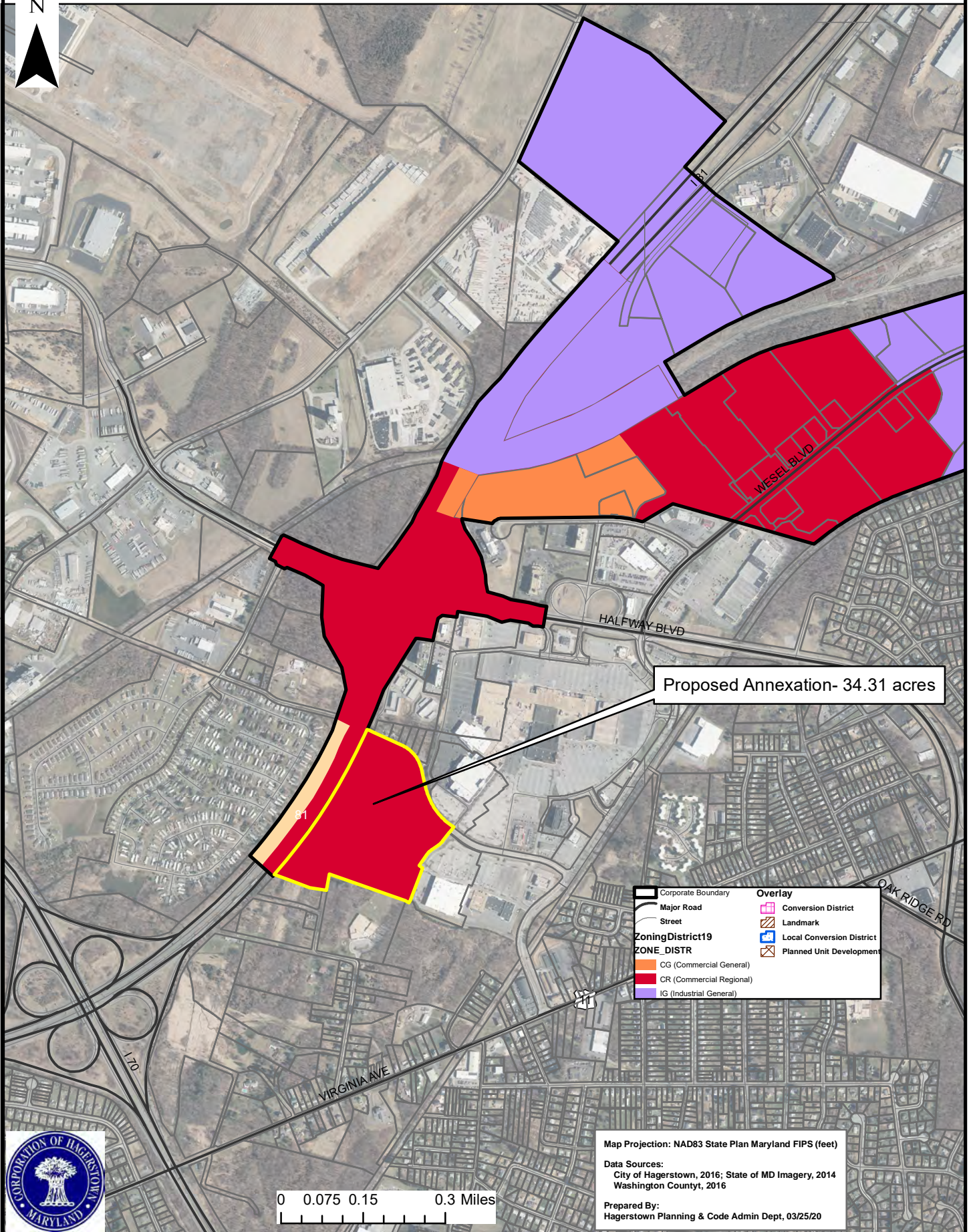
The City of Hagerstown Light Division normally supplies street light services to local public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. However, this area is solely illuminated by parking lot lights and no street lights exist in the area proposed to be annexed.

- D. No significant impact on emergency medical service delivery is expected.
- E. The area proposed for annexation fronts approximately 600 feet of a public road, specifically Cole Road. Another approximately 600 feet of Cole Road would remain outside the area proposed for annexation. No change to current ownership or service is proposed. Any public roads constructed in the future within the area of annexation will be completed at the direction of the City Engineer at the developer’s expense and constructed per the

City's Public Ways Construction Standards by the developer.

- F. Parks and recreation facility expansion are not proposed for this annexation.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.
- H. Maintenance (i.e. snow removal, mowing of right-of-ways, litter removal) of Cole Road is performed by Washington County. Any public roads constructed in the future within the area of annexation will be maintained by the City Public Works Department.
- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for the Annexation Resolution.

A-2020-03: Annexation of Cole Road Properties





Agenda Report Form

Open Session Item

SUBJECT: Express Approval – City of Hagerstown Annexation of Valley Mall outparcels (A-2020-04)

PRESENTATION DATE: September 1, 2020

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

RECOMMENDED MOTION: Move to grant/deny express approval to the City of Hagerstown to allow development of three properties proposed to be annexed along Valley Mall Road including Cole Road Holdings LLC and Valley World Inc.

REPORT-IN-BRIEF: The basis for seeking Washington County Commissioners express approval of this annexation comes from the Local Government Article of Maryland's Annotated Code §4-416(b) which states:

“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.”

DISCUSSION: Zoning regulations adopted by each jurisdiction are compared to determine whether a substantial difference in land use exists between the current authorized uses under County zoning and proposed authorized uses under City Zoning. In this case all three properties are currently zoned Planned Business (PB) under County regulations. The City is proposing to apply Commercial Regional (CR) zoning on the properties upon annexation.

Both the County and the City Zoning regulations for these respective districts permit a variety of similar land uses including business and professional office uses, retail sales and services, social and cultural uses, and public administration services. The lone difference between the two districts appears to be the allowance of second floor residential uses in mixed use buildings in the City CR zone. The County PB zoning derives its list of permitted uses from the Business Local (BL) and Business General (BG) districts. Neither of these districts allow for any new residential uses. While this could be viewed as a significant difference because one district permits residential uses and one does not, when put into a larger context of the existing sites and the purpose statements of each of the zoning districts, the difference does not appear to be significantly different.

All three parcels are already improved, and none are seeking to change the existing use of their property. Furthermore, the likelihood that the existing development would be revised in order to obtain residential density seems low. It is Staff's recommendation that the express approval be granted for this annexation based on the existing conditions of the properties already being improved and the majority of uses between the two districts being similar.

FISCAL IMPACT: n/a

CONCURRENCES: n/a

ALTERNATIVES: n/a

ATTACHMENTS: City Annexation Plan; Zoning Exhibit

AUDIO/VISUAL NEEDS: Zoning Exhibit

City of Hagerstown, Maryland
Annexation Case No. A-2020-04

Property Owners: Cole Road Holdings LLC
Valley World Inc.

Applicant: City of Hagerstown

Location of Property: 17270 Valley Mall Road (Map 48, Parcel 935)
17280 Valley Mall Road (Map 48, Parcel 595)
17276 Valley Mall Road (Map 48, Parcel 875)

Annexation Plan

Pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-415, 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 reinitiation of the annexation procedure then in process.

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

- A. The area of annexation is approximately 4.88 acres.
- B. The proposed zoning is CR (Commercial Regional) which is a continuation of the types of zoning classifications on the adjacent properties. The purpose of the CR District is to provide locations for major retail shopping centers. The existing Washington County zoning classification for the Valley Mall properties is PB (Planned Business). The property is designated as Commercial General on the City's Future Land Use Map.

The CR zoning classification proposed for this site is similar in scope and permits similar uses as the County's current zoning of PB.

- C. It is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service based on development potential, as defined in the City's 2018 comprehensive plan, visionHagerstown 2035.
- D. It is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area.

II. Availability of Land Needed for Public Facilities -

- A. The uses of the annexation area are non-residential in nature and will have no additional impact on Washington County Board of Education facilities with respect to school capacity.
- B. The uses of the annexation area are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

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

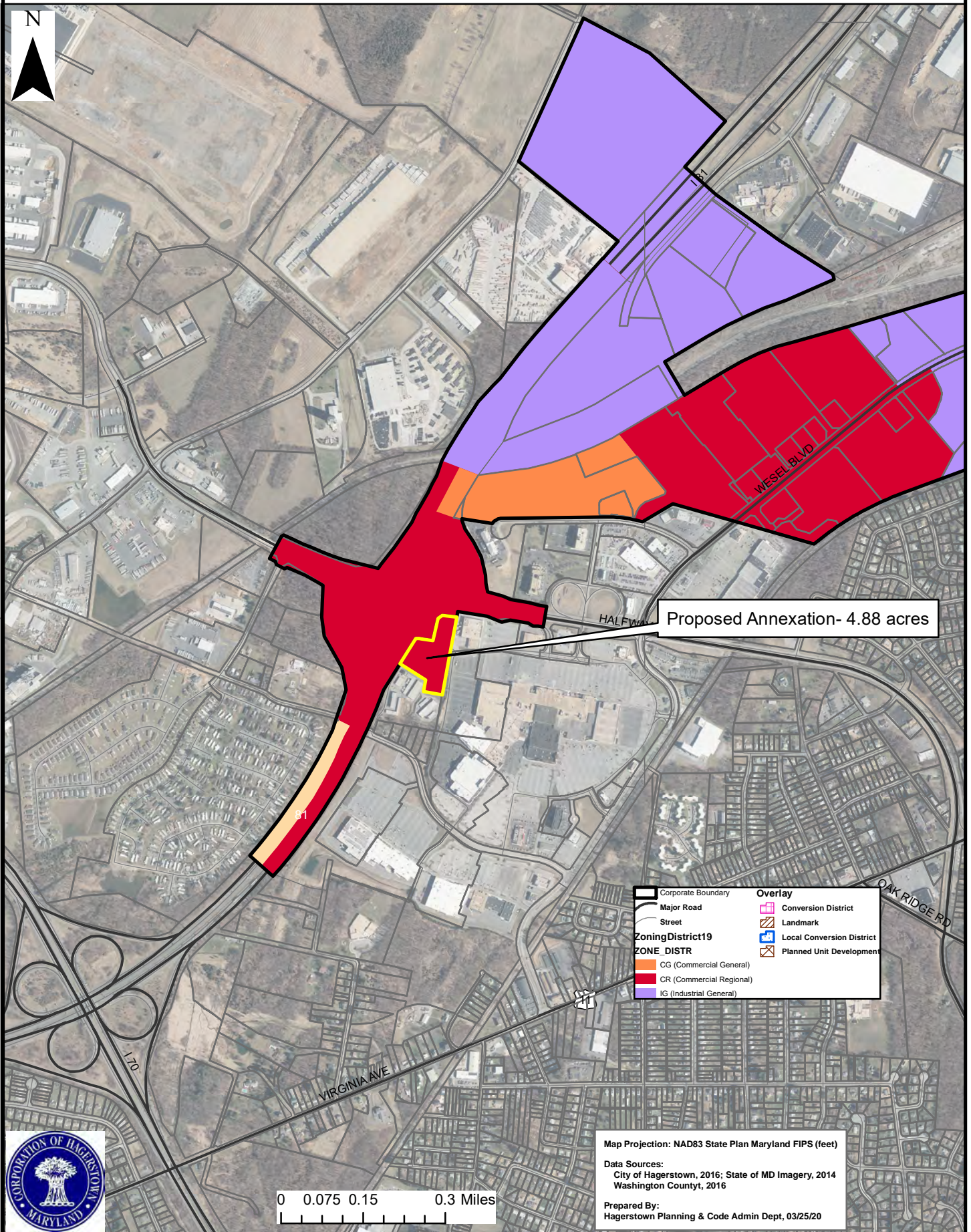
- A. The area of annexation is currently served by the County Department of Water Quality Wastewater Service. The property will continue to be served by County Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation is currently served by City Water and will continue to be served by City Water. Sufficient capacity exists to serve the property. Water rates will be reduced to reflect the change in property status to “inside city.”
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service would be provided by Potomac Edison.

The City of Hagerstown Light Division normally supplies street light services to local public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. However, this area is solely illuminated by parking lot lights and no street lights exist in the area proposed to be annexed.

- D. No significant impact on emergency medical service delivery is expected.
- E. The area proposed for annexation does not front any public roads. The area does front Interstate 81. No change to current ownership or service is proposed. Any public roads constructed in the future within the area of annexation will be completed at the direction of the City Engineer at the developer’s expense and constructed per the City’s Public Ways Construction Standards by the developer.
- F. Parks and recreation facility expansion are not proposed for this annexation.

- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.
- H. Maintenance (i.e. snow removal, mowing of right-of-ways, litter removal) of the adjoining private roads serving the area to be annexed is performed by adjoining property owners. Any public roads constructed in the future within the area of annexation will be maintained by the City Public Works Department.
- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for the Annexation Resolution.

A-2020-04: Annexation of Valley Mall Road Properties





Agenda Report Form

Open Session Item

SUBJECT: Express Approval – City of Hagerstown Annexation of Thomas, Bennett, and Hunter (TBH) parcel (A-2020-05)

PRESENTATION DATE: September 1, 2020

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

RECOMMENDED MOTION: Move to grant/deny express approval to the City of Hagerstown to allow development of TBH property located along Hopewell Road.

REPORT-IN-BRIEF: The basis for seeking Washington County Commissioners express approval of this annexation comes from the Local Government Article of Maryland's Annotated Code §4-416(b) which states:

“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.”

DISCUSSION: Zoning regulations adopted by each jurisdiction are compared to determine whether a substantial difference in land use exists between the current authorized uses under County zoning and proposed authorized uses under City Zoning. In this case the property is currently zoned Industrial General (IG) under County regulations. The City is proposing to apply Industrial General (IG) zoning on the properties upon annexation.

Both the County and the City Zoning regulations for these respective districts permit a variety of similar land uses including light and heavy manufacturing, office space, and warehousing. Neither of these districts allow for any new residential uses.

The parcel is currently unimproved but is under construction. The City and the County have agreed to allow the develop to occur under County regulations but with significant City input., and none are seeking to change the existing use of their property. It is Staff's recommendation that the express approval be granted for this annexation based on the fact that the majority of uses between the two districts are similar.

FISCAL IMPACT: n/a

CONCURRENCES: n/a

ALTERNATIVES: n/a

ATTACHMENTS: City Annexation Plan; Zoning Exhibit

AUDIO/VISUAL NEEDS: Zoning Exhibit

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

Date: **May 26, 2020**

TOPIC: **Approval of Annexation Plan**
Case No. A-2020-05: Thomas Bennett Hunter; and Other Lands

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

MOTION: I hereby move that the Mayor and City Council Approve an Annexation Plan for Annexation Case No. A-2020-05 known as “Pre-Annexation Agreement Case No. WS-2015-07 Thomas Bennett Hunter; and Other Lands.” The portion of property to be annexed is approximately 21.15 acres in size and is intended to be added to and made part of the adjacent municipal lands.

