

**WEDNESDAY, JANUARY 24, 2024:**

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:00 a.m. at the Adams County Courthouse, Historic Courtroom and via conference call with Vice-Chairman James E. Martin presiding. Others in attendance: Commissioner Marty Karsteter Qually; Solicitor Molly R. Mott; Sean Mott, 1<sup>st</sup> Assistant Solicitor; Lindsey Ringquist, Assistant Solicitor; Steve Nevada, County Administrator; Tammy Myers, Controller; Phil Swope, Assistant Director of Budget & Purchasing; Todd Garrett, Budget Analyst II; Sherri Clayton-Williams, Planning Director; Ellen Dayhoff, Rural Resources Manager; Rob Thaeler, Senior Planner; Candi Clark, Court HR Generalist; Daryl Crum, Tax Services Director; Attorney Dwight Yoder; Dwight Wagner; Lisa Moreno-Woodward, Deputy Chief Clerk; Sarah Finkey, CYS Administrator (phone). News Reporter Vanessa Pellechio Sanders, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

**Minutes:**

Mr. Qually moved, seconded by Mr. Martin, to approve the Minutes of the January 9, 2024 Commissioner's Meeting as presented.

Motion carried.

**Public Comment:**

No Public Comment was presented to the Board at this time.

**Public Hearing – Map Amendment for a Property in Germany Township:**

Vice-Chairman Martin opened the public hearing at 9:02 a.m. and announced this is the date and time advertised to accept public comment on the requested map amendment to the Adams County Zoning Ordinance as it is applied in Germany Township to change the property at 6295 Baltimore Pike from Residential to Highway Commercial. At this time Vice-Chairman Martin turned the public hearing over to Solicitor Molly Mudd.

On behalf of the Adams County Board of Commissioners, I do hereby open a public hearing on a proposed map amendment to the Adams County Zoning Ordinance, as it is applied in Germany Township. Specifically, amending the Zoning Map of our County's Zoning Ordinance to change the zoning district applied to Tax Parcel 15J18-0024-000 from Residential (R) to Highway Commercial (HC) District. This parcel is located at 6295 Baltimore Pike, Germany Township. This administrative hearing will be somewhat informal. The Rule of Evidence does not apply, and all witnesses will be sworn in. All interested parties or members of the public will have an opportunity to be heard. Please hand any documentation to Assistant Solicitor Ringquist to be marked. After the County rests, the landowner and counsel and any other interested members of the public who may want to, can come forward.

The hearing was turned over to First Solicitor Mott, to proceed on behalf of the County. Mr. Mott introduced three exhibits: the October 18, 2023 Meeting Minutes from the Adams County Planning Commission (Ex. 1), the proposed Map amendment (Ex. 2), and a letter from Dwight Wagner dated 9/28/23 (Ex. 3), which have been provided to the Commissioners and the Parties. He recognized and asked for comments from Adams County Zoning Officer & Principal Planner Rob Thaeler. Mr. Thaeler noted the property location was already indicated by Solicitor Mudd. The parties, US Commercial Realty, on behalf of the property owner Quality Stone Veneer, are requesting a change in the zoning from Residential to Highway Commercial District.

At this time Attorney Dwight Yoder, on behalf of the realtor/landowner, provided the following: the Township Zoning Map (Ex. 4) and a copy of a letter to the Adams County Planning Department from Mr. Yoder with regards to spot zoning (Ex. 5). Preliminarily, Mr. Yoder noted that, because Germany Township does not have its own zoning map, zoning decisions default to the County. County zoning decisions like this one are made by the Commissioners and are legislative/policy determinations. The property is located on Baltimore Pike and consists of approximately 7.5 acres. It has been operating as a

commercial property for several years, which is a non-conforming use. The owner is selling the property and is making the request to have it re-zoned to reflect its current use, instead of having it revert to the conforming use, which is residential. Mr. Yoder's policy argument for the rezoning was that, due to the agricultural character of the County, there is limited opportunity for commercial development; therefore, it behooves the County to have property that is being used commercially remain that way. Mr. Yoder also noted that, in Germany Township, Highway Commercial still allows for single family residential dwellings, making it a mixed-use area. Therefore, even if the property were re-zoned to Highway Commercial, it could still be used for residential purposes. Mr. Yoder informed the board that they have interest from local businesses who would like to purchase this property and the zoning change would give them the opportunity to keep this as a commercial business. The change is consistent with the County's Comprehensive Plan – at this time Attorney Yoder read an excerpt from the Comprehensive Plan to make his point. Regarding spot zoning, Atty. Yoder acknowledged the Planning Commission's concern that this re-zoning would qualify as "spot zoning," as the property is not contiguous to a Highway Commercial zone. He explained that Spot zoning is rezoning land that is indistinguishable from the land around it. Mr. Yoder argued that this property *is* distinguishable because it has historically been used commercially; it has large frontage on the Baltimore Pike; and there are other businesses of similar character around it. Atty. Yoder closed by saying that rezoning this property provides the County with a small opportunity to allow commercial use for a small business that will benefit the community. Further, he argued that it is not unusual for a municipality to try to bring non-conforming use properties into conformity by re-zoning certain "spots."

Dwight Wagner, Realtor, 1650 Crooked Oak Drive, Lancaster, PA approached the Board and was sworn in by Solicitor Mudd. Mr. Wagner has been a commercial real estate broker for over 50 years across a 9-county area, including Adams. He has 12 prospective commercial buyers that would adapt to this property, including plumbing, HVAC, and landscaping. He stated that when buyers look at this property, they realize they cannot use it for the purposes they need due to the zoning issue. It has totally handicapped the ability to sell the property. Further, this property is not appropriate for residential use, as it does not have public sewer or water, only negligibly perks, and has a large swale area in the back. He thanked the Board for their time.

Commissioner Qually noted that the map clearly shows the use fits the nature of this property. This change would not be out of the ordinary. He asked if there are other properties that would be affected with this change. Response from Mr. Wagner – yes, maybe a half a dozen properties. Commissioner Qually has no real concerns about this project.

Commissioner Martin noted he is familiar with this area and the change in use would be nothing new.

With no other public comment, Solicitor Mudd announced that all exhibits will be admitted into the record and a decision will be made at the February 7<sup>th</sup> public meeting.

The hearing closed at 9:25 a.m.

### **Public Hearing – Text Amendment to Address Changes to Non-conforming Uses:**

Vice-Chairman Martin opened this public hearing at 9:26 a.m. and announced this is the date and time advertised to accept public comment on a proposed text amendment to the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) to address changes from Nonconforming Use to Another Nonconforming Use. At this time Vice-Chairman Martin turned the public hearing over to Solicitor Molly Mudd.

On behalf of the Adams County Board of Commissioners. I will now open a second public hearing to accept comments from the public regarding a proposed text amendment to the Adams County Zoning Ordinance, Section 1302.B to address the change from one Nonconforming Use to Another Nonconforming Use. The same Rules as in the previous hearing will apply. All new witnesses will be sworn in and any individuals already sworn in

will remain under oath. Everyone will have the opportunity to be heard. Please provide copies of documentation to Assistant Solicitor Ringquist to be marked.

The hearing was turned over to First Solicitor Mott, to proceed on behalf of the County. Atty. Mott introduced two exhibits: the proposed Ordinance (Ordinance #1 of 2024) with the amended text (Ex. 1) and the October 18, 2023 Meeting Minutes from the Adams County Planning Commission (Ex. 2). He re-introduced and asked for comments from Adams County Zoning Officer & Principal Planner Rob Thaeler. Mr. Thaeler noted he deals with the proposed amendment, specifically the nonconforming use section. The text amendment would replace the requirement that a property being used for a non-conforming use revert to the conforming use upon sale with a new process by which a non-conforming property could be sold to a business who would use it for a different non-conforming use of equal or lesser effect. This is a text amendment that would apply throughout the County Zoning Ordinance and become a process that any property with nonconforming use could pursue, allowing such properties to be sold to other small businesses. This is the recommendation by the Planning Commission.

Commissioner Martin asked if this process to allow a special exception permitted use would require a public hearing? Mr. Thaeler responded that, yes, a public hearing would be required.

Commissioner Qually noted this is good for Germany and Menallen Townships, but for long term they should consider drafting their own zoning maps and taking over the zoning process.

Mr. Thaeler noted the County Zoning Ordinance applies and is on an interim basis until Germany and Menallen Townships write their own ordinance. Mr. Qually noted we should encourage these municipalities to take control of their township. The power should be in the municipality's hands. Solicitor Mudd asked – with this amendment, will it allow the purchaser of properties to use their properties as they see fit. Mr. Thaeler – yes, the text amendment will do this.

Atty. Yoder commented that he thinks both the map amendment and the text amendment should be approved, as the instant property is distinguishable such that rezoning would be allowed and the text amendment would provide the County with nice stop-gap measure.

Is there any other public comment to be received on the proposed text amendment to Section 1302.B of the Adams County Zoning Ordinance. No further comment was received.

The record for both hearings will be kept open at this time for submission of a recommendation letter by the Planning Staff and a decision will be made at the next public meeting on February 7, 2024. Solicitor Mudd noted a copy of the letter will be provided to Attorney Yoder and Dwight Wagner.

The Hearing closed at 9:36 a.m.

**Department of Probation Services, Domestic Relations & Children & Youth Services:**

With joint recommendation by Chief Kristi Fields, Executive Director Kelly Carothers and Administrator Sarah Finkey, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the parties enter into a Memorandum of Understanding (“MOU”) authorizing Adams County Children & Youth Services to file and litigate child support collection matters on behalf of children in the care, custody, and control of Adams County Department of Probation Services in accordance with the Title IV-D Cooperative Agreement.

Motion carried.

**Children & Youth Services:**

With recommendation by Administrator Sarah Finkey, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the Change in Lease Terms Addendum to Residential Lease with SAG Real Estate. This Agreement extends the term of the lease for certain property on Carlisle Street used for purposes of housing individuals participating in the Independent Living Program through CYS. The new term of the lease is from March 1, 2024 through February 28, 2025 at a rate of \$1,260.00/month (\$15,120.00/year). All other conditions remain the same. This Agreement is effective January 24, 2024.

Motion carried.

**Treasurer:**

With recommendation from Treasurer Christine Redding, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners ratify the signing by Chairman Randy L. Phiel the following Quotes from Quality, a Pennsylvania Company, for the remodel of the Treasurer's Office:

- A Furniture Proposal for new office furniture manufactured by Evolve. This quote is made pursuant to PA Contract #4400025848. Total cost to the County is \$486.15.
- A Proposal for Delivery and Installation of the above items by Quality. Total cost to the County is \$495.00.

These Quotes are effective January 24, 2024.

Motion carried.

**Tax Services:**

- With recommendation from Daryl Crum, Director and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners ratify the signing by Chairman Randy L. Phiel the Maintenance Agreement with B.E.S.T. Service, Inc., a Dallas, PA company, for Tax Services' Formax document folder/sealer. It is further recommended that the Commissioners sign the Addendum to the Terms and Conditions, which incorporates the County's standard terms into the Agreement. The term of the Agreement is one (1) year, commencing on February 9, 2024 and terminating February 10, 2025. Total cost to the County is \$1,100.00.

Motion carried.

- With recommendation from Susan Miller, Chief Assessor, Mr. Qually moved, seconded by Mr. Martin, to approve a personal tax exemption request for Norma J. Plank-Blevins, Union Township, who has met the County guidelines.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve the Disabled Veterans Real Property Tax Exemption beginning with the 2024 County/ Municipal Taxes for: Parcel #35K12-0193 for home on .46 acres located in Oxford Township; Parcel #12C10-0207 for home on 5.77 acres located in Franklin Township.

Motion carried.

**Planning Department:**

With recommendation from Sherri Clayton-Williams, Director, Mr. Qually moved, seconded by Mr. Martin, to approve the re-appointments of the following:

- Adams County Planning Commission – re-appointment to a 4-year term effective January 1, 2024 through December 31, 2027 for John Lerew, David Arndt, Jr. and William Smith, Jr.
- Adams County Housing Committee – re-appointment to a 2-year term effective January 1, 2024 through December 31, 2025 for Yeimi Bautista, Lucy Lott, Vicki Huffaker and Dennis Murphy

Motion carried.

**Ag Land Preservation:**

With recommendation from Ellen Dayhoff, Rural Resource Manager, Mr. Qually moved, seconded by Mr. Martin, to approve the Certification of County Funds for the Ag Land Preservation 2024 Program Year for a total of \$836,254.00 as follows:

Allocation of 2024 County Match Funds from County Revenues	\$ 655,914.00
Total Interest collected from 2023 County Clean & Green	\$ 180,340.00
Accumulated Total Certified County Match funds for 2024	\$ 836,254.00

Motion carried.

**Department of Emergency Services:**

With recommendation from Warren Bladen, Director and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners ratify the signing by Chairman Randy L. Phiel the Maintenance Support Purchase Agreement with Motorola Solutions, Inc., an Illinois company, for maintenance and support of the County’s Vesta Communications System. This Agreement is made pursuant to Pennsylvania State Contract #4400027237. The term of the Agreement is one (1) year, commencing on October 18, 2023 and terminating October 17, 2024. The County will be billed monthly in the amount of \$8,046.95, for a total cost to the County of \$96,563.34.

Motion carried.

**Budget and Purchasing:**

With recommendation from Melissa Devlin, Director and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners ratify the signing by Chairman Randy L. Phiel Quote # Q-158527 from CentralSquare, a Florida Company. This is a Change Order to a previously approved quote for consultant services to convert Budget and Purchasing’s current CDD reports to Cognos Analytics reports, CentralSquare’s new report writer program. This Change Order is for costs as incurred to reprogram several reports so they would run correctly. The Quote is effective January 24, 2024. Total cost to the County is \$4,500.00.

Motion carried.

**Liquid Fuels Reports:**

With recommendation from Lisa Moreno-Woodward, Deputy Chief Clerk, Mr. Qually moved, seconded by Mr. Martin, to approve the submission to the Pennsylvania Department of Transportation of the MS-991 Report of County Liquid Fuels Tax Fund; Report of the Act 89 Funds and the Report of the Act 44 Tax Funds for 2023.

Motion carried.

**Commissioners:**

With recommendation from Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve and ratify Chairman Randy L. Phiel to sign on behalf of the Board, the Memorandum of Understanding between the American

Federation of State, County, and Municipal Employees, AFL-CIO, District Council 89 (hereinafter "AFSCME") and the County, whereby Correctional Officer Tim Weible shall receive the hourly wage of \$26.72 upon his promotion to Sergeant at the Adams County Adult Correctional Complex.

Motion carried.

**Personnel Report:**

Mr. Qually moved, seconded by Mr. Martin, to approve the Personnel Report as presented:

Courts:

- Transfer of Julie Markle to General Clerk in the Court Administration, effective January 22, 2204. Ms. Markle transferred from MDJ Beauchat's Office.
- Probation: Employment of Jacob Boswell, Probation Officer, effective January 29, 2024; Separation of employment for Gregory Dornbush, Probation Officer, effective January 26, 2024 and Aurora Bayles, Probation Officer, effective January 17, 2024

District Attorney:

- Transfer Tammy Keller from Legal Secretary to Legal Assistant, effective January 15, 2024

Adams County Adult Correctional Complex:

- Employment of the following Corrections Officers, pending successful completion of background screenings: Kane McCarter, effective January 8, 2024; Michelle Brecht, Connor Ludwig, Riso Tervilus, effective February 5, 2024

Separation of Employment with permission to post:

- Terry Bridges, Caseworker 2, Children & Youth Services, effective January 19, 2024
- Caley Plank, Telecommunicator, effective January 8, 2024
- Christopher Lupo, Lieutenant, Adams County Adult Correctional Complex, effective January 10, 2024
- Levi Houser, Corrections Officer, effective January 13, 2024

Motion carried.

**Expenditures:**

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period January 8, 2023 through January 19, 2024:

General Fund Total	\$ 2,073,848.51
General Fund	\$ 957,417.37
Payroll – Week #3	\$ 1,116,431.14
Children & Youth Services	\$ 209,145.97
HazMat Fund	\$ 116.21
Ag Land Funds	\$ 24,418.80
Commissary Fund	\$ 4,849.77
Hotel Tax Fund	\$ 281,255.06
Capital Projects	\$ 73,253.82
911 Fund	\$ 98,700.49
Internal Service Fund	\$ 71,098.91

Motion carried.

**Other Business:**

No Other Business was brought before the Board at this time.

**Salary Board Meeting:**

The Salary Board Meeting will be held following the Commissioners Meeting.

**Adjournment:**

Mr. Qually moved, seconded by Mr. Martin, to adjourn the Commissioner's Meeting at 9:51 a.m. this date.

Motion carried.

Respectfully submitted,

*Paula V. Neiman*

Paula V. Neiman  
Chief Clerk