



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

July 20, 2021

OPEN SESSION AGENDA

- 12:00 PM** **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES: *July 13, 2021*
- 12:05 PM** **COMMISSIONERS' REPORTS AND COMMENTS**
- 12:25 PM** **STAFF COMMENTS**
- 12:35 PM** **CITIZEN PARTICIPATION**
- 12:45 PM** **BUILDING PERMITTING AND INSPECTION SERVICES FOR THE TOWN OF KEEDYSVILLE** – *Richard Eichelberger, Director/Code Official, Construction; Rick Bishop, Town Manager & Brandon Sweeney, Assistant Mayor, Town of Keedysville*
- 1:00 PM** **JAIL BASED MEDICATION ASSISTED TREATMENT (MAT) AND REENTRY PROGRAM- APPROVAL TO ACCEPT AWARDED FUNDING** – *Rachel Souders, Senior Grant Manager, Grant Management; Major Craig Rowe, Warden, Washington County Sheriff's Office, Detention Center*
- 1:05 PM** **HOTEL RENTAL TAX FUNDING REQUEST, HAGERSTOWN SKATE PARK** – *Dan Spedden, President, Hagerstown/Washington County Convention & Visitors Bureau; Susan Buchanan, Director, Grant Management*
- 1:10 PM** **HAGERSTOWN REGIONAL AIRPORT, RECONSTRUCT TAXIWAY F PAVEMENT AND LIGHTING (DESIGN) – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING** – *Rick Johnson, Director, Hagerstown Regional Airport, Mahesh Kukata, Airport Design Consultants, Inc; Allison Hartshorn, Grant Manager, Grant Management*
- 1:20 PM** **TRANSITIONAL LIVING FOR NATHAN'S RIDGE, INC** – *Carleah Summers, Executive Director, Janelle Rollins, Director; Samantha Baker, Peer; Lorenzo Jones, Peer*
- 1:30 PM** **PUBLIC HEARING - MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT UPDATES** – *Rachel Souders, Senior Grant Manager, Grant Management*
- 1:45 PM** **PUBLIC HEARING – APPLICATION FOR ZONING TEXT AMENDMENT RZ-21-001, CALVERT ENERGY LLC.** – *Travis Allen, Comprehensive Planner, Planning & Zoning*
- 2:05 PM** **FY 2022 LOCAL PARKS AND PLAYGROUND INFRASTRUCTURE STATE FUNDING** – *Andrew Eshleman, Director, Public Works*
- 2:10 PM** **PROGRAM OPEN SPACE ANTIETAM WATER TRAIL ACQUISITION** – *Todd Moser, Real Property Administrator, Andrew Eshleman, Director, Public Works*
- 2:15 PM** **DONATION OF RIGHT-OF-WAY FOR PROFESSIONAL BOULEVARD** – *Todd Moser, Real Property Administrator*

- 2:20 PM** **RESCIND BID AWARD, INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-21-0058) – PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR DIVISION OF EMERGENCY SERVICES** – *Brandi Naugle, CPPB, Buyer; Eric Jacobs, Operations Manager, Emergency Services*
- 2:25 PM** **INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-21-0063)- PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR DIVISION OF EMERGENCY SERVICES** - *Brandi Naugle, CPPB, Buyer; Eric Jacobs, Operations Manager, Emergency Services*
- 2:30 PM** **DISCUSSION ON THE REVIEW/APPROVAL PROCESS FOR LOCAL NON-PROFIT CONTINGENCY FUND REQUEST**
- 2:40 PM** **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 consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.*)
- 3:30 PM** *RECOVENE IN OPEN SESSION; RECESS*
- 4:00 PM** **JOINT MEETING WITH THE CITY OF HAGERSTOWN MAYOR AND TOWN COUNCIL; 1 EAST FRANKLIN STREET, HAGERSTOWN**
- 4:30 PM** **ADJOURNMENT**



Agenda Report Form

Open Session Item

SUBJECT: Building permitting and inspection services for the Town of Keedysville

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Rich Eichelberger, Director/Code Official, Division of Construction, Rick Bishop, Town Manager, Town of Keedysville, Brandon Sweeney, Assist. Mayor, Town of Keedysville

RECOMMENDED MOTION: Approval to draft a Memorandum of Understanding (MOU) with the Town of Keedysville to provide building code enforcement, permitting, and inspection services.

REPORT-IN-BRIEF: The Town of Keedysville is requesting Washington County to provide building code enforcement, permitting, and inspection services with the town limits.

DISCUSSION: The Town of Keedysville currently provides building code enforcement, permitting, and inspections services within the town limits. At this time, the Town's contract building inspector is retiring and the Town is requested to enter into an agreement with the County to provide the building code enforcement, permitting, and inspection services.

Washington County currently provides code enforcement, permitting, and inspection services for plumbing, electrical, and mechanical installations. If an MOU is approved, the largest impact to the County will be the permitting process. Additional scripting will be required to allow the Accela Automation software to accept building permits for the Town. Minor impact would be realized by the inspection staff.

FISCAL IMPACT: Cost of Accela Automation software scripting is approximately \$3,000.00

CONCURRENCES: County Administrator, County Attorney, Director of Plan Review and Permitting

ALTERNATIVES: Town of Keedysville continue to provide these services

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Jail Based Medication Assisted Treatment (MAT) and Reentry Program – Approval to Accept Awarded Funding

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Rachel Souders, Senior Grant Manager, Office of Grant Management, and Major Craig Rowe, Warden, Washington County Sheriff's Office, Detention Center

RECOMMENDED MOTION: Move to accept funding as awarded for the Jail Based Medication Assisted Treatment and Reentry Program from the Opioid Operational Command Center in the amount of \$293,557.60.

REPORT-IN-BRIEF: The Washington County Sheriff's Office is requesting approval to accept grant funds from the Opioid Operational Command Center to support the Jail Based Medication Assisted Treatment and Reentry Program in the amount of \$293,557.60. The funds will be used to expand access to medication assisted treatment (MAT) and coordinate continuation of MAT services post release as required under Maryland House Bill 116.

DISCUSSION: The Washington County Sheriff's Office is requesting approval to accept Grant funds from the Opioid Operational Command Center to support the Jail Based Medication Assisted Treatment and Reentry Program in the amount of \$293,557.60. The funds will be used to expand access to medication assisted treatment (MAT) and coordinate continuation of MAT services post release as required under Maryland House Bill 116. The Detention Center's medical provider will identify MAT candidates in custody and refer candidates to the Detention Center's certified addiction counselor to conduct an American Society of Addiction Medicine level of care assessment and provide outpatient treatment based on best practice for incarcerated individuals with Opioid Use Disorders. The program will refer candidates to the detention center's medical provider for MAT evaluation, induction, and continuation. The program's peer recovery specialist will plan for release and connect MAT patients to community-based providers post release. The program proposes to purchase MAT medication, to include Methadone, Buprenorphine, and Vivitrol.

The Office of Grant Management has reviewed the grant funding guidelines and grant application. The performance period for the grant began July 1, 2021 and runs through June 30, 2022. The total anticipated project cost is \$293,557.60. The full amount has been awarded in grant funding and matching funds are not required. House Bill 116 requires an additional six counties to provide MAT in detention centers by October 1, 2021 and requires that all detention

centers must provide MAT by January 1, 2023. Should the request to accept the awarded funding be denied, Washington County will have to include this in the annual budget process unless additional grant funding becomes available.

FISCAL IMPACT: Will provide \$293,557.60 to reduce the cost of providing MAT at the Washington County Detention Center.

CONCURRENCES: Susan Buchanan, Director, Office of Grant Management

ALTERNATIVES: Deny approval for acceptance

ATTACHMENTS: OOCC Grant Award Letter

STATE OF MARYLAND
OFFICE OF THE GOVERNOR



OPIOID OPERATIONAL COMMAND CENTER

7/08/2021

Craig Rowe
Warden
500 Western Maryland Parkway
Hagerstown, MD 21740

Re: FY2022 OOCB Competitive Grant Program Award - Washington County Sheriff's Office, Detention Center

Dear Warden Rowe:

We are pleased to inform you that the Opioid Operational Command Center in partnership with the Maryland Department of Health is awarding fiscal year 2022 OOCB grant funding to Washington County Sheriff's Office, Detention Center in the amount of \$293,557.60

This funding is being awarded to support the following project:

- Jail Based Medication Assisted Treatment and Reentry Program

A formal announcement of funding will be made by the Governor's Office on Wednesday, July 21st. Until that announcement is made, FY22 grantees may not make any formal announcements of their awards.

A draft grant agreement will be provided to you under a separate cover. This agreement will provide instructions related to reporting requirements. All award funding is subject to final execution of this agreement, and no services related to the approved project should begin prior to the execution of the agreement. Additionally, please be aware that the OOCB requires strict adherence to the terms of grant agreements, and we encourage your organization to prepare accordingly.

Thank you for your efforts to help combat the opioid and substance use crisis in Maryland. If you have any questions, please contact Khalil Cutair at khalil.cutair@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Robin E. Rickard".

Robin Rickard
Executive Director

cc: Teresa Heath, Opioid Intervention Team Coordinator



Agenda Report Form

Open Session Item

SUBJECT: Hotel Rental Tax Funding Request, Hagerstown Skate Park

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Dan Spedden, President, Hagerstown/Washington County Convention & Visitors Bureau, Susan Buchanan, Director, Office of Grant Management

RECOMMENDED MOTION: Move to approve the request for Hotel Rental Tax funding from Hagerstown/Washington County Convention and Visitors Board in the amount of \$_____, for direct expenses associated with the design/construction of a Skate Park located in Fairgrounds Park, Hagerstown, MD.

REPORT-IN-BRIEF: The Hagerstown/Washington County Convention and Visitors Bureau has submitted a request for Hotel Rental Tax funding to assist with costs associated with the design and construction of a skate park in Fairgrounds Park. The amount of funding requested for this project is \$150,000. The application has been reviewed by the Office of Grant Management and the organization and application are considered eligible for Hotel Rental Tax funding.

DISCUSSION: The Hagerstown/Washington County Convention and Visitor's Bureau (CVB) has submitted a Hotel Rental Tax Grant application requesting \$150,000 towards the cost of the design and construction of a 10,000 square foot skate park to be located in Fairgrounds park in Hagerstown. The CVB projects that the park could potentially attract approximately 14,000 overnight visitors annually. The total projected cost of the project is \$705,000. The remaining portion of the expenses will be paid for with a combination of City CDBG funds, FY22 Program Open Space funds, and fund-raising.

The Mayor and City Council have approved the installation of the park in Fairgrounds Park and City staff released a Request for Proposals for the design/build. The proposals were reviewed by the Skate Park Task Force and Spohn Ranch Skate Parks was selected to design and construct the new facility.

FISCAL IMPACT: The Hotel Rental Tax Fund will be reduced by the amount of this award.

CONCURRENCES: N/A

ALTERNATIVES: Deny the applicant's request for Hotel Rental Tax Funding.

ATTACHMENTS: Hotel Rental Tax Funding Application

AUDIO/VISUAL NEEDS: N/A

Washington County, Maryland
Hotel Rental Tax Funding
Grant Application

100 West Washington Street
Room 2200
Hagerstown, Maryland 21740
240-313-2040

Organization/Agency:	Hagerstown/Washington County CVB	E-mail Address:	dan@visithagerstown.com
Address:	16 Public Square Hagerstown, MD 21740		
Contact Person:	Dan Spedden	Title:	President
Phone Number:	(301) 991-0521	Fax Number:	(301) 791-2601
Tax ID/Federal ID#:	521866211	<input checked="" type="radio"/> Capital Request <input type="radio"/> Operating Request	
Project Classification:	<input checked="" type="radio"/> Tourism/Attraction <input checked="" type="radio"/> Economic Development <input type="radio"/> Cultural <input checked="" type="radio"/> Recreation		
Project Name:	Skate-park Design and Construction		
Project Start Date:	July 1, 2021	Project End Date:	December 1, 2021

Project Justification and Economic Benefit/Impact to the Visitor Industry, if Applicable

Skateboarding is a sport, an art form, a lifestyle, and a culture which also creates friendships between people from different (social) backgrounds. With more than 100 million (estimated) active skaters, skateboarding is gradually becoming one of the most popular hobbies shared by people around the globe. Young people need things to do and places where they are free to be themselves within our cities and suburbs — this needs to include not only facilities and public areas that cater to more traditional and formal sport, but also those that provide for skateboarding as a popular and healthy form of recreational and social activity. Skate-parks draw skateboarders away from less appropriate areas: Without a skate park, people will continue to skate wherever there is compelling terrain. With the creation of a skate park we are able to create activity where we desire it to be, and move it away from those places where we don't. A Skate-park will make Washington County a preferred destination for Skateboarders instigating travel to our area to experience our new facility. A Skate-park will also be a value added to other visits providing a full afternoon of activity for a traveling family that may have come here for a softball tournament or National Park visit.

