

September 1, 2009  
Hagerstown, Maryland

The Commissioners held a workshop session in Room 255 of the County Administration Building, 100 West Washington Street, Hagerstown, Maryland at 8:40 a.m. to discuss revisions to the Washington County Animal Control Ordinance and Washington County Weed Control Ordinance. In attendance were President John F. Barr, Vice President Terry L. Baker (at 8:50 a.m.), and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Also present were Gregory Murray, County Administrator; Vicki Lumm, County Clerk, Norman Bassett, Public Information Officer; John Martirano, County Attorney; Kirk C. Downey, Assistant County Attorney; and at various times, Paul Miller, Director, Humane Society of Washington County; Dan DiVito, Director, Permits & Inspections Department; Elmer Weibley, District Manager, Washington County Soil Conservation District; and Jeff Semler, Senior Agent, University of Maryland Cooperative Extension Office.

#### **Weed Control Ordinance**

Assistant County Attorney Kirk Downey informed the Commissioners that the changes to clarify language and definitions in the Weed Control Ordinance (WCO) suggested at the July 28, 2009 workshop are shown in the version distributed today. The Commissioners discussed revisions that included control of weeds and grasses taller than 18 inches and the prohibition of certain weeds. The consensus was to prohibit only ragweed, poison ivy, poison oak, poison sumac, and plants defined in State law as "noxious weeds." Mr. Downey stated that a public hearing would be scheduled during which individuals would have the opportunity to comment on the proposed revisions to the Weed Control Ordinance.

#### **Animal Control Ordinance**

Discussion of the Animal Control Ordinance (ACO) began at 9:21 a.m. Assistant County Attorney Kirk C. Downey distributed copies of the ACO with revisions through Section 39 that were suggested during the July 28, 2009 Board of County Commissioners' workshop. The Commissioners continued the review of the ACO in detail beginning at Section 40 and discussed changes to a "vicious and dangerous" animals section, civil penalties paid to owners, multiple offices collecting citation fees and the various

problems tracking them. The problem of having a quorum available for meetings of the Animal Control Authority was also discussed and suggestions were made that may improve attendance by members, such as enlarging the board or forming two groups of board members to hear cases. The County Attorney's Office will develop suggestions to present at a future meeting regarding the Animal Control Authority, along with further revisions to the ACO that were suggested during the workshop.

The workshop ended at 11:14 a.m.

**CONVENE IN OPEN SESSION**

Commission President John F. Barr convened the regular meeting of the Board of County Commissioners at 11:15 a.m. in order to entertain a motion to go into Closed Session.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Aleshire, seconded by Kercheval to convene in closed session at 11:15 a.m. to discuss the appointment, employment, assignment, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; and to discuss personnel matters that affect one or more specific individuals, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

In closed session, the Commissioners discussed the appointment, employment, assignment, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; and discussed personnel matters that affect one or more specific individuals. Present during closed session were President John F. Barr, Vice President Terry L. Baker and Commissioners 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; and Stephanie Stone, WCCP Director.

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**RECESS**

The Commissioners recessed at 11:52 a.m. to attend the Emergency Services Tribute Gardens Celebration and luncheon, "Remembrance in the Park", held at Hagerstown

City Park to honor those who died in the line of duty during the past year.

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 1:53 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 President Barr followed by the Pledge of Allegiance to the Flag by the full assemblage.

#### **APPROVAL OF MINUTES - August 25, 2009**

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minutes of August 25, 2009 with incorporated changes. Unanimously approved.

#### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Baker stated that he attended "Everyone's Day" at PenMar Park on behalf of the Commissioners, where he presented a proclamation to former County Parks Supervisor Edith Sweigert. He thanked the Recreation and Parks Department for work done preparing for the event. Commissioner Baker also reported that he attended a 5K-road race with the manager of Volvo Powertrain where funds were raised for various non-profit organizations.

Commissioner Kercheval informed those present that he attended the Black Rock Golf Board meeting where new software is being implemented to track days when tee times are down and notify golfers by email of specials or discounts. He reported that revenue was up 20% in July 2009 compared to July 2008 at the facility. Mr. Kercheval also noted concerns heard at the Planning Commission meeting regarding proposed revisions to the Forest Conservation Ordinance and zoning for open space. He reported that he attended the Maryland Association of Counties (MACo) Summer Conference in Ocean City where Washington County was in better shape financially than most of the other counties. While there, Commissioner Kercheval attended a seminar on Total Maximum Daily Loads (TMDLs) and chemicals in the Chesapeake Bay, and also attended a seminar that discussed diverting drunk drivers from jail and into other programs. He stated that he recently met

with the local lobbying coalition to finalize the legislative initiatives.

Commissioner Kercheval introduced David Biser, Vice President of the Antietam Creek Watershed Alliance, who was in attendance to discuss services and distribute literature and maps that are available regarding the potential Antietam Creek Initiative. Mr. Kercheval mentioned that the City of Hagerstown has expressed interest in a joint effort on the project. Discussion was held regarding promotional materials that could be compiled with assistance from the Department of Natural Resources (DNR) to map the Antietam Creek trails, bridges, portages, hazards, historic sites, and launch sites along Antietam Creek.

Motion made by Commissioner Kercheval, seconded by Baker to support sending a letter requesting technical assistance from the DNR to map the Antietam Creek Water Trail and to also contact the City of Hagerstown regarding signing the letter in a joint effort. Commissioner Aleshire suggested that the motion be amended to state that if there was a financial obligation involving any County funds that the matter would return to the Board of County Commissioners for approval. Commissioner Kercheval amended the motion to include the statement and it was seconded by Commissioner Baker and unanimously approved.

Commissioner Wivell informed the Commissioners that he attended the MACo Conference and the TMDL session, and also attended a session on agricultural zoning to boost the profitability of farms for Bed and

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Breakfasts and allowable agricultural enterprises. He related that Governor Martin O'Malley's address at the convention was somewhat somber and that Anirban Basu's economic address stated that counties with manufacturing and distribution industries such as Washington County might be negatively impacted in the coming year. Commissioner Wivell reported that the Governor announced additional reductions to counties in the amount of \$250 million in local aid as the result of the potential shortfall in the State budget. Commissioner Wivell praised Washington

County's conservative budget practices that have helped the local situation thus far.

Commissioner Aleshire stated that he attended Williamsport Days and noted that local events are being well attended perhaps due to the state of the economy. He reported that he attended the County employee picnic and thanked staff for the nice work done on the event. Commissioner Aleshire also attended the Washington County Volunteer Fire and Rescue meeting last month to represent the Board of County Commissioners and stated that he received only a few replies from the survey he previously distributed to the companies. He attended the Permit Advisory Board meeting and the recent Aspiring to Serve event. Unfortunately, he was not able to attend the recent investiture of Dana Moylan Wright as the new District Court Judge.

Commissioner Aleshire was present at the EDC Board meeting and attended a meeting in Hancock with Senator Cardin regarding health care needs. He met with three representatives of the Home Builders' Association of Washington County regarding the impact of the Building Excise Tax and current economic climate on the building industry and recommended placing the item on a future agenda. Commissioner Aleshire attended the Mayor and Council meeting at Clear Spring. He shared a magazine article on a playscape featuring natural elements instead of higher-priced play equipment. He thanked County Staff for information gathered regarding a recent Fairview Road Board of Zoning Appeals case where a petition was received with 50-75 signatures, though the next step in the process would be through the court system pursuant to State law. Commissioner Aleshire felt that criteria for special exception cases at the planning level should be made before being considered. He announced that the Sideling Hill Exhibit Center has closed and the exhibits will be moved to the Town of Hancock for display. He mentioned the recycling discussion last week at the Commissioners' meeting held in the Town of Boonsboro and would like to pursue a county-wide program that would likely involve a charge to the customer but will save money in the end. Mr. Murray announced that the subject is scheduled for the next Commissioners' meeting. Commissioner Aleshire stated that he recently attended both the Republican and Democratic picnics. He reiterated that he took exception to the Herald-Mail article by Joe Lane concerning Eastern Boulevard and development. He also relayed his concerns regarding the lobbying coalition and that its priorities

are still not known. Commissioner Aleshire displayed a recent Herald-Mail newspaper photo entitled, "What's Wrong With This Picture" where a weekly feature will evidently highlight local infrastructure issues.

Commissioner Barr reported that despite vacation time, he and all the Commissioners have had a very busy August. He attended the summer MACo conference. He also spoke at the Eagle Scout Court of Honor ceremony, as did Senator Munson, for three youth including two sons of Attorney Chris Joliet, and scout William Ryan McGarity. Commissioner Barr attended a Washington County-sponsored EDC event with Tim Troxell, his staff, and EDC Chair Tim Henry. He commended the EDC staff for the well-organized event. He also attended the Horizon Goodwill Family/Employee Picnic at Cacapon State Park and noted that Horizon's contract with the State of Maryland for maintenance at the Sideling Hill Center has not been affected by the Center's recent exhibit-area closing. Commission President Barr informed those present that he attended the Home Health Care and Care at Home's 25th Anniversary with Jim Hamill where several proclamations were given, noting that approximately 20,000 senior citizens are being served in the community. He announced that several events were scheduled to commemorate the "9/11" anniversary and he encouraged all to attend. Commissioner Barr stated that a Boy Scout commemoration will be held on September 20 and he will need a fellow commissioner to attend.

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#### **OTHER BUSINESS**

##### **Reports from County Staff**

Human Resources Director William Sonnik requested approval to advertise to fill a full-time Plant Operator Trainee position, Grade 7, at the Conococheague Water Treatment Plant due to an employee promotion.

Motion made by Commissioner Kercheval, seconded by Baker, to approve the request as stated. Unanimously approved.

County Administrator Greg Murray requested approval for the final closeout Change Order for the rehabilitation of the East Oak Ridge Drive Bridge, at a net deduction of \$104,528.38. The under-budget funds will return to Capital budget funds.

Motion made by Commissioner Wivell, seconded by Kercheval to approve the Change Order as stated. Unanimously approved.

Mr. Murray discussed the recently announced State funding cuts and stated that Washington County's cut totaled over \$210 million. He listed the amounts cut to government and local agencies such as the Health Department, Hagerstown Community College, Police Aid and Highway User Revenue Funds. The total funds cut to Washington County, including all other agencies, totaled over \$7 million. He announced that County Staff will be meeting in the next few weeks to discuss proposed FY 2010 budget cuts and how to prioritize spending, and will be reporting to the Commissioners.

**CONTRACT AWARD (PUR-1098) - CONSULTANT SERVICES TO PREPARE A WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN FOR WASHINGTON COUNTY, MARYLAND**

Karen Luther, Purchasing Agent; and Mike Thompson, Director, Planning Department, recommended award of the contract for Consultant Services to Prepare a Water Resources Element of the Comprehensive Plan for Washington County, Maryland (PUR-1098) to URS Corporation of Wilmington, Delaware for a total lump sum fee of \$149,794.00. Ms. Luther stated that the Water Resources Element is one of several State planning requirements signed into law on May 2, 2006. Funds of \$160,000.00 are budgeted as follows: \$125,000.00 from the Planning Department and \$35,000.00 from participating municipalities (\$15,000.00 - City of Hagerstown, \$5,000.00 - Town of Smithsburg, and \$7,500.00 each from the Towns of Hancock and Williamsport.) Mike Thompson explained that there are only 180 calendar days to complete the work and that there is a State-mandated requirement that all counties adopt a comprehensive plan before October 1, 2009. Mr. Thompson, Jill Baker, Senior Planner, and Jennifer Smith, Deputy Director of Public Works - Land Development Review, answered questions from the Commissioners and stated that the majority of the information is not in electronic format, the data is unknown, and that costs would run high to perform in-house.

Motion made by Commissioner Kercheval to award the contract, based on the best interest of the County, for Consultant Services to Prepare a Water Resources Element of the Comprehensive Plan for Washington County, Maryland (PUR-1098) to URS Corporation of Wilmington, Delaware for a total lump sum fee of \$149,794.00. The motion died for lack of a second.

Commissioner Wivell objected to the \$160,000 cost and that the State would impose this item now in light of cuts to local governments. He also questioned the difference between bid amounts. Ms. Luther stated her concern of placing notices for Request for Proposals (RFPs) for budgeted items and then not having the recommended bidder approved. She felt that Washington County might not receive enough competitive bids in the future if this occurs. Mr. Thompson stated that some counties have hired consultants to perform the work and others have dedicated staff members for the project. The Commissioners voiced concerns regarding the time it will take to gather information and make the targeted date. Ms. Luther said that proposals are good for ninety (90) days but she would check with proposers to see if extensions may be granted. It was the consensus of the Commissioners to obtain additional information and set up a meeting to formulate direction on the matter.

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(Vice President Baker assumed the chair at 3:35 p.m. during the short absence of President Barr.)

**AWARD OF \$30,000 FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE HANCOCK COMMUNITY INITIATIVES PROGRAM**

Stephanie Stone, Washington County Community Partnership (WCCP) Director; and Kathy Saxman, WCCP Project Coordinator, requested approval of an award of \$30,000.00 from the Appalachian Regional Commission (ARC) for the Hancock Community Initiatives Program. Ms. Saxman stated that her search for a grant came from a community needs assessment showing that the youth in Hancock needed a year-round facility. She informed the Commissioners that \$50,000 has been awarded to the Town through the USDA Rural Development Program and those funds will be combined with

the \$30,000.00 award from ARC to assist the Town in performing renovations to the Hancock Community Center.

(President Barr returned at 3:38 p.m. and assumed the chair.)

Ms. Saxman stated that Town Manager David Smith will oversee the program and she will keep the Commissioners updated on the progress. Commissioner Kercheval suggested that Ms. Saxman check on government rebate money that may be available for the HVAC units that were replaced with energy-efficient units.

Motion made by Commissioner Baker, seconded by Kercheval, to accept the award of \$30,000.00 from the Appalachian Regional Commission for the Hancock Community Initiatives Program to be used for renovations to the Hancock Community Center. Unanimously approved.

#### **CONVENE IN CLOSED SESSION**

Motion made by Commissioner Kercheval, seconded by Aleshire to convene in closed session at 3:40 p.m. to discuss the appointment, employment, assignment, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect one or more specific individuals; and to consider a matter that concerns a 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 discussed the appointment, employment, assignment, and/or compensation of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific individuals; and considered a matter that concerns a proposal for a business or industrial organization to locate, expand, or remain in the State. Present during closed session were President John F. Barr, Vice President Terry L. Baker and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Also present were Gregory Murray, County Administrator; Vicki Lumm, County Clerk; and at various times John Martirano, County Attorney; Carolyn Motz, Airport Manager, Greg Larsen, Airport Business Development Manager; Tim Troxell,

EDC Director; Rob Ferree, EDC Deputy Director and Joe Kroboth, III, Director of Public Works.

**RECONVENE IN OPEN SESSION**

Motion made by Commissioner Kercheval, seconded by Aleshire to reconvene in open session at 3:51 p.m. Unanimously approved.

**APPOINTMENT - LOCAL MANAGEMENT BOARD**

Motion made by Commissioner Aleshire, seconded by Kercheval, to appoint Karen Christof as the official alternate for David Engle, the ex-officio voting and State-mandated designee, on the Local Management Board. Unanimously approved.

**APPOINTMENTS/REAPPOINTMENT - WASHINGTON COUNTY HOUSING AUTHORITY**

Motion made by Commissioner Aleshire, seconded by Kercheval, to appoint Tim O'Rourke and Dr. Joel Schoening to the Washington County Housing Authority, each for five-year terms, extending to August 30, 2014; and to

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reappoint Judith Ferro to a five-year term, extending to August 30, 2014. Unanimously approved.

**APPOINTMENT - ECONOMIC DEVELOPMENT COMMISSION**

Motion made by Commissioner Aleshire, seconded by Kercheval to approve the appointment of Robert Jeffers to fill the unexpired term of Dana Moylan Wright as the At-Large member of the Economic Development Commission, extending to June 30, 2010. Unanimously approved.

**ADJOURNMENT**

Motion made by Commissioner Aleshire, seconded by Kercheval, to adjourn the meeting at 3:57 p.m. Unanimously approved.

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County Administrator

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County Attorney

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County Clerk