DATE OF PASSAGE:	5/26/20
EFFECTIVE DATE:	5/26/20

City of Hagerstown, Maryland
Annexation Case No. A-2020-05

Property Owners: Thomas Bennett Hunter, Inc
Washington County
CSX Transportation

Applicant: City of Hagerstown

Location of Property: 11661 Hopewell Rd (Tax Map 48 Block 11 Parcels 572 & 865)
Halfway Blvd Right-of-Way
CSX Right-of-Way

Annexation Plan

Pursuant to the Annotated Code of Maryland, Local Government Article, Section 4-415, 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 reinitiation of the annexation procedure then in process.

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

- A. The area of annexation is approximately 21.15 acres.
- B. The proposed zoning is IG (Industrial General) which is a continuation of the types of zoning classifications on the adjacent properties. The purpose of the IG District is to provide locations for general industrial uses. The existing Washington County zoning classification for the right-of-ways is HI (Highway Interchange) and for the remaining parcels is IG (Industrial General). The property is designated as Business Employment on the City's Future Land Use Map.

The IG zoning classification proposed for this site is similar in scope and permits similar uses as the County's current zoning of IG.

- C. It is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service based on development potential, as defined in the City's 2018 comprehensive plan, visionHagerstown 2035.
- D. It is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area.

II. Availability of Land Needed for Public Facilities -

- A. The uses of the annexation area are non-residential in nature and will have no additional impact on Washington County Board of Education facilities with respect to school capacity.
- B. The uses of the annexation area are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

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

- A. The area of annexation is undeveloped and not currently served by wastewater. The property will be served by County Wastewater upon annexation. Sufficient capacity exists to serve the property.
- B. The area of annexation is undeveloped and not currently served by City Water; however, it has an approved site plan for City water service for Thomas Bennett Hunter as a result of the 2015 pre-annexation agreement. Sufficient capacity exists to serve the property. Water rates will be reduced to reflect the change in property status to “inside city.”
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service would be provided by Potomac Edison.

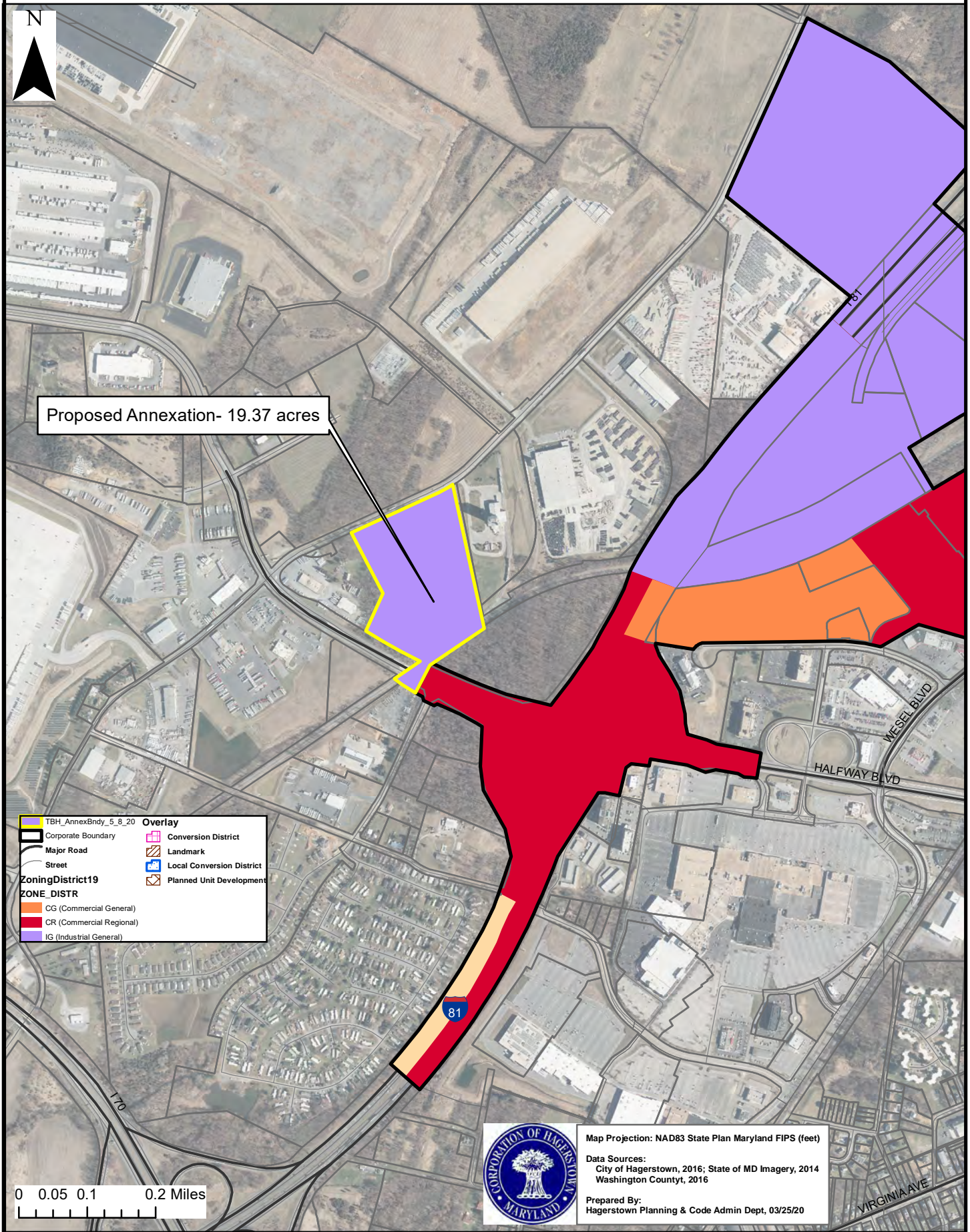
The City of Hagerstown Light Division normally supplies street light services to local public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. However, this area is solely illuminated by parking lot lights and no street lights exist in the area proposed to be annexed.

- D. No significant impact on emergency medical service delivery is expected.
- E. The area proposed for annexation fronts 2 public roads: Halfway Boulevard and Hopewell Road. No change to current ownership or service is proposed. Any public roads constructed in the future within the area of annexation will be completed at the direction of the City Engineer at the developer's expense and constructed per the City's Public Ways Construction Standards

by the developer.

- F. Parks and recreation facility expansion are not proposed for this annexation.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.
- H. Maintenance (i.e. snow removal, mowing of right-of-ways, litter removal) of Hopewell Road and Halfway Boulevard is performed by Washington County. Any public roads constructed in the future within the area of annexation will be maintained by the City Public Works Department.
- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for the Annexation Resolution.

A-2020-05: Annexation of Thomas Bennet Hunter





Agenda Report Form

Open Session Item

SUBJECT: Express Approval – Town of Hancock Annexation of 305, 307, 317, & 319 E. Main Street, Hancock

PRESENTATION DATE: September 1, 2020

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

RECOMMENDED MOTION: Move to grant/deny express approval to the Town of Hancock to allow development of two (2) parcels plus State Highway right-of-way proposed to be annexed along E. Main Street in Hancock.

REPORT-IN-BRIEF: The basis for seeking Washington County Commissioners express approval of this annexation comes from the Local Government Article of Maryland's Annotated Code §4-416(b) which states:

“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.”

DISCUSSION: Zoning regulations adopted by each jurisdiction are compared to determine whether a substantial difference in land use exists between the current authorized uses under County zoning and proposed authorized uses under Town Zoning.

