

July 21, 2009
Hagerstown, Maryland

The Commissioners attended a breakfast at 7:30 a.m. at Next Dimensions for the Soil Conservation District's Annual Conservation Awards.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 9:24 a.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.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES - July 14, 2009

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minutes of July 14, 2009 with incorporated changes. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker stated that he attended the Washington County Sports Hall of Fame induction at the Elks Club where four individuals were inducted and many scholarships were awarded to athletes planning to attend college.

Commissioner Kercheval reported attending the Public Golf Corporation (Black Rock) Board meeting where it was announced that a recycling program has begun with Boy Scout Pack 66 and Cub Scout Troop 54 collecting cans and using the recycling funds for scout activities. He also attended a lobbying coalition meeting where community issues were discussed. Commissioner Kercheval has been asked to participate in assembling the Community Report Card with the Community Foundation and its staff, which will include involvement by the United Way, Local Management Board and other agencies to make a community improvement plan. He thanked County staff from the Permits, Public Works and Economic Development Departments that were involved in the extra efforts made to fast track a project for an Economic Development client. Commissioner Kercheval mentioned the

housing foreclosure mowing problem in the County and some solutions that have been suggested by staff.

Commissioner Aleshire informed the Commissioners that he visited the Agricultural Expo and Fair being held this week. He also attended Smithsburg Pride Days and visited the new branch library. He mentioned two letters that were received by the Commissioners stating some internal concerns regarding the proposed Senior Center. Commissioner Aleshire attended a Permit Advisory Board meeting and stated that the 30-day plan process vision will be hard to meet. He submitted items for consideration this year to the lobbying coalition. He noted that in future presentations brought before the Board, regarding joint efforts between the City and County that the Commissioners need to first know where the City body stands.

Commissioner Barr attended the Ag Expo on Friday evening. He attended Bike Night held in Williamsport and noted that it was a nicely organized and well-attended event where nonprofits in the community benefited. Commissioner Barr also participated in the Bone to be Wild Ride, a fundraiser for the Humane Society of Washington County, which ended at Camp Harding. Commissioner Barr, Greg Murray and Mike Thompson met with Franklin Jackson from US Census Bureau regarding the importance of participation in the census and what it means to the County in relation to federal dollars being returned to the community. He expressed hope that the County would have the highest rate of participation on return of surveys.

Commissioner Wivell had no comments.

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RZ-09-001 - APPLICATION FOR TEXT AMENDMENT TO THE WASHINGTON COUNTY ZONING ORDINANCE (Rural Areas)

Senior Planner Jill Baker of the Planning Department appeared before the Commissioners to discuss proposed amendments to RZ-09-001, that focus on updating, correcting and clarifying language pertaining to various aspects of zoning regulation. The Washington County Planning Commission held a public meeting to take testimony on the

proposed amendments on March 16, 2009, and the Board of County Commissioners held a public hearing for the same purpose on June 15, 2009. The Washington County Planning Commission recommended adoption of the proposed amendments together with the addition of language to Section 4.22 Commercial Communication Towers relating to abandonment issues that would impose a fine rather than immediate legal action in court. The Planning Commission also recommended amending the definition for Grade Plane as presented by staff. Ms. Baker pointed out that one outstanding issue concerns the abandonment of cell towers, which came up during the Planning Commission meeting. After discussion, it was the consensus of the Commissioners to choose option #2 as presented.

Ms. Baker will make the requested adjustments to the Ordinance and return at a later date for approval by the Commissioners.

RZ-09-002 - APPLICATION FOR TEXT AMENDMENT TO THE WASHINGTON COUNTY ZONING ORDINANCE

Planning Department Director Michael Thompson presented RZ-09-002 - an application for text amendment to the Washington County Zoning Ordinance ("Ordinance".) The proposed amendments relate to Section 15.5(h) of the Ordinance with regard to fencing requirements in the IM (Industrial Mineral) District. The Washington County Planning Commission held a public meeting for the purpose of taking testimony on the proposed amendments on March 2, 2009 and the Board of County Commissioners held a public hearing for the same purpose on June 15, 2009. The Washington County Planning Commission recommended adoption of the amendments as amended with a vertical to horizontal 1:2 slope. The proposed language gives the Planning Commission the ability to look at each proposal as it is submitted and determine what fencing requirements are appropriate.

