

**BOONSBORO MAYOR AND COUNCIL
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 4, 2018**

The Mayor and Council of Boonsboro held their Regular Meeting on Tuesday, September 4, 2018 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building. In attendance were Mayor Howard Long, Assistant Mayor Rick Byrd, Council Members Marilee Kerns, Ray Hanson, Terri Hollingshead, Tony Nally and Ricky Weaver. Also present were Interim Town Manager Kimberly Miller, Town Planner Ethan Strickler, Police Chief Charles Stanford, Boonsboro Municipal Chairman Paul Loeber and Administrative Assistant Kimberly Miller. The meeting convened at 7:00 PM with the pledge and moment of silence offered by Mayor Long.

REVIEW AND APPROVAL OF AUGUST 2018 MEETING MINUTES and REPORTS

- **Motion** by Assistant Mayor Byrd, second by Council Member Hanson to approve the **August 6, 2018 Regular Meeting**, the **August 27, 2018 Public Hearing** and the **August 27, 2018 Workshop Meeting Minutes**. **Motion carried.**
- **Motion** by Council Member Nally, second by Council Member Hollingshead to approve the **August 2018 Treasurer's Report**. **Motion carried.**
- **Motion** by Council Member Nally, second by Assistant Mayor Byrd to approve the **August 2018 Bills to be Paid Report**. **Motion Died.**
- **Motion** by Assistant Mayor Byrd, second by Council Member Nally to pay all of the bills except for the check to the National Road Heritage Foundation, which will be re-evaluated after the audit process and brought up again at the end of December. **Motion carried.**
 - Council Member Kerns made the request to hold the \$15,000 donation for the National Road until December to get this donation on a schedule where one half the donation is paid in June and the other half of the donation is paid in December. She stated that this would get this donation on the same schedule as the donation to the Boonsboro Fire & Rescue, and would hold the donation until after the Town has a chance to look at the budget through the audit process, the Town Manager and staff hiring process. Council Member Nally made a recommendation to do the donation the same way they do the other donations (half in December, half in June).

PUBLIC COMMENTS

- **Jeff Herndon**, Clear Spring, MD. Stated he was at the meeting on behalf of Brian Albert, Republican candidate for Washington County Sheriff, and that Brian would like to meet with the Boonsboro Mayor & Council by October. He stated that Mr. Albert would like to meet with the Town to get an understanding of what the Town desires in moving forward with their Police Department. Mr. Albert expresses a desire to re-establish a working relationship with the outer-lying communities, including creating a sub-station type of atmosphere, where County Deputies could come and collaborate with Boonsboro's department. Mr. Albert is currently a captain in the State Natural Resources Police. The Mayor and Interim Police Chief noted that the codes on the Police Department's doors have already been changed to allow for County and State police to use Boonsboro's police department facilities if necessary.

MAYOR AND COUNCIL MEMBER CORRESPONDENCE

- **Council Member Hollingshead** stated she received a letter to the Secretary of the Dept of Transportation, in reference to the pedestrian hybrid beacons. Sharpsburg had a request that was turned down. Delegate Parrot has requested that the Town of Boonsboro have one for Orchard Drive and Park Drive.
- **Mayor Long** stated that Keedysville is having their 250th birthday celebration on Saturday, September 29th, 10am – 5pm in Taylor Park. He also talked about "Remembrance in the Park, A Tribute to our Fallen Heroes", on September 10th @ 6pm at Hagerstown City Park.
- **Assistant Mayor Byrd** asked about Bob Ziegler in Crestview's driveway and who ended up painting on his new driveway. Kim Miller stated that it was our guys marking a water line for Miss Utility, but that our guys have already gone out and rectified the issue. He then spoke about a stormwater related issue at 109 Lakin Avenue, specifically terrible flooding in their backyard. He stated that in looking for potential stormwater retrofits for MS4 that the Town should look for solutions to specific issues for residents such as those at 109 Lakin Avenue. Council Member Kerns noted that the stormwater issues in this area of town have been an issue for a long time. Additional conversation focused upon the weather issues this year (excessive rain), and working with the County on stormwater coming from Lakin Avenue Extended.

Employee Recognition – Krista K. Davis was presented with a Certificate of Appreciation from Mayor Howard Long, on behalf of the Mayor and Council, for her service to the Town of Boonsboro during her time as the Town Manager for the Town.

Police Department Report – *Interim Chief Morgan*. The Police Department received 118 calls for service, which included 59 motor vehicle violator contacts for the month of August 2018. There was 1 adult criminal arrest, 0 juvenile arrests and 0 juvenile traffic arrests. The arrest occurred on 08/27. Stated that the Department collected 6.1 pounds of drugs through the Drug Turn-In Program for the month of August 2018.

- Chief Morgan sent a letter to the Department of Corrections for bringing their dogs down to Boonsboro during their involvement with National Night Out on August 7th.
- Chief Stanford retired on August 14th, 2018.
- Chief Morgan stated that officer Caleb Wade is riding for the current time, but will start at the Police Academy in a few weeks in Carroll County. He also stated that the following Monday was Anthony La Russo's last day.
- Council Member Kerns stated that Donna did a graphic for the percentage of calls we take in the area. The Mayor stated that Donna should keep doing this every month and to also provide a yearly update.
- Council Member Kerns asked if there has been any talk about bringing back the speed trailer and the dummy in the police car. The Interim Chief stated that the trailer was brought there and that they were going to come down to Boonsboro to show the department how to set it up and run it.

OLD BUSINESS

Fletcher's Grove Amendment to Annexation Agreement Request: Town Planner Strickler read an email that he had sent to the Mayor and Assistant Mayor on Friday, ahead of the long weekend, clarifying a few details with respect to the request, the original annexation agreement, and specifically what land was subject to the agreement. He stated, *"I hope that it is clear to everyone that denying this developer's request to delete Paragraph 3, the Senior Housing provision, would not actually fully prevent the developer from being able to do single family detached housing, which is what the developer would like to get a special exception to do on parts of his property. If you look at the map, the developer has about 7 acres of land, some of the land that borders Knode Circle in the southern portion of his holdings, that is currently zoned MR, a residential zoning district, (as is the rest of his land subject to the annexation agreement) and is not subject to the annexation agreement. 35+ acres of land the developer owns, all zoned MR, is subject to the annexation agreement. The 7 acre area bordering Knode Circle to the north is not."*

While all of the property owners in this area did receive adjacent property owner notices, they did so because the developer at one point in time merged the 7 acre parcel of land with another parcel to the north. The 7 acre area not subject to the annexation agreement was already within the Town's boundary when the other 35 acres were annexed in. The annexation agreement, and subsequent requested amendments, are only subject to the 35 acres annexed into the Town in 2006-2007. The Town Planner went on to explain that, *"Furthermore, the majority of the land the developer owns, including the 7 acre area previously referenced, is zoned MR, meaning that regardless of the annexation agreement, this developer will require a special exception to build single family detached dwellings in the MR district, which is what he has asked for in the Concept Plan that went to the Planning Commission in June. In my opinion, because he has additional land not subject to the annexation agreement that is in a residential zoning district, the developer's argument for amending the agreement to delete Paragraph 3 (Senior Housing) is weakened. The way that Paragraph 3 (Senior Housing) is written, it binds the developer to having senior housing, specifically single story duplexes, as a part of the first site plan submitted for development of the property. It says nothing about binding him to senior housing on a second or third hypothetical site plan(s). It is bound to just that first site plan. It also says that senior housing need be a part of the first site plan for development, which is open to interpretation as to whether the site plan could include other types of housing or not. Therefore, in my opinion, the developer already has a great deal of flexibility to work within, even if his annexation agreement stays the same and the requests he is asking for are denied."*

Town Planner Ethan Strickler and Mayor Howard Long stated that the developer, Jim Draper, called the Mayor earlier that day and requested to delay the Mayor and Council's vote on the request until October. The Mayor stated that the developer is in the process of working with the Washington County Office of Aging to get more details on senior housing that includes a pool and a rec center. The Mayor stated the Council has the option postpone the vote or to go ahead and vote on the issue now. The mayor stated that it looks like the developer is in the process of going back and revamping a development proposal that includes senior housing. The Mayor emphasized to the developer how important a completed Chase Six Boulevard is to the Town, and that it is the most important thing that the Town wants completed by the developer. The Mayor stated that the

developer also stated the same thing, saying that he will not be able to sell his commercial lots without the completion of the road. Town Planner Strickler stated that he wished the developer had called and spoken with the Mayor or Town Staff well before the day they were going to vote on the issue. The Town Planner stated that he did not see much difference between delaying and voting, and that he would recommend voting on the issue to send the developer a message that he needs to make the proper amendments, and that if the Council does nothing the developer may be able to come back with the same request. He stated if the Council makes it clear they are approving or denying specific requests or amendments by taking an action, a course he would recommend, then the developer must respond to that action. The Mayor stated he agreed with the Town Planner and that he thinks the Council should still take action. Council member Nally agreed.

Council Member Kerns asked if the Planning Commission gave any other opinions or recommendations, because she was planning to vote differently than the Planning Commission's original recommendation from June. She sensed that the Planning Commission may have changed their recommendation. Council member Byrd stated nothing officially changed from the original recommendation, but noted that there was some wavering with respect to the issue by the commission. The Town Planner stated that in his conversations with the Planning Commission chairman, the commission probably would have voted differently on a recommendation had they known in June what they know now (with respect to Paragraph 3, Senior Housing).

The Town Planner stated that, at this point, his recommendation would be to stick with the original annexation agreement. He stated that the Planning Commission has had two months and multiple meetings to discuss the matter further, and that the members have wavered on their original recommendations. The Town Planner then read to the Council the Planning Commission's original recommendation, which was to consider approval of the deletion of Paragraph 3 (senior housing), but to deny amending Paragraph 6 (Chase Six Blvd). Strickler stated that the more you pick through the agreement, the more you realize that there is a lot of flexibility already in the agreement. Therefore, his opinion would be to leave the annexation agreement as it is. He also stated that he had heard this message echoed by members of the Planning Commission, as well, after the fact.

Motion by Council Member Kerns, second by Council Member Weaver to deny the requested deletion of Paragraph 3, to deny the requested amendment to Paragraph 6, and to hold the developer to the original annexation agreement. **Motion carried.**

NEW BUSINESS

Request to Hire a Part-Time Police Officer: Interim Police Chief Kevin Morgan stated that it would be a win-win situation to hire Dave Rizer, who is already certified and has been a police officer for many years. He has agreed to work as little as one hour a week or as much as the Town needs him. He is also willing to negotiate on a salary and is flexible. Chief Kevin Morgan stated, with Boonesborough Days approaching, we only have two full-time officers.

Motion by Council Member Nally, seconded by Council Member Hollingshead to hire David Rizer as a part-time officer. **Motion carried.**

Council Member Hanson commended the Interim Chief for taking the initiative to get additional help for the police department. He then asked the question of whether hiring a part-time police officer was in fact creating another position they had not advertised for previously or were they filling a vacancy temporarily. He wanted to make sure that the Council was not creating a new position that they had not advertised for. He stated that the concept was a great idea, but he wanted to make sure that procedures were being followed correctly. Interim Chief Morgan indicated that this officer had applied for the full-time position. The Mayor stated that he did not think the Town would get in any kind of trouble for hiring someone part-time, and Council Member Kerns stated that was within our discretion. Council Member Hanson stated he thought it was a positive, outside-the-box solution.

Annual Remembrance Day Parade: The Mayor asked the Council who was interested in attending the parade. Council Member Hanson indicated he was coming. The Council agreed to meet at Town Hall. It was decided that all of the Council Members would be attended. They agreed to meet at Town Hall at 5:15pm.

Boonsboro High School Parade: The Mayor stated the Council was invited to the Boonsboro High School Parade on September 28th at 5pm. The Council agreed to meet at Town Hall at 4:15pm. Council Member Nally agreed to meet the group at the High School.

Breast Cancer Awareness Month: The Council was contacted by the organization that places pink ribbons around town in honor of Breast Cancer Awareness month (October).

Motion by Council Members Kerns, seconded by Council Member Nally to allow BCA to put pink ribbons all over town for Breast Cancer Awareness Month. **Motion carried.**

September 24th Washington County Maryland Municipal League Meeting: Mayor Long stated that MML's bi-monthly meeting McClellan Gun Club in Red Hill. RSVPs should go to Sarah by Thursday, September 20th.

COMMISSION REPORTS

Public Safety Commission – T. Hollingshead. Meeting held on Monday, August 20th. Terri provided a recap of National Night Out. She stated that they would look into a solution for the food line for next year's event. She went on to state that the Town Planner had brought up a parking/no-parking issue between 224 & 308 S Main. The Town Planner stated that the issue stems from the right of way being a bike compatible right of way where cars occasionally park but where said cars extend out into the road right of way. He met with John Wolford of SHA, who stated that they would not put no parking signs along this section of Main Street because the right of way is too narrow to fit a car anyway, so enforcement of people parking and vehicles extending into the right of way is the solution (parking tickets, etc.). The Interim Chief stated that something should be in this area, even if SHA stated they would not put signage up. Terri told Ethan to hold off on sending the property owners a letter. Marilee stated that we could pain the curb red if necessary, and the council agreed. The Mayor asked Ethan to give Greg a work order to paint the curb red. Marilee also brought up that Kerri Barr, also on South Main Street, needed red curb markings on the edge of her driveway, across from the church.

Park Board – R. Weaver. At their August meeting, the Park Board discussed banners and where to place them. They also discussed railings and safety strips for the gazebo. While Greg of Public Works told Rick Weaver that it would be tough for him to install, Rick stated that Greg Solberg knew of a company called Antietam Metals that could come in and do it. The Park Board discussed the cleanup of the trees after our numerous storms this summer, and the latest movie night.

Utilities Commission – T. Nally. Meeting held during August of 2018 centered around developing a policy for maintaining the BMUC's cash flow for paying back the general fund. He stated that Marilee and Tony had spoken to BB&T to see if the water and sewer funds could be put into an insured sweep account, so that they could generate a little bit of revenue. The water study was passed. The BMUC also had a discussion about a policy regarding the free use of water in town for organizations. The Town Planner stated he would be at the next BMUC meeting to talk about beginning the water study. Interim Town Manager stated she had spoken with Brian Hopkins about how the Town should proceed with initiating negotiations with WRA to start the study.

Planning Commission – R. Byrd. Meeting held during August of 2018 included an amended request by Redemption Towing & Recovery and an update on a zoning text amendment for temporary storage containers. Byrd noted that the commission and staff would be updating the language of that proposed text amendment in the near future. He noted that Ethan gave another MS4 presentation, this time to the Planning Commission, and that he gave updates on most of the developers in Town.

Economic Development Commission – M. Kerns. The EDC met on August 22nd at Town Hall. The next breakfast meeting will be Friday, September 21st @ Vesta's. The EDC recapped the USA Cycling Event. Marilee talked about the 5k run planned for Town, and a December church walking tour in both Boonsboro and Keedysville. She also stated the EDC is still concerned about parking issues in town, but that they know the Council is continuing to try to solve parking issues in town.

Environmental Commission – R. Hanson. Meeting held during August of 2018 included updates on old business, including the delayed community solar program, plastic straw educational initiatives, grant opportunities that were unsuccessful, and a community garden in the park and how water would be an issue in deciding on the development of the garden. Ray spoke briefly about the Farmer's Market continuing through early October. He also stated that he was trying to get a speaker or presenter on nuisance wildlife, to talk about bear sighting and educating the public on these issues. Assistant Mayor Byrd stated that, next year, they should get a dunk booth at the farmer's market. He also stated that the last time he and his family ate at the Green Turtle they had paper straws, and he asked Kathy Vesely if the commission had approached restaurants about straws.

Interim Town Manager Report – K. Miller. Kim stated that the auditor’s field work was complete, and that he would be back at the end of October to wrap up testing. She stated that she had submitted and received approval for a filing extension with the State of Maryland. The extension is until December 31, 2018.

Kim stated she submitted Boonsboro’s highway user revenues grant request for Fiscal Year 2019. This year there is \$22,480,289 allocated to Municipal Governments across the state.

Kim stated she submitted the proper documentation to LGIT for the tree damage in Shafer Park. She received the reimbursement check for the cost of the removal of the two sycamore trees. She stated we had to pay the \$100 deductible.

Kim reminded everyone that she would be out of the office on vacation between September 5th and September 27th.

Kathy Vesely stated that there would be no Farmer’s Market or BEC meeting on Tuesday, September 11th. The Council noted that they cancelled the September workshop originally scheduled for September 17th.

Motion by Assistant Mayor Byrd, second by Council Member Nally to adjourn the meeting. **Motion carried.** The meeting was adjourned at 8:23pm.

Respectfully submitted,

Ethan Strickler
Town Planner & Zoning Administrator