In this case both properties are currently zoned Business General (BG) under County regulations. The Town is proposing to apply General Commercial (GC) zoning on the properties upon annexation.

Both the County and the Town Zoning regulations for these respective districts permit a variety of similar land uses including business and professional office uses, retail sales and services, social and cultural uses, and public administration services. There does not appear to be a conflict of uses between the existing County zoning and the proposed Town zoning.

Both parcels are already improved, and none are seeking to change the existing use of their property. Furthermore, the likelihood that the existing development would be revised in order to obtain residential density seems low. It is Staff's recommendation that the express approval be

granted for this annexation based on the existing conditions of the properties already being improved and the majority of uses between the two zoning districts being similar.

FISCAL IMPACT: n/a

CONCURRENCES: n/a

ALTERNATIVES: n/a

ATTACHMENTS: Town Annexation Plan; Zoning Exhibit

AUDIO/VISUAL NEEDS: Zoning Exhibit



**Town of Hancock
126 West High Street
Hancock, Maryland 21750**

Annexation Plan

Location of Property	Owner
305 E. Main St.	2004 Maugans Avenue, LLC
307 E. Main St.	The Town of Hancock (Tax Exempt)
317-319 E. Main St.	The Town of Hancock (Tax Exempt)
Right of Way Area – Center St. and E. Main St.	(Tax Exempt)

Pursuant to Md. Code Ann., Local Gov't § 4-415, herewith is the annexation plan for the areas proposed to be annexed. Any future amendments to this annexation plan may not be construed in any way as an amendment to the resolution to annex said lands, nor may they serve in any manner to cause a re-initiation of the annexation process.

The contemplated annexation is at the request of the Town with the consent of the owners.

I. Land Use Patterns of Areas Proposed

A. The surveyed area of annexation is approximately 2.7 acres, including right of way areas. The properties are currently developed. Two of the properties are Town-owned and exempt from taxation.

B. The proposed zoning for all of the properties within the area to be annexed is General Commercial (GC), a mixed-use zone. The GC zoning district "accommodates both traditional retail uses and the kinds of highway-oriented commercial enterprises that function better outside typical downtown "Main Street" locations because they need large buildings, parking lots and/or outdoor storage areas." The Town's Comprehensive Plan provides that the district "accommodates uses such as retail stores, offices, gasoline stations, and personal or professional services. Common conditional uses include child care centers, schools, restaurants and churches" and that "GC areas are generally along the Town's major transportation routes and at major intersections, particularly along the US 522 corridor" The area of annexation lies to the South of Main Street (Maryland Route 144), a portion of realigned U.S. Route 40. The Comprehensive Plan, Map 3-2 "Future Land Use", specifically contemplates that the area of annexation will be classified as GC. Section 410 of the Hancock Zoning Ordinance is attached hereto as **Exhibit 1**.

C. The existing Washington County zoning classification for the properties to be annexed is Business, General (BG), described by the Washington County Comprehensive Plan as "a broad based commercial classification." The purpose of the Business, General District is to provide appropriate locations for businesses of a more general nature than might be expected to be found in a neighborhood," including "[r]etail trades, businesses and services...." Article 12 of the Washington County Zoning Ordinance is attached hereto as **Exhibit 2**.

D. All of the subject properties lie in the “Town of Hancock Growth Area” as set forth in the Town’s Comprehensive Plan and are presently served by water and wastewater services. The Town’s Comprehensive Plan indicates that the subject properties are part of an identified “annexation area” (see Comp. Plan, Map 2-2).

E. All of the subject properties are in the State’s designated “Priority Funding Area.”

F. The 305 E. Main St. property was most recently used as a commercial car wash. Proposed future uses include a renovated and expanded car wash.

G. The 307 E. Main St. property is a municipal maintenance facility owned and operated by The Town of Hancock.

H. The 317-319 E. Main St. property is a disused warehouse/light industrial property owned by The Town of Hancock for potential public use or economic development purposes. No development/redevelopment is currently contemplated.

I. In accordance with Md. Code Ann., Local Gov’t §4-416, no development of the land to be annexed is now being contemplated that is substantially different from the currently authorized use, or at a substantially higher density, that is permitted under the current Business, General zoning classification. However, the Town intends to request express approval of the proposed Town Center municipal zoning classification.

II. Municipal Services

A. The area of annexation is currently served by Town water and wastewater services. Sufficient capacity exists for the current and proposed uses of the properties. A wastewater pumping station adjoining 305 E. Main St. was upgraded in 2001. This Center Street Pump Station has two 7.5 hp pumps that feed into a manhole directly to the north of the property at the corner of East Main Street and Center Street and can accommodate 90 gallons a minute with a daily capacity of more than 10,000 gallons. This capacity is sufficient. The East Main Street water main is adjacent to all properties and all have existing water service.

B. Electric service is currently provided to each of the subject properties by Allegheny Energy.

C. Any proposed construction, reconstruction of structures or other site improvements will be subject to the Town’s review and approval in accordance with applicable law.

D. Existing parks and recreation facilities, schools, library facilities reasonably necessary for the proposed use of the properties are sufficient and will be available upon annexation.

E. Police services within the Town of Hancock are provided by the Town Police Department. The Town Police rely upon and are supported by mutual aid agreements with the Washington County Sheriff’s Office and the Maryland State Police. Fire and rescue services are provided by the local Volunteer Fire and Rescue companies. The subject property is within one (1) mile of current Fire and Rescue facilities within the Town, within a mile to the Town Police Department and within less than a mile to the current Hancock Fire Department and Rescue Squad. It is anticipated that the existing service providers will be able to adequately service the needs of the properties. Such services may commence after annexation, using existing personnel and equipment, at the same time or level of service now being provided to the Town.

III. Extension of Municipal Services

Municipal services such as police protection, trash collection and general public works will be available to the annexed area if and when the property is annexed. All owners of the properties within the area proposed to be annexed shall, upon such annexation, be entitled to or have available to them, all existing benefits of the Town of Hancock, subject to all required applications and user fees, utility charges, assessments, taxes and other fees, costs and expenses required of owners of property in the Town of Hancock.

IV. Annexation Agreements; Future Use.

No Annexation Agreement with property owners or developers with interest in the properties subject to this annexation has been entered into. Should the Town decide to enter into such an agreement with any property owner or developer at a later date, such agreement shall be adopted by Resolution as required by Ann. Code of Md., Local Gov't § 4-405(b)(2).

410 **"GC" General Commercial District**

The General Commercial area accommodates both traditional retail uses and the kinds of highway-oriented commercial enterprises that function better outside typical downtown "Main Street" locations because they need large buildings, parking lots and/or outdoor storage areas.

A. Principal Permitted Uses and Structures:

Only the following principal uses and structures are permitted in the "GC" district.