Anticipated Visitor Attendance and Impact on Hotel Rental Occupancy, if Applicable

At capacity, a 10,000 square foot facility can comfortably accommodate 60 simultaneous users. The facility will be used daily, weather permitting, with skateboarders coming and going throughout the day. If the Skate-park receives 80 visitors per day, or 560 visits a week, that facility gets (on average) 29,120 visits per year. In Washington County 49% of our visitors are overnight, if that ratio holds true for the Skate-park we could have over 14,000 hotel nights.

Narrative Description of Project: Include purpose of project, outline of project procedures, intended results of project or any additional comments that support the need for project and/or merit as an event or activity designed to promote Washington County, Maryland.

The goal of this contract is to design and construct a skate-park that will provide a safe, designated place for all wheeled sport enthusiasts (skateboarders, BMX bike riders, in-line skaters, scooter riders, and wheelchairs.) where they can develop their skills and enjoy the company of their peers. The skate-park will be state-of-the-art, based on the latest skate park design principles and constructed with high-quality materials to ensure durability and longevity. It needs to feature a mix of street and transition-style terrain, with elements designed for all age groups and ability levels. A pump track, artistic features and some shade is also desirable. A Skate-park will make Washington County a preferred destination for Skateboarders instigating travel to our area to experience our new facility. A Skate-park will also be a value added to other visits providing a full afternoon of activity for a traveling family that may have come here for a softball tournament or National Park visit.

The Mayor and City Council unanimously agreed by voice vote to approve of the installation of a Skate-park in Fairgrounds Park. The Mayor and City Council further authorized staff to issue a Request for Design/Build proposals and to seek funding in accordance with the plan as presented by a Skate-park Task Force to Mayor and Council on December 1, 2020. In March 2021 staff received 5 proposals and the Task force met to to evaluate them. The Task Force selected Spohn Ranch Skateparks to design and construct the new facility.

Total Project Budget

A.	Amount of Hotel Rental Tax Grant Funding Requested	\$150,000.00
B.	List Other Funding Sources and Their Respective Amounts	
Source:	CDBG Funds FY-20 and FY-21	\$375,000.00
Source:	POS FY22 Funds	\$150,000.00
Source:	Task Force Fund Raising	\$30,000.00
C.	Total Project/Event Funding (A + B)	\$705,000.00

Itemize your total project budget into the appropriate classifications:

A. Tourism Attraction (Be specific in expense break down):	
Spohn Ranch Skateparks	\$352,500.00
B. Economic Development Enhancement (Be specific in expense breakdown):	
C. Cultural Projects (Be specific in expense breakdown):	
D. Recreational Projects (Be specific in expense breakdown):	
Spohn Ranch Skateparks	\$352,500.00
Total Project Budget	
	\$705,000.00

Certification:

We certify the information contained in this application is complete, accurate and fully discloses the scope and intent of our request for funding from the Hotel Rental Tax Fund. We agree to comply with the County's requests for information regarding the use of awarded funds and to provide access to accounting records related to these funds.

We acknowledge that if expenditures of funds is approved, such approval will be for line-item-by-line-item expenditures, which must be adhered to within the maximum 10% line item deviation.

We further acknowledge that any deviations beyond 10% allowable amount will require us to submit a program amendment which will have to be approved by the Office of Grant Management prior to any further expenditures.

By signing this application, I/we accept and agree to be bound by the terms and conditions of Hotel Rental Tax Regulations as administered by the Washington County Commissioners in compliance with current State laws.

Signature:



Date: 6/11/21

Applicant/Organization:

VISIT HAGERSTOWN

Recommended by:

Susan M. Buchanan

Date: 6/18/21

☐ Approve

☐ Denied

Director, Office of Grant Management

Recommended Award:

See below

Comments:

Project is eligible for the Hotel Rental Tax grant, due to amount of requested funds I defer the approval and award amount to the Board of Washington County Commissioners.

Approved By:

County Administrator

Date:

☐ Approved

☐ Denied

Approved Award:

Board of County Commissioner Approval (for requests of \$25,000 and over):

Approved by BCC:

County Clerk

Date:

☐ Approved

☐ Denied

Return Application To:
Washington County Office of Grant Management
100 West Washington Street Room 2200
Hagerstown, Maryland 21740
240-313-2040



Agenda Report Form

Open Session Item

SUBJECT: Hagerstown Regional Airport, Reconstruct Taxiway F Pavement and Lighting (Design) – Approval to Submit Application and Accept Awarded Funding

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Rick Johnson, Director, Hagerstown Regional Airport, Mahesh Kukata, Airport Design Consultants, Inc and Allison Hartshorn, Grant Manager, Office of Grant Management

RECOMMENDED MOTION: Move to approve the submission of a funding request to the Federal Aviation Administration in the amount of \$330,560 and accept awarded funding.

REPORT-IN-BRIEF: The proposed funding is for design phase of the Taxiway F pavement reconstruction and associated lighting and signage.

DISCUSSION: ADCI's Scope of work dated March 27, 2021 is attached. FAA approval letter dated April 19, 2021 is attached. A cost of \$2,300 for preparation of the independent fee estimate is included in the grant total of \$330,560.

Federal Aviation Administration (100%) \$330,560.

FISCAL IMPACT: N/A

CONCURRENCES: Susan Buchanan, Director, Office of Grant Management

ALTERNATIVES: Deny submission of the application

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Transitional living for Nathan's Ridge, Inc.

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Carleah Summers, Executive Director; Janelle Rollins, Director;

Samantha Baker, Peer; Lorenzo Jones, Peer

RECOMMENDED MOTION: Informational Purposes Only

REPORT-IN-BRIEF: The necessity of treatment and re-entry services for individuals with a history of incarceration and substance use disorders, peers will elaborate. The Executive Director will elaborate on treatment services that will be provided.

DISCUSSION: How Nathan's Ridge can be assisted with housing in order to better serve the community in this capacity.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ATTACHMENTS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Public Hearing – Maryland Community Development Block Grant (CDBG) Updates

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Rachel Souders, Senior Grant Manager, Office of Grant Management

RECOMMENDED MOTION: N/A

REPORT-IN-BRIEF: In accordance with 24 CFR 570.486(a) (5), Washington County must provide a public hearing to update and inform citizens on the progress of Community Development Block Grant MD-19-CD-27: Hancock After-School Program; CDBG MD-20-CD-26: Arc Building Improvements; and CDBG MD-20-CD-8: Washington County COVID-19 Homeless Crisis Response.

DISCUSSION: The Maryland Community Development Block Grant Program is a federally funded program designed to assist units of local government with activities directed toward neighborhood revitalization, housing opportunities, economic development and improved public facilities and services. The State of Maryland, specifically the Department of Housing and Community Development (DHCD), has assumed the responsibility for the administration of the program from the U.S. Department of Housing and Urban Development (HUD).

In 2018, the County was awarded \$51,455.00 in CDBG funds to be utilized by the sub-recipient, the Hagerstown YMCA, to provide funding to continue an after-school program for children in Hancock. This program provides high-quality childcare to families with working parents, which is essential in rural areas like Hancock.

In 2019, the County was awarded \$729,282.05 in CDBG funds for the sub-recipient, the Arc of Washington County, to renovate two facilities serving adults with developmental disabilities in Hagerstown. This grant has funded the new HVAC system for these buildings, which are intended to be employment services centers.

In 2020, the County was awarded \$100,000.00 in CDBG funds to be used by the subrecipient, Horizon Goodwill Industries, in helping to support the Washington County COVID-19 Homeless Crisis Response. This grant was used for the costs to operate and staff an emergency shelter, emergency hotel placement, and case management for the homeless population due to the COVID-19 pandemic.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING: Application for Zoning Text Amendment RZ-21-001, Calvert Energy LLC

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Travis Allen, Comprehensive Planner, Department of Planning and Zoning

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

REPORT-IN-BRIEF: Application is being made to amend text in section 4.26 of the Zoning Ordinance pertaining to the regulation of SEGS on properties located in Priority Preservation Areas (PPAs) that also have an Industrial Mineral (IM) zoning district overlay.

DISCUSSION: The proposed amendment would permit, as a special exception, the location of SEGS on lands that fall within both a PPA and an IM Zoning District.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on May 3, 2021. It was then brought back for recommendation at the June 7, 2021, meeting, where the members recommended against the approval of the proposed amendments in a 4-1 vote.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: N/A

ATTACHMENTS: Staff Report and Analysis, Proposed Text Amendments, Planning Commission Recommendation, Planning Commission Minutes

AUDIO/VISUAL NEEDS: N/A

**WASHINGTON COUNTY ZONING ORDINANCE
STAFF REPORT AND ANALYSIS**

ARTICLE 4.26

Proposal: Application is being made to amend Article 4.26 of the Zoning Ordinance pertaining to the regulation of Solar Energy Generating Systems (SEGS) within Priority Preservation Areas (PPA) that have an Industrial Mineral Zoning designation.

Staff Report Summary: The purpose of this text amendment is to permit, as a special exception, the location of a SEGS on lands that fall both, within the County's designated PPA, and inside an Industrial Mineral Zoning District (IM).

Analysis:

The proposed amendment seeks to resolve a regulatory anomaly that is largely specific to the properties that are the subject of this rezoning. Martin Marietta's Boonsboro Quarry encompasses four parcels centered at 20301 and 20303 Benevola Church Road north of the Town of Boonsboro. The Industrial Mineral floating zone, established in 1999 (RZ-99-012), covers all four of these parcels, permitting the mining activities occurring at this location (at left below).

IM Floating Zone



PPA



Three out of the four properties also happen to fall within the County's Designated Priority Preservation Area (at right above). Only the pit in the upper right does not fall within a PPA. PPAs identify areas of agricultural and forestry resource land that would support agricultural production and timber harvesting for the present and future. They are required to be designated

within a County's Comprehensive Plan and be managed according to certain criteria in order to access State funding for agricultural land preservation programs (in addition to meeting other State and local regulatory requirements).

Mining lands are not automatically excluded from inclusion within a PPA. Reclaimed mining lands, in particular, hold some potential for adaptive reuse, including for agriculture or forestry purposes. Prince George's County, for example, created a policy in their 2012 Priority Preservation Area Functional Master Plan to target such lands for reclamation and reuse for agriculture or forestry enterprises, or agriculture support services. In more heavily developed portions of the State where land available for permanent land preservation is more limited, such as Prince George's County, there is some wisdom in including reclaimed lands such as these in the PPA.

Quarry 2005



The context of available agriculture and other resource lands for inclusion in the PPA in Washington County is, however, notably different than Prince George's County, as Washington County has a smaller footprint of existing development to work around in meeting its land preservation goals. The IM Zone was established on these properties in 1999, as previously noted, signaling their intention to be used for that purpose. In addition, as is also noted by the applicant in their justification statement, the extent of mining operations at the Beaver Creek Quarry encompassed a similar area of disturbance as the present day prior to the County's establishment of its PPA (2008). The photo at left shows the Quarry in 2005.

