

June 23, 2009  
Hagerstown, Maryland

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 8:41 a.m. by President John F. Barr with the following members present: Commissioners Kristin B. Aleshire and James F. Kercheval.

**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.

**INTRODUCTION OF NEW EMPLOYEES**

William Sonnik, Human Resources Director, introduced new County employee Michael Thompson, Darren Stotelmyer, and Douglas Rhodes. The Commissioners welcomed the new employees and wished them well in their new positions.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Kercheval reported on meetings of the Metropolitan Planning Organization and Local Management Board. He congratulated the Barbara Ingram School for the Arts Foundation on its successful fundraising gala.

Commissioner Aleshire stated that he attended a dinner to benefit Holly Place. He acknowledged Harvey Hoch, Recycling Coordinator, and the Boonsboro Recycling Task Force for winning an award for outstanding environmental and community leadership. Commissioner Aleshire indicated that he would like additional information regarding the role of the Extension Service and its position in regard to the discussion relating to the Weed Control Ordinance to be held later today.

(Commissioner Baker arrived at 8:52 a.m.)

Commissioner Baker informed the Commissioners that he attended the Elephant Club picnic in Hancock and presented a proclamation to the Williamsport Rotary Club in recognition of 25 years of service.

Commissioner Barr stated that he attended the Leadership Washington County graduation ceremony for Class XXII as well as the Elephant Club meeting.

(Commissioner Wivell arrived at 9:00 a.m.)

**DISCUSSION - AMENDMENT TO WEED CONTROL ORDINANCE**

Greg Murray, County Administrator, stated that some of the language in the existing Weed Control Ordinance is nebulous and the Ordinance needs to more clearly define what is permitted and not permitted.

Kirk Downey, Assistant County Attorney, stated that the Ordinance was adopted in 1989 and has not been amended since that time. He noted that it has become evident that it is in need of revision, and he reviewed the changes being proposed by Staff. The meeting was opened for questions from the Commissioners. The Commissioners asked that several items be clarified and that Staff consider a separate section in the Ordinance to address the issue of noxious weeds. It was suggested by Staff that the Commissioners hold a workshop to with Staff and possibly several outside agencies who are familiar with these issues to discuss possible revisions to the Ordinance. The Commissioners agreed to schedule a workshop in order to provide guidance to Staff regarding the possible revision of the Ordinance.

**PUBLIC HEARING - AMENDMENT TO THE BUILDING EXCISE TAX ORDINANCE**

The Commissioners convened in public hearing at 9:45 a.m. in order to permit residents to testify concerning the proposed amendment to the Building Excise Tax Ordinance for Washington County. Kirk Downey, Assistant County Attorney, stated that changes in the City of Hagerstown's zoning classifications have necessitated the need to amend

June 23, 2009

Page two

the definition of "Redevelopment Area" in order to keep this area covered by the Ordinance.

Commissioner Barr opened the meeting for public comment. Kathleen Maher, Planning Director for the City of Hagerstown, testified in support of the amendment. The hearing was closed at 9:49 a.m.

Motion made by Commissioner Aleshire, seconded by Kercheval, to amend Section 2.20 of the Building Excise Tax Ordinance for Washington County to amend the definition of "Redevelopment Areas." Unanimously approved. (Ordinance ORD-09-05 may be found in the County Commissioners' Office)

**EMERGENCY NUMBER SYSTEM BOARD GRANT AWARD FOR EMERGENCY COMMUNICATIONS**

Motion made by Commissioner Wivell, seconded by Aleshire, to authorize the Division of Fire & Emergency Services to accept a grant award of \$177,155.76 in special project funding from the Emergency Number System Board for the new Emergency Communications Center for the purchase and installation of an uninterrupted power supply upgrade for the new Emergency Communications Center. Unanimously approved.

**INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM - MEMORANDUM OF UNDERSTANDING**

Motion made by Commissioner Kercheval, seconded by Aleshire, to authorize the Director of the Division of Fire & Emergency Services to execute a Memorandum of Agreement with the Maryland Emergency Management Agency for Interoperable Communications funding in the amount of \$103,500. Unanimously approved.

**SENATOR AMOSS FIRE, RESCUE AND AMBULANCE FUNDING DISTRIBUTION**

Kevin Lewis, Acting Director of Emergency Services, met with the Commissioners regarding the Senator William H. Amoss Fire, Rescue and Ambulance Fund revenues allocated to Washington County by the State for fire and rescue companies. Mr. Lewis stated that a total of \$233,692 was awarded to Washington County for disbursement to the companies. The Washington County Volunteer Fire & Rescue Association is recommending that funds be distributed

equally among all companies. The Commissioners discussed the options and agreed to allocate the funding in equal shares to all companies.

Motion made by Commissioner Aleshire, seconded by Kercheval, to distribute the fiscal year 2009 Senator William H. Amoss Fire, Rescue & Ambulance State grant funds in equal shares to all fire and rescue companies in Washington County. Unanimously approved.

**CITIZENS' PARTICIPATION**

Robyn Jones spoke regarding the Weed Control Ordinance revisions. She feels that her neighbor's weeds damage her property and should be cut. She also feels that additional regulations should be required near subdivisions.

**2009 EMERGENCY SHELTER GRANT APPLICATION**

Motion made by Commissioner Kercheval, seconded by Baker, to approve the submission of an Emergency Shelter Grant application for FY 2009 to the Department of Housing and Community Development in the amount of \$50,000 that would provide funding for the Community Action Council, CASA, St. John's Shelter, and REACH, Inc., and to approve the grant agreements and sub-recipient agreements subject to the review and approval of the County Attorney. Unanimously approved.

**HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM**

Motion made by Commissioner Kercheval, seconded by Baker, to approve the submission of the Homeless Prevention & Rapid Re-Housing Program application in the amount of \$39,882 and grant agreements to the Maryland Department of Housing and Community Development. Unanimously approved.

**CITIZENS' PARTICIPATION**

Jeremy Holder, representing Ausherman Development, stated that he would be unable to attend the Public Hearing on Text Amendment RZ-09-003 to be held later today and asked to give his comments regarding the proposed

June 23, 2009  
Page three

parking standards. He expressed concerns that street width would be narrowed and asked that the Commissioners revisit the parking regulations.

**APPOINTMENT - ADULT PUBLIC GUARDIANSHIP REVIEW BOARD**

Motion made by Commissioner Kercheval, seconded by Aleshire, to appoint Rev. Donald Stevenson to the Adult Public Guardianship Review Board for a three-year term. Unanimously approved.

**COUNTY ADMINISTRATOR'S COMMENTS**

Greg Murray, County Administrator, requested that the Commissioners approve a budget transfer request for grant funds in the amount of \$88,299 for the Circuit Court's Drug Court Program to include funding the Drug Court Coordinator position and related costs for the program.

Motion made by Commissioner Wivell, seconded by Aleshire, to approve a budget transfer request in the amount of \$88,299 to fund the Circuit Court's Drug Court Program. Unanimously approved.

Mr. Murray noted that this is County Clerk Joni Bittner's last meeting and expressed appreciation for her service. He stated that the position was advertised and announced that Vicki Lumm, Legal Secretary, was chosen by the Commissioners to serve as the new County Clerk. Commissioner Barr welcomed Ms. Lumm to her new position.

Motion made by Commissioner Barr, seconded by Kercheval, to appoint Vicki C. Lumm as County Clerk for the remainder of the term. Unanimously approved.

**REPORTS FROM COUNTY STAFF**

William Sonnik, Director of Human Resources, requested authorization to advertise to fill the Legal Secretary position (Grade 9) in the County Attorney's Office.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve advertising to fill the Legal Secretary position (Grade 9) in the County Attorney's Office. Unanimously approved.

Mr. Sonnik distributed a report from PNC Bank regarding the County's pension investments and stated that he is happy to report that they have rebounded.

Joe Kroboth, Director of Public Works, informed the Commissioners that there were serious accidents this weekend that resulted in significant damage on Trego Road and Sprecher Road. He stated that he does not have estimates on the costs for repairs and indicated that a detour is in place on Sprecher Road.

Gary Rohrer, Director of Special Projects, reported that the Edgewood Drive and Route 40 project is coming to fruition and that the bid has been awarded by the State Highway Administration.

**PUBLIC HEARING - REZONING TEXT AMENDMENT RZ-09-003 AND  
SUBDIVISION ORDINANCE TEXT AMENDMENT SO-09-001**

A public hearing was convened at 11:03 a.m. to hear testimony and receive evidence in rezoning Text Amendment RZ-09-003 and Subdivision Ordinance Text Amendment SO-09-001.

**RZ-09-003**

Jill Baker, Senior Planner, presented the staff reports for RZ-09-003 to repeal and replace Article 22, Division I regarding off-street parking and loading area requirements. She reviewed the changes proposed. Ms. Baker stated that staff is recommending the development of a transition policy to deal with individuals who are currently going through the planning process. She suggested that applications in the final plat stage or ones that have final approval be grandfathered. After hearing questions from the Commissioners, the

June 23, 2009  
Page four

meeting was opened for public comment. Ed Schreiber, Frederick Seibert & Associates, commented on the number of parking spaces based on the square footage of the building and the drive-through lane lengths. He stated that he feels some of the numbers are disproportionate. The Commissioners asked that the amendment be taken back to the Planning Commission to consider the various comments heard today.

**SO-09-001**

Lisa Kelly, Senior Planner, presented the staff report for SO-09-001 to amend the Subdivision Ordinance Articles II, III, IV and VI (Sections 202, 301, 302, 306, 307, 309, 314, 315, 318, 404 and 602). The meeting was opened for questions from the Commissioners and then for public comment.

Jason Divelbiss commented on Sections 301, 309, 310, and 315.

Taylor Oliver commented on Section 307.2(h) and the increase in the number of hard copies required for submission to the Planning Department.

The record was closed and the hearing was concluded at 12:16 p.m.

**RECESS - LUNCHEON AND UPDATE ON COMMUNITY ACTION TRANSIT**

The Commissioners recessed at 12:16 p.m. to attend a luncheon and update on the Community Action Transit at the Community Action Council facility.

**AFTERNOON SESSION**

The afternoon session was called to order at 2:06 p.m. by Vice President Terry L. Baker with the following members present: Commissioners Kristin B. Aleshire, James F. Kercheval, and William J. Wivell.

**BID AWARD - MILLS ROAD BRIDGE**

Motion made by Commissioner Kercheval, seconded by Aleshire, to award the contract for Mills Road Bridge to Conewago Enterprises, Inc., which submitted the lowest responsive, responsible bid of \$800,000. Unanimously approved.

**HAGERSTOWN/EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION - FY 2010 BUDGET**

Jill Baker, Senior Planner, met with the Commissioners to request acceptance of grant funding from the Federal Highway Administration and Federal Transit Authority for the purpose of conducting planning activities for transportation-related issues. The funds are then funneled through the State governments to allow the regional MPOs to carry out the planning activities. Ms. Baker stated that 80% funding is provided by the Federal government, 10% by State government, and 10% by local government. The total budget for FY 2010 is \$584,456.

She informed the Commissioners that Washington County's match obligation of \$33,910 can be met through in-kind services.

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the FY 2010 budget for the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) of \$584,456 and to accept the grant funding provided from the Federal Highway Administration and Federal Transit Authority for the purpose of conducting planning activities for transportation-related issues. Unanimously approved.

**REAL PROPERTY TAX CREDIT FOR POLICE AND CORRECTIONAL OFFICERS AND FIRE/RESCUE/EMS PERSONNEL KILLED OR PERMANENTLY AND TOTALLY DISABLED WHILE ON DUTY**

Andrew Wilkinson, Assistant County Attorney, informed the Commissioners that enabling legislation allows counties the option to provide a real property tax credit against the county tax to police officers, correctional officers, or fire/rescue/EMS personnel killed or permanently and totally disabled while on duty. Mr. Wilkinson explained that the credit can be available to the injured person or the surviving spouse if the surviving spouse remains unmarried. He provided information on the legislation and asked if the Commissioners would be interested in

June 23, 2009

Page four

considering adopting such a tax credit. The meeting was opened for questions and discussion. The Commissioners had questions regarding the designation of "permanently and totally disabled" and agreed that that the credit should apply only to death in the line of duty. Mr. Wilkinson stated that he would draft a proposed ordinance and return at a future meeting for formal approval.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Kercheval, seconded by Aleshire, to convene in closed session at 2:28 p.m. to discuss the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect one or more specific individuals; to consider the acquisition of real property for a public purpose and matters directly related thereto; 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.

(Commissioner Barr returned to the meeting at 2:32 p.m. and assumed the Chair.)

**RECONVENE IN REGULAR SESSION**

Motion made by Commissioner Kercheval, seconded by Wivell, to reconvene in open session at 3:17 p.m. Unanimously approved.

In closed session, the Commissioners discussed the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific individuals; considered the acquisition of real property for a public purpose and matters directly related thereto; 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; Andrew Wilkinson, Assistant County Attorney; Joni Bittner, County Clerk; Joe Kroboth, Director of Public Works; Carolyn Motz, Airport Director; Phil Ridenour, Airport Fire Chief; and Mahesh Kukata, Airport Design Consultants, Inc.

**BID AWARD - AIRCRAFT RESCUE FIREFIGHTING STATION**

Motion made by Commissioner Aleshire, seconded by Baker, to award the bid for construction of the new Aircraft Rescue Firefighting Station to Building Systems, Inc., which submitted the low responsible, responsive bid of \$2,396,000, contingent upon Federal Aviation Administration bid approval and funding, and to relieve from the bidding without prejudice, the firm of Harvey-Cleary, based upon the obvious error in its bid, pursuant to its telephone conversation with the County's Purchasing Agent. Motion carried with Commissioners Aleshire, Baker, and Wivell voting "AYE" and Commissioners Kercheval and Barr "ABSTAINING."

**APPOINTMENTS - PENMAR DEVELOPMENT CORPORATION**

Motion made by Commissioner Kercheval, seconded by Baker, to reappoint Mark Dilandro, and Sam Cool to the PenMar Development Corporation Board for four-year terms, to reappoint Peter Kurz to the Board for a three-year term (2012), and to appoint Steven Patterson and Col. Judith Robinson to four-year terms, and to appoint the following individuals to fill unexpired terms on the Board: Tim Henry (2011) and William Carter (2012.) Unanimously approved.

**APPOINTMENTS - DISABILITY ADVISORY COMMITTEE**

Motion made by Commissioner Wivell, seconded by Kercheval, to appoint David McAllister to the Disability Advisory Committee for a three-year term and to appoint the following individuals to fill unexpired terms: Ron Hooten (2011), Tenneille Aleshire (2012) and Patricia Carolan (2012). Motion carried with Commissioners Wivell, Kercheval, Baker and Barr voting "AYE" and Commissioner Aleshire "ABSTAINING."

June 23, 2009  
Page five

**ADJOURNMENT**

Motion made by Commissioner Baker, seconded by Aleshire, to adjourn at 3:39 p.m.

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County Administrator

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County Attorney

County Clerk \_\_\_\_\_