Motion made by Commissioner Kercheval, seconded by Wivell, to adopt Zoning Text Amendment RZ-09-002 as presented with 1:2 slopes as shown in the attached amending ordinance. Unanimously approved. (A copy of Ordinance #ORD-09-06 can be found in the County Commissioners' Office.)

WASHINGTON COUNTY REAL PROPERTY TAX CREDIT ORDINANCE FOR FALLEN HEROES

Assistant County Attorney Andrew Wilkinson presented the proposed Washington County Real Property Tax Credit Ordinance for Fallen Heroes to the Commissioners for consideration. The Commissioners previously discussed this matter and at that time Staff was directed to draft a proposed ordinance. Mr. Wilkinson stated that the authority contained in Section 9-210, Tax-Property Article of the Annotated Code of Maryland, allows the County the option of providing a credit against the County real property tax to the surviving spouse of a police officer, correctional officer, or Fire/Rescue/EMS personnel killed in the line of duty. Sections 2 and 3 of the proposed Ordinance contain terms required by the State enabling legislation but all other sections may be modified. Mr. Wilkinson informed the Commissioners that the Ordinance would be effective as of July 1, 2009 but there would be no retroactive limitation as to the date of death of the fallen spouse. In addition, Section 8 provides for recapture of the tax credit in the event of fraudulent application. After discussion, Commissioner Kercheval asked that "fire/rescue worker" be added to the language in Section 1.

Motion made by Commissioner Wivell, seconded by Kercheval, to approve the Washington County Real Property Tax Credit Ordinance for Fallen Heroes with the requested changes. Unanimously approved. (A copy of Ordinance #ORD-09-07 can be found in the County Commissioners' Office).

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OTHER BUSINESS

County Attorney - County Attorney John Martirano introduced Dave Jordan and Jackie Crabtree of the Community Action Council (CAC) who appeared to request acceptance of transportation program grants from the Maryland Transit Authority (MTA) for operations and acquisition of additional busses. MTA requires that a Resolution be adopted by the Commissioners to endorse CAC's application for the grant and recognizing its receipt. The total requested funding amount from the State is \$242,764.50, which will flow through CAC.

Motion made by Commissioner Kercheval, seconded by Baker, to adopt the Resolution endorsing the application and acceptance of the MTA grant funds by CAC. Unanimously approved. (A copy of Resolution #RS-09-10 can be found in the County Commissioners' Office.)

County Administrator - no comments.

Reports from County Staff - none.

COMMISSIONER REPORTS AND COMMENTS (cont.)

Commissioner Barr mentioned that Senator Barbara Mikulski recently broke her ankle in several places and passed along best wishes for a speedy recovery.

CITIZENS PARTICIPATION

James Devine, P. O. Box 2217, Hagerstown, commented on two issues; the first regarding the County's Weed Ordinance and the recent Herald-Mail article, and second the Zoning Ordinance as it relates to solar capacity in the County.

EMPLOYEE RECOGNITION - ROB FERREE

Tim Troxell, Economic Development Commission (EDC) Director, appeared with Rob Ferree, Deputy Director of the EDC, and stated that Mr. Ferree has attained Certified Economic Developer (CECD) certification. Mr. Troxell said that professional achievement and international recognition are attained upon earning the designation and mentioned that only four communities in Maryland have two CECDs on staff. Commissioner Barr presented the certificate to Mr. Ferree and the Commissioners congratulated him on the accomplishment.

PROPERTY ACQUISITION - HALFWAY BLVD./MASSEY BLVD.

Real Property Administrator Joe Kuhna and Rob Slocum, Deputy Director - Capital Projects, appeared before the Commissioners to request approval of option agreements to purchase property necessary for the widening of the Halfway and Massey Boulevard intersection project. Mr. Kuhna explained that the future intersection improvements will require the partial acquisition of six properties to allow for needed turn movement and travel lane widening. He has been negotiating with six affected property owners and three have agreed to the terms offered: The Dollar Store (\$190,600.00), Motel 6 (\$303,750.00), and Hagerstown Ford (\$102,800.00.) The fiscal impact would be \$597,150.00 from

the County's CIP budget (\$1,650,000.00 ROW budget.) Mr. Kuhna informed the Commissioners that the three remaining properties still under discussion are the former Roy Rogers' property, Valley Mall property and Cedar Ridge property (K-Mart Plaza.) Discussion centered on the cost of purchasing the strips of property, which was based on actual appraisals ranging from \$14-\$17 per square foot. Mr. Slocum stated that the right-of-way consultant used for the project has over thirty years' experience in State Highway right-of-way acquisitions.