Therefore, the inclusion of three out of the four properties encompassing the Beaver Creek Quarry's IM Zoning District in the County's PPA (originally created in 2008), may have been unnecessary, when viewed in hindsight to achieve the County's long term land preservation goals. It also appears that other mining lands in Washington County were not included in the PPA besides those associated with the Beaver Creek Quarry. So, the possibility exists that their inclusion may have simply been an administrative error stemming from the very large number of properties that were considered for inclusion in the County's original PPA in 2008.

The applicant, Calvert Energy, LLC, is looking to establish a SEGS on a portion of the property encompassed by the Beaver Creek Quarry. Article 4.26 of the Zoning Ordinance

currently prohibits the establishment of a SEGS on a property that is located within a PPA. Its language reads as follows:

SEGS shall be permitted as a land use as specified in Sections 3.3 and 21.42 of this Ordinance. However, SEGS shall be prohibited as a use in defined Priority Preservation Areas, Rural Legacy Areas and Antietam Overlay Zones.

The applicant proposes to simply add an additional clause (underlined below) to this statement which would enable the location of a SEGS on lands that happen to fall within both a PPA and an IM Zoning District.

SEGS shall be permitted as a land use as specified in Sections 3.3 and 21.42 of this Ordinance. However, SEGS shall be prohibited as a use in defined Priority Preservation Areas (except if the Priority Preservation Areas are in Mineral Overlay areas identified on the zoning map, in which case SEGS shall be permitted), Rural Legacy Areas and Antietam Overlay Zones.

All other existing regulations which pertain to the establishment of SEGS throughout the County would remain intact. Mining regulation would also remain unchanged. The IM and PPA designations which overlap on this property are not known to exist elsewhere in the County, so the effect of this amendment would largely be specific to these properties and not lead to the proliferation of SEGS in places that the County finds incompatible with existing adjacent land uses.

Further, while the specific location of SEGS throughout the rural lands of Washington County is the subject of ongoing debate, many local residents may be less likely to object to their placement on brownfield sites where significant disturbance has occurred previously and there are limited options for their beneficial reuse after mining has ceased. This site therefore represents a viable location at which a SEGS could be placed to provide clean, renewable energy to Quarry operations and potentially also to other local residents. It would also aid in meeting Maryland's Renewable Portfolio Standard which mandates at least 14.5% of electricity sold in Maryland in 2028 and later must be from solar resources.

Staff Recommendation:

Staff recommends approval of this narrowly tailored text amendment. Aside from the information cited above in support of its approval, the limited acreage affected by this amendment would not impair the County's land preservation efforts to any significant degree with the removal of the Quarry lands from consideration for permanent preservation. Finally, to date, there has been

Staff Report & Analysis
RZ-21-001
Page 4

no statements of opposition received by our Department objecting to the proposed amendment to the Zoning Ordinance.

Respectfully submitted,

Travis Allen
Comprehensive Planner



Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 15, 2021

RZ-21-001

APPLICATION FOR TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION

RECOMMENDATION

On May 3, 2021, the Planning Commission held a public rezoning information meeting to consider a text amendment to Article 4.26 of the Washington County Zoning Ordinance pertaining to the regulation of Solar Energy Generating Systems (SEGS) within Priority Preservation Areas (PPA) that have an Industrial Mineral zoning designation. No public comments were received. The Washington County Planning Commission took action at its regular meeting held on Monday, June 7, 2021 to recommend denial of the proposed text amendment to the Board of County Commissioners.

Copies of the application, the Staff Report and Analysis prepared by the Department of Planning & Zoning, approved minutes of the May 3, 2021 public information meeting and the unapproved minutes of the June 7, 2021 regular meeting are attached.

Respectfully submitted,

Jill L. Baker, Director

Washington County Department of Planning
& Zoning

JLB/TMA/dse

Attachments



Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING

COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 15, 2021

RZ-21-001

APPLICATION FOR TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION

RECOMMENDATION

On May 3, 2021, the Planning Commission held a public rezoning information meeting to consider a text amendment to Article 4.26 of the Washington County Zoning Ordinance pertaining to the regulation of Solar Energy Generating Systems (SEGS) within Priority Preservation Areas (PPA) that have an Industrial Mineral zoning designation. No public comments were received. The Washington County Planning Commission took action at its regular meeting held on Monday, June 7, 2021 to recommend denial of the proposed text amendment to the Board of County Commissioners.

Copies of the application, the Staff Report and Analysis prepared by the Department of Planning & Zoning, approved minutes of the May 3, 2021 public information meeting and the unapproved minutes of the June 7, 2021 regular meeting are attached.

Respectfully submitted,

Jill L. Baker, Director

Washington County Department of Planning
& Zoning

JLB/TMA/dse

Attachments

**WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING INFORMATION MEETING AND REGULAR MEETING
May 3, 2021**

Due to current social meeting restrictions put in place by the Governor of Maryland because of the COVID-19 pandemic, the Washington County Planning Commission held its public rezoning information meeting and regular monthly meeting on Monday, May 3, 2021 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Robert Goetz, Denny Reeder, Jeff Semler, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Meghan Jenkins, GIS Coordinator; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; and Scott Stotelmyer, Planner.

Also present were: Myron Horst [6741 Sharpsburg Pike] and Brian Quinlan [RZ-21-001].

CALL TO ORDER

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

PUBLIC REZONING INFORMATION MEETING

RZ-21-001 – Calvert Energy LLC

Staff Presentation

Mr. Allen presented a text amendment application to Section 4.26 of the Washington County Zoning Ordinance to permit, as a special exception, Solar Energy Generating Systems (SEGS) on lands that fall both within the County's designated Priority Preservation Areas and inside an Industrial Mineral (IM) zoning district. This text amendment is narrowly tailored to be specific to the lands encompassed by the Boonsboro Quarry located on Benevola Church Road. Mr. Travis gave a brief history of the property and the Priority Preservation Areas.

Applicant's Presentation

Mr. Quinlan, the applicant, stated that the solar energy array is being proposed for the area on the southernmost tip of the mining operation which is currently undisturbed. This would be a community solar generating facility. Application has been made to the Potomac Edison PILOT program for inclusion of this solar array. This proposal is consistent with the State's goals for brownfield projects.

Discussion and Comment: Mr. Reeder asked how much of the property this amendment would affect. Mr. Allen stated that it would affect 165 acres, 83 acres of which are currently being considered for solar energy development.

Mr. Semler asked if any reclamation would be required on the property. Mr. Quinlan stated that no reclamation will be required at this time because mining operations are continuing.

Mr. Weddle asked what the current land use is on the property proposed for SEGS. Mr. Quinlan stated it is currently leased by a farmer. Mr. Weddle expressed his opinion this property is located within one of the most pristine Priority Preservation Areas in the County. He noted that the Planning Commission has been discussing ways to regulate SEGS and one way is to not allow them within the PPAs or on prime agricultural soils. Mr. Kline agreed with Mr. Weddle. Mr. Quinlan stated that the area in question is within the Mineral overlay and within the mining permit area. He expressed his opinion that disturbance from the mining operation would be far more excessive than if there would be a solar project in that area.

Mr. Kline stated that the applicant could proceed with an application to the Public Service Commission and ultimately get permission to locate a solar array on this property without the approval of the text amendment by County government. Mr. Goetz expressed his opinion that while this is the only property right now that is affected, there could be unintended consequences in the future if this text amendment is approved.

Public Comment

No public comments were received.

The public rezoning information meeting ended at 7:30 p.m.

REGULAR MEETING**MINUTES**

Motion and Vote: Mr. Semler made a motion to approve the minutes of the April 5, 2021 Planning Commission public rezoning information meeting and regular meeting as presented. The motion was seconded by Mr. Weddle and unanimously approved.

OLD BUSINESS**RZ-20-002**

Ms. Baker reminded members that a public rezoning information meeting was held in April for a proposed text amendment to the Washington County Zoning Ordinance for the inclusion of short-term residential rentals. Short-term residential rentals would not be owner-occupied facilities. One person spoke in favor of this amendment during the meeting.

Comments: Mr. Wiley and Mr. Kline expressed their opinions that these types of facilities would not have a negative impact on the hotels/motels in the area and would be a great asset to the tourism business in the County.

Motion and Vote: Mr. Reeder made a motion to recommend approval of the proposed text amendment to the Board of County Commissioners as presented. The motion was seconded by Mr. Semler and unanimously approved with Commissioner Wagner abstaining from the vote.

OTHER BUSINESS**6741 Sharpsburg Pike**

Mr. Holloway presented a request to determine if a change of use in a Rural Business Overlay zone from an antique gift shop to a tire repair facility would be a minor or major change. The subject site is located at 6741 Sharpsburg Pike. Mr. Myron Horst, applicant, stated that this site was previously the location of a trash business and later an excavation business.

Motion and Vote: Mr. Reeder made a motion that the requested change would be a minor change of use. The motion was seconded by Mr. Kline and unanimously approved.

Staff Approvals

Mr. Holloway presented the following information for the month of April for Plan Review – Land Use: 2 site plans, 4 standard grading plans, 1 simplified plat, 11 inspection and maintenance agreements, 3 storm water standard plans, 2 storm water concept plans; and 2 zoning adjustments.

Solid Waste Management & Recycling Plan Update

Mr. Allen reminded members that an overview of the draft plan was presented during a Workshop meeting held in mid-March. Chapters 1 – 3 have been reviewed and comments made by members during the April meeting. This evening we are seeking comments on Chapters 4 and 5 which were recently sent to members.

Consensus: The Planning Commission, by consensus, recommends that the Solid Waste Management & Recycling Plan be submitted to Maryland Department of the Environment for its review and approval.


UPCOMING MEETINGS

1. Monday, June 7, 2021, 7:00 p.m. – Washington County Planning Commission regular meeting

ADJOURNMENT

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

Respectfully submitted,


Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION
PUBLIC REZONING INFORMATION MEETING AND REGULAR MEETING
June 7, 2021**

Due to current social meeting restrictions put in place by the Governor of Maryland because of the COVID-19 pandemic, the Washington County Planning Commission held its public rezoning information meeting and regular monthly meeting on Monday, June 7, 2021 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Robert Goetz, Denny Reeder, Jeff Semler, David Kline, Jeremiah Weddle and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Meghan Jenkins, GIS Coordinator; Wyatt Stitely, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Rebecca Calimer, Chief of Plan Review; Lisa Kelly, Senior Planner; and Scott Stotemyer, Planner.

Also present were: Dave Trostle, Adam Hager and Brady Blair of Frederick, Seibert & Associates; Bill Ernstice and Jackson Gardner, Triad Engineering; and Gordon Poffenberger, Fox & Associates, Inc.

CALL TO ORDER

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

PUBLIC REZONING INFORMATION MEETING

RZ-21-004 – Washington County Planning Commission

Staff Presentation

Ms. Baker presented a proposed text amendment to Section 4.26 of the Washington County Zoning Ordinance. The amendment is being proposed due to concerns of the Planning Commission relating to commercial solar energy generating systems (SEGS) being placed on prime agricultural soils. Currently, SEGS are prohibited within targeted land preservation areas including Rural Legacy and Priority Preservation Areas. This amendment expands upon that regulation by requiring that applicants take into consideration the soils on the property; and, if there are Class 1 and/or Class 2 prime agricultural soils, to the extent practicable, avoid disturbance with such uses.

Ms. Baker noted that several public comments have been received including proposed language submitted by Calvert Energy LLC who is also currently requesting a proposed text amendment to Section 4.26 of the Zoning Ordinance. Comments were recently received from the Washington County Farm Bureau regarding the concept of solar energy and prohibiting them from being located on prime agricultural soils; these comments were not directly related to this proposed amendment.

Public Comment

No public comments were received during the meeting.

The public rezoning information meeting ended at 7:05 p.m.

These minutes have not been approved by the Planning Commission.

