

## Review of Actions Taken in the Washington County

### Board of County Commissioners Meeting

July 22, 2003.

#### INTRODUCTION OF NEW EMPLOYEES

Acting Human Resources Director Dee Hawbaker introduced Ryan Socks to the Board of County Commissioners. Socks was recently hired by the Washington County Sheriff's Department as a Detention Center Deputy.

#### COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Jim Kercheval told the Board that the Economic Development Commission held an all day Strategic Planning session recently. Information released at that meeting shows that \$149.5 million in capital investment in Washington County in all of 2002. In the first 6 months of 2003, over \$100 million in such investments have taken place, Kercheval said. The Black Rock Golf Course Board discussed special off-time rate discounts at its recent meeting. Kercheval asked Assistant County Attorney the status of the Right-to-Farm Ordinance. Martirano said that a public hearing will have to be held, and information from the Health Department should be obtained. Commissioners' President Greg Snook asked Martirano to circulate the most recent draft of that Ordinance to the Board.

Commissioner Bill Wivell reported that Paul Miller has been hired as Humane Society Executive Director, after serving in a similar capacity in Chattanooga, Tennessee. A news report indicated that some questions exist as to Recordation Tax application to refinances of home mortgages. Wivell requested a report from Budget and Finance on that issue.

Commissioner Dori Nipps reported on a recent meeting of the Airport Commission and presented a brief update from the URS consultant company on Airport security improvements, and on the Runway 9-27 improvement program. The security construction project is underway with an expected completion date of October 7th. Fence replacement and electrical conduit installation are part of that contract. The Hagerstown Regional Airport aircraft fuel cost is the lowest in a 50 mile radius. Informational meetings will be held on the runway extension program at a future date, in Maugansville, Nipps said.

Commissioner John Munson reported on a meeting of the Housing Authority of Washington County. The second phase of the Francis Murphy housing project is expected to begin in September. Adjustments will be made to the road constructed through the Williamsport Park as part of a Housing Authority project, Munson reported.

Commissioners' President Greg Snook commented on a number of letters from state agencies to the County. The Maryland Department of Natural Resources announced \$45,000.00 in Program Open Space

funds for improvements at the Agricultural Education Center Park. The Maryland Department of the Environment has informed governments adjoining Frederick County of that County's pending construction of a 12-mile water line, to the Potomac River. MDE also informed the County that two sludge application renewals have been requested, on the Criner and Slick farms on Dam #5 Road in Clear Spring. The first application letter for federal funds to extend Runway 9-27 at the Airport has been received. Snook requested a motion be made to approve application for \$5 million in Federal Aviation Administration funds, to be matched by 5% County funds and 5% state funds for a total of \$5,555,556. The measure was approved by unanimous vote.

#### OTHER BUSINESS

County Administrator's Comments: County Administrator Rod Shoop commented on the County Employee Picnic to be held this weekend at Antietam Recreation. Shoop quoted from an email received from Kevin Wade, Project Manager for the FedEx Ground project which was announced recently. Wade said the County EDC and staff stand "head and shoulders above any other Economic Development Group I have been associated with anywhere in the country." Wade cited the group's professionalism, cooperation, vision and honest approach to getting things done. "I can say that, without the cooperation of this group, this project probably would have gone elsewhere," Wade said. Identified as making that difference were Tim Troxell, Greg Snook, Bob Arch, Rod Shoop, Paul Prodonovich, Terry McGee, Ernie Bishop, Bonnie Lewis, Gary Rohrer, Cassandra Latimer, Les Hall, Barbara Swain, Joel Mcrae, Sonja Hoover, Francis Reaves and Bob Brennan.

Appointments to Boards and Commissions: County Clerk Joni Bittner brought a recommendation from the Board of Zoning Appeals for the reappointment of Donna Smith to another three year term. The measure was approved by unanimous vote.

#### FLOW TRANSFER AGREEMENT

County Administrator Rod Shoop and Water Quality Department Director Greg Murray brought this item before the Board for approval. The Joint City/County Committee previously presented the plan for transfer of wastewater flow from the city of Hagerstown to Washington County. Based on conceptual approval from both bodies, the agreement was drafted. During a number of meetings between the County and City representatives minor revisions were made to the document. Murray told the Board that Interconnection of existing systems allows for better utilization of infrastructure to support new planned growth outside the City. The venture will increase operating efficiencies for the County and reduce operating expense to the City, while deferring future capital improvements. This agreement will supercede an original Memorandum of Agreement signed in November 2000. The plan will be implemented as a mechanism to use growth in all outside City service areas to reduce expenses for the City, increase revenues to both local governmental entities and protect City infrastructure for future use by customers living outside the City Limits. Hagerstown Mayor Bill Breichner, and the legal departments

of both entities have concurred with the agreement. Murray said the fiscal impact could exceed \$1.5 million in additional revenue for each government over a 10-year period. Hagerstown Water Pollution Control Director Dave Shindle told the Board that the city will discuss the issue and a vote could come on August 5th. The agreement was approved by unanimous vote.

#### MENTORING AFTER SCHOOL PROGRAM

Washington County Community Partnership(WCCP)/Local Management Board (LMB) Director Stephanie Stone brought this issue before the Board. The WCCP/LMB is requesting that the Mentoring-After School Grant, part of the Consolidated Grant from The Governor's Office for Crime Control and Prevention (GOCCP) be re-advertised through the County's Request for Proposal process. The original grant was for \$60,000, over an 18-month period, and was issued on July 17, 2002. The WCCP/LMB reports that the Police Athletic League (PAL), the vendor, was unable to conform to the minimal program elements required under the Maryland After School Community Grant Program component of the GOCCP. WCCP/LMB has corroboration and support from the State office through its staff and Director. LMB staff reviewed reports from the vendor on Number of Operational Days, Number of Required Presentations for Tobacco Awareness and Character Counts, Enrollment and Average Attendance. The program was begun in September of 2002, and began full operations in March of 2003. Only three months of data were available for review. Hagerstown Chief of Police Art Smith and City Director of Administrative Services John Budesky spoke in favor of PAL retaining the grant with a guarantee of improvement. Commissioners' President Snook proposed a 6-month extension, calling the program a critical component of City activities. The extension would provide for additional monitoring and evaluation. The Governor's Office would have to approve that plan, Stone said. The grant is entirely funded through the state pass-through program, and no County budgets are impacted. Commissioner Wivell made a motion to rebid the grant, and the measure was approved by a 3-2 vote, with Commissioners Snook and Kercheval voting not to rebid.

#### AMENDED EXCISE TAX ORDINANCE

County Attorney Richard Douglas brought this matter before the Board for approval.

The Building Excise Tax Ordinance was enacted on June 17th and was effective July 1st, 2003. Since that time, the following recommendations have been made for revisions, and the suggestions have been incorporated in the revised ordinance. Attached garages, attics and crawl spaces are proposed for exemption from the tax by the Permits and Inspections Department; the "County match" provision and the "State highway match" provision were found to be unnecessary under the terms of the County legislation; references to a duplicate building excise tax within a municipal corporation were eliminated as inconsistent with the statute imposed by the Washington County legislation. The Growth Management Act of 2003, requires that all municipalities assist in collecting the tax by either collecting it or requiring the tax to be paid to the Director of Finance prior to issuance of a permit. Other minor

changes were made for consistency. The Amended Ordinance has been interpreted consistently with these amendments since its original adoption, so there is no impediment to making this amended version retroactive to the original effective date of July 1, 2003. The tax consists of \$1.00 per square foot for Residential Multifamily construction; Residential Single-Family construction would be assessed at 25 cents per square foot in Fiscal Year 2004, 50 cents per square foot in FY 2005, and 75 cents per square foot in FY 2006 and thereafter. The measure was approved by a 4-1 vote, with Commissioner Wivell voting "no.

#### PUBLIC HEARING; AIRPORT CHARGES, RENTALS AND FEES

Assistant County Attorney John Martirano and Hagerstown Regional Airport Manager Carolyn Motz brought this Public Hearing before the Board, in relation to a number of fees and charges at the facility. This is the first adjustment in the Charges since 2001. Motz told the Board that the only increase would be in hangar rents for new renters, and asked for a 4% raise in those rates. A new Guiding Document for airport operations is in development for presentation to the Commissioners later this year. That document would provide for three-year rental periods. Robert Schwartz and Kent Shriver of Hagerstown spoke in opposition to the rate increases. Tony Dahbura of Hagerstown spoke in favor of the increases. Jim Gimmel of Chambersburg, Pennsylvania and Lavell Foley of Hagerstown spoke but did not register an opinion either for or against the measure. The public record will; remain open for 10 days to allow citizens to provide written comment.

#### CITIZENS PARTICIPATION

Each week the Board of County Commissioners sets aside time to hear from the Citizens of Washington County on matters of community interest. No one appeared to make comment on this date.

#### REQUEST TO FILL VACANCY: EMERGENCY COMMUNICATIONS SHIFT SUPERVISOR

Bardona Woods, Chief of Washington County Fire/Rescue Communications requested a vacant Shift Supervisor position be filled at Grade 9 with starting salary of \$36,100.00. Long-time employee Dave Phiel retired at the end of June, and that supervisory position needs to be filled, Woods said, to ensure proper operation of the 9-1-1 dispatch system. Part-time employees have been filling in on an as needed basis, but due to the fact that there are limited numbers of part-timers in the employee pool, adequately staffing the shift has been difficult, Woods said. If the position is filled from within, an Emergency Communication Specialist position would become open, and Woods requested filling that position if circumstances dictate. The measures were approved by unanimous vote.

## BID AWARD: HARPER'S FERRY ROAD CULVERT

County Chief Engineer Terry McGee brought this matter before the Board. McGee requested award of the low bid for a contract to repair a culvert on Harper's Ferry Road to the low bidder, Building Systems, Inc. of Hagerstown for the amount of \$74,865.00. The project includes repair to a deteriorated culvert on that road, and will include removal and disposal of existing pipe and construction of a concrete structure. A 35-day project, the start date would be August 4th with a completion date of September 7th. The road will have to be closed during this period, and appropriate detours will be posted. The bid was approved by unanimous vote. McGee was also asked to report on the status of the Broadfording Road Bridge rehabilitation project. McGee told the Board that the contractor has resisted starting work at the site, despite a June 10th start date. McGee said that all steps, including legal procedures, are being taken to ensure that the contractor lives up to the terms of the agreement. McGee told the Board that the road will have to remain closed, due to damage to the bridge caused during recent flooding on the Conococheague Creek.

The Board toured the Department of Social Services Family Center at 920 West Washington Street during the noon hour.

## COMPREHENSIVE REZONING UPDATE

Department of Planning and Community Development Director Bob Arch brought this update before the Board. The revised Comprehensive Plan calls for updating zoning districts in the rural areas. Public meetings have begun, in order to give citizens one-on-one interaction with Planning Department staff to find out how properties will be affected under the proposed plan. Arch told the Board that citizens can attend the public workshops through 9 tonight at Pleasant Valley Elementary School in South County near Rohrsersville, then on Thursday from 9 a.m. until 9 p.m. at the Ag Education Center. The hours are the same for next week's meetings, on Tuesday the 29th at Smithsburg High School, and on Thursday the 24th at Clear Spring High School. Arch presented documents that citizens will receive at the meetings, outlining the need for the rezoning, and how landowners will be affected. Arch stressed that the rezoning does not affect any land within Urban or Town Growth Areas. The information packet contained Descriptions of Zoning Districts, Frequently Asked Questions, a Map of Washington County showing urban and town growth areas, and a Timeline for the rezoning process. Draft copies of proposed zoning changes were distributed to the Board for comments. Major changes were to development densities in rural areas. The "A (R)" or Agricultural Rural District, allows for one dwelling unit per five acres of land. The "EC" Environmental Conservation District would allow one dwelling per 20 acres of land. The "P" or Preservation District would allow for one dwelling per 30 acres of land. Densities are the only elements of those three Zoning Districts that would change. Arch told the Board that Special Exceptions, Overlays and appeals through the courts would continue to be available to citizens. No property owner in any of the municipalities would be affected, nor would anyone owning property in the Growth Areas. Arch said that the new regulations will cut down on the amount of

variance applications. The Rural Village category, originally developed to make certain areas of the County eligible for State funding, would be given a Zoning District designation, Arch said. The public meetings and the Commissioners' review are designed to gather input and give insight into areas where the regulations should be changed. Results of the information gathering process will be presented to the Planning Commission, and then to the County Commissioners prior to the changes being adopted into law, Arch said.

#### CONTRACT RENEWAL: NATURAL GAS SUPPLIES AT COUNTY FACILITIES

County Purchasing Agent Karen Luther, Assistant Buildings, Grounds and Parks Director Bob Graff and Les Lewis of Washington Gas Energy Services, Inc (WGESI) of Towson Maryland brought this contract before the Board. Luther requested concurrence of the Board to again "piggy-back" on the State of Maryland contract for natural gas with WGESI. Term of the contract would be from July 1, 2003 through June 20, 2004. When the original contract was let in December, 2000 a savings of 10-12% was anticipated. Based on results of that contract, the County renewed the agreement on January 1, 2002. Graff told the Board that in the first 21 months of the contract, the County saved over \$100,000.00. In the most recent six month period the savings have not been as dramatic, due to the volatile energy market and the extremely long and cold winter this year. The measure was approved by unanimous vote.

#### PAYMENT IN LIEU OF TAXES (PILOT): ROBINWOOD SENIOR ASSOCIATES

County Attorney Richard Douglas, Housing Authority of Washington County Director Richard Willson, Mark Silverman of Silverman/Hersch properties, and Jerry Busey of Interfaith Housing brought this request for a PILOT, or Payment In Lieu of Taxes before the Board. Hagerstown Robinwood Senior Associates (HRSA) is the developer of a facility at 20014 Rosebank Way off Robinwood Drive near Hagerstown Community College that has provided independent living for senior citizens. Interfaith of Western Maryland, Inc. is the non-profit and controlling member. The Silverman Companies LLC and Hersch Lauren LLC are the for-profit, minority members of HRSA. The Housing Authority of Washington County will manage the facility. HRSA is now ready to develop Phase II of the project, comprised of approximately 56 units, to be known as Francis Murphy Sr. Apartments. State law authorizes the County to enter into a PILOT agreement with entities such as HRSA to provide rental housing for senior citizens with low to moderate income. To encourage construction of such units, state and federal laws provide for tax incentives, and this PILOT agreement constitutes a local match. The Board's letter of support dated March 20, 2001 enabled HRSA to secure \$1.4 million in funds for Phase I of the project. The project financing is monitored by the State Community Development Administration. The Board of County Commissioners heard this matter relating to Phase I of the project in 1999 and approved the project, agreeing to tax payments of an initial \$200 per unit for 15 years, providing the tax abatements were subject to annual review, that the owners supplied a copy of the annual audit and that the owners complied with the PILOT policy. Douglas asked for approval of two resolutions, the first officially

approving the project and authorizing the County's entry into the PILOT agreement, the second, a requirement of the Community Development Administration, asked for the approval of the local governing body in accordance with State and federal laws. Joe Kuhna, Community Development Coordinator has concurred with the application. The measures were approved by unanimous vote.