

July 28, 2009
Hagerstown, Maryland

The Commissioners held a workshop session in Room 255 of the County Administration Building, 100 West Washington Street, Hagerstown, Maryland at 8:48 a.m. to discuss possible revisions to the Washington County Animal Control Ordinance and Weed Control Ordinance. In attendance were President John F. Barr, Vice President Terry L. Baker, and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Also present was Gregory Murray, County Administrator, and at various times: John Martirano, County Attorney; Kirk Downey, Assistant County Attorney; Paul Miller, Director, Humane Society of Washington County; Dan DiVito, Director, Permits & Inspections Dept.; Norman Bassett, Public Information Officer; and Cindy Jackson, Animal Control Authority member.

Animal Control Ordinance

Assistant County Attorney Kirk Downey distributed copies of the Animal Control Ordinance (ACO) with suggested revisions, informing those present that this would be a workshop and not a public hearing for citizen comments. He stated that the current ACO was adopted in 2001, and if the Commissioners request any changes or additions, a new revised draft would be prepared and a public hearing would be scheduled where individuals would have the opportunity to comment on the proposed revisions. The Commissioners reviewed the draft ACO in detail through Section 39 and suggested some revisions. Mr. Downey stated that a future workshop would be scheduled for further discussion of the ACO.

Weed Control Ordinance

Assistant County Attorney Kirk Downey informed the Commissioners that the Weed Control Ordinance (WCO) was adopted in 1989 and had served its purpose well during that time. After discussion and review of the proposed revisions, it was the consensus of the Commissioners to make some minor revisions to clarify the language and definitions. The Commissioners directed Staff to incorporate the suggested changes and return at a future meeting/workshop for further review of the Ordinance.

RECESS

The Commissioners recessed at 11:45 a.m. to attend the Recreation Department's "Happy Camper Day" lunch with campers at Marty Snook Park in Halfway.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 1:30 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.

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 21, 2009 and June 16, 2009

Motion made by Commissioner Kercheval, seconded by Baker, to approve the minutes of July 21, 2009 with incorporated changes. Unanimously approved.

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the minutes of June 16, 2009. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker reported that he attended the Maryland Municipal League (MML) meeting held at The Town of Williamsport, where several County-related concerns were raised by Boonsboro Councilman Richard Hawkins and Smithsburg Mayor Mildred Myers. It was stated that Joe Kroboth had met with Councilman Hawkins and would speak to Mayor Myers about her concerns.

Commissioner Kercheval reported that he attended the last meeting of the Lobbying Coalition where the list of proposed legislative items was narrowed down. He also attended the Fort Detrick Alliance event held at the Hagerstown Regional Airport. It was noted that Washington County is the second highest jurisdiction with residents working at Fort Detrick.

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Commissioner Kercheval expressed his condolences to the families of those who perished in the later crash of a

helicopter that had participated in the event. He stated that he was at the Emergency Services Council meeting, which included Glenn Fishack and Jack Latimer, where many issues and concerns were discussed.

Commissioner Aleshire informed the Commissioners that he attended the Lobbying Coalition meeting and the Fort Detrick Alliance event. He reported meeting with a local developer/property owner who had concerns that Commissioner Aleshire discussed with County staff. Commissioner Aleshire attended the MML function but was unable to attend the church dedication at the Ag Center and the Solid Waste Advisory Committee meeting. He reported receiving an anonymous letter stating concerns about a Fire and Rescue company member. He stated that he does not follow up on anonymous letters but would be glad to keep confidential the name of anyone who has a concern to be addressed. Commissioner Aleshire was troubled by an upcoming Planning Commission item relating to Lot #4 in Paradise Manor that would remove a forest retention area located in an ideal place near a stream embankment, and propose to relocate it and use the area as a driveway.

Commissioner Barr reported that he also enjoyed the Fort Detrick Alliance event. He stated that he attended the Washington County 4-H and Future Farmers of America (FAA) market animal sale at the Ag Expo, and the Rural Heritage Museum dedication of the Mt. Tabor Church building, Reeder cabin, and Poffenberger cabin. He thanked the volunteers at the Ag Center and museum for the wonderful work they do and mentioned that the Glass and Dr. Fahrney homes may be ready for dedication this fall. Commissioner Barr thanked Commissioner Aleshire for helping with the restoration of light fixtures in the Mt. Tabor Church. He displayed reusable carryall bags given the Commissioners from the youth at the Ag Center and stated that it was a successful week. He reported on attending the MML meeting and thanked the Town of Williamsport for hosting the well-organized event.

Commissioner Wivell had no comments.

OTHER BUSINESS

County Attorney - Assistant County Kirk Downey appeared before the Commissioners to request approval of the changes made to RZ-09-001 regarding "cleanup" provisions to the ordinance, such as changing the dwelling unit in

conjunction with principal non-residential use with special exception uses, a clarification to the policy on abandoned cell towers, and a clarification regarding the definition of grade planes. Mr. Downey stated that the requested changes have been made, the final amendments are before the Commissioners, and approval is being requested for the revisions to RZ-09-001. The Commissioners asked Mr. Downey to return next week with the document showing the revisions before approval is granted.

County Attorney John Martirano informed the Commissioners that he received a letter of resignation from Attorney Dana Moylan Wright, Chair of the Ethics Commission, due to her recent appointment as Judge to the District Court of Washington County.

County Administrator - County Administrator Gregory Murray reported on changes being made to the finance policies which were referenced by Finance Director Debra Murray during budget discussions, relating to special taxing districts, special development districts, green initiatives, fees charged to developers, and the budget transition policy. He also noted that a meeting will be held next week and a report would soon be available regarding a proposal for curbside recycling in the County.

Reports from County Staff - Human Resources Director William Sonnik requested approval to advertise to fill a full-time Budget Analyst position (Grade 11) in the Budget and Finance Department due to the promotion of the incumbent to an Accountant position.

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Motion made by Commissioner Wivell, seconded by Aleshire, to approve the request as stated. Unanimously approved.

BID RESULTS/AWARD UPDATE - NATURAL GAS SUPPLY SERVICES TO WASHINGTON COUNTY GOVERNMENT

Karen Luther, Purchasing Agent, introduced Richard Anderson, Electric Bidding Consultant of CQI Associates, LLC, to report on the bid results of (WCPS Bid #2009-55) for Natural Gas Supply Services. Ms. Luther stated that on March 31, 2009, the Commissioners approved entering into a cooperative purchasing effort with Washington County Public Schools (WCPS) using a Primary Representative and a

Secondary Representative (Alternate.) Immediately following the bid pricing deadline on May 26, 2009, the WCPS and Washington County Government representatives agreed to award contracts to Washington Gas Energy Services of Timonium, Maryland at the following rates: Alternate 2 - Fixed All Inclusive Price/Therm for Year 1 - \$0.6930; Year 2 - \$0.8680; and Year 3 - \$0.9250 with Year 1 beginning July 1, 2009. Mr. Anderson stated that Alternate 2 was the best long-term option and that the County is estimated to save up to 46% the 1st year, up to 33% the 2nd year, and up to 28% the 3rd year over what the County was currently paying, and in conjunction with the default rate given the current market. He mentioned that the immediate savings are estimated to be \$385,000.00 over the three-year term compared to the last contract. Ms. Luther informed the Commissioners that Fire and Rescue companies are also included in the bid. The Commissioners commented that they were pleased with the lower-than-expected rates.

Motion made by Commissioner Aleshire, seconded by Kercheval, to award the contract for Natural Gas Supply Services for Washington County Government to Natural Gas Energy Services of Timonium, Maryland (WCPS Bid #2009-55) at the quoted rates for Alternate 2. Unanimously approved.

FINANCIAL POLICY REVISIONS

Budget and Finance Office Director Debra Murray appeared before the Commissioners to recommend several minor revisions to financial policies as a result of the department's annual review process. Ms. Murray explained proposed changes to the Major Reserve and Major Debt Management Policies, which will clarify and place additional internal controls on procedures in an ongoing effort to improve fiscal management.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minor revisions to the County's Debt Management Policy and Reserve Policy as presented. Unanimously approved.

RZ-07-007 - APPLICATION FOR REZONING - MARTIN MARIETTA MATERIALS, INC.

Chief Planner Stephen Goodrich met with the Commissioners to request a consensus to grant or deny rezoning application RZ-07-007 for Martin Marietta Materials, Inc. The subject property consists of 77.08 acres located on the south side of Md. Route 68, approximately 800 feet west of

its intersection with Bottom Road and is adjacent to the present Martin Marietta quarry. The applicant has requested that the property be rezoned from Agricultural (Rural) to Agricultural (Rural) with an Industrial, Mineral Overlay. The Commissioners were provided a detailed map and discussed the special conditions offered by Martin Marietta that were recommended for approval by the Planning Commission. The Commissioners discussed further unresolved issues.

Motion made by Commissioner Aleshire, seconded by Wivell, to deny the rezoning request for RZ-07-007 for the reasons discussed and the issues brought forward that remain unresolved. The motion carried with Commissioners Aleshire, Wivell and Baker voting "AYE" and Commissioner Kercheval voting "NO." Mr. Downey stated that based on the Commissioners' action, the County Attorney's Office will prepare the Findings of Fact and will present them to the Commissioners for consideration at a future meeting.

BROADFORDING ROAD PAVEMENT MAINTENANCE IMPROVEMENTS

Joe Kroboth, III, Public Works Director, brought forth a request that the Commissioners advance funding of approximately \$250,000.00 from the FY 2011 Pavement Maintenance Program into the FY 2010 Pavement Maintenance

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Program for improvements to Broadfording Road from Md. Route 58 to Holly Hock Road. Land development in the area has provided for various annexations into the City of Hagerstown and a proposal has been discussed with developers AC&T, Orteck International and Bowman Hollyhock LLC to develop the remaining land between Broadfording Road, Interstate 81 and Holly Hock Road, which is located within City limits. Mr. Kroboth provided a map concept plan that was provided to the City and County showing the proposed road improvements that are necessary to move the projects ahead. He informed the Commissioners that the builder of Collegiate Acres development has been approved for 100 more lots and is now ready to construct the traffic signal at Salem Avenue and Broadfording Road. Once the road is improved with full depth reclamation, the City of Hagerstown is willing to accept ownership and future maintenance of the road. The Commissioners discussed the issues and stressed that the planned traffic signal should

be constructed at the time when other improvements are being made.

Motion made by Commissioner Kercheval seconded by Aleshire, to advance funding of up to \$250,000.00 from the FY 2011 Pavement Maintenance Program, if needed, into the FY 2010 Pavement Maintenance Program for the road project as described on Broadfording Road, contingent upon installation of a traffic signal being concurrent with the construction on Salem Avenue and Broadfording Road. Unanimously approved.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Kercheval, seconded by Aleshire to convene in closed session at 3:05 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto; to discuss the appointment, employment, assignment, compensation, and/or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect one or more specific individuals; and to consider matters that relate to collective bargaining negotiations; in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

Closed Session was continued at Hagerstown City Hall with a joint meeting with the Mayor and Council. Mayor Robert Bruchey convened the meeting at 4:05 p.m. In attendance were Commission President John F. Barr and Commissioners Kristin B. Aleshire and James F. Kercheval; County Administrator Greg Murray, County Attorney John Martirano, County Clerk Vicki Lumm; City Council members Lewis Metzner, Martin Brubaker, Ashley Haywood and Forrest Easton; City employees Rodney Tissue, Deborah Everhart, Al Martin, City Administrator Bruce Zimmerman, City Attorney John Urner, and City Clerk Donna Spickler; Richard Phoebus and Sharon Disque. Mayor Bruchey adjourned the meeting at 5:20 p.m.

In closed session, the Commissioners considered the acquisition of real property for a public purpose and matters directly related thereto; discussed the appointment, employment, assignment, compensation, and/or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific

individuals; and considered matters that relate to collective bargaining negotiations. Present during closed session at the County Administration Building at various times were Commissioners John F. Barr, Terry L. Baker, Kristin B. Aleshire, James F. Kercheval and William J. Wivell; also Gregory Murray, County Administrator; John Martirano, County Attorney; Vicki Lumm, County Clerk; Joe Kroboth, III, Director of Public Works; and William Sonnik, Human Resources Director.

County Administrator

County Attorney

County Clerk
