

October 20, 2009  
Hagerstown, Maryland

**JOINT MEETING WITH WASHINGTON COUNTY DELEGATION REGARDING 2010  
LEGISLATIVE PROPOSALS**

The Board of County Commissioners held a joint meeting with the Washington County Delegation in Room 255, 100 West Washington Street, Hagerstown, Maryland. County Commissioners President John F. Barr called the meeting to order at 9:02 a.m. In attendance were County Commissioners President John F. Barr, Vice President Terry L. Baker, and Commissioners Kristin B. Aleshire, James F. Kercheval and William J. Wivell. Washington County Delegation members in attendance were Senators Donald Munson and George Edwards; Delegates LeRoy Myers, Christopher Shank, Andrew Serafini, and Richard Weldon; and Anne Gawthrop, Policy Analyst for the Maryland General Assembly.

Kirk C. Downey, Assistant County Attorney, reviewed the County Commissioners' legislative proposals for the upcoming 2010 legislative session:

- 1) PenMar Board - Executive Director Position - to outline and define the Commissioners' authority in the appointment of the Executive Director.
- 2) Salary Study Process - potential changes to the salary study process of certain elected officials and the manner in which the salary recommendations are acted upon.
- 3) Abolition of Treasurer as Elected Position - discussion of the position of Treasurer and the Treasurer's Office and the legislative authority that would be required, if determined, to remove the Treasurer as an elected position and allow the Commissioners to reorganize governmental structures.
- 4) Procurement of Professional or Technical Services - to remove any potential ambiguity in Section 1-106 of the Code of Public Local Laws to clarify that professional and technical services may be procured, when authorized by the Commissioners, without the necessity of public bidding.
- 5) Aid to Manufactories - to abolish Section 1-107 of the Code of Public Local Laws that limits county aid to manufactories due to being obsolete.
- 6) CAC's Participation in LGIT Insurance Pool - to give CAC the authority to participate in the Local Government Insurance Trust (LGIT) to receive necessary insurance coverage at reduced rates.
- 7) School Design Advisory Board - adjustments to the process to insure that the School Board has the opportunity to consider comments of the Advisory Board at an appropriate time in the design process.
- 8) County Contributions to Private or Cooperative Public Improvement Projects - to increase from \$50,000 to \$100,000 the limit stated in Section 1-106.1(b)(1) of the Code of Public Local Laws regarding the County Commissioners' authority to partner with public or private entities for public improvement projects without advertising for bids.
- 9) Office of the County Attorney - to add language to the Code of Public Local Laws concerning the role and responsibilities of the Office of the County Attorney.

The delegation members and the County Commissioners discussed each proposal, and members of the audience offered comments on various proposals.

Emergency Communications Center - Delegate Myers questioned whether the Commissioners desired to carry forward the request received late during last year's session regarding authorization of lie detector tests for potential employees of the new 911 Center, due to employees now being

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under the 911 Center and not the Detention Center. The consensus was to bring the item forward this year.

Delegate Shank mentioned that he and Senators Munson and Edwards attended a recent Washington County Club Association banquet, where they were presented with comments from several Washington County Volunteer Fire and Rescue Association (WCVFRA) members regarding the Commissioners' request for additional accountability to the Gaming Office for funds raised. County Administrator Greg Murray explained that the Commissioners' request involved additional disclosure reporting for bingo and tip jars, which was to be reported on one form. He stated that the reason for such accounting would be to show what funds a company had on hand when requesting financial assistance from the County Commissioners. Mr. Murray noted that he would be attending the next WCVFRA meeting to discuss the accounting questions with the companies.

On behalf of the County Commissioners, President Barr thanked the delegation members for attending the meeting. He also thanked Mr. Downey for work done in assembling the requests. Anne Gawthrop, Policy Analyst for the Maryland General Assembly, was introduced and lauded for the work she performs during the legislative session.

The joint meeting was adjourned at 10:35 a.m.

#### **RECONVENE IN REGULAR SESSION**

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 10:42 a.m. in the Commissioners' Meeting Room 226 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.

#### **APPROVAL OF MINUTES - October 13, 2009**

Approval of the October 13, 2009 minutes will be scheduled for the October 27, 2009 meeting.

#### **CITIZENS PARTICIPATION**

There were no citizens present who wished to comment.

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

Commissioner Baker thanked the delegation members for attending the legislative issues meeting this morning. He mentioned attending the Hancock municipal meeting held last week and congratulated the Hancock High School Marching Band for placing first in a competition, which was the first time in the history of the school. He conveyed thanks from the town council to Bob Mandley, EDC Project Coordinator, for his assistance with leads for leasing the former Fleetwood facility in Hancock. Commissioner Baker mentioned that a square dance would be held at town hall on November 15. He also expressed the town's appreciation to Dan DiVito, Permits and Inspections Director, for assisting the town with some permitting issues.

Commissioner Kercheval stated that he participated in the recent United Way Day of Caring, working with other County employees at the Discovery Station building. He also attended the I-81 Corridor Coalition's annual conference held in Roanoke, Virginia and noted its new website: [www.I-81coalition.com](http://www.I-81coalition.com). The event was sponsored by the Rail Solutions Organization and event speakers informed the attendees of improvements planned to rails to enable more trucks to be loaded and double-stacked onto trains which would help alleviate interstate congestion. Commissioner Kercheval attended the Local Management Board meeting last week where discussions centered on state finances. He was also present at the Lobbying Coalition meeting and noted that its agenda items will be discussed with the Commissioners in the near future. Mr. Kercheval stated that he attended the recent Black Rock Golf Board meeting where it was noted that revenues were up in September.

Commissioner Wivell had no comments.

Commissioner Aleshire informed those present that he attended the Commission on Aging meeting where attendees were updated on plans for the new Senior Center. He also attended the Senior Coalition meeting with delegation members where four legislative items were presented for consideration, and many seniors questioned whether the Commissioners would entertain a credit for seniors in the upcoming budget discussions. Commissioner Aleshire, along with President Barr, attended the Washington County Club Association meeting where gaming funds and accountability issues were discussed with members. He also attended the Boonsboro Middle School PTA meeting in an effort to obtain input from PTAs across the County. He mentioned that he received a copy of a letter regarding a martial arts business' zoning issue where the Attorney General had become involved. Commissioner Aleshire mentioned that he had an informative pamphlet available that described the planned Senior Center. He stated that he received questions from several citizens last week concerning the effective date of the Stimulus Program that was passed during the October 13 Commissioners' meeting. After discussion, County Administrator Greg Murray stated that the program went into effect immediately upon approval of the motion by the Commissioners on October 13, 2009. It was also stated that if an applicant had not yet paid for permit fees and work had not yet commenced, a permit application could be withdrawn and reapplied for, to take advantage of the stimulus program. Mr. Murray noted that ten applications had been received since the program's approval.

President Barr stated that he attended the Order of the Arrow ceremony held by Scout Troop 58 in Downsville where Austin Robert Huff was awarded the rank of Eagle Scout. He also attended the Washington County Club Association meeting reception. Mr. Barr noted that he attended a chicken dinner fundraising event for the Eby family, whose daughter has a brain tumor, where there was a large outpouring of support from Washington County citizens, and he remarked that the community spirit is well in Washington County. He reported that he would be unable to attend the Greater Washington County Leadership Prayer Breakfast where Sheriff's Department Major Sam Billotti will be the host. He recommended that two tables be purchased for the Commissioners and County staff to attend and show support.

**OTHER BUSINESS**

County Attorney - County Attorney John Martirano introduced David Jordan, Community Action Council (CAC) Director, who requested approval of a grant award from the Maryland Department of Housing and Community Development (DHCD) to be used for the Homeless Prevention Rapid Re-Housing Program. He stated that the Commissioners had previously approved CAC's request to apply for approximately \$39,000.00 in funds, but due to the availability of recent federal stimulus money, he was notified that CAC could now request a larger sum and DHCD has agreed to provide funds in an amount not to exceed \$152,668.00.

Motion made by Commissioner Kercheval, seconded by Baker, to accept the additional funds being offered, and approve the sub-recipient agreement between the County and CAC. Unanimously approved.

Resolution (Exemptions Related to Recordation Tax) -

Assistant County Attorney Andrew F. Wilkinson stated that a Resolution has been drafted to allow the exemption of up to \$200,000.00 on the buyer's side for recordation tax on the transfer of residential property in Washington County. Upon approval, the Resolution would go into effect October 21, 2009 at the opening of business, and would end on February 1, 2010 at 12:01 a.m., unless specifically extended by further act or resolution of the Commissioners. Mr. Wilkinson stated that the Resolution has been reviewed by Clerk of Court Dennis Weaver, who approved the language to allow the exemption.

