

September 9, 2008
Hagerstown, Maryland

JOINT MEETING WITH BOARD OF EDUCATION

The Commissioners met with the elected Board of Education at 8:30 a.m. Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell were in attendance. The following Board of Education members were present: Roxanne Ober, Paul Bailey, Ruth Anne Callaham, William Staley, Wayne Ridenour, Donna Brightman and Bernadette Wagner. Staff members making presentations were Dr. Elizabeth Morgan, Superintendent of Schools; Boyd Michael, Deputy Superintendent of Schools; Chris South, Chief Financial Officer, Robert Spong, Facilities Planning Manager; Michael Peplinski, Director of Maintenance and Operations; and Rob Rollins, Director of Facilities Planning and Development.

Fourth Quarter Budget Adjustments

Motion made by Commissioner Wivell, seconded by Aleshire, to approve the following fourth quarter budget adjustments, as requested by the Board of Education, by decreasing the following categories: Administration - \$485,110; Mid-Level Administration - \$171,112; Instructional Salaries - \$615,447; Instructional Textbooks & Supply - \$37,587; Special Education - \$279,833; Student Personnel Services - \$8,144; Student Health Services - \$24,947; Student Transportation Services - \$13,607; Operation of Plant - \$44,949; Capital Outlay - \$2,043,112; Food Services - \$12,887; and Fixed Charges - \$385,872 and by increasing the following categories: Revenue - \$10,110; Other Instructional Costs - \$19,571; and Maintenance of Plant - \$2,070,253; for a net change in the Fund Balance of \$2,042,893. Unanimously approved.

Commissioner Kercheval pointed out that the Board's fund balance had increased from \$300,000 in FY 2002 to nearly \$8 million in FY 2009 and asked for information regarding the amount of reserves kept by other school boards in the State. He stated that the County and State's reserve funds and maintenance of effort requirements account for budget protection for the Board of Education, and surplus funds could be better utilized by applying them to the backlog of capital/maintenance projects. Dr. Morgan indicated that she would find out if there is a benchmark for school systems regarding the percentage of funds to be held in

reserve. Mr. South indicated that the surplus funds would still need to go in the fund balance to close out the fiscal year, and could be moved from there to a specific project in the future.

State Capital Improvement Program - FY 2010 - FY 2015
(Draft)

Mr. Michael presented an overview of the proposed State Capital Improvement Program (CIP) for the period FY 2010 - 2015 and stated that the total State CIP funding request is \$17,484,000. He stated that the CIP goals are to prioritize capital project needs, identify and resolve seat capacity issues, address systemic needs, and address renovation/modernization needs. Mr. Michael reviewed the FY 2010 CIP funding requests and the future requests, which include replacement of Bester Elementary School, a new "East City" High School and a new "West City" Elementary as well as systemic projects. Mr. Michael informed the Commissioners that the State has changed its policy and will now fund 73% of eligible construction costs if the prevailing wage rate is used for the project. The meeting was then opened for questions.

Antietam Academy Schematic Design Review

Gary Rohrer, Chair of the Advisory School Design Review Committee, distributed copies of the Committee's review of the schematic design phase of the Antietam Academy project. Mr. Rohrer stated that it was the consensus of the Committee to advocate using a geothermal system for this project. He indicated that they feel the payback on such a system is within the 5-7 year range. Mr. Michael also discussed LEED certification and stated that the paperwork for this alone would cost \$45,000-\$50,000.

RECESS

The Commissioners recessed at 9:47 a.m.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 10:00 a.m. by President John F.

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Barr with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was delivered by Commissioner Barr, followed by the Pledge of Allegiance to the Flag by the full assemblage.

APPROVAL OF MINUTES - AUGUST 26, 2008

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minutes of August 26, 2008. Unanimously approved.

COMMISSIONERS REPORTS AND COMMENTS

Commissioner Baker stated that he attended the Volvo/Mack Truck 5K road race. He reported on the Recreation and Parks Advisory Board meeting and stated that he would provide more information on the decrease in State Program Open Space funding in the future.

Commissioner Kercheval informed the Commissioners that he attended a presentation for elected officials at Hagerstown Community College (HCC) on life sciences in our community and initiatives to attract this type of business to the area. He stated that he had made a proposal earlier that the Economic Development Commission (EDC) organize a workshop for this purpose, but suggested that they now collaborate with HCC instead of working separately. It was the consensus of the Commissioners to have the EDC staff work jointly with HCC on this effort. Commissioner Kercheval stated that the Lobbying Coalition is working to prioritize issues for the 2009 legislative session. He also reported on the Planning Commission meeting.

Commissioner Aleshire stated that he attended the meeting of the Funkstown Mayor and Council and noted that they have had difficulty getting speed limit signs for their park. He informed the Commissioners that he attended the presentation at HCC and reported on the Solid Waste Advisory Committee meeting. Commissioner Aleshire indicated that he attended last month's EDC meeting and the Republican Club picnic. He stated that the annual Antietam Creek Watershed Association Clean-up is this weekend. He

commended the Board of Education on resolving the North Hagerstown High School track issue.

Commissioner Wivell reported on the Water & Sewer Advisory Commission meeting.

Commissioner Barr reminded the Commissioners that the opening of the new Martin's supermarket on Pennsylvania Avenue is this evening and the official ribbon cutting is tomorrow. He stated that he attended a meeting last week with the City of Hagerstown regarding the Arts and Entertainment District project and encouraged the Commissioners to assist with the final aspects of this project. Commissioner Barr informed the Commissioners that he attended an appreciation luncheon sponsored by the Economic Development Commission for the Department of Business & Economic Development staff. He reported on the PenMar Development Corporation meeting and stated that the ribbon-cutting and dedication ceremony for the new community center is scheduled for September 27. Commissioner Barr reminded the Commissioners that he would not be at next Tuesday's meeting and reminded them of the dedication of Rockland Woods Elementary School.

21st ANNUAL NATIONAL PIKE FESTIVAL AND WAGON TRAIN

Laura Bowman, representing the National Pike Festival Wagon Train, informed the Commissioners that the festival is scheduled for May 16-17, 2009 and asked that the County support the event by providing use of mailing facilities, providing funding for an escort from the Sheriff's Department, and allowing the festival to be included on the County's event insurance coverage. Ms. Bowman presented the Commissioners with a framed photograph of the event.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve funding from the Commissioners' Contingency Fund to pay overtime costs

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for two Sheriff's deputies for the National Pike Festival on May 16-17, 2009, to provide access to the mail room, and to include them on the County's event insurance coverage. Unanimously approved.

CITIZENS' PARTICIPATION

Phil Physioc discussed an issue regarding his property off of Mt. Aetna Road.

Robyn Jones appeared before the Commissioners to express concerns regarding a situation in Fair Acres Subdivision off Mondell Road. Ms. Jones stated that a complaint was filed with the County's Permits & Inspections Department regarding a violation of the Weed Control Ordinance by Deane Joyce. Ms. Jones stated that she felt Mr. Joyce had misrepresented information about his property's involvement in various Federal and State programs. She indicated that his participation in the Wildlife Habitat Incentive Program (WHIP) ended on August 28 and asked that the County proceed to have the weeds removed. Ms. Jones informed the Commissioners that they are working with an attorney to have the covenants in their subdivision revised so that this situation would not happen again in a residential community. She also asked that the Commissioners revisit the Ordinance to clarify various issues.

Phil and Trish McNamee, who are also neighbors in the Fair Acres Subdivision, expressed their concerns and asked that the Weed Control Ordinance be enforced on Mr. Joyce's property. John Martirano, County Attorney, stated that the County Attorney's Office has reviewed the information provided to the County and has some thoughts they would like to share with the Commissioners regarding this issue. The Commissioners discussed the issue, and agreed to continue discussions after the scheduled public hearing.

PUBLIC HEARING - CITY OF HAGERSTOWN/WASHINGTON COUNTY
ENTERPRISE ZONE JOINT APPLICATION

The Commissioners convened a public hearing at 11:01 a.m. in order to hear comments regarding the joint application for expansion of the Enterprise Zone on property located within the corporate boundaries of the City of Hagerstown and Washington County. Sonja Hoover, Fiscal/Research Specialist with the Economic Development Commission stated

that an application was submitted to the Maryland Department of Business and Economic Development for the re-designation of the Enterprise Zone in 2002 and that designation will remain in effect until 2012. She stated that this expansion would add parcels 557, 559, and 560 of Wellers Alley to the current Enterprise Zone. The meeting was then opened to the public for public comment. Deborah Everhart, City of Hagerstown Economic Development Director, spoke in support of the application. She stated that the City has also held its public hearing on this issue and will adopt the Resolution at its next meeting. Ms. Everhart commended Ms. Hoover for her administration of the Enterprise Zone program.

Motion made by Commissioner Kercheval, seconded by Aleshire, to support the joint application with the City of Hagerstown for the expansion of the Enterprise Zone to include parcels 557, 559, and 560 of Wellers Alley and to adopt the Resolution (Resolution No. RS-08-012) in Support of Expansion and the map of the area. Unanimously approved.

BID AWARD - MT. AETNA WATER STORAGE TANK

Motion made by Commissioner Kercheval, seconded by Baker, to award the contract for construction of the Mt. Aetna Water Storage Tank to PSI Pumping Solutions, Inc., which submitted the lowest responsible, responsive total base bid of \$265,100, contingent upon the approval of the Department of Environment and its grant funding. Unanimously approved.

CONTINUED DISCUSSION ON THE WEED CONTROL ORDINANCE

Andrew Wilkinson, Assistant County Attorney, stated that County staff now believes that Mr. Joyce's property does not fall under any exemption to the Weed Ordinance and the Weed Ordinance should be enforced. Commissioner Aleshire asked about the exception in the Ordinance for a

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Nature Study Area and suggested that that term be better defined. Commissioner Kercheval stated that he does not believe that these types of programs belong in subdivisions. The Commissioners discussed whether the Weed Control Ordinance could be reviewed in the future. It was the consensus of the Commissioners to support staff's recommendation to enforce the Weed Ordinance on the Joyce property and to have staff come back in the future with an update to the Weed Control Ordinance to clarify any ambiguities.

COUNTY ADMINISTRATOR'S COMMENTS

Greg Murray, County Administrator, commented on the live video streaming of the Commissioners' meeting that began today. He stated he hopes to try to re-broadcast the meetings at a later date. Mr. Murray informed the Commissioners that Norman Bassett, Public Information Officer, will no longer be writing the meeting summaries as they now exist but will continue to publish news releases and public notices. He reminded the Commissioners that the County picnic is September 13 at Antietam Recreation. Mr. Murray also reviewed some of the upcoming events for the Commissioners.

RECESS - LUNCH AND "REMEMBRANCE IN THE PARK" MEMORIAL CEREMONY

The Commissioners recessed at 11:33 a.m. for lunch and to attend the "Remembrance In the Park" memorial ceremony to honor fallen heroes who have made the ultimate sacrifice to keep our community safe since September 11, 2001.

AFTERNOON SESSION

The afternoon session was called to order at 1:36 p.m. by President John F. Barr with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval, and William J. Wivell.

FIRE & EMERGENCY SERVICES 911 CENTER RENOVATION

Joe Kroboth, Director of Public Works, and Gary Pozzouli, Project Manager, appeared before the Commissioners to request their approval of a change order in the amount of \$104,318.44 for the Fire & Emergency Services 911 Center renovation project. Mr. Kroboth stated that the change is for the purpose of adding additional electric power panels

and wiring to serve computer and electric equipment. The meeting was then opened for questions.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve a change order for the Fire & Emergency Services 911 Center renovation project in the amount of \$104,318.44 to Palmer Construction for the purpose of adding additional electric power panels and wiring.

COMPENSATION RECLASSIFICATION POLICY

William Sonnik, III, Director of Human Resources, met with the Commissioners to request that they approve the Compensation Reclassification Policy. Mr. Sonnik stated that the policy outlines the procedures for reclassification on a regularly scheduled basis and reviewed the proposal with them. Mr. Sonnik informed the Commissioners that the words "no fewer than eight members" should be added to Section IV. The meeting was then opened for discussion and questions. Commissioner Wivell asked that individuals outside of County government be included on the Committee. He also suggested that the policy be changed to read that final approval of the members be given by the Board of County Commissioners instead of the County Administrator. The Commissioners asked that language be added to the policy to allow the inclusion of other members as deemed appropriate. Mr. Sonnik recognized Carrie Aaron for her work on the policy.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the Compensation Reclassification Policy PR-29, to include the changes requested by the Commissioners. Unanimously approved. (A copy of the adopted policy is attached.)

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APPROVAL TO FILL POSITION - PROCUREMENT SPECIALIST

Motion made by Commissioner Kercheval, seconded by Aleshire, to advertise to fill the vacant Procurement Specialist position (Grade 9) in the Purchasing Department. Unanimously approved.

APPROVAL TO PURCHASE FLAG POLE FOR REMEMBRANCE AREA

Commissioner Barr informed the Commissioners that there are four flagpoles needed to complete the remembrance area in City Park. He asked if the Commissioners would consider purchasing one for \$800. Commissioner Barr suggested that the City and veterans groups might fund the remaining three poles needed.

Motion made by Commissioner Kercheval, seconded by Wivell, to purchase a flagpole for the memorial at Hagerstown City Park in the amount of \$800 with funds to be taken from the Commissioners Contingency Fund. Unanimously approved.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Aleshire, seconded by Kercheval, to convene in closed session at 2:09 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with staff about pending or potential litigation and to consult with counsel to obtain legal advice, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

RECONVENE IN REGULAR SESSION

Motion made by Commissioner Kercheval, seconded by Baker, to reconvene in open session at 3:34 p.m. Unanimously approved.

In closed session, the Commissioners considered a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; consulted with staff about pending or potential litigation and consulted with counsel to obtain legal advice. Present during closed session were Commissioners John F. Barr, Terry Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County Administrator; John Martirano,

County Attorney; Andrew Wilkinson, Assistant County Attorney; Joni Bittner, County Clerk; Carolyn Motz, Airport Director; Brett Wilson, member of the Airport Advisory Commission; Phil Ridenour, Airport Fire Chief; Joe Kuhna, Real Property Administrator; Joe Kroboth, Director of Public Works; and Rob Slocum, Deputy Director of Public Works.

ADJOURNMENT

Motion made by Commissioner Aleshire, seconded by Wivell, to adjourn at 3:34 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk

