

**TOWN OF WILLIAMSPORT  
MAYOR AND COUNCIL MEETING MINUTES  
March 11, 2013**

A regular meeting of the Williamsport Mayor and Council was held on March 11, 2013, at the Williamsport Town Hall in Williamsport, MD at 7:00 p.m.

In attendance were:

Mayor James G. McCleaf II  
Asst Mayor Tony Drury  
Councilman Bill Green  
Councilwoman Maya Haines  
Councilman Tim Fraker  
Councilman Jim Kalbfleisch

Town Attorney Ed Kucynzski

Also present was Town Clerk Donnie Stotelmyer

Mayor James G. McCleaf II called the meeting to order. Mayor McCleaf asked all in attendance to stand for a moment of silence followed by the pledge of allegiance.

A motion was made by Councilman Bill Green to accept the minutes of regular meeting minutes held on February 11, 2013 and the special meeting minutes held on February 8, 2013, seconded by Asst Mayor Tony Drury with all voting in favor motion carried.

**Financial Report**

Town Clerk Donnie Stotelmyer gave the financial report. Councilman Jim Kalbfleisch made a motion to accept the financial reports as presented seconded by Councilman Bill Green with all voting in favor motion carried.

Mayor James McCleaf recommended to the Council that he would like to make an appointment to fill the vacant Council seat for tonight's meeting and he recommended that Town resident Kenneth Lafferty fill that seat for tonight's meeting. Asst. Mayor Tony Drury made a motion to appoint Kenneth Lafferty to fill the vacant seat for tonight's meeting seconded by Councilwoman Maya Haines with all voting in favor motion carried.

**Guests**

Mayor James McCleaf introduced guest Mike Nestor, Project Engineer with Thrasher Engineering and he reviewed the following with the Mayor and Council

**PROJECT STATUS REPORT TEI Project # 20-0963**

- Project Complete and Closeout Documents have been approved by USDA

- Final payments have been made to Snyder Environmental
- Town has a contingency fund that will need to be spent.
  - SCADA system has been approved by USDA and ordered.
  - Town has miscellaneous items to purchase (compressor, etc.)
  - Other items we had considered included painting inside of pump stations. Town will have to consider what items are priority and spend the dollars accordingly.

Mayor James McCleaf introduced Mr. Ben Cross from the Humane Society of Washington County. Mr. Cross was present to thank the Mayor and Council for hosting the annual Polar Bear Plunge. Mr. Cross also presented a plaque of appreciation to Mr. Bill Dennis representing the Washington County Auxiliary Fire Police for their participation in the annual event.

Mayor James McCleaf welcomed the boy scouts from Troop 58 Downsville Maryland to the meeting tonight.

### **Correspondence**

Mayor James McCleaf read a letter from the Washington County Municipal League. The next scheduled meeting will be held on Monday, March 25, 2013 and will be hosted by the Town of Funkstown located at the Funkstown American Legion Post 211 on Westside Avenue in Funkstown. The social hour will begin at 6:00 pm followed by the evening meal which will consist of cheese and vegetable platter, fried chicken, roast beef, mashed potatoes, corn and fruit pie for dessert. The cost for this meal will be \$22.00 per person.

Mayor McCleaf read a thank you letter from the Washington County Boys and Girls Club thanking the Mayor and Council for their support of the boys and girls club. Through their support, it provides youth development programs at seven locations during the school year and operates five summer camps.

Mayor James McCleaf read a thank you letter from the staff and Board of Holly Place for the donated food items. Their thoughtfulness was greatly appreciated.

### **Reports:**

#### **Board of Elections Supervisor**

No report.

#### **Board of Zoning and Appeals**

No report

#### **History and Museum Board**

Jerry Knode of the History and Museum Board reported coming to pick up the Mill Wheel for the return to Falling Waters.

## **Planning Commission**

Permits Under Reviewed:

2012-36 15801 Lockwood Road Commercial Zoning Text Amend required, ref to  
M & C

(P & Z Advisory Opinion Forwarded 1/23/2013)

2013-07 28 N. Conococheague Street Massage Therapy Room Being Reviewed

Old Business:

Jan., 2011 Buffer Ordinance Requesting discussion at March 11, 2013 Meeting

June, 2011 Demolition Ordinance on the advice of attorney, we have investigated Town Minutes and can find no evidence of formal approval. We have been advised by attorney that County Ordinances should negate need for 6/2011 Demolition Ordinance. Recommend Mayor and Council to review with attorney and advise PZ Commission.

June, 2012 Abandonment Structure Ordinance 1<sup>st</sup> Draft available for review Oct. / Nov. Draft available, however advised by attorney County Ordinance will be sufficient. Recommend Mayor and Council review this Ordinance with attorney and advise P & Z.

## **Legal Council**

No report

## **Sheriff's Report**

Mayor James McCleaf gave the February 2013 Sheriff's report.

## **Council report**

Mayor James McCleaf gave the pool report

- Washington County Health Permits are being completed
- Red Cross swim lesson sign up is scheduled for Saturday May 18, 2013 beginning at 9:00 A.M. to 12:00 noon in Byron Memorial Park at Pavilion #1 registration fee is \$55.00 per session
- Pool opening Day is scheduled for Saturday May 25, 2013
- ARE has been contacted about reinstalling the pool motors for Main & Baby Pools.
- Nineteen Pool Employees have responded about returning for this upcoming pool season.
- The next scheduled pool Committee meeting is scheduled for Wednesday, March 20, 2013.

Asst. Mayor Tony Drury stated that this would be his last report. He thanked the Mayor and Council and the town employees for the great job everyone does to run the town. He also thanked Mike Nestor from Thrasher Engineering for his job on the pump station project. He

thanked the citizens for putting him in office, town residents Ken Lafferty and Chris Grimes, his wife and children.

Councilman Ken Lafferty informed the Council that skateboarders need to be addressed. Children are playing on the post office loading docks and he is concerned someone could get injured.

Councilman Bill Green informed the Mayor and Council that the paperwork is out for Bike Night and Earth Hour and those events are coming together.

Councilwoman Maya Haines had no issues to report in the town's parks.

Councilman Jim Kalbfleisch reported on the upcoming Hearing concerning the electric fuel rate and purchased power cost adjustment charges of Williamsport Municipal Electric Light Plant before the MD Public Service Commission. Scheduled for Tuesday, July 16, 2013 at 2:00 pm at the William Donald Schaeffer Tower in Baltimore MD.

### **Mayor's Report**

Mayor James McCleaf informed the Asst. Tony Drury it was a pleasure to serve with you over the past few years and he will be missed. Mayor McCleaf is looking forward to working with the new Council. He beat the streets very hard with the recent election. He said most citizens are happy with the direction the Town is going and he had to correct a lot of misinformation that is being put out to the residents. He also presented appreciation plaques that he presented to Asst. Mayor Tony Drury and Councilman Tim Fraker for their service and dedication to the citizens of Williamsport and the Mayor and Council date March 22, 2013. Mayor McCleaf informed the Council that the town will be hosting a Spring cleanup scheduled for Saturday, April 20, 2013 in Byron Memorial Park in the pool parking lot starting at 7:00 am - 1:00 pm.

### **Unfinished Business**

Town Attorney Ed Kuczynski reviewed with the Council the recommendation from the Planning and Zoning Commission for the Town of Williamsport the Advisory Opinion of Zoning Map Amendment Requested by Spirit Services Inc.; 15801 Lockwood Road, Williamsport, Md. 21795 (Permit 2012-041). The request has been made by Spirits Services Inc. of Washington County for a map amendment. The request is to change the zoning designation of all that property designed as parcel 621 and commonly known as 15801 Lockwood Road Williamsport MD. The present zoning is suburban residential (SR). The requested change is for same to be designated as employment center (EC). Town Attorney Ed Kuczynski also stated that the resolution was introduced last month and if passed, this resolution would take effect 20 days later March 31, 2013. He also stated if the Council denies the zoning change, there will be an appeal and if the appeal is won in court, the court will not apply any conditions. Councilman Jim Kalbfleisch raised concerns with truck traffic on Lockwood Road and if Spirit Services would follow through with the construction of a secondary road. Mayor McCleaf stated that he has great faith in the Town's Planning and Zoning Commission to hold Spirit Services' feet to the fire. Councilman Jim Kalbfleisch made a motion to adopt the zoning amendment and/or change to the zoning map and/or ordinance for the Town of Williamsport Spirit Services as presented, seconded

by Councilwoman Maya Haines with all voting in favor motion carried. Asst. Mayor Tony Drury stated that he would abstained from the vote since he works from the Washington County Recycle Dept.

**RESOLUTION AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE  
TOWN OF WILLIAMSPORT  
15801 LOCKWOOD ROAD, WILLIAMSPORT MARYLAND  
(Tax Map 56, Grid 13, Parcel No. 621)**

**WHEREAS**, pursuant to the provisions of the Zoning Ordinance for the Town of Williamsport, Maryland, an Application for rezoning and Zoning Map reclassification was made by Spirit Services, Incorporated;

**WHEREAS**, said Application for rezoning and amendment to the Zoning Map and Ordinance as requested by Spirit Services, Incorporated of Washington County requests a change from Suburban Residential (SR) to Employment Center (EC) for 15801 Lockwood Road, Williamsport, Maryland (Tax Map 56, Grid 13, Parcel No. 621);

**WHEREAS**, the Mayor and Council, as the duly constituted legislative body of the Town of Williamsport, held a Public Hearing in compliance with the Zoning Ordinance for the Town of Williamsport on November 5, 2012;

**WHEREAS**, the Mayor and Council subsequent thereto have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the Town of Williamsport;

**WHEREAS**, the Mayor and Council do find based on the Public Hearing and the evidence presented therein, and having considered all of the criteria as set forth by the Laws of the State of Maryland the Zoning Ordinance, that there was in fact, a mistake made in the original zoning and same is more particularly evidenced in the record and transcript of the Public Hearing as well as the Minutes of same which are incorporated herein and made a part hereof.

**WHEREAS**, the Mayor and Council did make Findings of Fact which are attached hereto and incorporated herein as Exhibit "A" and entitled Opinion and Findings of Facts;

**WHEREAS**, the Mayor and Council further find as a matter of fact that a reclassification and amendment of the Zoning Ordinance/Map as requested from Suburban Residential (SR) to Employment Center (EC) would not be contrary to proper planning and zoning and/or the intent of the Zoning Ordinance and/or Comprehensive Plan of the Town of Williamsport.

**NOW, THEREFORE, BE IT RESOLVED, ENACTED and ORDAINED**, by the Mayor and Council for the Town of Williamsport, Maryland on this date that the Zoning Ordinance/Map for the Town of Williamsport be and are hereby amended, so that 15801 Lockwood Road, Williamsport, Maryland, (Tax Map 56, Grid 13, Parcel No. 621) be and is hereby changed from Suburban Residential (SR) to Employment Center (EC); and be it further

**RESOLVED, ENACTED and ORDAINED** that the parcel described herein shall be designated as Employment Center (EC) from the effective date of the Ordinance forward; and it is further

**RESOLVED, ENACTED and ORDAINED** that the pursuant to Section 1105(B) of the Zoning Ordinance the following condition is hereby imposed on the rezoning of the property:

Within ten (10) business days immediately following approval of this Rezoning Request, Applicant shall be required to submit a Zoning Permit Application for its specific, proposed use for the subject property. As a condition to the Town's approval of said Application, Applicant

shall be required to provide for sufficient secondary road access or improved primary road access via Lockwood Road;

and it is further

**RESOLVED, ENACTED and ORDAINED** that the Mayor, Town Clerk and/or Zoning Administrator be and are hereby authorized to take any action necessary to effectuate the Amendment of the Zoning Map and Zoning Ordinance in accordance with this Resolution and Ordinance.

**EXHIBIT "A"**  
**OPINION AND FINDINGS OF FACT**

The foregoing matter was heard at Public Hearing by the Mayor and Council on November 5, 2012 in accordance with the provisions of the Zoning Ordinance for the Town of Williamsport. The Mayor and Council as the duly constituted legislative body for the Town have considered all of the criteria set forth in the Zoning Ordinance as well as the Annotated Code of Maryland relating to change of zoning,

The Mayor and Council of the Town of Williamsport in accordance therewith find that there was a mistake in the original zoning and believe it is in the best interests of the citizenry of the Town of Williamsport to change/amend the zoning from Suburban Residential (SR) to Employment Center (EC) as requested by the Applicant, Spirit Services, Incorporated of Washington County.

The property which is the subject of the proposed Map Amendment is currently owned by the Board of County Commissioners of Washington County, Maryland and is operated as an oil recycling facility by the Applicant. The property was previously utilized as the Nicodemus Sewer Treatment Plant which was in operation when the Zoning Ordinance was adopted by the Town of Williamsport in 1977. A small portion of the property is zoned HR. At the time of the original zoning, the property was not being utilized for residential purposes although it was surrounded by residences or property which likely would be developed into residential properties.

As pointed out by the Applicant through its counsel, Jason M. Divelbiss, Suburban Residential (SR) allows for suburban type residential subdivision development where the natural features of the land and capacities relating to utilities, streets and other services would permit this type of development. The site in question has always been utilized in a non-residential way and is improved by various structures which would make a redevelopment of this property for residential purposes difficult if not impossible.

The EC zoning district "provides for industries, and areas which are ideally suited for desirable types of light industrial development because of the proximity to major highways, and utility services." The prior use and the current use of this property is more compatible to Employment Center zoning. The property is very close to Interstate-81 via Lockwood Road and North Conococheague Street and is serviced by all public utilities.

At the time of the Public Hearing the surrounding residents testified primarily against the rezoning. The adverse testimony revolved around the fact that the Applicant has been operating without a proper Zoning Permit and that Lockwood Road is not sufficient for proper passage of the trucks being utilized by Spirit Services and the normal residential traffic.

At the Hearing, the Applicant indicated that it would explore alternate access options and would follow the proper procedures to obtain a Zoning Permit from the Town of Williamsport in an effort to improve the current situation and rectify its non-conformity with the Town's Zoning Ordinance.

The Planning Commission for the Town of Williamsport has recommended approval of the rezoning with the following stipulation:

Within ten (10) business days immediately following approval for this rezoning request, Applicant shall be required to submit a Zoning Permit Application for its specific, proposed use for the subject property. As a condition of the Town's approval of said Application, Applicant shall be required to provide for sufficient secondary road access or improved primary road access via Lockwood Road.

The Mayor and Council find that this proposed stipulation should rectify the Applicant's current non-compliance with the Zoning Ordinance and allow for proper access to the property so as to alleviate the concerns of the residents along Lockwood Road. Most of the specific concerns addressed by the residents of Lockwood Road will be addressed as part of the Site Plan review and approval process by the Planning Commission. The public has the right to be present during those meetings and comment regarding the Site Plan approval process.

In conclusion, the Mayor and Council find that the Zoning Map should be amended to indicate that the property in question be designated as Employment Center (EC).

Town Attorney Ed Kucyznski informed the Mayor and Council that a Public Hearing was held to hear comments to create and amend an ordinance for Adding ARTICLE 5: Special Provisions, § 506 BUFFER ZONE. This hearing was held on March 8, 2011. The Mayor and Council introduced the ordinance at that time but the ordinance was not passed.

**RESOLUTION AMENDING THE ZONING ORDINANCE FOR THE TOWN OF  
WILLIAMSPORT ADDING ARTICLE 5: SPECIAL PROVISIONS,  
§ 506 BUFFER ZONE**

**WHEREAS;** pursuant to the provisions of Article 11 of the Zoning Ordinance for the Town of Williamsport an application for an Amendment to the Zoning Ordinance for the Town of Williamsport was made by Carolyn Spinney;

**WHEREAS;** said application for an Amendment to the Zoning Ordinance requested an addition to the Zoning Ordinance creating a Buffer Zone between residential properties and future commercially developed properties;

**WHEREAS;** the Mayor and Council, as the duly constituted legislative body for the Town, held a Public Hearing in compliance with the Zoning Ordinance for the Town of Williamsport on March 8, 2011;

**WHEREAS;** the Mayor and Council subsequent thereto have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the Town of Williamsport;

**WHEREAS;** the Mayor and Council do find, based on the Public Hearing and the evidence presented therein, and having considered all the criteria as set forth by the Laws of the State of Maryland and the Zoning Ordinance for the Town that the requested Amendment is consistent with the purpose and intent of the Zoning Ordinance, Comprehensive Plan for the Town of Williamsport and the overall general orderly growth and development of the Town of Williamsport;

**WHEREAS;** the Mayor and Council further find as a matter of fact that the Zoning Text Amendment is in the best interest of the citizenry of the Town of Williamsport and is not contrary to proper planning and zoning and/or any zoning provisions of the Zoning Ordinance for the Town of Williamsport.

**NOW THEREFORE,** be it **RESOLVED, ENACTED and ORDAINED** by the Mayor and Council for the Town of Williamsport, Maryland, that the Zoning Ordinance for the Town of Williamsport be and the same is hereby Amended to add the following provision(s):

#### ARTICLE 5: SPECIAL PROVISIONS

##### 506 Buffer Zone

Any land or structure in any Zoning District used, occupied, and/or developed for commercial purposes (anything other than one (1) or two (2) family residential use) shall require a minimum ten (10') foot natural buffer on any property line adjacent to residential property and/or residentially zoned property. The Buffer Zone may be increased by the Planning Commission as part of Site Plan Approval up to twenty (20') feet in width. The Buffer shall consist of shrubs, trees and/or other natural ornaments that can be maintained regularly and shall be at least six (6') feet in height with an initial height of four (4') feet. The Buffer material shall be dense enough so that same shall restrict, reduce and/or minimize sight and noise intrusion. The owner of the property upon which the Buffer Zone is created and/or his, her, or its successors, grantees and/or assigns shall be responsible for the maintenance and upkeep of the Buffer Zone.

Asst. Mayor Tony Drury made a motion to pass the Buffer ordinance as presented this ordinance will take effect 20 days later on March 31, 2013 seconded by Councilman Bill Green with all voting in favor motion carried.

### **New Business**

Mayor James McCleaf informed the Council that the Town of Williamsport has been awarded a \$1200 grant from the heart of the Civil War Heritage area to help support costs associated with the project retreat through Williamsport. Historical Bus Tours expert speakers funding. Councilman Jim Kalbfleisch made a motion to accept the \$1200 grant award from the Heart of the Civil War Heritage area to help support costs associated with the project retreat through Williamsport Historical Bus Tours/ Expert Speakers Funding seconded by Councilman Bill Green with all voting in favor motion carried.

Mayor James McCleaf explained to the Council that the 2013/2014 constant yield tax rate for the Town of Williamsport Section 6-308 of the tax property article, annotated code of Maryland requires the Department of Assessments and taxation to verify to all taxing authorities a constant yield tax rate that will produce the same revenue in the coming taxable year that was produced in the prior taxable year. This doesn't prevent the reduction of the tax rate.

Section 2-205(d) states that:

"The director shall exempt a municipal corporation from constant yield tax rate provisions of 6-302 of this article if a difference of less than \$25,000 exists between 1) the property tax revenue that is provided by applying the municipal corporation real property tax rate for the preceding taxable year to the estimated assessment of all real property in the municipal corporation and, 2) the property tax revenue that is provided by applying the constant yield tax rate for the next taxable year to the estimated assessment of all real property in the municipal corporation.

This is to certify that the Town of Williamsport has been exempt from the provisions of 6-308 of the tax property article. Asst. Mayor Tony Drury made a motion to accept the constant yield tax rate for 2013 as presented seconded by Councilwoman Maya Haines with all voting in favor motion carried.

Mayor James McCleaf informed the Council that the Authentic Community Theatre Inc is requesting the rental fee for use of Pavilion #3 at Williamsport Byron Memorial Park on the morning of Wednesday, July 17, 2013. They are presenting a free public performance in partnership with the Washington County Recreation Department. Ms. Marsha Moats at the Recreation Department is going to present "Storytelling in the Park." Councilman Bill Green made a motion to permit Authentic Community Theatre Inc to use Pavilion #3 on July 17, 2013 at no charge seconded by Councilwoman Maya Haines with all voting in favor motion carried.

Mayor James McCleaf informed the Council that the 2013 Ragnar Relay will travel through the Town of Williamsport to the American Legion 400 American Legion Drive. Anticipated setup 3:00 pm Friday October 4, 2013 - Anticipated take down 3:30 am Saturday October 5, 2013.

Town Clerk Donnie Stotelmyer reviewed with the Mayor and Council the Board of Election Supervisor's election results from Monday, March 4, 2013. Statement of votes cast James G. McCleaf 194 Mayor, Esther R. Robinson 86 Mayor, Joan E. Knode 229 Asst. Mayor, Scott Bragunier 180 Council Member, David W. Kirby 85 Council Member, Todd Kirby 118 Council Member, Jeffrey A Redding 126 Council Member. Total ballots cast was 281, total votes cast 1,018. Councilwoman Maya Haines made a motion to certify the election results for the Town of Williamsport as presented seconded by Asst. Mayor Tony Drury with all voting in favor motion carried.

Mayor James McCleaf explained to the Council that a town resident raised concerns over speeds that cars are traveling on South Vermont and Main Streets. The speed limit needs to be reduced or stop signs put into place. Councilwoman Maya Haines that this is a huge problem with speeding in this area. Asst. Mayor Tony Drury suggested that stop signs be put in place at the intersection of South Vermont and Main Streets in both directions. Councilman Bill Green made a motion to place stop signs in both directions at the intersection of South Vermont and Main Street seconded by Asst. Mayor Tony Drury with all voting in favor motion carried.

### **Citizen Participation**

Town resident Chris Grimes questioned Mayor McCleaf why a public information request for the Town election results was needed. Mayor McCleaf explained that the request could not be filled until the election had been certified by the Council and that all requests of this type require a public information request be completed.

A motion was made by Asst. Mayor Tony Drury made a motion to adjourn, seconded by Councilman Bill Green with all voting in favor motion carried.

Respectfully submitted,

Donnie Stotelmyer  
Town Clerk  
Town of Williamsport