Motion made by Commissioner Kercheval, seconded by Aleshire, that the properties are needed for a public purpose and to approve the option agreements for the three acquisitions as presented, totaling \$597,150.00, from the County's CIP Budget.

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Motion carried with Commissioners Kercheval, Baker and Aleshire voting "AYE" and Commissioner Wivell voting "NO."

CONVENE IN CLOSED SESSION

Motion made by Commissioner Wivell, seconded by Kercheval, to convene in closed session at 11:10 a.m. to consider matters that concern proposals for businesses or industrial organizations to locate, expand, or remain in the State; 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.

In closed session, the Commissioners considered matters that concern proposals for businesses or industrial organizations to locate, expand, or remain in the State; 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; Vicki Lumm, County Clerk; Joe Kroboth, III, Director of Public Works; Tim Troxell, Director, EDC; Rob Ferree, Deputy Director, EDC; and Greg Larsen, Business Development Manager for the Hagerstown Regional Airport.

RECESS

The Commissioners recessed at 12:00 p.m. for lunch.

AFTERNOON SESSION

President John F. Barr called the afternoon session to order at 1:48 p.m., with the following members present: Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell.

CONTRACT AWARD (PUR-1108) - CLINICAL SERVICES FOR TEENS TO REDUCE TEEN PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS IN WASHINGTON COUNTY

Karen Luther, Purchasing Agent, and Melissa Nearchos, Project Coordinator - Washington County Community Partnership for Children & Families (WCCP) informed the Commissioners that the Coordinating Committee recommends that the contract award for Clinical Services for Teens to Reduce Teen Pregnancy and Sexually Transmitted Infections in Washington County be awarded to the responsive proposer, the Community Free Clinic of Hagerstown, Maryland, for the responsive proposal amount of \$66,860.00. Ms. Luther stated that the WCCP Board met on July 17, 2009 and voted to approve the recommendation. The contract should commence on August 1, 2009 and end June 30, 2010, with an option to renew for up to two (2) consecutive fiscal years through 2012. Commissioner Wivell stated that he does not support the contract due to the methodology being used. Ms. Nearchos reported that preliminary statistics for Washington County teen birthrates in 2007 were 240 and were down to 192 in 2008, while state figures remained flat and national figures rose.

Motion made by Commissioner Kercheval, seconded by Aleshire to award the contract for Clinical Services for Teens to Reduce Teen Pregnancy and Sexually Transmitted Infections in Washington County to the Community Free Clinic of Hagerstown for the responsible proposal of \$66,860.00.

Motion carried with Commissioners Kercheval, Baker and Aleshire voting "AYE" and Commissioner Wivell voting "NO."

GRANT PROPOSAL - EMERGENCY NUMBER SYSTEM BOARD (Project #09-126)

Kevin Lewis, Director, Department of Emergency Services, appeared before the Commissioners to request acceptance of a grant award for Emergency Communications from the Emergency Number System Board (ENSB). On June 29, 2009,

Washington County was awarded \$144,000.00 in special project funding for the new Emergency Communications Center. The ENSB manages the "911 fee" assessed on all land-based and cellular connections in Maryland. The current fee is \$1 and the ENSB returns 75 cents to the County to cover operational costs and the remaining 25 cents is held in a statewide account for special projects. There is no fiscal impact to the County unless the grant award is not accepted.

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Motion made by Commissioner Wivell, seconded by Baker to approve the acceptance of a \$144,000.00 special project funding grant from the ENSB for the new Emergency Communications Center to include Logging Recorders (Project #09-126.) Unanimously approved.

GRANT PROPOSAL - EMERGENCY NUMBER SYSTEM BOARD
(Project #09-127)

Kevin Lewis, Director, Department of Emergency Services, and Bud Gudmundson, GIS Manager, requested acceptance of a \$348,018.00 grant from the Emergency Number System Board (ESNB.) On June 25, 2009, Washington County was awarded \$348,018.00 in special project funding for Mapping (Parcel Layers) (Project#09-127) from the ENSB. There is no fiscal impact to the County unless the grant award is not accepted. Mr. Gudmundson explained that the grant would go toward digitizing State property maps, would improve address creation and maintenance for the 911 system, and will allow other County departments access to the property maps for projects and services. Mr. Gudmundson stated that the contract will piggyback with Baltimore County and he will return at a future meeting to seek approval for the contract. The amount is currently a County CIP budget item but only a small portion will be used due to quality control for the project.