REGULAR MEETING

MINUTES

Motion and Vote: Mr. Kline made a motion to approve the minutes of the May 3, 2021 Planning Commission public rezoning information meeting and regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

OLD BUSINESS

RZ-21-001 – Calvert Energy LLC - Recommendation

Staff Presentation

Mr. Allen reminded members that a public rezoning information meeting was held on May 3, 2021 for a proposed text amendment to Section 4.26 of the Washington County Zoning Ordinance. The proposed amendment seeks to permit, as a special exception, Solar Energy Generating Systems (SEGS) on lands that fall both within the County's designated Priority Preservation Areas (PPA) and inside an Industrial Mineral (IM) zoning district. This text amendment is narrowly tailored to be specific to the lands encompassed by the Boonsboro Quarry located on Benevola Church Road. Mr. Allen reiterated that the proposed amendment would not change any other regulations for SEGS within the PPAs or mining operations within the County. He stated that the solar array would be less than 2 megawatts and would encompass no more than 16 or 17 acres. No public comments have been received.

Discussion and Comment: Mr. Kline stated that he is opposed to creating a new rule that allows this use anywhere in the County. He believes that such requests should be considered on a case-by-case basis. Ms. Baker reiterated that this is an extremely isolated case in the County and staff believes it was a mapping error. The applicant cannot move forward with the SEGS without this amendment because a solar energy generating system less than 2 megawatts in size is outside the Public Service Commission's purview, and therefore, is subject to County regulations. The Zoning Ordinance is very explicit that SEGS are not permitted in the PPAs.

Mr. Goetz noted that the portion of the property where the SEGS is proposed could be disturbed by the mining operation without any further approvals by the County. He believes the SEGS would create less disturbance than the mining operation, which would strip the land of its mineral resources. He pointed out that the solar arrays could be removed and the land put back into agricultural use in the future; however, once the land is stripped, the mineral resources are gone. Mr. Goetz expressed his opinion that mining operations have a more negative impact on surrounding properties and can be destructive to neighborhoods.

Mr. Semler stated that he researched the parcel that is being proposed for the SEGS and found that 66% of that parcel is Class 1 and/or Class 2 soils. He expressed his opinion that by approving this text amendment, the Commission would be violating its goal to preserve prime agricultural soils.

Mr. Weddle believes that the property was put in the PPA in order to preserve the land from development except for the mining operation. He expressed his opinion that this was not a mistake because the parcel lies within one of the County's best preservation areas.

Consensus: The Planning Commission recommends to the Board of County Commissioners that the proposed text amendment application be denied. [Mr. Kline, Mr. Weddle, Mr. Reeder and Mr. Semler

voted against the amendment; Mr. Goetz voted in favor of the amendment; Commissioner Wagner abstained from the vote]

NEW BUSINESS

MODIFICATIONS

OM-21-005 – Emerald Pointe PUD

Ms. Calimer introduced a modification request for Lot 242, Section 1, Phase 4 of the Emerald Pointe PUD. Mr. Poffenberger of Fox & Associates, Inc., the consultant, presented the modification request to reduce the front yard setback from 20 feet to 10.4 feet and 16.3 feet along the secondary frontage of this corner lot. He explained there was an error on the approved preliminary plat, which was provided to the developer to assist in the sale of duplexes that are 42 feet and 48 feet. Lot 242 has been sold to a buyer wishing to construct the larger duplex unit, which due to the platting error, will encroach into the front yard setback for the side street.

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

SITE PLANS

SP-20-021 – BFS Foods

Mr. Holloway presented for review and approval a site plan for the proposed construction of a service station with 6 petroleum gasoline pumps and 3 diesel pumps, a convenience store and restaurant, a detached fast-food restaurant with drive-thru, and 43 semi-truck parking spaces. The property is located at 436 East Main Street, Hancock and is currently zoned BG (Business General). Public water and sewer will be provided by the Town of Hancock. An administrative adjustment was granted on May 5, 2021 for a freestanding sign to be located 20 feet from the right-of-way. A large portion of the property is in the floodplain; however, no building construction will take place in the floodplain. The site is exempt from Forest Conservation requirements because there will not be an increase in the impervious surface. Approval from the State Highway Administration is pending; all other agency approvals have been received.

Mr. Jackson Gardner of BFS Foods was present at the meeting. He stated there will be 68 parking spaces provided for the convenience store and 48 spaces for the fast-food restaurant. Storm water management will be handled via a bio-retention pond.

Motion and Vote: Mr. Semler made a motion to grant staff the authority to approve the site plan contingent upon approval from the State Highway Administration. The motion was seconded by Mr. Reeder and unanimously approved.

SP-20-016 – Bowman Sunfish

Ms. Kelly presented for review and approval a site plan for the proposed construction of a 480,000 square foot warehouse that includes a 48,000 square foot office on a 55 acre parcel. The property is located at 12000 Greencastle Pike and is currently zoned HI (Highway Interchange). The site will be served by public water and public sewer. The hours of operation will be 24 hours per day, 7 days per week. There will be approximately 130 employees for the warehouse and 30 employees for the office. Solid waste will be collected in a roll-off trash compactor in the bay. The Board of Zoning Appeals granted a modification

request in March 2021 for a reduction in the required number of parking spaces from 426 spaces to 275 spaces. Total trailer parking will be 199 spaces. Lighting will be pole and building mounted and signs will be building mounted. Landscaping will be provided in front of the building and along the border of the adjacent single-family home. Forest Conservation requirements will be met by on-site and off-site forest retention for a total of 22.24 acres. Approval from the Health Department is pending; all other agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan contingent upon approval from the Health Department. The motion was seconded by Mr. Goetz and unanimously approved.

SP-21-002 – Bowman Showalter Warehouse

Ms. Kelly presented for review and approval a site plan for the proposed construction of an 801,000 square foot warehouse that includes a 48,000 square foot office on an 86 acre parcel. The property is located at 13850 Crayton Boulevard and is currently zoned HI (Highway Interchange). There will be two access points onto Crayton Boulevard. The site will be served by public water and public sewer. The hours of operation will be 24 hours per day, 7 days per week. There will be approximately 130 employees for the warehouse and 30 employees for the office. Solid waste will be collected in a roll-off trash compactor in the bay. Required parking is 640 spaces; 667 spaces will be provided. Total trailer parking will be 188 spaces. Lighting will be pole and building mounted; signage will be building mounted. Landscaping will be provided in front of the building and along the drive lanes. Forest Conservation requirements will be met by off-site forest retention for a total of 18 acres. Approvals are pending from the Health Department and the Engineering Department; all other agency approvals have been received.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan contingent upon approval from the Health Department and the Engineering Department. The motion was seconded by Mr. Semler and unanimously approved.

SP-21-004 – Bowman Ryder Trailer Parking

Ms. Kelly presented for review and approval a site plan for the proposed construction of 109 tractor trailer parking spaces on 5.2 acres of land. The property is located along the west side of Governor Lane Boulevard and is currently zoned PI (Planned Industrial). There will be no employees. The trailer parking area will be used 7 days per week, 24 hours per day. There will be one paved access onto Governor Lane Boulevard; the trailer parking area will be gravel. There will be no lighting or signage. Forest Conservation requirements will be met by retaining forest off-site for a total of 1.80 acres. All agency approvals have been received.

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

FOREST CONSERVATION

SP-20-016 – Bowman Sunfish

Mr. Allen presented for review and approval a proposed on-site and off-site Forest Conservation mitigation request and a variance for the removal of a specimen tree on property being developed at 12000 Greencastle Pike. The developer is proposing the retention of 8.76 acres of forest on-site and an

off-site forest easement of 12.10 acres on lands owned by Mr. Bowman on Exline Road. The developer also proposes the removal of a specimen tree on the westernmost portion of the property citing the 20 foot proposed change in elevation that would make it impossible to save the tree. Water quality for the site will not be reduced due to the removal of this tree.

Motion and Vote: Mr. Semler made a motion to approve the on-site and off-site mitigation as proposed as well as the removal of the specimen tree. The motion was seconded by Mr. Weddle and unanimously approved.

SP-20-014 – Creekside Logistics

Mr. Allen presented for review and approval a variance request for the removal of a specimen tree on property located at 12524 Greencastle Pike. He noted that the Planning Commission previously approved the removal of six specimen trees on this property. The tree proposed for removal is in very poor condition and the location of the tree is just north of the outlet for the storm water management facility. Alternate locations for the storm water management facility would require the removal of several healthy trees instead of the removal of one tree that is in poor condition. Removal of this tree would not adversely affect water quality. The developer is proposing to establish 1.25 acres of palustrine wetlands and the restoration of 400 linear feet of riparian zone as well as 1 acre of pollinator habitat on site as a buffer replacement.

Motion and Vote: Mr. Reeder made a motion to approve the removal of the specimen tree as proposed. The motion was seconded by Mr. Semler and unanimously approved.

OTHER BUSINESS

SP-21-003 – Fix N’ Go

Ms. Kelly presented a waiver request from Section 19.9(i) of the Washington County Zoning Ordinance which requires all new development in the HI (Highway Interchange) district to be served by public water and public sewer facilities. The developer is proposing a Fix ‘N Go tractor trailer repair shop on the south side of Lappans Road east of the Western Maryland Railroad where there is no public water or public sewer. A private well and septic, which has been approved by the Health Department, will serve the site.

Motion and Vote: Mr. Kline made a motion to approve the request as presented. The motion was seconded by Mr. Semler and unanimously approved.

SP-20-008 – Fix N’ Go

Ms. Calimer presented a waiver request from Section 19.9(i) of the Washington County Zoning Ordinance which requires all new development in the HI (Highway Interchange) district to be served by public water and public sewer facilities. The developer is proposing a Fix ‘N Go tractor trailer repair shop on the south side of Bentwood Drive east of the CSX Railroad where there is no public water; however, public sewer facilities are available and will serve the site. A private well is proposed to serve the site.

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

Annual Report

Ms. Baker presented the Annual Report which is required by the State of Maryland on an annual basis. This report is based on data and information retrieved from the County's Accela Automation system and covers calendar year 2020.

Consensus: By consensus, the Planning Commission gave its approval to submit the Annual Report, as presented, to Maryland Department of Planning.

Staff Approvals

Mr. Holloway presented the following information for the month of May for Plan Review – Land Use: 2 site plans, 4 standard grading plans, 3 storm water standard plans, and 2 administrative zoning adjustments; for Permitting: 8 entrance permits, 6 grading permits and 2 flood plain permits.

Comprehensive Plan Update

Ms. Baker reported that staff has completed most of the chapters of the Comprehensive Plan and will be bringing those to the Planning Commission beginning in July. It is Staff's intent to have a complete draft document ready for public review and comment by the end of December or the beginning of January. A proposed schedule of meeting dates and chapters to be reviewed on each date was distributed to the Planning Commission prior to the meeting.

UPCOMING MEETINGS

1. Monday, June 14, 2021, 6:30 p.m. – Washington County Planning Commission public information meeting
2. Monday, July 12, 2021, 7:00 p.m. – Washington County Planning Commission public information meeting and regular meeting

Before the adjournment of the meeting, members discussed the July 12th regular meeting date. Because several members will not be available to attend, it was decided to re-schedule the regular meeting on July 19th.

ADJOURNMENT

Mr. Weddle made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Semler and so ordered by the Chairman.

Respectfully submitted,

Clint Wiley, Chairman



Agenda Report Form

Open Session Item

SUBJECT: FY 2022 Local Parks and Playground Infrastructure State Funding

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Andrew Eshleman, Director of Public Works

RECOMMENDED MOTION: Move to authorize staff to submit a Local Parks and Playground Infrastructure project list to the Department of Natural Resources that includes the core projects with option (A, B, or C).

REPORT-IN-BRIEF: Staff presented on June 22 that the County will receive \$1.5 million in State FY22 general obligation bond funding for Local Parks and Playgrounds Infrastructure. The Commissioners directed staff to evaluate needs and requests and prepare options for consideration.