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

Appointments to County Boards and Commissions - none.

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County Administrator - Greg Murray announced that the Commissioners would be attending a grand opening and luncheon at noon today for the Clear Spring Senior Nutrition Site and Meals on Wheels Program, where Secretary Gloria Lawlah of the Maryland Office on Aging will be speaking.

Reports from County Staff - none.

**CANDIDATE SITE FOR FOREST CONSERVATION ACT PROGRAM**

Elmer Weibley, District Manager of the Washington County Soil Conservation District, presented a proposed project that would create a permanent easement on approximately 12.2 acres of existing forest and would involve planting 17.7 acres of new forest hardwoods at the property of Larry and Vicky Rollins, located at 4912 Creek Road, Hancock. He stated that the Planning Commission approved the project for forest conservation on October 5, 2009. Mr. Weibley added that all costs for the project would be drawn from the Forest Conservation Fund at an estimated cost of \$96,000.00. The Commissioners discussed the proposal, noting that the cost was only 13.6 cents per foot, opposed to 30 cents per foot for the State's rate, which was just raised.

(Commissioner Aleshire left the meeting at 11:14 a.m.)

Motion made by Commissioner Kercheval, seconded by Baker, to approve the proposal for the Rollins property as presented in the agenda packet. Unanimously approved.

**WORKSHOP SESSION - ZONING ORDINANCE TEXT AMENDMENT**

**RZ-09-003**

Mike Thompson, Planning Director, and Jill Baker, Senior Planner, appeared before the Commissioners to request staff guidance on the final language to be adopted in the Zoning Ordinance text amendments regarding Off-Street Parking regulations. Mr. Thompson mentioned the prior review of the Planning Commission and that a Public Hearing that was held by the Commissioners in June 2009. He also stated that the current regulations would be repealed. Ms. Baker discussed the amendments that were suggested in the agenda attachment, and stated that the proposal was the result of collaboration between the Planning Department, Permits and Inspections Department, and the Public Works - Land Engineering Department. The Commissioners discussed the proposals until it was necessary to recess, stating that the issue would be further discussed after lunch.

**RECESS**

The Commissioners recessed at 11:56 p.m. to attend the grand opening and luncheon of the Clear Spring Senior Nutrition Site and Meals on Wheels Program in Clear Spring.

**AFTERNOON SESSION**

President John F. Barr called the afternoon session to order at 2:00 p.m., with the following members present: Commissioners Kristin B. Aleshire and James F. Kercheval.

**WORKSHOP SESSION - ZONING ORDINANCE TEXT AMENDMENT**

**RZ-09-003 (continued)**

Mike Thompson, Planning Director, and Jill Baker, Senior Planner, appeared before the Commissioners to continue the discussion from the morning session regarding Zoning Ordinance Text Amendment RZ-09-003.

(Commissioners Baker and Wivell arrived at 2:08 p.m.)

Further discussion ensued but, due to time constraints, it was decided to resume deliberation on the proposals at next week's meeting.

**CONVENE IN CLOSED SESSION**

Motion made by Commissioner Kercheval, seconded by Baker, to convene in closed session at 2:33 p.m. to consider the acquisition of real property for a public purpose and matters directly related thereto, in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

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In closed session, the Commissioners considered the acquisition of real property for a public purpose and matters directly related thereto. 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; Kirk C. Downey, Assistant County Attorney; Joe Kroboth, III, Public Works Director; Gary Pozzouli, Project Manager; James Sterling, Buildings, Grounds and Parks Director; Mary Baykan, Library Director, Art Callahan, Chairman, Library Board of Trustees and several Trustee members; Brent Feight, and Gary Shane.

**ADJOURNMENT**

Motion made by Commissioner Kercheval, seconded by Baker, to adjourn the meeting at 3:21 p.m. to attend the ribbon cutting ceremony for the Barbara Ingram School for the Arts at 7-11 South Potomac Street, Hagerstown, Maryland. Unanimously approved.

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County Administrator

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County Attorney

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County Clerk