1. Recreational facility owned or operated by Hancock or other government.
2. Public building or use owned or operated by Hancock.
3. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
4. Business, professional, or governmental offices.
5. Retail stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry good, drugs, fabrics, floor covering, flowers, foodstuffs, furniture, garden supplies, gifts, hardware, hobbies, appliances, jewelry, luggage, music, musical instruments, novelties, paint, equipment, periodicals, music, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationery, tobacco and similar use.
6. Service business including barber, beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, health club, travel agency, tailor repair shop for watches, guns, bicycle, locks.
7. Bank or saving and loan association.
8. Newspaper; printing establishment
9. Upholsterer, cabinet maker and similar custom crafts (see also as Home Occupation).
10. Theater, indoor.
11. Entertainment and recreation facilities operated as a gainful business within a building.
12. Gasoline service station subject to the following additional provisions:
 - a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
 - b) Fuel pumps shall be at least 10 feet from any street right-of-way.
 - c) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
 - d) Full body paint spraying or body and fender work shall not be permitted.
13. Sale of automotive accessories, parts, tires, batteries, and other supplies.
14. Emergency Services Station.
15. Bus Station or Taxi Company.
16. Wholesale business and storage subject to the following provisions;
 - a) Storage of all new or used items, including dismantled vehicles, parts, equipment, and what is generally referred to as "junk" must be screened from view from the street and adjoining property by building wall and/or substantial landscaping.
17. Contractor offices and shops such as building, cement, electrical, heating, masonry, painting and roofing, and provided that within the TC district, such use shall not include outdoor storage of equipment or materials that are visible from a street or other property.
18. Printing, publishing, binding. Other than newspaper printing.

B. Special Exceptions:

Only the following uses and structures are permitted in the "GC" District as special exceptions after approval by the Board of Appeals.

1. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
2. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.
 - a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section "A" as applicable.
 - b) A lot area of not less than 5 acres shall be required.
 - c) Lot width of 300 feet shall be required.
 - d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
3. Child Care Center, subject to the following additional condition:
(See also as an accessory use in Section F).
 - a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
 - b) A lot area of not less than 20,000 square feet shall be required.
 - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
 - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.
 - e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.
4. Trade or professional school, music, dancing or hobby school.
5. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
6. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
 - a) The use shall not be conducted as a private gainful business
 - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
7. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
 - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
 - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
 - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.

8. Private club or lodge (other than a use listed), subject to the following additional provisions in Districts where permitted only by Special Exception:
 - a) The use shall not be conducted as a private gainful business.
 - b) A lot area of not less than 3 acres shall be required.
 - c) All buildings shall be located not less than 50 feet from any lot line.
9. Golf course, country club, subject to the following additional provisions:
 - a) A lot area of not less than 25 acres shall be required.
 - b) All buildings and golf greens and tee shall be located not less than 75 feet from any lot line.
10. Golf driving range subject to the following additional provisions.
 - a) A lot area of not less than 15 acres shall be required.
 - b) All buildings and tees shall be located not less than 75 feet from any lot line.
 - c) All lighting and activity areas shall be sufficiently screened so as to protect the neighborhood from glare, noise and other disturbance.
11. Restaurant Without Drive-Thru Service.
12. Restaurant With Drive-Thru Service.
13. Motel or hotel.
14. Outdoor entertainment and recreation facilities, including drive-in theater, operated as a gainful business, other than uses listed separately in this section.
15. Sale or rental of motor vehicles.
16. Repair garage including paint spraying and body and fender work or car wash, provided that all repair and paint work is performed within an enclosed building.
 - a) All automobile parts, dismantled vehicles, and similar articles shall be stored within an enclosed building.
17. Sale or rental of farm equipment, trailers, mobile homes for off-site use, snowmobiles and miscellaneous vehicles, and which may include repairs and display of such items, provided:
 - a) storage of used equipment, used mobile home, parts and "junk" shall be screened from view of streets and other property by building walls and/or landscaping approved by the Board of Appeals. Such landscaping shall consist of evergreen trees with an initial height of 5 feet, in sufficient number to create an effective visual screen within 3 years after planting.
 - b) In place of screening, the Board of Appeals may approve screening of other appropriate materials that would be harmonious with the present or intended character of the surrounding area.
18. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, communication antennas/towers or stations excluding commercial studios subject to the following provision:
 - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
 - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
 - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
 - d) In the case of radio and/or television transmitter towers any such tower shall meet the requirements of Section 518.

19. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

C. Accessory Uses and Structures:

The following accessory uses and structures shall be permitted in the "GC" district:

1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
2. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
3. Off-street parking subject to the requirements of Article 6.
4. Signs subject to the requirements of Article 7.

D. Agricultural Uses: The following agricultural uses shall be permitted in the "GC" district:

1. Crop farming, orchards and forestry.

E. Specifically Prohibited Uses:

1. Junk Yard

F. Lot, Yard and Height Requirements: The following minimum requirements shall apply to all uses and structures in the GC district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

- | | |
|---------------------|-------------------|
| 1. Lot area | 5,000 square feet |
| 2. Front Yard depth | 15 feet |
| 3. Side Yard depth | 8 feet |
| 4. Rear Yard depth | 20 feet |
| 5. Lot Width | 75 feet |
| 6. Lot Coverage | 80 percent |

EXHIBIT 2

ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT⁹⁹

Section 12.0 Purpose

The purpose of the Business, General District is to provide appropriate locations for businesses of a more general nature than might be expected to be found in a neighborhood.

All new development in the Business, General District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "BG" Business, General District.

Section 12.1 Principal Permitted Uses

- (a) Retail trades, businesses and services, including but not limited to the following and any use permitted in the BL District, subject to the use regulations specified in that district.

Amusement parks.

Animal hospitals, veterinary clinics, or kennels without outside runways or exercise areas.

Bottling of soft drink or milk, or distribution stations for same.

Bowling alleys.

Carpentry or woodworking shops.

Conference Centers.¹⁰⁰

Department stores.

Drive-in restaurants.

Golf driving ranges.

Hotels and apartment hotels, including motels.

Libraries.

Newspaper publishing establishments.

Printing shops.

Retail building material sales conducted in an enclosed structure with no outside material storage.

⁹⁹ Revision 17, Article 12 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2010-07)

¹⁰⁰ Revision 17, Section 12.1(a) amended 4/23/13; Conference Centers added (RZ-12-002/ORD-2013-13)

Sales and service establishments for automobiles, trucks, recreational travel vehicles, farm implements and motorcycles, subject to the setback requirements of Section 12.6(d).

Schools, business, dancing, music and trade.

Sheet metal shops.

Sign painting shops.

Signs, outdoor advertising, subject to the provisions of Section 22.24 and 22.25.

Skating rinks.

Swimming pools.

Telephone central office or service center.

Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

Tourist homes.

Wholesale business, warehousing or service establishments, except as first allowed in an "IR" or "IG" District.

Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (a) Wholesale and retail outside building material storage yards; utility storage yards, such as water, electric, gas, communication and sewer; and outside storage yards which are directly related to any principal permitted or special exception use in a BG zone.
- (b) Feed and grain sales, milling and/or storage.
- (c) Outdoor drive-in theaters.
- (d) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas which shall be 100 feet from any dwelling, place of worship, school or institution for human care not located on the same lot and subject to additional requirements of Section 12.5.
- (e) Research and development facilities as defined in Article 28A.
- (f) Adult bookstores provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of a place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club or lodge, or within 1,000 feet of any other adult book store or adult mini-motion picture theater.

- (g) Adult mini-motion picture theaters, provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of any place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult mini-motion theater or adult book store.
- (h) Any other facility providing any other type of adult entertainment provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of a place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult book store, adult mini-motion picture theater, or any other facility providing adult entertainment.
- (i) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.
- (j) Commercial Communications Towers, subject to the requirements of Section 4.22.
- (k) Places of worship.
- (l) Any other use that the Board finds is functionally similar to any principally permitted use or special exception except adult book stores, adult mini-motion picture theaters, or any other type of adult entertainment listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

Section 12.3 Accessory Uses

- (a) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.23), and a single-family dwelling unit in the same building with a principal use.

Section 12.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 12.5 Lot Area, Lot Width and Yard Setback Requirements

The following minimum requirements shall be observed subject to the modified requirements in Article 23.

USE	LOT AREA	LOT WIDTH	FRONT YARD DEPTH	NO. OF STORIES	SIDE YARD (WIDTH EACH SIDE YARD)	REAR YARD
Non-residential Buildings	None	None	40 ft.	*	10 ft.**	10 ft.**
Hotels	20,000 sq. ft.	100 ft.	40 ft.		20 ft.	20 ft.**
Motels	1 acre	100 ft.	40 ft.	1 – 2 ½	15 ft.	15 ft.**
Residential parts of non-residential buildings	Same as “RU” District	Same as “RU” District	Same as “RU” District	Same as “RU” District	Same as “RU” District	Same as “RU” District
***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas	1 acre	200 ft.	50 ft.		50 ft.	50 ft.

* Subject to requirements of Section 12.4.

** Except adjoining any RR, RT, RS, RU, or RM District, in which case not less than thirty-five (35) feet and subject to all applicable screening requirements.

*** (See also section 12.2(d)).

Section 12.6 Design Standards

- (a) **Site Coverage:** Impermeable site coverage (Parking areas, building area, and other paved surfaces) shall not be greater than 80% of the gross area of the site. This site coverage limitation shall not include any area of pervious or permeable pavement.
- (b) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall not be located in the front yard or in the front of the building. Refuse collection and storage areas may be located on the side or to the rear of the building but not in the side yard setback. Refuse collection and storage areas shall be completely shielded from view at all times by fencing or landscaping that meets the applicable requirements of Article 22, Division XI.
- (c) **Landscaping:** Permeable areas of the site, excluding permeable pavement, shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively

screened according to the buffering requirements contained in Article 22, Division XI.

When additional screening and buffering is required or appropriate to enhance compatibility between uses it shall be provided according to the buffering requirements contained in Article 22, Division XI.

- (d) **Vehicle Display:** All vehicles displayed on sales lots, including farm implements, shall be parked at least ten (10) feet from the public or private street or road right-of-way, or from the curb, or from the street or road edge, whichever provides the greatest setback.
- (e) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.
- (f) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.
- (g) **Loading Areas:** All uses shall provide an appropriately sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.
- (h) **Outside Storage:** All wholesale and retail outside building material storage yards and other outside storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall be in accordance with the following requirements:
 - 1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen of at least six (6) feet in height.
 - 2. A fence, when erected as a screen, shall be not less than six (6) feet in height, and shall be placed no closer than three (3) feet from any street or property line.
 - 3. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.
 - 4. No structure, fence, planting or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane

two (2) feet above curb level and a plane seven (7) feet above curb level.

5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
 6. The screening requirements of Article 22, Division XI shall also apply and the stricter shall prevail.
- (i) Permanent or temporary outside display areas shall be designated on the site plan and shall be designed to be consistent with the non-parking uses in parking facilities guidelines contained in Section 22.14. Outside display areas are subject to the yard requirements of Section 12.5.
- (j) Unoccupied commercial buildings shall be subject to the following maintenance of vacant buildings guidelines.
1. The property shall be kept clear of trash.
 2. Parking lot lights shall be illuminated during the evening business hours of the surrounding commercial area. If there is no adjacent commercial area, the property shall be minimally lit for security purposes.
 3. Commercial identification signs shall be removed and the space behind them repainted or treated in an appropriate manner to maintain an appearance consistent with the remainder of the building.
 4. Landscaped areas shall be kept clear of weeds and be properly maintained.
 5. Buildings shall be kept in good condition (painted areas kept in good condition, windows kept in good and clean condition, walls and other surfaces kept clear of graffiti and other staining elements, destruction caused by vandals repaired, etc.).
 6. Contact information shall be posted.
- (k) All new development in the Business, General District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.
1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.
 2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:
 - i. The need to protect environmental resources from potential pollution from failing septic systems.

- ii. The availability and proximity of existing public water and sewer facilities.
- iii. The status of any available plans for utility extensions in the future that may serve the area.
- iv. The existence and operation of private, on-site health facilities in the vicinity.
- v. Recommendations of the Washington County Health Department.
- vi. The adopted Washington County Water and Sewerage Plan.
- vii. Recommendations of the potential service provider.
- viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.
- ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be as specified in Section 12.5. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.
- x. Any private on-site well or septic system shall meet all Health Department requirements.

- (l) All new development in the Business, General District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 12.7 Site Plan

A Site Plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception uses. All Site Plans shall contain information as required by the applicable sections of this Article and this Ordinance and shall not be approved without compliance with the applicable sections.

ANNEXATION RESOLUTION

RESOLUTION NO. ____ - ____ -2020

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HANCOCK, ENLARGING THE CORPORATE BOUNDARIES OF THE TOWN OF HANCOCK BY ANNEXING LAND CONTIGUOUS TO AND ADJOINING UPON THE CORPORATE BOUNDARIES OF THE TOWN ALONG EAST MAIN STREET EASTWARD FROM ITS INTERSECTION WITH CENTER STREET IN ELECTION DISTRICT NO. 5, WASHINGTON COUNTY, MARYLAND AND CONTAINING APPROXIMATELY 2.70 ACRES, MORE OR LESS, THEREBY AMENDING THE CHARTER OF THE TOWN OF HANCOCK, AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN THE BOUNDARY OF THE TOWN AND THE AMENDMENT OF THE SAID CHARTER, AND TO ESTABLISH THE ZONING CLASSIFICATION FOR THE AREA ANNEXED.

WHEREAS, pursuant to the authority of Article XI-E of the Constitution of the State of Maryland, and Subtitle 4 of Title 4 of the Local Government Article of the Annotated Code of Maryland, it is the intention of the Mayor and Council to introduce and pass a resolution providing that the present corporate limits as described in the Charter of the Town of Hancock be enlarged to include therein property within Washington County, Maryland, those properties known as 305, 307, and 317-319 East Main Street, Hancock, Maryland, and certain right-of-way areas adjacent thereto, as more particularly described in the metes and bounds descriptions herein attached hereto and made a part hereof as **Exhibit A** and shown on the Annexation Plat attached hereto as **Exhibit B** (the "Land"), which property is contiguous and adjoining to the existing corporate boundaries of the Town of Hancock; and

WHEREAS, the annexation which is the subject of this Resolution does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town of Hancock, real property proposed to be within the corporate limits of the Town of Hancock as a result of the proposed annexation, or any combination of such properties; and

WHEREAS, pursuant to the authority of § 4-403(b) of the Local Government Article of the Annotated Code of Maryland, the Mayor and Council may introduce an annexation resolution with the consent of at least 25% of the registered voters who are residents in the area to be annexed and the owners of at least 25% of the assessed valuation of the non-tax exempt real property in the area to be annexed; and

WHEREAS, there are no registered voters who are residents in the area to be annexed; and

WHEREAS, 2004 Mavgans Avenue, LLC, a Maryland limited liability company, the owner of the non-tax exempt portion of the Land, and The Town of Hancock, the owner of the tax exempt portion of the Land, have consented and agreed to the annexation of the Land into the corporate limits of the Town and to make applicable to that area all laws which are now in force

and effect or which may hereafter be enacted by the Mayor and Council of Hancock, as evidenced by the Consent of Property Owner attached hereto and incorporated herein as **Exhibit C**; and

WHEREAS, the proposed zoning for the Land was referred to and reviewed by the Town of Hancock Planning Commission in relation to the Comprehensive Plan, the Zoning Ordinance, and the other applicable land-use ordinances of the Town, and the needs of the particular neighborhood and vicinities of the area to be annexed, and said Planning Commission has agreed that **General Commercial (GC)** zoning is proper and desirable under all of the circumstances and should be accomplished at this time; and

WHEREAS, the Mayor and Council have determined to initiate the Resolution to enlarge and extend the limits of the Town of Hancock to include and zone the Land described as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HANCOCK:

Section 1. That there is hereby annexed into the corporate boundaries of the Town of Hancock, a municipal corporation of the State of Maryland, all that land contiguous and adjoining the current boundaries of the Town of Hancock in Washington County, Maryland, consisting of approximately 2.7 acres of land¹ as more particularly and fully described in a metes and bounds description set forth on **Exhibit A** hereto, based on that survey represented by an Annexation Plat for the Town of Hancock prepared by Frederick, Seibert and Associates, designated as Job No. 7513.1, and incorporated herein by reference and attached hereto as **Exhibit B**.

Section 2. The Town Manager shall cause a notice of the proposed enlargement of the corporate boundaries of the Town of Hancock to be published not less than two (2) times, at weekly intervals, in a newspaper of general circulation in the Town of Hancock, Maryland, said notice describing the proposed enlargement (i.e., the area to be annexed) and conditions and circumstances applicable thereto and specifying the time, date and place at which a public hearing will be held on the proposed annexation. Said public hearing is to be held on the _____ day of _____, 2020 at 7:00 p.m. in the Town Hall, Hancock, Maryland, said date being more than fifteen (15) days after the second publication of the notice in the aforementioned newspaper.

Section 3. Immediately upon the first publication of the public notice, the Town Manager shall cause a copy of the public notice to be provided to the Board of County Commissioners of Washington County, Maryland, the Washington County Department of Planning and Community Development, and the Maryland Department of Planning. Each of these agencies and jurisdictions shall have the first right to be heard at the scheduled public hearing, after which the hearing shall be open to the general public.

Section 4. This Resolution shall be and become effective forty-five (45) days after its passage by the Mayor and Council unless a petition for referendum in accordance with Sections § 4-408, § 4-409, or § 4-410 of the Local Government Article of the Annotated Code of Maryland is submitted to the Town Manager within forty-five (45) days following its passage.

¹ The as-surveyed acreage differs slightly from that reflected on the SDAT tax account information.

Section 5. That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the Town of Hancock, and all duly adopted provisions of the Charter of the Town of Hancock, the Code of the Town of Hancock and the ordinances of the Town of Hancock shall be, and hereby are, extended and made applicable to such portion of Washington County, Maryland as is, under the provisions of this Resolution, annexed to and made a part of the Town of Hancock, Maryland. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor and Council of Hancock to amend or to repeal any Charter provision, Town Code provision or ordinance existing at the date of passage of this Resolution, or to enact and ordain any ordinance which, at the date of passage of this Resolution, or hereafter, it may be authorized to enact or ordain.

Section 6. The inhabitants of the Land annexed to the Town of Hancock by this Resolution shall, in all respects and to all intents and purposes, be subject to the powers, jurisdiction and authority vested, or to be vested by law, in the Mayor and Council of the Town of Hancock, so far as the same may be consistent with the provisions of this Resolution, and the Land so annexed shall, in all respects, be taken and considered as part of the municipal corporation of the Town of Hancock.

Section 7. Within ten (10) days after the effective date of this Resolution, the Town Manager of the Town of Hancock shall send a copy of this Resolution together with the new boundaries of the Town of Hancock, to a) the Clerk of the Circuit Court for Washington County, Maryland; and b) to the Department of Legislative Services. Thereafter, the Town Manager shall hold this Resolution and make it available for inspection during all business hours.

INTRODUCED the ____ day of _____, 2020.

PASSED under our hands and seals at the Town Hall, Hancock, Maryland, this _____ day of _____, 2020, with the corporate seal of the Town of Hancock hereto attached, duly attested by the Town Manager.

ATTEST:

MAYOR AND COUNCIL OF
HANCOCK, MARYLAND

Joe Gilbert, Town Manager

Ralph T. Salvagno, M.D., Mayor

EXHIBIT A

Description of additional lands of the Town of Hancock, subject to and together with any and all easements or rights of way of record and applicable thereto:

305 East Main St.; Map 502, Parcel 431

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northeastern most corner of the lands herein described, thence running with the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) with bearings to match Maryland Grid North NAD 83 S09°53'55"W 146.71 feet to a point, thence with lands now or formerly of State of Maryland, Department of Natural Resources (Liber 965, folio 409) N79°00'03"W 89.66 feet to a point, thence N14°29'55"E 20.00 feet to a point, thence with the eastern right of way line of Center Street, N 14°29'55" E 127.30 feet to a point on the southern right of way line of East Main Street, said right of way line as shown on State Roads Commission Plat No. 3944, thence S78°44'50"E 77.85 feet to the place of beginning;

Containing 12,300 square feet or 0.28 acres of land more or less;

Said lands are conveyed subject to and together with any and all easements or rights of way of record and applicable thereto.

Said lands being the same lands described in a deed from Wayne Lee Fleming and Joyce Darlene Fleming, to 2004 Maugans Avenue, LLC, by deed dated January 24, 2007, and recorded in Liber 3212, folio 582 among the Land records of Washington County, Maryland.

The improvements thereon being commonly known as 305 East Main Street, Hancock, Maryland; Tax Map 502, Parcel 431.

307 East Main St.; Map 502, Parcel 432

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. dated August 13, 2018 as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northwestern most corner of the lands herein described, thence running with said right of way line as shown on State Roads Commission Plat No. 3944 with bearings to match Maryland Grid North NAD 83 S78°44'07"E 75.02 feet to a point, thence leaving said right of

way and running along lands now or formerly of Town of Hancock Mayor and Council (Liber 5737, folio 489) S09°50'39"W 146.36 feet to a point on the northern boundary of lands now or formerly of the Maryland Department of Natural Resources, thence with said boundary N79°00'13"W 75.15 feet to a point, thence along lands now or formerly of 2004 Maugans Avenue, LLC (Liber 3212, folio 582) N09°53'55"E 146.71 feet to the place of beginning;

Containing 10,990 square feet or 0.25 acres of land more or less;

Said lands being the same lands described in a deed from the State Highway Administration of the Maryland Department of Transportation to Town of Hancock, Maryland by deed dated June 5, 2007, and recorded in Liber 3314, folio 287 among the Land Records of Washington County, Maryland.

317-319 East Main St.; Map 17, Parcel 79

Situate along the south side of East Main Street approximately 160 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northwestern most corner of the lands herein described, thence running with said right of way line as shown on State Roads Commission Plat No. 3944 with bearings to match Maryland Grid North NAD 83 S78°47'52"E 537.09 feet to a point, thence leaving said right of way and running along the lands now or formerly of Fairview Orchards Landbesitz GMBH & Co. Vermögensverwaltungs KG (Liber 840, folio 943) and the lands now or formerly of State of Maryland, Department of Natural Resources (Liber 965, folio 409) S11°14'23"W 93.92 feet to a point, thence S10°56'40"W 50.00 feet to a point, thence N79°03'20"W 533.79 feet to a point, thence along the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) N09°50'39"E 146.36 feet the place of beginning;

Containing 77,692 square feet or 1.78 acres of land more or less;

Said lands being the same lands described in a deed from H & H Storage, LTK, to Town of Hancock Mayor and Council, by deed dated April 24, 2018, and recorded in Liber 5737, folio 489 among the Land Records of Washington County, Maryland.

Center and Main Streets; Map 502

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the northern right of way line of East Main Street as shown on State Roads Commission Plat No. 3944 and the western right of way line of Center Street, said point being the northwestern most corner of the lands herein described, thence running along the corporate boundary of the Town of Hancock and across Center Street S78°51'10"E 58.24 feet, thence with the northern right of way line of East Main Street, S78°51'10"E 119.46 feet, thence S78°51'10"E 10.00 feet to a point, thence across East Main Street S09°30'10"W 60.03 feet to a point, thence near the southern right of way line of East Main Street, S78°47'50"E 538.21 feet to a point, thence with the lands now or formerly of the Town of Hancock (Liber 5737, folio 489) N78°47'52"W 537.09 feet to a point, thence with the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) N78°44'07"W 75.02 feet to a point, thence with the lands now or formerly of 2004 Maugans Avenue, LLC (Liber 3212, folio 582) N78°44'50"W 77.85 feet to a point, thence S14°29'55"W 127.30 feet to a point, thence with the lands now or formerly of the State of Maryland, Department of Natural Resources (Liber 965, folio 409) N79°04'00"W 40.17 feet to a point, thence N14°11'30"E 127.47 feet to a point on the southern right of way line of East Main Street, thence across East Main Street N14°11'30"E 59.74 feet to the place of beginning;

Containing 16,529 square feet or 0.38 acres of land more or less;

Said lands being part of the rights of way of Center Street and East Main Street, Hancock.

EXHIBIT B

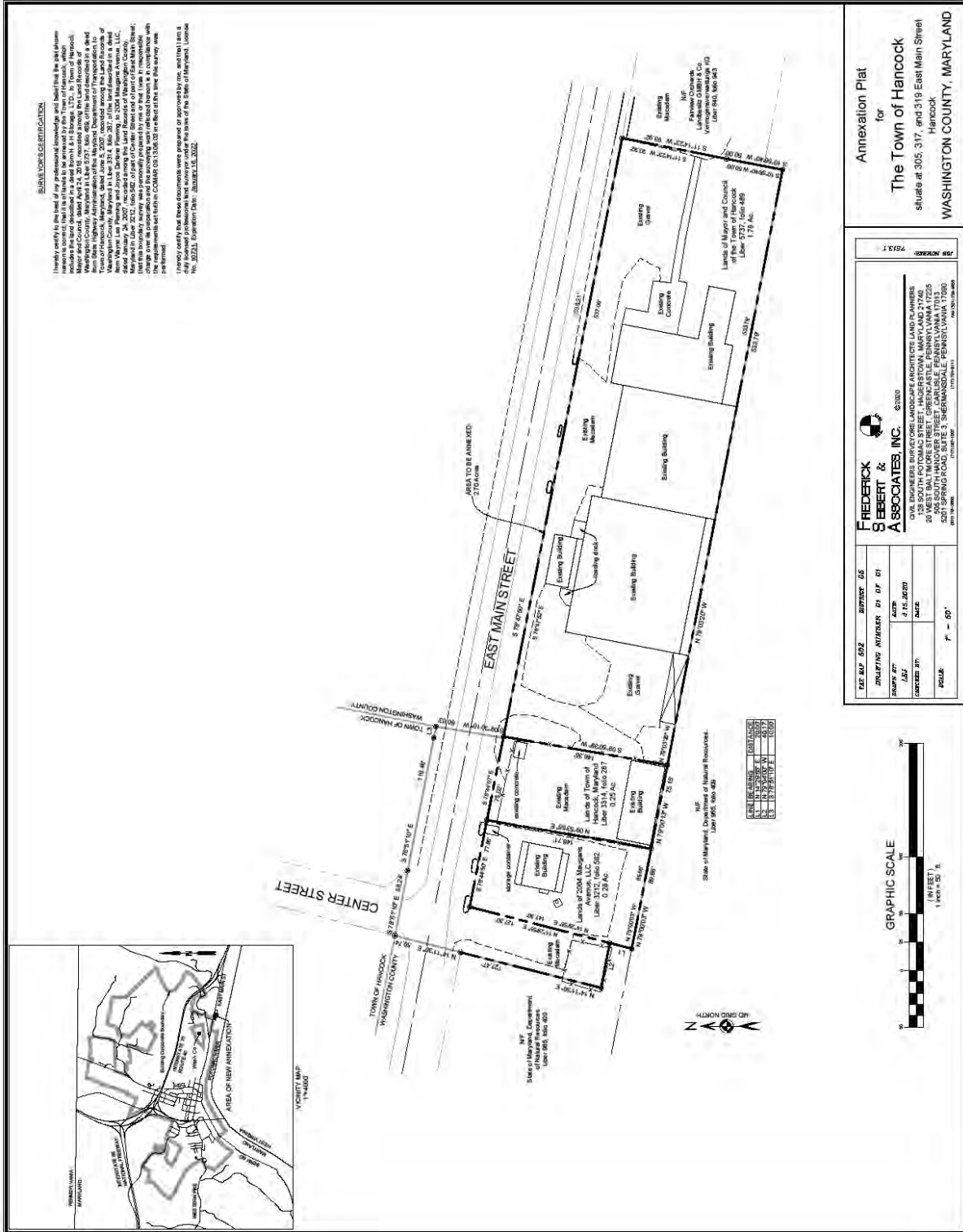


EXHIBIT C

CONSENT OF PROPERTY OWNERS

Pursuant to Subtitle 4 of Title 4 of the Local Government Article of the Annotated Code of Maryland, 2004 Maugans Avenue, LLC, being the owner of 100% of the assessed value of the non-tax exempt lands to be annexed², does hereby consent to the annexation of its property into the corporate boundary of The Town of Hancock, Maryland, as described in and subject to all of the terms and conditions set forth in the Annexation Resolution to which this consent is attached.

Witness/Attest:

2004 MAUGANS AVENUE, LLC

By: _____
Bradley A. Fulton, Authorized Person

ASSESSMENT OF LANDS TO BE ANNEXED

Privately Owned – Non-Tax Exempt Lands

Owner	T.M./Parcel	Acres +/-	Land	Improvements	Total
2004 Maugans Avenue, LLC	502/431	0.28	\$108,600.00	\$ 8,200.00	\$ 116,800.00
TOTAL		0.28	\$108,600.00	\$ 8,200.00	\$ 116,800.00

Publicly Owned, Tax Exempt Lands

Owner	T.M./Parcel	Acres +/-	Land	Improvements	Total
Road Right of Way Area		0.38	\$ -	\$ -	\$ -
Town of Hancock	502/432	0.25	\$ 92,600.00	\$ 70,800.00	\$ 163,400.00
Town of Hancock	17/79	1.78	\$ 80,100.00	\$ 693,000.00	\$ 773,100.00
TOTAL		2.41	\$172,700.00	\$ 763,800.00	\$ 936,500.00

² See City of Salisbury v. Banker's Life Co., 21 Md. App. 396 (1974); Town of Forest Heights v. Maryland-National Capital Park and Planning Comm'n, 463 Md. 469 (2019).



Board of County Commissioners of Washington County, Maryland

Agenda Report Form

Open Session Item

SUBJECT: 2020 Census – Washington County efforts and results to date

PRESENTATION DATE: September 1, 2020

PRESENTATION BY: Kimberly Buchanan, Director of Development, Community Action Council

RECOMMENDED MOTION: None, informational purposes only.

REPORT-IN-BRIEF: Review of various efforts to date, Washington County's August 5th milestone of tie for 3rd in the nation for the highest daily response rate increase, the August 24th achievement of surpassing the 2010 Census Self-response rate, and the final push to September 30th.

DISCUSSION:

FISCAL IMPACT:

CONCURRENCES:

ALTERNATIVES:

ATTACHMENTS:

AUDIO/VISUAL NEEDS: none needed