

June 15, 2009
Hagerstown, Maryland

PUBLIC HEARING - REZONING CASES RZ-08-001, RZ-09-001 and RZ-09-002

A public hearing of the Board of County Commissioners of Washington County, Maryland was convened in Court Room #1 at 7:00 p.m. to hear testimony and receive evidence in rezoning Map Amendment RZ-08-001. Presiding at the hearing was County Commissioners President John L. Barr. Also present at the hearing were Vice President Terry L. Baker and County Commissioners Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Kirk Downey, Assistant County Attorney, reviewed the procedures for the meeting and administered the oath to those who planned to give testimony. Jill Baker, Senior Planner, presented the staff reports for RZ-08-001, RZ-09-001 and Michael Thompson, Director of Planning & Community Development, presented the staff report for RZ-09-002. After the presentation by the applicant and hearing all testimony, Mr. Downey stated that the record is closed and the hearing was concluded. The public hearing was adjourned at 8:50 p.m.

_____,
County Administrator

_____,
County Attorney

_____, Clerk

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The Commissioners participated in a ribbon-cutting ceremony for the new weather station exhibit at Discovery Station at 12:00 p.m. with a luncheon following the ceremony.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 1:15 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.

RURAL LEGACY PROGRAM EASEMENT VALUATION SYSTEM AND PRIORITY RANKING REVISIONS

Eric Seifarth, Rural Preservation Administrator, and Sarah Edelman, Land Preservation Planner, appeared before the Commissioners to present proposed revisions to the Rural Legacy Program (RLP) Easement Valuation System. Mr. Seifarth provided a history of the RLP program. He noted that it is a sister program to the Maryland Agricultural Land Preservation Program. He stated that staff is proposing to include a discounting (competitive bidding) component. He reviewed the current program and informed the Commissioners that the State has been encouraging counties to implement a competitive bidding system whereby property owners discount easement values and then receive a higher ranking on Washington County's competitive list. Ms. Edelman reviewed the valuation system and proposed that up to 125 bonus points be added to the ranking for discounting. The easements are currently ranked on number of development rights available, quality of the land/land management, natural resources, and historic value. The meeting was opened for questions and discussion.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the recommendation made by staff to revise the Rural Legacy Program Easement Valuation System to include a component for discounting (competitive bidding). Unanimously approved.

MAP AMENDMENT RZ-07-007 - MARTIN MARIETTA MATERIALS, INC.

Kirk C. Downey, Assistant County Attorney, stated that the purpose of today's session is for the Commissioners to discuss the rezoning case with the hope of reaching a consensus. If a consensus is reached, the

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County Attorney's Office will then develop findings of fact and articulation of reasons for the decision, which would be brought back for final adoption at a future meeting.

Stephen Goodrich, Chief Planner, reviewed the staff report and Planning Commission findings for rezoning case RZ-07-007, as submitted by Martin Marietta Materials, Inc. to rezone 77.08 acres of land located on the south side of Maryland Route 68 from A- Agricultural (Rural) to A- Agricultural (Rural) with an Industrial, Mineral Overlay. Mr. Goodrich stated that the Planning Commission voted to recommend approval of the request conditional upon several items. A supplemental public hearing was held on April 20, 2009 and additional information was presented in an attempt to answer questions that the Commissioners had regarding the request. The meeting was then opened for questions.

Commissioner Kercheval asked Mr. Downey to review the six conditions proposed to be imposed on the property's IM zoning. He also suggested that the quarry appoint a citizens committee in the community to address issues with the quarry. Commissioner Aleshire had questions regarding the proposed conditions.

Commissioner Kercheval expressed his support for the rezoning application with the conditions listed. He stated that the adopted Comprehensive Plan encourages the expansion of current mineral extraction sites rather than the development of new ones, the applicant has made an effort to address the concerns relative to the case, and the Planning Commission's recommendation was to approve the request.

Commissioner Aleshire stated that he does not believe the conditions are adequate in minimizing incompatibility and, among his concerns, cited well protection, berms, and buffering.

Commissioner Wivell indicated that he does not feel the quarry has been a very good neighbor. He stated that the quarry should take responsibility for the historic farmstead on the property and move it elsewhere to be saved. He noted that he does not support the request

unless the quarry agrees to save the home and address the other concerns raised at the meeting.

After discussion, the Commissioners did not reach a consensus. County staff was asked to research the viability of moving the historic home located on the property and whether movement of the house could be a condition imposed on the rezoning.

(Commissioner Barr was excused from the meeting at 2:22 p.m. and Vice President Baker assumed the Chair.)

PROPERTY AND CASUALTY INSURANCE RENEWALS - FY 2009-10

Motion made by Commissioner Kercheval, seconded by Wivell, to renew the liability insurance policies placed with Travelers Insurance, the property policies placed with Local Government Insurance Trust, and the Airport liability policy placed with AIG Aviation, Inc. for FY 2009-10 with the approved increases, as recommended by staff. Unanimously approved.

APPROVAL OF REVISED POLICY PR-25 - USE OF OFFICIAL CARS AND EQUIPMENT

William Sonnik, Director of Human Resources, and Brian Overcash, Safety Administrator, appeared before the Commissioners to request approval of the revised policy PR-25, Use of Official Cars and Equipment. Mr. Overcash informed the Commissioners that the revisions are the result of recommendations of the County's Fuel & Vehicle Task Group that was appointed in 2006. The revisions include the addition of risk management and safety guidelines and procedures that maximize protection to the County. Mr. Overcash reviewed the changes to the policy. The meeting was opened for questions and discussion.

(Commissioner Barr returned at 2:48 p.m. and assumed the Chair.)

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Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the County Policy PR-25, Use of Official Cars and Equipment with the additional revisions proposed. Motion carried with Commissioners Kercheval, Aleshire, Baker, and Barr voting "AYE" and Commissioner Wivell voting "NO." (A copy of the approved policy is attached.)

BID AWARD - GROUND MAINTENANCE CHEMICALS FOR VARIOUS COUNTY DEPARTMENTS

Motion made by Commissioner Kercheval, seconded by Aleshire, to award the bid for grounds maintenance chemicals for various County/City Departments to the following companies which submitted the low responsible, responsive bids meeting specifications for each chemical as follows: Item #1 - Winfield - \$467.14/gal.; Item #2 - Winfield - \$21.80/lb.; Item #3 - Helena - \$27.84/gal.; Item #4 - Crop - \$282.05/gal.; Item #5 - Winfield - \$341.70/gal.; Item #6 - Winfield - \$110.22/gal.; Item #7 - Crop - \$14.06/lb.; Item #8 - Helena - \$50.00/gal.; Item #9 - Helena - \$17.83/gal.; Item #10 - Crop - \$9.23/lb.; Item #11 - Helena - \$48.30/gal.; Item #12 - Winfield - \$6.60/lb.; Item #13 - Winfield - \$493.90/gal.; Item #14 - Crop - \$474.30/gal.; *Item #15 - Helena - \$155.00/gal.; *Item #16 - Helena - \$2,021.40/lb.; Item #17 - Crop - \$104.16/lb.; *Item #18 - Helena - \$98.40/gal.; Item #19 - Crop - \$24.50/gal.; Item #20 - Lesco - \$50.25/gal.; Item #21 - Crop - \$316.71/gal.; *Item #22 - Helena - \$369.00/gal.; Item #23 - Winfield - \$102.70/gal.; Item #24 - Lesco - \$37.00/gal.; Item #25 - Winfield - \$113.40/qt.; Item #26 - Winfield - \$542.00/gal.; Item #27 - Winfield - \$344.40/lb.; Item #28 - Helena - \$12.15/lb.; Item #29 - Helena - \$27.85/gal.; and Item #30 - Winfield - \$380.65/gal. Unanimously approved. (*Items #15, #16, #18 and #22 were tie bids, and the Commissioners drew lots, pursuant to Washington County Purchasing Policy P-2, to determine the successful bidders.)

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 - PROPOSED MEMORANDUM OF UNDERSTANDING

Joe Kroboth, Director of Public Works, informed the Commissioners that the State of Maryland is making a portion of the American Recovery and Reinvestment Act (ARRA) funds as distributed by the Federal government

available to Washington County. The State is requiring the County to enter into a memorandum of understanding in order to set forth the terms and conditions of the program. Mr. Kroboth indicated that the County will receive approximately \$2,300,000 in federal aid. He reviewed the proposed Memorandum of Understanding with the Commissioners.

Motion made by Commissioner Kercheval, seconded by Wivell, to approve the proposed Memorandum of Understanding with the State Highway Administration of the Maryland Department of Transportation in order to receive the Federal American Recovery and Reinvestment Act (ARRA) funds. Unanimously approved.

SENIOR CENTER DISCUSSION

Greg Murray, County Administrator, reviewed the sites being considered for a new senior citizen center. Mr. Murray indicated that Community Development Block Grant funding is available for the design of a center. He stated that Hagerstown Community College (HCC) has agreed to provide a site for construction of the center. Commissioners Wivell and Baker expressed support for the HCC location. Commissioner Aleshire stated that he feels the senior citizens should have input on the location since it is not located geographically near a large portion of the seniors. Commissioner Kercheval indicated that he does not feel the Board has had adequate discussion on the viability of this site for seniors or alternative locations for a senior center on the HCC campus, and feels that more discussion needs to take place on the possibility of a site located adjacent support the proposed site. Susan MacDonald, Executive Director of the Commission on Aging, and William Beard, Chair of the Board, met with the Commissioners and indicated that the seniors want a safe place, on one level, that has adequate parking. Ms. MacDonald stated that she feels it is a visionary idea to place the senior center on a community college campus. She also noted that with the new Hospital and Robinwood Medical Facility being in same area, it would become a destination for seniors. Ms. MacDonald indicated that transportation could be provided from the downtown area.

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Motion made by Commissioner Wivell, seconded by Baker, to accept the site proposed by the Hagerstown Community College Board of Trustees for construction of a new senior citizens center and to proceed with funding the design of the center with CDBG grant funds. Motion carried with Commissioners Wivell, Baker, Aleshire, and Barr voting "AYE" and Commissioner Kercheval voting "NO."

APPROVAL OF ZONING TEXT AMENDMENT RZ-09-004 - SMALL WIND ENERGY SYSTEMS AND SOLAR COLLECTION SYSTEMS

Kirk Downey, Assistant County Attorney, reviewed the revisions made to Text Amendment RZ-09-004 - Small Wind Energy Systems and Solar Collection Systems, which were proposed during the deliberations at the June 2, 2009 meeting. The Commissioners discussed each of the revisions outlined and made further changes to the final language.

Motion made by Commissioner Wivell, seconded by Baker, to approve Text Amendment RZ-09-004 - Small Wind Energy Systems and Solar Collection Systems as proposed with the removal of item 4.24(b) - abandonment, to become effective this date. Motion carried with Commissioners Wivell, Baker, Aleshire, and Barr voting "AYE" and Commissioner Kercheval voting "NO."

LOCAL ECONOMIC BOOST DISCUSSION

Greg Murray, County Administrator, stated that the Commissioners agreed during budget deliberations to earmark \$1 million for an economic stimulus program for businesses to boost employment. Rob Ferree, Deputy Director of Economic Development Commission (EDC); Greg Larsen, Business Development Manager for the Hagerstown Regional Airport; Tim Henry, Chair of the EDC Board; and Debra Everhart, Director of the City of Hagerstown's Economic Development Office, were in attendance. Mr. Ferree reviewed the recommendations made by EDC for the program. A two-tiered program is being proposed and he reviewed the criteria for each tier. Tier I would require the creation of one full-time position for a three-year period and Tier II required that 10 full time positions be created and retained for a three-year period or involve the capital investment of \$1 million. The meeting was opened for discussion. The Commissioners suggested several changes and requested additional information from County staff.

The Commissioners agreed that they were not interested in including retail businesses. The Commissioners requested that the proposed policy be brought back for further discussion after the revisions are made and the information requested has been reviewed.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Aleshire, seconded by Baker, to convene in closed session at 5:01 p.m. to discuss the appointment, employment, assignment, promotion, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect one or more specific individuals; to consult with staff, consultants, or other individuals 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 5:35 p.m. Unanimously approved.

In closed session, the Commissioners discussed the appointment, employment, assignment, promotion, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific individuals; consulted with staff, consultants, or other individuals about pending or potential litigation; and consulted with counsel to obtain legal advice, Present during closed session were Commissioners John F. Barr, Terry L. 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; Joni Bittner, County Clerk; William Sonnik, Director of Human Resources; Joe Kroboth, Director of Public Works; and Gary Pozzouli, Project Inspector.

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RECESS

The Commissioners recessed at 5:35 p.m.

EVENING SESSION - TOWN OF SMITHSBURG

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 7:00 p.m. at the Smithsburg Town Hall by President John F. Barr with the following members present: Vice President Terry L. Baker, and Commissioners Kristin B. Aleshire, and William J. Wivell. Commissioner Kercheval was absent.

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 - JUNE 2, 2009

Motion made by Commissioner Aleshire, seconded by Baker, to approve the minutes of June 2, 2009. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS

The Commissioners reported on the activities they participated in during the week.

CITIZENS' PARTICIPATION AND TOWN OF SMITHSBURG CONCERNS

Mayor Myers suggested that a traffic warning be provided for emergency vehicles at the intersection of Maryland Routes 64 and 66 if development occurs at that location. She asked about the progress on a traffic signal near the school complex. Councilman Martin stated that he feels the Commissioners should consider a single-stream recycling facility. He also asked about an invoice received relating to the Smithsburg Branch of the Washington County Free Library.

Several citizens from the Mondell Road area appeared before the Commissioners to express concerns regarding a situation in Fair Acres Subdivision off Mondell Road. They stated that they do not believe the Weed Control Ordinance is being properly enforced.

ADJOURNMENT

Motion made by Commissioner Wivell, seconded by Baker, to adjourn at 8:30 p.m.

County Administrator

County Attorney

County Clerk