DISCUSSION: Staff has reviewed County wide needs and followed up with municipalities who submitted FY22 Program Open Space (POS) project requests that were either ongoing or unfunded. In the June discussion, the Commissioners expressed support for funding project needs geographically throughout the County and those that rated high in the program's goal of *enhancing recreational amenities, including but not limited to trails, playgrounds, and recreational facilities* and could meet the expenditure timeline.

A core group of projects is recommended that totals \$1,264,000

- Camp Harding Park: Playground structures, roof replacements, bathroom upgrade, pathway resurfacing, lighting and misc amenities (\$296,000)
- Chestnut Grove Park: Playground structures, roof replacements, bathroom upgrade, lighting and misc amenities (\$248,000)
- Clear Spring Park: Playground structures, roof replacements, bathroom upgrade, lighting and misc amenities (\$236,000)
- Devils Backbone Park: Bathroom building upgrade (25,000)
- Pen Mar Park: Playground structures, roof replacements, bathroom upgrades, lighting and misc amenities (\$339,000)
- Regional Park: Walking/Hiking Trails (\$120,000 in matching funds towards \$340,000 Land & Water Conservation Grant)

Option A:

- Marty Snook Park Playground Equipment: \$236,000

Option B:

- Hagerstown Playground Play Equipment & Amenities POS request: \$101,000
- Hagerstown Roof Replacements partial POS request: \$45,000
- Smithsburg Veterans Park Road Lighting POS request: \$45,000
- Williamsport Billy Doub Park Sidewalk POS project continuation: \$45,000

Option C:

- A combination of projects and funds selected from A and B totaling \$236,000

FISCAL IMPACT: Washington County will receive \$1.5 million in reimbursement for eligible project expenses. Washington County will need to pay for up front expenses and submit for reimbursements to the state.

Budget adjustments will be prepared for existing County Capital Improvement Accounts based on funds retained and project estimates

CONCURRENCES: N/A

ALTERNATIVES: Recommend alternative project list

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Program Open Space Antietam Water Trail Acquisition

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Todd Moser, Real Property Administrator, Andrew Eshleman, Director of Public Works

RECOMMENDED MOTION: Move to approve the option agreements for partial property acquisition including fee simple and/or easements for the properties listed below, to approve an ordinance approving said purchase, and to authorize the execution of the necessary documentation to finalize the acquisition.

REPORT-IN-BRIEF: The property owner at 458 Antietam Drive has agreed to sell the parcel to the County for the Antietam Water Trail Project. Program Open Space will cover a significant portion of the acquisition cost to include appraisals, title work, and property acquisition.

DISCUSSION: The project would support the development of the Antietam Water Creek Water Trail. This location would serve as the unofficial start of the Antietam Creek Water Trail to support uses including boating, tubing, fishing, and general recreation. This location was the former site of the Antietam Paper Mill dating back to the 1700s, but the site has remained in its present state since the building burned down almost 20 years ago. The purchase of the property provides the opportunity to redevelop this former local community landmark.

The County has partnered with numerous municipalities, state and local agencies, businesses, and non-profits on the development of the Water Trail to improve access to and recreation on the waterway. The County has applied for grants to aid in the development of the site, which is anticipated to include a parking area, stream access, lighting, signage, fencing, and a small picnic area.

Property Location	Property Cost	Fee Area	Program Open Space Funding	County Funding
458 Antietam Drive	\$14,000	1.2551 Acres	\$11,750 + \$2,000 for appraisals if property is purchased plus cost of title work.	\$2,250 if property is purchased. \$5,565 if the option to purchase is declined.

If the County would decide not to purchase the property, the County would be responsible for the \$5,565 in appraisal cost and preliminary title work.

FISCAL IMPACT: \$2,250 if property is purchased. \$5,565 if property is not purchased.

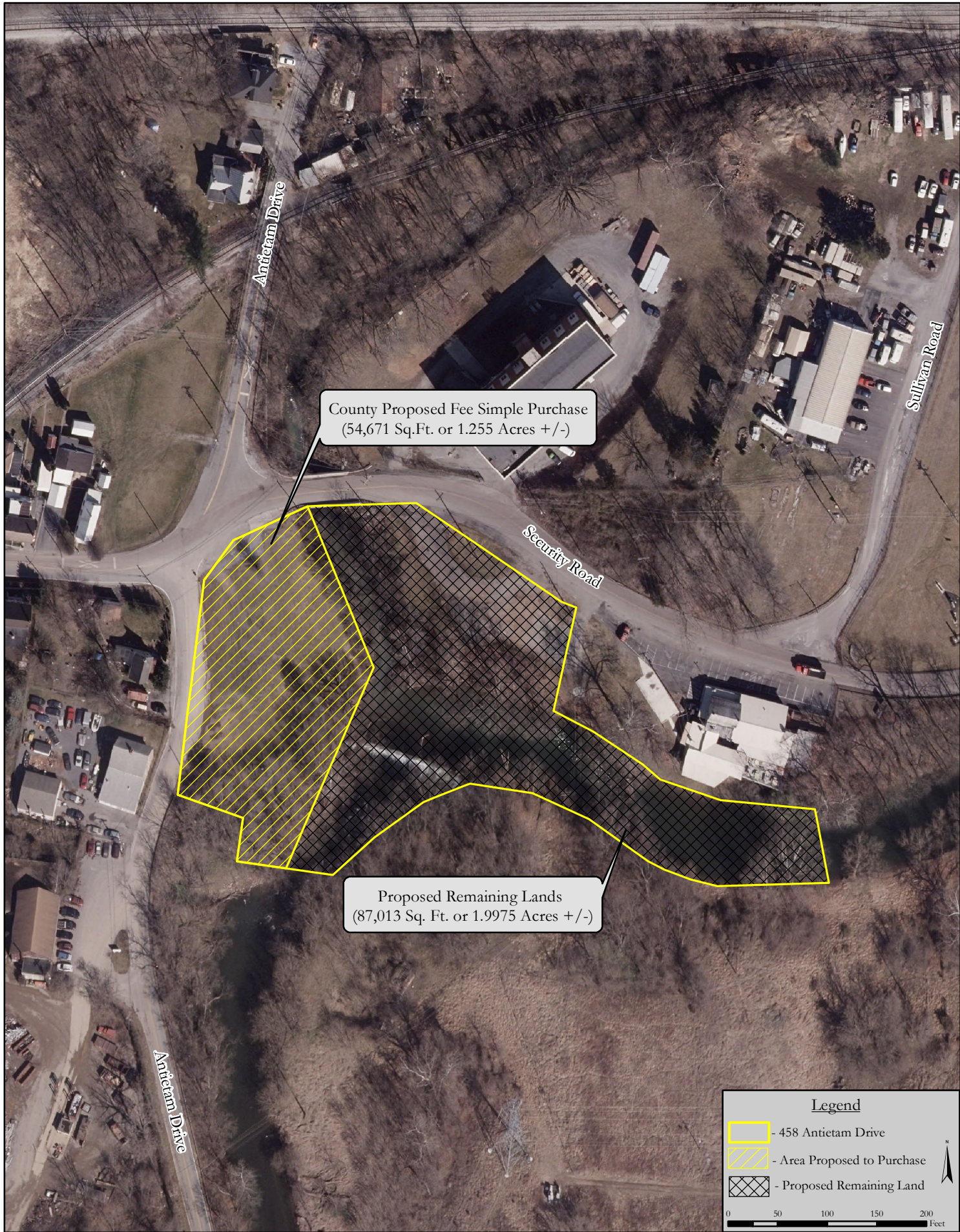
CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Ordinance, Letters of Support.

AUDIO/VISUAL NEEDS: N/A

458 Antietam Drive



ORDINANCE NO. ORD-2021-

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

(Program Open Space - 458 Antietam Drive)

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County") believes that it is in the best interest of the citizens of Washington County to purchase certain real property identified on the attached Schedule A (the "Property") to be used for public purposes.
2. The County approved the purchase of the Property on July 20, 2021.
3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland as the funds utilized to purchase the Property are not to be expended from the General Fund of the County.
4. The Property is part of the Antietam Water Trail Project and will serve as the unofficial start of the Antietam Creek Water Trail to support uses including boating, tubing, fishing, and general recreation.
5. A significant portion of the acquisition cost will be covered by funds granted to the County through Program Open Space.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Property.

ADOPTED this ____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

SCHEDULE A—DESCRIPTION OF PROPERTY

All that portion of land situate along the East side of N/F Antietam Drive, southeast of its intersection with N/F Security Road, in Hagerstown, Maryland, Election District No. 18 of Washington County, Maryland, and more particularly described as follows:

BEGINNING for the outline hereof at a 5/8" rebar set in the West margin of N/F Antietam Drive, said point being North 13 Degrees 18 Minutes 37 Seconds East 50 feet from the Northwest corner of a stone foundation; a tie as described for the end of the first line of Parcel No. 1, as set forth in a Deed from the Schmidt & Ault Paper Company to Leonard G. Mathias, dated July 16, 1942, and recorded among the Land Records of Washington County, Maryland, in Liber 219, folio 585; thence along the margin of said Antietam Drive on a bearing to agree with a recent survey performed by Washington County staff

1. North 20 Degrees 48 Minutes 55 Seconds East 78.46 feet to a point in the existing Right-of-Way for Antietam Drive, as shown and/or indicated as a 5-foot offset right of and perpendicular to Baseline of Right-of-Way station 25+01.67, on a plat recorded among said Land Records, in the Washington County Lands and Right-of-Way Plat Book, as Right-of-Way Plat No. 100-10-249; thence with said Right-of-Way for the following seven (7) courses
2. North 88 Degrees 12 Minutes 10 Seconds East 3.50 feet to a point;
3. North 06 Degrees 06 Minutes 18 Seconds East 47.28 feet to a point;
4. North 01 Degrees 20 Minutes 21 Seconds East 36.55 feet to a point;
5. North 01 Degrees 47 Minutes 50 Seconds West 15.00 feet to a point;
6. North 04 Degrees 53 Minutes 28 Seconds West 18.53 feet to a point;
7. North 03 Degrees 27 Minutes 20 Seconds West 34.38 feet to a 5/8" rebar set;
8. North 36 Degrees 25 Minutes 19 Seconds East 50.81 feet to a point in the pavement for N/F Security Road; thence crossing said road
9. North 13 Degrees 40 Minutes 10 Seconds East 71.08 feet to a Mag nail in the existing Right-of-Way line for N/F Antietam Drive, found at or near the last or North 58 Degrees 45 Minutes West 50.0 foot line of deed Parcel No. 33, as set forth in a Deed dated January 1, 2008, from St. Lawrence Cement Inc. to Holcim (US) Inc., and recorded among said Land Records in Liber 3533, folio 182; thence with and biding upon said lands of N/F Holcim (US) Inc., reversed and on corrected bearings for the following three (3) courses
10. South 62 Degrees 18 Minutes 42 Seconds East 49.11 feet to a point in N/F Security Road;

11. South 23 Degrees 43 Minutes 59 Seconds East 15.00 feet to a point at or near the corner of an existing bridge over the Marsh Run;
12. South 89 Degrees 58 Minutes 59 Seconds East 18.28 feet to a point along the South side of said bridge and at or near the centerline of the Marsh Run, said point also being in the ninth (9th) or North 85 Degrees 45 Minutes West 29.5 foot line of said Holcim (US) Inc. deed (L.2533 f.182) as aforementioned; thence leaving said lands of N/F Holcim (US) Inc. and crossing lands of Grantor herein by nine (9) new lines of division now established
13. South 28 Degrees 43 Minutes 22 Seconds East 105.31 feet to a point;
14. South 12 Degrees 04 Minutes 57 Seconds East 75.96 feet to a point;
15. South 17 Degrees 32 Minutes 15 Seconds West 49.03 feet to a point intending to be 3 feet, more or less, northerly of the north edge of the existing concrete dam across the Antietam Creek; thence parallel with said north edge of dam
16. North 86 Degrees 12 Minutes 02 Seconds West 21.75 feet to a 5/8" rebar set on the bank of the Antietam Creek and intending to be 3 feet, more or less, westerly from the west end of the existing concrete dam across the Antietam Creek; thence parallel with said west end of dam
17. South 28 Degrees 30 Minutes 19 Seconds West 31.78 feet to a 5/8" rebar set on the bank of the Antietam Creek and intending to be 3 feet, more or less, westerly from the west end of the existing concrete dam across the Antietam Creek; thence parallel with the south edge of said dam
18. South 85 Degrees 22 Minutes 07 Seconds East 19.01 feet to a point intending to be 3 feet, more or less, southerly of the south edge of the existing concrete dam across the Antietam Creek;
19. South 22 Degrees 35 Minutes 50 Seconds East 25.31 feet to a point;
20. South 21 Degrees 44 Minutes 21 Seconds West 56.28 feet to a point;
21. South 39 Degrees 28 Minutes 22 Seconds West 77.23 feet to a point in the eighth (8th) or North 76 Degrees 41 Minutes West 105.00 foot line of Grantor's Deed, said point also intending to be in the tenth (10th) or North 82 Degrees 13 Minutes West 116.17 foot line of the Lands of N/F Maryland Metals, Inc., by a Deed dated October 14, 1988, and recorded among said Land Records in Liber 896, folio 970; thence with a portion thereof on corrected bearings
22. North 81 Degrees 43 Minutes 11 Seconds West 63.21 feet to a 5/8" rebar set at or near the end of the 8th line of Grantor's Deed as aforementioned, said point also intending to be at or near the beginning of the fifth (5th) or North 13 Degrees 19 Minutes East 43.94 foot line

of deed Parcel No. 1 of the Lands of N/F Maryland Metals, Inc., and recorded among said Land Records as aforementioned; thence binding upon said lands for a portion thereof on corrected bearings

23. North 08 Degrees 16 Minutes 49 Seconds East 45.00 feet to a 5/8" rebar set at or near the beginning of the tenth (10th) or North 65 Degrees 8 Minutes West 70.00 foot line of Grantor's deed; thence with said line on corrected bearings
24. North 69 Degrees 11 Minutes 39 Seconds West 70.00 feet to the point of beginning, containing an area of 54,671 square feet or 1.2551 acres of land, more or less.

BEING a portion of Parcel No. 2 of the lands of Grantor herein by Deed dated March 30, 2010, and recorded among said Land Records in Liber 3846, folio 36. Also labeled as "PARCEL NO. 2" on a simplified plat drawn by the Division of Engineering for Washington County, Maryland, entitled "SIMPLIFIED PLAT, RESUBDIVISION OF PARCELS NO. 1 & 2, LANDS OF LISA K. HENICLE," and intending to be recorded among the Land Records of Washington County, Maryland.

SUBJECT to all easements, rights-of-way, covenants, conditions, and restrictions of record applicable thereto.



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

April 13, 2021

Andrew Eshleman
Director, Washington County Public Works
100 West Washington Street
Hagerstown, MD 21740

Mr. Eshleman,

Antietam Creek is a unique freshwater resource in Washington County. Typical of heavily influenced limestone spring creeks, it supports a productive aquatic ecosystem that is capable of growing and supporting trophy size fish. The creek is primarily managed for brown and rainbow trout, but also supports a healthy population of smallmouth bass, channel catfish, common carp and the occasional walleye and muskellunge in the lower section below Devil's Backbone County Park. Each year the creek is stocked with roughly 30,000 fingerling rainbow and brown trout. This helps support the fishery and maintains good numbers of catchable sized fish. A recent study showed that trout fishing contributed roughly \$56 million dollars to the Maryland economy.

Other recreational activities such as canoeing, kayaking and tubing have become increasingly popular on Antietam Creek. Since the majority of the creek exists on private property, local governmental agencies and partnerships have worked with landowners to create access and form the Antietam Creek Water Trail. Several local businesses offer canoe rentals and guided trips to enjoy the scenic and historical significance of Antietam Creek. Adding additional access points to Antietam Creek will only help improve public usage of this resource.

The Maryland Department of Natural Resources Freshwater Fisheries Program strongly supports efforts to acquire the parcel adjacent to Antietam Creek by Security Road and Antietam Drive. Plans to turn this into a public park with creek access would benefit both anglers and the outdoor recreational user community.

Sincerely,

Michael Kashiwagi
Western II Regional Fisheries Manager
Freshwater Fisheries Program
Maryland Department of Natural Resources
10932 Putman Rd
Thurmont, MD 21788



ANTIETAM-CONOCOCHIEAGUE WATERSHED ALLIANCE, INC.

PO Box 4665,
Hagerstown, MD 21742
www.acwamaryland.org
info@acwamaryland.org

April 26, 2021

Andrew Eshleman, P.E.
Director, Public Works
100 West Washington Street
Hagerstown, MD 21740

Dear Mr. Eshleman,

The Antietam Conococheague Creek Watershed Alliance (ACWA) continues to enthusiastically support Washington County in thoughtfully creating public-access facilities along the Antietam Creek Water Trail using Maryland's Appalachian Regional Commission grant funds. As a group, ACWA is passionate about protecting and restoring the Antietam and Conococheague Creeks by connecting people to their waterways through recreation, education and conservation. The Antietam Creek is wonderful natural resource for local recreation including tubing, kayaking, canoeing and fishing however public access to the Antietam is very limited north of the Kiwanis Park boat ramp.

Since 2005, ACWA has organized float trips that introduce people to our creeks and serve as an environmental classroom. We have promoted and supported the concept the of the Antietam Creek Water Trail over the years and are delighted to learn of the County's draft plan for the parcel located at Antietam Drive in Hagerstown. Plans to improve this parcel into a park and provide creek access will have many benefits for the local community and beyond. With the proposed County ownership and the creation of a park setting, we feel that with good stewardship, site design, and assurances to the local residents, Washington County Government has a rare opportunity to both protect the creek and to create a valuable asset for the community to enjoy.

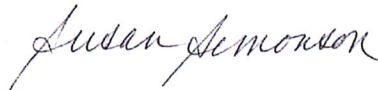
By purchasing the Antietam Drive-Security Road property and creating a creek-side park, the County would:

- improve safety for boaters by reducing the distance between points to roughly five miles or less. The location of the boat access will also support float activities at Kiwanis Park downstream.
- reduce incursions onto private property with good placement of informational kiosks about the water trail to guide people to appropriate public areas and trails.
- convert a currently neglected property with a poor reputation into a Community asset. This land that cannot be developed due to the floodplain and the use as a former industrial site, therefore a park is a good use of the area.
- improve security in the area as the County's presence will improve inspections and surveillance.

- provide the neighborhood a much-needed park for the community that changes the culture and encourages visitors to care for it.
- increase tree and plant cover with its design to protect the stream banks from erosion and stormwater runoff.
- create a new location to demonstrate environmental best management practices along with environmental education outreach.
- allow for cultural and historical signage to be installed that would illustrate the earliest grist mill era from about 1780 to the later Antietam Paper Company that operated at this site.

We applaud the County's efforts in considering this property acquisition for the Water Trail project. The Antietam Drive location will add to the string of County properties along Antietam Creek that enhance public recreational access as well as provide an opportunity to interpret our rich culture and history. Therefore, it is so important to work with neighborhood residents to show that the future use as a park is in their best interest. ACWA is willing to help in any way we can and if purchased, ACWA could provide input on sustainable design of the park, work with partners to beautify the area, and assist County staff with interpretive panels, as needed.

Sincerely,

A handwritten signature in cursive script, reading "Susan Simonson".

Susan Simonson, ACWA President
on behalf of the
ACWA Board of Directors

Visit **HAGERSTOWN** & Washington County, Maryland

Andrew Eshleman, P.E.
Director, Public Works
100 West Washington Street
Hagerstown, MD 21740

Dear Mr. Eshleman,

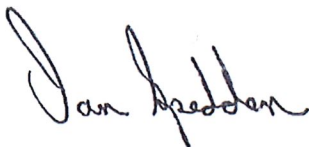
The Hagerstown/Washington County Convention and Visitors Bureau (CVB) fully supports Washington County, Maryland's grant application for funds to develop facilities on the Antietam Creek Water Trail.

The CVB identifies Washington County, Maryland as a preferred destination for tourists with a history and heritage interest and for outdoor recreation. More defined and convenient access to a resource as valuable as the Antietam Creek Water Trail will increase the tourism market share for Washington County.

In Washington County, Maryland we attract 1.3 million visitors annually. Our top attractions are State and National Parks, and the number one activity is recreational trail use. In 2019 visitors to Washington County spent \$269.3 million generating \$78.82 million in Federal, State, and local taxes. 5,184 residents are employed in tourism sector jobs.

Washington County Maryland has much to gain when the Antietam Creek Water Trail is more accessible to the tourist that seek us out for this type of recreation. The CVB supports the ARC grant application.

Sincerely,



Dan Spedden, President



Adventure Outfitter Since 1972

RAFTING • TUBING • KAYAKING • CANOEING • TEAMBUILDING • HIKING • BIKING

Andrew Eshleman, P.E.
Director, Public Works
100 West Washington Street
Hagerstown, MD 21740

Dear Mr. Eshleman,

River and Trail Outfitters fully support Washington County, Maryland's grant application for funds to develop facilities on the Antietam Creek Water Trail.

River and Trail Outfitters is a Washington County based commercial outfitter that has been in business since 1972. We offer guided and self-guided rental kayaking, canoeing, and tubing floats on the Antietam Creek. Floating the Antietam Creek is a popular activity and in a typical year we have 2,000 + visitors who float the Creek with our business. Depending on water levels, we offer several starting locations as far north as Devils Backbone Park for various length trips and experiences. A major downfall of expanding for more use is the limited public access to the Creek.

Our business and customers have much to gain when the Antietam Creek Water Trail is more accessible. We fully support Washington County's efforts to develop and improve the Water Trail.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Gonano", written in a cursive style.

John Gonano

General Manager



Agenda Report Form

Open Session Item

SUBJECT: Donation of Right-of-Way for Professional Boulevard

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Todd Moser, Real Property Administrator, Division of Engineering

RECOMMENDED MOTION: Move to approve the donation for partial property acquisition including fee simple and/or easements for the property listed below and to approve an ordinance approving said donation and to authorize the execution of the necessary documentation to finalize the acquisition.

REPORT-IN-BRIEF: The Hagerstown Washington County Industrial Foundation, Inc. (CHIEF) has agreed to waive its right to just compensation and agreed to donate 3.48 acres of fee simple area, 0.51 acres for temporary construction easements, 0.69 acres for perpetual drainage and utility easements, and 0.05 acres for drainage easements for Phases 3 and 4 of Professional Boulevard. The County will also vacate a portion of existing drainage and utility easement consisting of 14,589 square feet that was previously donated. The area being vacated will be donated back to the County in fee as part of the area described above.

Property Location	Property Owner	Fee Simple Area	Easement Area	Property Cost
Tax Map 50/Parcel 295- Tax Id- 18-023075	Hagerstown Washington County Industrial Foundation, Inc. (CHIEF)	3.48 Acres	Temporary Construction Easements: 0.51 acres, Perpetual Drainage & Utility Easements: 0.69 acres, Drainage Easements: 0.05 acres	N/A Value of Just Compensation: \$217,900

DISCUSSION: Phases 3 and 4 of Professional Boulevard is a planned capital improvement project and will provide a connection between Yale Drive and Rosewood Village near Robinwood Drive.

FISCAL IMPACT: CIP Budgeted Project

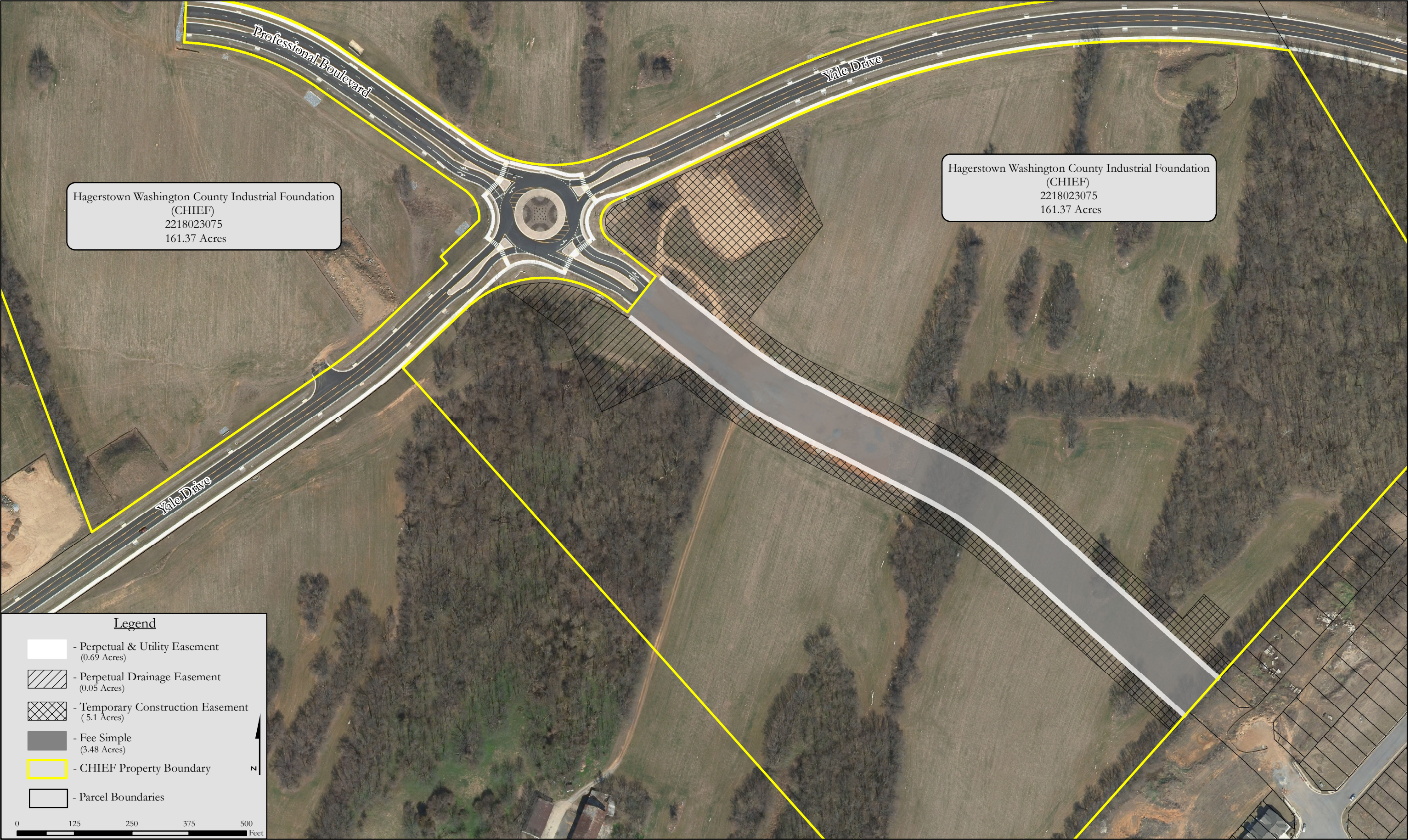
CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Ordinance

AUDIO/VISUAL NEEDS: Aerial Map

Professional Boulevard Extended: CHIEF Property



ORDINANCE NO. ORD-2021-

**AN ORDINANCE TO APPROVE THE ACQUISITION AND CONVEYANCE OF
REAL PROPERTY**

(Professional Boulevard Extension)

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the "County") believes that it is in the best interest of the citizens of Washington County to acquire certain real property identified on the attached Exhibit A (the "Property") to be used for public purposes.

2. The County approved the acquisition of the Property on July 20, 2021.

3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the Property is being donated and no funds will be utilized from the General Fund of the County for the acquisition of the Property.

4. The acquisition of the Property is necessary for improvements to Professional Boulevard in Washington County, Maryland.

5. The County also approves the conveyance of a portion of Professional Boulevard back to CHIEF as identified in the attached Exhibit A.

6. Notice of Intention to Convey Real Property was duly advertised pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, in *The Herald Mail*, a daily newspaper of general circulation, on June 21, 28, and July 5, 2021.,

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the acquisition of the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the acquisition and conveyance of the Property.

ADOPTED this ____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A—DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION:

All that strip of land lying Westerly of the lands N/F/K/A Rosewood Village and approximately 280 feet Easterly of the round-a-bout for the intersection of N/F Yale Drive and N/F Professional Boulevard East, between the lines noted as “Right-of-Way Line,” as shown and/or indicated on the hereinafter mentioned plats, all of which are made a part hereof, so far as Grantor’s property and/or rights may be affected by the proposed extension of N/F Professional Boulevard and the appurtenances thereto belonging, or anywise appertaining, in Election District No. 18 of Washington County, Maryland, being more particularly described as follows:

BEGINNING for the outline hereof at a point in the existing northerly margin of Right-of-Way for N/F Professional Boulevard East, said point being 50 feet left of and perpendicular to Baseline of Right-of-Way station 2+82.71, as shown on a plat prepared by the Division of Engineering for Washington County, Maryland, titled “PROFESSIONAL BOULEVARD EXTENDED – YALE DRIVE TO ROSEWOOD VILLAGE,” intended to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way Plat Book as Right-of-Way Plats Nos. 100-10-583 and 100-10-584; thence crossing lands of Grantor herein by five (5) new lines of Right-of-Way now established, on a bearing to agree with a recent survey performed by the Division of Engineering for Washington County, Maryland,

1. South 51 Degrees 50 Minutes 34 Seconds East 237.88 feet to a point; thence by a tangent curve to the left having a radius of 850.00 feet, an arc length of 166.90 feet, and subtended by a chord with a bearing and distance of
2. South 57 Degrees 28 Minutes 04 Seconds East 166.63 feet to a point; thence
3. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; thence by a tangent curve to the right having a radius of 950.00 feet, an arc length of 248.87 feet, and subtended by a chord with a bearing and distance of
4. South 55 Degrees 35 Minutes 17 Seconds East 248.16 feet to a point; thence
5. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41° 54’ 00” West 1,754.96 foot line of Grantor’s deed, said line being the existing property line and line of division between Grantor’s land and the lands N/F of Rosewood Village II-A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way plats; thence binding upon said existing property line and line of division, and with a portion thereof
6. South 41 Degrees 55 Minutes 01 Second West 100.00 feet to a point; thence leaving said existing property line and line of division and going back therefrom and across Grantor’s land by five (5) new lines of Right-of-Way now established
7. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; thence by a tangent curve to the left having a radius of 850.00 feet, an arc length of 222.68 feet, and subtended by a chord with a bearing and distance of
8. North 55 Degrees 35 Minutes 17 Seconds West 222.04 feet to a point; thence
9. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; thence by a tangent curve to the right having a radius of 950.00 feet, an arc length of 186.54 feet,

- and subtended by a chord with a bearing and distance of
10. North 57 Degrees 28 Minutes 04 Seconds West 186.24 feet to a point; thence
 11. North 51 Degrees 50 Minutes 34 Seconds West 237.88 feet to a point in the existing Southerly margin of Right-of-Way for N/F Professional Blvd. East; thence with a portion thereof
 12. North 38 Degrees 09 Minutes 26 Seconds East 100.00 feet to the point of beginning, containing an area of 151,619 square feet or 3.4807 acres of land, more or less.

TOGETHER WITH two (2) ten (10) foot wide **PERPETUAL DRAINAGE AND UTILITY EASEMENTS** running contiguous with the outer lines of the above-described FEE SIMPLE Right-of-Way lines established herein, and graphically depicted on the said Right-of-Way Plats Nos.100-10-583 and 100-10-584, being more particularly described as follows:

PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1:

BEGINNING for the outline hereof at a point 50 feet left of and perpendicular to Baseline of Right-of-Way station 2+92.71, said point being in the first (1st) line of the FEE SIMPLE Right-of-Way area as described herein, being ten (10) feet from the beginning thereof, said point also being in the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement, all of which is graphically depicted on said Right-of-Way Plat No. 100-10-583; thence leaving said Right-of-Way and going back therefrom and running contiguous with the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement and with a portion thereof

1. North 38 Degrees 09 Minutes 26 Seconds East 10.00 feet to a point at the corner of the said existing ten (10) foot wide Perpetual Drainage and Utility Easement; thence leaving said existing easement and going back therefrom and across lands of Grantor herein by five (5) new lines of Easement now established
2. South 51 Degrees 50 Minutes 34 Seconds East 227.88 feet to a point; by a tangent curve to the left having a radius of 840.00 feet, an arc length of 164.94 feet, and subtended by a chord with a bearing and distance of
3. South 57 Degrees 28 Minutes 04 Seconds East 164.67 feet to a point;
4. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; by a tangent curve to the right having a radius of 960.00 feet, an arc length of 251.49 feet, and subtended by a chord with a bearing and distance of
5. South 55 Degrees 35 Minutes 17 Seconds East 250.77 feet to a point;
6. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41°54'00" West 1,754.96 foot line of Grantor's deed, said line being the existing property line and line of division between Grantor's land and the lands N/F of Rosewood Village II—A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way Plat No. 100-10-584; thence binding upon said existing property line and line of division, and with a portion thereof
7. South 41 Degrees 55 Minutes 01 Second West 10.00 feet to a point at the end of the fifth (5th) line of the FEE SIMPLE Right-of-Way established herein; thence leaving said existing property line and line of division and going back therefrom, binding upon the FEE SIMPLE Right-of-Way established herein, and with a portion thereof reversed

8. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; thence by a tangent curve to the left having a radius of 950.00 feet, an arc length of 248.87 feet, and subtended by a chord with a bearing and distance of
9. North 55 Degrees 35 Minutes 17 Seconds West 248.16 feet to a point; thence
10. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; thence by a tangent curve to the right having a radius of 850.00 feet, an arc length of 166.90 feet, and subtended by a chord with a bearing and distance of
11. North 57 Degrees 28 Minutes 04 Seconds West 166.63 feet to a point; thence
12. North 51 Degrees 50 Minutes 34 Seconds West 227.88 feet to the point of beginning, containing an area of 15,098 square feet or 0.3466 acre of land, more or less.

PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 2:

BEGINNING for the outline hereof at a point 50 feet right of and perpendicular to Baseline of Right-of-Way station 2+92.71, said point being in the eleventh (11th) line of the FEE SIMPLE Right-of-Way area as described herein, being ten (10) feet from the end thereof, said point also being in the marginal line of the existing ten (10) foot wide Perpetual Drainage and Utility Easement, all of which is graphically depicted on the said Right-of-Way Plat No. 100-10-583; thence with a portion of the eleventh (11th) line of the FEE SIMPLE Right-of-Way area reversed

1. South 51 Degrees 50 Minutes 34 Seconds East 227.88 feet to a point; thence by a tangent curve to the left having a radius of 950.00 feet, an arc length of 186.54 feet, and subtended by a chord with a bearing and distance of
2. South 57 Degrees 28 Minutes 04 Seconds East 186.24 feet to a point; thence
3. South 63 Degrees 05 Minutes 35 Seconds East 334.27 feet to a point; thence by a tangent curve to the right having a radius of 850.00 feet, an arc length of 222.68 feet, and subtended by a chord with a bearing and distance of
4. South 55 Degrees 35 Minutes 17 Seconds East 222.04 feet to a point; thence
5. South 48 Degrees 04 Minutes 59 Seconds East 531.56 feet to a point in the fourteenth (14th) or South 41° 54' 00" West 1,754.96 foot line of Grantor's deed, said line being the existing property line and line of division between Grantor's land and the lands N/F of Rosewood Village II—A, LLC (L.6137 f.432), all of which is shown on the aforementioned Right-of-Way Plat No. 100-10-584; thence binding upon said existing property line and line of division, and with a portion thereof
6. South 41 Degrees 55 Minutes 01 Second West 10.00 feet to a point; thence leaving said existing property line and line of division and going back therefrom and across the lands of Grantor herein by five (5) new lines of Easement now established
7. North 48 Degrees 04 Minutes 59 Seconds West 531.56 feet to a point; by a tangent curve to the left having a radius of 840.00 feet, an arc length of 220.06 feet, and subtended by a chord with a bearing and distance of
8. North 55 Degrees 35 Minutes 17 Seconds West 219.43 feet to a point;
9. North 63 Degrees 05 Minutes 35 Seconds West 334.27 feet to a point; by a tangent curve to the right having a radius of 960.00 feet, an arc length of 188.50 feet, and subtended by a chord with a bearing and distance of

10. North 57 Degrees 28 Minutes 04 Seconds West 188.20 feet to a point;
11. North 51 Degrees 50 Minutes 34 Seconds West 227.88 feet to a point at the corner of the said existing ten (10) foot wide Perpetual Drainage and Utility Easement; thence with a portion thereof
12. North 38 Degrees 09 Minutes 26 Seconds East 10.00 feet to the point of beginning, containing an area of 15,026 square feet or 0.3449 acre of land, more or less.

TOGETHER WITH a PERPETUAL DRAINAGE EASEMENT as graphically depicted on the said Right-of-Way Plat No. 100-10-584, being more particularly described as follows:

BEGINNING for the outline hereof at a point 60 feet left of and perpendicular to Baseline of Right-of-Way station 16+74.86, said point also being in the fifth (5th) line of the PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1 as described herein, and with a portion thereof reversed

1. North 48 Degrees 04 Minutes 59 Seconds West 22.03 feet to a point; thence leaving said line of PERPETUAL DRAINAGE AND UTILITY EASEMENT NO. 1 and going back therefrom and across lands of Grantor herein by three (3) new lines of Easement now established
2. North 66 Degrees 41 Minutes 32 Seconds East 114.75 feet to a point;
3. South 20 Degrees 45 Minutes 21 Seconds East 20.02 feet to a point;
4. South 66 Degrees 41 Minutes 32 Seconds West 104.63 feet to the point of beginning, containing an area of 2,194 square feet or 0.0504 acre of land, more or less.

TOGETHER with the right to use two (2) temporary easements designated as “**TEMPORARY EASEMENT ‘A’ (NORTHERLY SIDE OF PROPOSED PROFESSIONAL BLVD.) TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION,**” and “**TEMPORARY EASEMENT ‘B’ (SOUTHERLY SIDE OF PROPOSED PROFESSIONAL BLVD.) TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION,**” all of which is graphically depicted on the said Right-of-Way Plats Nos. 100-10-583 and 100-10-548, encompassing an aggregate area of 222,169 square feet or 5.1003 acres of land, more or less.

BEING a portion of the property conveyed unto Grantor herein by a deed dated June 14, 2011, and recorded among the Land Records of Washington County, Maryland, in Liber 4105, folio 110.

PROPERTY CONVEYANCE:

All those two (2) portions of land lying Westerly of the lands N/F/K/A Rosewood Village and approximately 280 feet Easterly of the round-a-bout for the intersection of N/F Yale Drive and N/F Professional Boulevard East; AREA NO. 1 designated as “PORTION OF EXISTING DRAINAGE AND UTILITY EASEMENT HEREBY VACATED,” and AREA NO. 2 designated as “PORTION OF EXISTING PERPETUAL DRAINAGE EASEMENT HEREBY VACATED,” as shown and/or indicated on a plat prepared by the Division of Engineering for Washington County, Maryland, and intended to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way Plat Book as Right-of-Way Plat

No. 100-10-583, in Election District No. 18 of Washington County, Maryland, being more particularly described as follows:

Area No. 1:

BEGINNING for the outline hereof at a point 50 feet right of and perpendicular to Baseline of Right-of-Way station 2+82.71, said point being at the beginning of the fifth (5th) or North 38 degrees 09 minutes 26 seconds East 100.00 foot line of Grantor's deed, designated as "Drainage and Utility Easement Area No. 2"; thence with said line

1. North 38 Degrees 09 Minutes 26 Seconds East 100.00 feet to a point at the end of said fifth (5th) line, said point being at the beginning of the first (1) line of the newly established Right-of-Way for Professional Boulevard, as shown on the said Right-of-Way Plat No. 100-10-583; thence with a portion thereof
2. South 51 Degrees 50 Minutes 34 Seconds East 10.00 feet to a point in the fifteenth (15th) or South 38 Degrees 09 Minutes 26 Seconds West 120.00 feet line of Grantor's deed, designated as "Drainage and Utility Easement Area No. 2"; thence leaving said newly established Right-of-Way line and crossing Professional Boulevard and with a portion of the said fifteenth (15th) line
3. South 38 Degrees 09 Minutes 26 Seconds West 100.00 feet to a point in the eleventh (11th) line of the newly established Right-of-Way for Professional Boulevard, as shown on the said Right-of-Way Plat No. 100-10-538; thence with a portion thereof
4. North 51 Degrees 50 Minutes 34 Seconds West 10.00 feet to the point of beginning, containing an area of 1,000 square feet or 0.0230 acre of land, more or less.

BEING a portion of the property designated as "10' WIDE PERPETUAL DRAINAGE AND UTILITY EASEMENT" on a plat previously recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way No. 100-10-550, and referred to as "Drainage and Utility Easement Area No. 1," as listed under "GRANT NO. 2: PERPETUAL EASEMENTS FOR DRAINAGE AND UTILITY" in Grantor's deed, dated March 3, 2016, and recorded among the Land Records of Washington County, Maryland, in Liber 5188, folio 378.

Area No. 2:

BEGINNING for the outline hereof at a point at the corner at the existing ten (10) foot wide PERPETUAL DRAINAGE AND UTILITY EASEMENT as graphically depicted on the said Right-of-Way Plat No. 100-10-583, said point also being at the beginning of the second (2nd) or North 38 Degrees 09 Minutes 26 Seconds East 120.00 feet line of Grantor's deed, designated as "Drainage Facility Area No. 8" and listed under the heading "GRANT NO. 3: PERPETUAL DRAINAGE FACILITY EASEMENT," thence with the third (3rd) line of said deed

1. North 38 Degrees 09 Minutes 26 Seconds East 120.00 feet to a point at the end of said third (3rd) line; thence with the fourth (4th) line of said deed by a corrected bearing and distance

2. South 25 Degrees 13 Minutes 54 Seconds East 212.00 feet to a point at the beginning of the fifth (5th) line of Grantor's deed as aforementioned; thence with a portion thereof by a corrected bearing
3. South 64 Degrees 37 Minutes 48 Seconds West 27.97 feet to a point in the proposed ten (10) foot wide PERPETUAL DRAINAGE AND UTILITY EASEMENT, as shown on the said Right-of-Way Plat No. 100-10-583; thence with a portion thereof
4. North 51 Degrees 50 Minutes 34 Seconds West 177.07 feet to the point of beginning, containing an area of 13,589 square feet or 0.3120 acre of land, more or less.

BEING a portion of the land designated as "PERPETUAL EASEMENT FOR DRAINAGE FACILITY NO. 8" on a plat previously recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Right-of-Way Plat Book as Right-of-Way Plat No. 100-10-550, referred to as "Drainage Facility Area No. 8," and listed under "GRANT NO. 3: PERPETUAL DRAINAGE FACILITY EASEMENTS," as transferred to Grantor herein by the aforementioned deed recorded among the said Land Records in Liber 5188, folio 378.



Agenda Report Form

Open Session Item

SUBJECT: Rescind Bid Award, Intergovernmental Cooperative Purchase (INTG-21-0058) – Personal Protective Equipment (PPE) for Division of Emergency Services

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Brandi Naugle, CPPB, Buyer and Eric Jacobs– Operations Manager, Division of Emergency Services.

RECOMMENDED MOTION: Move to relieve Witmer Public Safety Group, Inc of Williamsport, MD from the contract without prejudice for the purchase approved by the Board of County Commissioners of Washington County, April 20, 2021 for the purchase of 35 sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services.

REPORT-IN-BRIEF: On November 17, 2020, the Board of County Commissioners of Washington County approved by resolution the purchase of fifty (50) sets of Personal Protection Equipment (PPE) totaling \$143,966.50 from Witmer Public safety based on the contract awarded by the State of New Jersey (#17DPP00100; New Jersey Contract T0790) and on April 20, 2021, thirty-five (35) additional sets of Personal Protective Equipment (PPE) from Witmer Public Safety was approved/awarded by the Board of County Commissioners of Washington County for pricing based on the same contract, totaling an additional \$ 85,296.75.

On June 4, 2021, a partial order was received for a total of 3 sets; these sets were part of the fifty (50) set initial order. As a result of the partial order, DES senior staff began requesting weekly updates on delivery. On July 2, 2021, per a phone conversation with LION Regional Sales Manager, Washington County was informed of a shortage in PPE components for the first order and a delay in the second order. Subsequently, a meeting was requested with our Purchasing Director – Rick Curry and staff of LION to discuss business options. On July 7, 2021, a conference call with LION occurred requesting an update on the delivery of the initial order of fifty (50) sets. Washington County representatives were told the order was in production and delivery expected in late July or early August. LION representatives were informed the anticipated delivery dates were not acceptable and a deadline for cancelling the order was requested by Washington County. An official notification letter was sent by Director Curry on July 9, 2021 to LION recapping the conversation call and communicating the cancellation if warranted.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: None



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-21-0063) – Personal Protective Equipment (PPE) for Division of Emergency Services

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Brandi Naugle, CPPB, Buyer and Eric Jacobs– Operations Manager, Division of Emergency Services.

RECOMMENDED MOTION: Move to authorize by Resolution for the approval of the purchase of 35 sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services from Municipal Emergency Services & Lawmen Supply Company of Rockville, MD at the contracted unit prices based on the contract awarded by the Fairfax County, VA contract (Solicitation #2000003296); 35-Honeywell Morning Pride Coats \$1,426.15 @ 35 = \$ 49,915.25 and 35 Honeywell Morning Pride Pants (\$1,010.50) x 35 = \$ 35,367.50, Totaling - \$ 85,282.75.

REPORT-IN-BRIEF: Section 106.3 of the Public Local Laws of Washington County grants authorization for the County to procure goods or services under contracts entered into by other government entities. On items over \$50,000, a determination to allow or participate in an intergovernmental cooperative purchasing arrangement shall be by Resolution and shall indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justification for the arrangement.

The County will benefit with the direct cost savings in the purchase of PPE (pants and coat) because of economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of the equipment by utilizing the State of New Jersey contract and eliminating our County's bid process would result in an administrative and cost savings for the Division of Emergency Services in preparing specifications and the Purchasing Department.

DISCUSSION: This structural-firefighting, turn-out gear will be purchased to assist in outfitting our first responders throughout the County. This is an annual program that has been supported through general budget funding.

FISCAL IMPACT: Funding is in the department's FY'22 operating budget account 599999-30-11430.

CONCURRENCES: N/A

ALTERNATIVES: If the county decides not to purchase the turnout gear, the cost for these purchases will fall back to the volunteer fire and EMS companies.

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: None



Agenda Report Form

Open Session Item

SUBJECT: Discussion on the review/approval process for local Non-Profit Contingency Fund requests

PRESENTATION DATE: July 20, 2021

PRESENTATION BY: Board of County Commissioners

RECOMMENDED MOTION: To approve an “up to amount” for local Non-Profit reimbursement requests received, with proposed funding through the Commissioner’s Contingency Fund

REPORT-IN-BRIEF: Several requests have been received for reimbursement requests from local non-profit agencies for fundraising events at Black Rock Golf Course.

Staff is requesting direction from the Commissioners on how those requests are to be handled, to include any future requests.

DISCUSSION:

FISCAL IMPACT:

CONCURRENCES:

ATTACHMENTS: