

September 22, 2009
Hagerstown, Maryland

CONVENE IN OPEN SESSION

County Commissioner President John F. Barr convened the regular meeting of the Board of County Commissioners at 12:58 p.m. to entertain a motion to go into Closed Session.

Motion made by Commissioner Kercheval, seconded by Aleshire to convene in closed session at 12:58 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto; 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 the acquisition of real property for a public purpose and matters directly related thereto; and consulted with counsel to obtain legal advice. 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; John Martirano, County Attorney; Andrew Wilkinson, Assistant County Attorney; and at various times, Debra Murray, Finance Director; Kim Edlund, Assistant Finance Director; Joe Kroboth, III, Public Works Director; and Joe Kuhna, Real Property Administrator.

RECONVENE IN OPEN SESSION

The regular meeting of the Board of County Commissioners was reconvened at 1:51 p.m.

GRANT FUNDING CONTRACT FOR RURAL COMMUNITY SURVEY, PHASE V

Steve Goodrich, Chief Planner, Planning and Community Development, recommended approval to execute a contract with the Maryland Historical Trust to receive matching grant funds of up to \$17,400.00 for Phase V of the Rural Community Survey. Mr. Goodrich explained that The Historic District Commission has \$12,000.00 in its budget as local matching funds for the project and the \$17,400.00 cannot be used without the local match. The Commissioners discussed the proposal.

Motion made by Commissioner Aleshire, seconded by Baker, to approve entering into a contract with the Maryland Historical Trust to receive matching grant funds of up to \$17,400.00 as presented. Unanimously approved.

APPLICATION FOR TEXT AMENDMENT TO THE SUBDIVISION ORDINANCE FOR WASHINGTON COUNTY (SO-09-001)

Mike Thompson, Director, Washington County Planning Department, and Lisa Kelly, Senior Planner, informed the Commissioners that the applicant, the Washington County Planning Department, has requested amendments to the text of the Subdivision Ordinance for Washington County (the "Ordinance"). Mr. Thompson explained that the proposed amendments include expanded definitions of a Lot, Lot of Record, and Lot Lines, and updated verbiage to the Preliminary/Final and Simplified Plat submission and approval procedures sections. He stated that the Washington County Planning Commission and the Board of County Commissioners had previously held the required Public Hearings.

Motion made by Commissioner Kercheval, seconded by Aleshire, to adopt Subdivision Ordinance Text Amendment SO-09-001 as presented. Unanimously approved. (Ordinance ORD-09-09 may be found in the County Commissioners' Office)

WORKSHOP - GENERAL DISCUSSION

The Commissioners held a general workshop session to discuss, 1) Building Excise Tax Incentives, 2) Off-Street Parking for Text Amendment, and, 3) the Transportation Plan. County Administrator Greg Murray presented the items for interactive discussion:

- 1) Building Excise Tax Incentives: Discussion centered on the latest version of the Building Excise Tax Ordinance (BETO) that does not

specifically address low income-related housing, low square feet construction, mobile homes, and 501(c)(3) corporations for low-cost housing programs. Incentives were discussed for builders/developers to take out permits, a potential excise tax subsidy for a certain size or number of homes built, and other tax incentives. Meeting attendees Debbie Turpin, Washington County Home Builders Association; and Dan DiVito, Permits and Inspections Department Director, provided comments during the discussion. It was the consensus of the Commissioners to place the item on the October 6, 2009 meeting agenda.

- 2) Off-Street Parking: It was the consensus of the Commissioners to discuss this item at the October 6, 2009.
- 3) Transportation Plan: Joe Kroboth, III, Public Works Director; and Mike Thompson, Planning Department Director, discussed the annual Transportation Tour Meeting to be held by the Maryland Secretary of Transportation in Room 255 on October 1, 2009. He noted that the Pre-Tour meeting was held the past week where items to be brought forth by Washington County were recommended and discussed. Greg Murray stated that the items to be discussed by the County during the Tour would be compiled by County staff.

JFK 50-MILE ULTRA-MARATHON

Tom Riford, President, Hagerstown-Washington County Convention and Visitors Bureau; and Mike Spinnler, JFK 50-Mile Event Director, appeared before the Commissioners to request funding assistance for police and emergency services for the upcoming race to be held on November 21, 2009. Mr. Riford noted that the event creates positive publicity to the community and that the local economic impact is estimated to be \$350,000.00-\$500,000.00. Mr. Spinnler informed the Commissioners that 1000 participants are entered in the event and registration was closed after only 3 days this year. County Administrator Murray stated that the County spent \$2,223.00 for services at last year's event.

Motion made by Commissioner Baker, seconded by Wivell, to provide the requested assistance for the event, in an amount up to \$3,000.00, with funds to be taken from the County's Hotel Rental Tax Fund. Unanimously approved.

Commissioner President Barr presented a proclamation to Mr. Spinnler and Mr. Riford in commemoration of the event.

RESH ROAD LANDFILL CLOSURE CAP - PIPE GUTTER REPLACEMENT

Mark Bradshaw, Deputy Director, Division of Environmental Management, and David Mason, Environmental Engineer, requested approval for a change order for the Resh Road landfill closure cap. Mr. Bradshaw informed the Commissioners that a \$97,590.00 change order is necessary for the project due to stormwater damage on two occasions to previously installed pipe gutters. Kinsley Construction will replace those gutters with lined channels that should prevent the reoccurrence.

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve Change Order #4 for \$97,590.00 for Kinsley Construction to replace pipe gutters with lined channels, with the additional cost being funded from the available budget. The Motion passed with Commissioners Kercheval, Baker and Aleshire voting "YEA" and Commissioner Wivell "ABSTAINING".

PROCLAMATION - PROSTATE CANCER AWARENESS MONTH

Holly Luther, Community Health Educator for the Cancer Screening Programs, Washington County Health Department, accepted a proclamation from President Barr on behalf of the Commissioners on the occasion of Prostate Cancer Awareness Month. Ms. Luther thanked the Commissioners for the proclamation.

PUBLIC HEARING - ACQUISITION OF REAL PROPERTY

In accordance with Section 1-301(b) of the Code of the Public Local Laws of Washington County, Maryland, a public hearing was convened at 3:34 p.m. to hear comments regarding the purchase of a parcel of land situate along the south side of East Antietam Street in Election District No. 17,

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commonly known as the rear parking lot of 29-33 East Antietam Street, Hagerstown, Maryland, containing 14,742 square feet or 0.3384 acres, more or less. Joe Kuhna, Real Property Administrator, explained that the property is necessary for future expansion of the Washington County Free Library to provide adequate parking. The appraised value is \$215,000.00 according to Mr. Kuhna.

The hearing was opened for public comment but there was no one present who wished to speak. The public hearing was closed at 3:37 p.m.

Motion made by Commissioner Kercheval, seconded by Wivell, to purchase the property as described, located at 29-33 East Antietam Street, for \$215,000.00, having been determined to be needed for a public purpose, all or a portion of which monies will be expended from the General Fund. Discussion was held regarding the issues and plans for the future library building. Mr. Kuhna informed the Commissioners that the Library Board of Trustees would like the location to remain where it currently is as opposed to new construction on Baltimore Street. Commissioner Wivell withdrew his motion for a second. Commissioner Baker seconded the motion. The vote was taken and Commissioners Baker and Kercheval voted "AYE", Commissioner Aleshire voted "NO", and Commissioner Wivell "ABSTAINING." The motion passed with President Barr voting "AYE".

MOTION TO RECESS

Motion made by Commissioner Kercheval, seconded by Aleshire, to recess at 3:50 p.m. Unanimously approved.

EVENING MEETING - TOWN OF KEEDYSVILLE

The evening session of the regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 7:04 p.m. at Keedysville Town Hall, 19 South Main Street, Keedysville, by President John F. Barr with the following members present: Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. (Commissioner Terry L. Baker and County Administrator Greg Murray were absent from the meeting).

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 - September 14 and 15, 2009

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the minutes of September 14 and 15, 2009 with incorporated changes. Unanimously approved.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Kercheval reported that he attended the Local Management Board meeting. He asked for nominees by October 16 from the County for the upcoming Community Foundation Awards. Commissioner Kercheval stated the Board of Education indicated that it will have some positive announcements regarding adequate yearly progress results and Washington County will have record high graduation rates and record low drop out rates. He noted that the Family Center's lease will be ending soon and it requires 10,000 square feet of space. He attended a Black Rock Golf Board meeting where it was stated that revenues were up 20% compared to last year's figures. Commissioner Kercheval attended "Senior Center Day" at the Girls Inc. facility and thanked the Commission on Aging for a great job organizing the event. He mentioned that the Board of County Commissioners was thanked for its support.

Commissioner Aleshire noted that he attended a meeting of the Board of Education regarding the hiring policy for school coaches. He participated in the Antietam Creek cleanup last Saturday where four Boy Scout troops assisted and most of the items collected were recycled. He attended the soccer championship games held at North Hagerstown High School. Commissioner Aleshire also attended the EDC "Project Wormburner" where attendance was lighter this year. He suggested adding Washington County's educational facilities to the tour next year along with business

sites. Commissioner Aleshire reported attending the Mental Health Advisory Board meeting where two boards have now been folded into one. He attended the Citizens for the Protection of Pleasant Valley meeting with Sheriff Doug Mullendore where they both answered citizens' questions. Commissioner Aleshire noted that the County Commissioners have received many emails regarding a proposed Wal-Mart, however, the County's Planning Department has not received any official plans at this point. He mentioned rumors regarding the location of a proposed Eastern Primary School and stated that there had been no land donated for such purpose and developer-owned land in Boonsboro would have been tied to infrastructure paid for by the developer.

Commissioner Wivell acknowledged Board of Education member Ruth Anne Callahan in the audience and requested the status of the Eastern Primary School. She informed those present that the Eastern Primary School project had been placed out for bid and will be voted on at the next Board of Education business meeting. She commented that it is expected the State of Maryland will confirm a commitment of \$1 million toward the project. Commissioner Wivell reported that he was also present at the meeting in Pleasant Valley mentioned by Commissioner Aleshire where they answered public safety questions from citizens. He requested that a letter of support requested by Judith Ferro of the Housing Authority regarding Blue Mountain Estates be signed by President Barr and mailed by September 25.

Commissioner Barr reported that he and County Administrator Greg Murray attended the ribbon cutting of the Curtis Engine Methane Gas Facility located at the Dorchester County landfill yesterday along with personnel from the County's landfill. The facility receives "carbon credits" by burning trash and the facility is expected to generate power in the future to run its own generator.

CITIZENS PARTICIPATION

Mayor Matt Hull welcomed the County Commissioners and stated that the Town's library had been refurbished in a joint effort with the Washington County Free Library system and was being used often. He reported that the County's "shed" located in the Town was approved for an upgraded fuel system. He said that citizens were upset with the latest school redistricting proposals. Mayor Hull discussed some flooding issues regarding a developer in the Town who filed bankruptcy before a stormwater management pond was completed. He stated that the Town recently paid to have a sidewalk repaired and some drainpipe issues taken care of. Mayor Hull mentioned that the Town had received State funding to improve its park that was being used often by the citizens.

Board of Education member Ruth Anne Callahan discussed the recent schools redistricting meeting and complimented the citizens in attendance that were passionate but respectful.

Sheriff Doug Mullendore was in attendance and reported that crime in the County was down and thanked the County Commissioners for supporting public safety. He reported that he recently met with the Attorney General's Office regarding "squaring off" the boundaries for the City of Hagerstown regarding police services. He also requested legislation that was not passed last year that would require defendants to appear in court or be penalized, since the defendant has the ability to pay a fine after the hearing is scheduled, but the officer has already taken time to appear in court for no reason. Commissioner Kercheval questioned Sheriff Mullendore regarding a proposed "Halfway House" to be located in downtown Hagerstown for mostly West Virginia federal prisoners. Sheriff Mullendore stated that the law against texting while driving had passed. He also reported that a six-minute video is being made by his department to inform citizens of the laws concerning emergency vehicles and what to do when encountering one and will be shown on Channel 19 and would also be available on the web.

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OTHER BUSINESS

Reappointment - Local Management Board

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the reappointment of Mary Towe to the Local Management Board, for her first, full, three-year term, extending until June 30, 2012. Unanimously approved.

Board of Education member Ruth Anne Callaham commented that the City of Hagerstown has a Trash and Recycling Task Force that is discussing ways to promote recycling and resolve issues of dumping at recycling collection areas. Mayor Hull commented that the Town relocated its recycling bins to a new location that has reduced the problem of dumping.

ADJOURNMENT

Motion made by Commissioner Kercheval, seconded by Wivell, to adjourn the meeting at 7:58 p.m. Unanimously approved.

County Administrator

County Attorney

County Clerk