Motion made by Commissioner Kercheval, seconded by Wivell, to approve the acceptance of a \$348,018.00 grant from the ENSB in special project funding for the new Emergency Communications Center for Mapping (Parcel Layers) (Project #09-127). Unanimously approved.

MEMORANDUM OF AGREEMENT - FFY 2009 EMERGENCY MANAGEMENT PERFORMANCE PROGRAM AWARD

Kevin Lewis, Director, Division of Emergency Services, appeared before the Commissioners to request authorization to execute a Memorandum of Agreement with the Maryland Emergency Management Agency (MEMA) for a FFY 2009 award of \$90,631.00. MEMA distributes funding to all local jurisdictions on an annual basis to enhance and strengthen emergency management capabilities at the State and local level, which helps to offset personnel, operational and training expenses for local emergency management. Award funds must be matched dollar for dollar with local funds appropriated in the emergency management budget and/or in kind assistance.

Motion made by Commissioner Kercheval, seconded by Wivell, to authorize the execution of a Memorandum of Agreement with MEMA and the County for a FFY 2009 Emergency Management Performance Program Award of \$90,631.00. Unanimously approved.

GRANT PROPOSAL - "WARRANT REDUCTION INITIATIVE - VOWR"

Sgt. James Cooper, of the Washington County Sheriff's Department Warrant Task Force brought forth a recommendation to accept a \$18,460.00 no-match grant from the Governor's Office of Crime Control & Prevention - "Warrant Reduction Initiative - VOWR". The Sheriff's Office plans to use the funding for deputies to locate and arrest wanted persons, and to fund overtime support staff to research warrants and gather information that will aid deputies with serving warrants.

Motion made by Commissioner Kercheval, seconded by Baker to accept the Warrant Reduction Initiative grant in the amount of \$18,460.00 from the Governor's Office of Crime Control & Prevention. Unanimously approved.

GRANT PROPOSAL - "REPLACEMENT BODY ARMOR"

James Brown, Sheriff's Department Grants Manager, requested that the Commissioners accept a \$15,600.00 matching grant from the Governor's Office of Crime Control & Prevention - "Replacement Body Armor" with a 50/50 cash match. The replacement body armor program ensures the highest level of protection for law enforcement personnel since manufacturer's specifications require that bulletproof vests and body armor should be replaced every five years to

ensure the wearer's safety. Program funds will replace thirty (30) body armor units for sworn personnel.

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Motion made by Commissioner Kercheval, seconded by Aleshire to accept a one (1) year grant of \$7,800.00 for replacement of body armor with the cash match of \$7,800.00 coming from the Patrol/Judicial Operating Budget for FY09-10. Unanimously approved.

PROJECT BID - EASTERN PRIMARY SCHOOL

Joe Kroboth, III, Director of Public Works, and Gary W. Rohrer, Director of Special Projects, appeared before the Commissioners to request authorization for the Board of Education to advertise for competitive bids for the Eastern Primary School Project, to be located at the intersection of Mt. Aetna Road and Yale Drive. In accordance with the Code of the Public Local Laws of Washington County, the Advisory School Design Review Committee reviewed the construction documents for the project and voted on June 15, 2009 to recommend that the Board of Education be allowed to proceed with advertisement for construction bids, pending resolution of road improvements required as part of the project. The new school will be 85,000 square feet and will accommodate Pre-K, Kindergarten, first and second grades. Mr. Kroboth stated that the project is currently working through the Land Development and Planning agencies. The Commissioners discussed the project and whether State funding would be lost without the Commissioners' approval.

Motion made by Commissioner Aleshire, seconded by Baker, to authorize the Board of Education to advertise for competitive construction bids for the Eastern Primary School project, pending resolution of roadway improvements. Unanimously approved.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 2:34 p.m. to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, in accordance with Section 10-508 of the State

Government Article of the Annotated Code of Maryland.
Unanimously approved.

In closed session, the Commissioners considered matters that concern the proposal for a business or industrial organization to locate, expand, or remain in the State. 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; Vicki Lumm, County Clerk; Joe Kroboth, III, Director of Public Works; Greg Larsen, Business Development Manager for the Hagerstown Regional Airport; Tim Troxell, Director, EDC; David Rider, and Roger Schlossberg.

ADJOURNMENT

Motion made by Commissioner Kercheval, seconded by Wivell, to adjourn at 3:43 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk