

## Review of Actions Taken in the Washington County

### Board of County Commissioners Meeting

August 26, 2003.

#### APPLICATION FOR REZONING RZ-03-001

County Attorney Richard Douglas brought this request before the Board, for a decision regarding rezoning of 23.93 acres of land near Sandy Hook from Business General to Residential Rural. The application was presented to the Board on August 5th, and rezoning of the property, owned by William and Sylvia Martin, has been denied twice by the Planning Commission. A consensus was reached on that day in favor of denial of the rezoning, but Commissioners wanted further time to study the proposal. On advice of counsel a motion was made to refer the case back to the Planning Commission to address density issues. The measure was approved by unanimous vote.

#### APPROVAL OF GRANT FUNDS FOR FRENCH LANE HOUSE

Steve Goodrich, Interim Director of Planning and Community Development brought this request before the Board, to approve proceeding with acceptance of the Maryland Historical Trust (MHT) grant funding of \$12,500 for stabilization of the County-owned farm house on French Lane. Planning applied for and received a Capital grant from the MHT to begin a three-phase process of rehabilitating the house, an 1818 stone farmhouse donated to the County by Tiger Development Corporation. The house is eligible to be included on the National Register of Historic Places and has reuse potential as part of a proposed greenway park in the Hopewell Valley area. Discussion centered on grant of an easement to MHT, and whether that easement could be lifted if another use for the structure was identified, and the grant repaid to the state. A motion to approve proceeding with the grant application was made, with the reimbursement provision attached. The measure was approved by a 3-2 vote with Commissioner Bill Wivell and Commissioner John Munson voting "no".

#### FUNDING REQUEST: COMMISSION ON AGING

Washington County Commission on Aging (COA) Director Fred Otto brought this issue before the Board. Otto told the Board that the COA had been unable to give its employees a raise due to cuts in its Fiscal '04 budget. The Board of County Commissioners provides a portion of the COA funding, the remainder coming from state and federal funding sources. Otto said the agency has made a number of changes so that the appropriate level of services to seniors can be maintained while reducing expenses. Positions have not been filled, or filled at lower salary levels. The commission is now charging for some

transportation services. \$20,000.00 would allow for a 2% salary adjustment, Otto said. Commissioner John Munson made a motion to deny the request, which was approved by unanimous vote.

#### CONTRACT AWARD: LANDFILL INSPECTION SERVICES

County Purchasing Agent Karen Luther brought this request before the Board,

to award the contract for landfill inspection services to Cumberland Geotechnical Consultants, Inc. (CGCI), of Carlisle, Pennsylvania, based on its proposal at the specified rates of \$35 per hour Straight time or Overtime for Construction Inspector, and \$39.00 per hour for Senior Construction Inspector for both Straight and Overtime hours. Services under this contract consist of providing inspection for landfill related construction projects located throughout the County. The projects involve sanitary landfill cell floor construction, landfill capping, leachate collection systems, leachate storage tanks, sediment basins, leachate collection pump station and transfer facility; landscaping, electrical utility services and distribution, installation of groundwater monitoring wells/probes, roads, drainage structures, and related tasks. Both full time and part time oversight may be needed. This is a requirements contract; inspectors will be utilized on an as-needed basis with no guarantee of minimum or maximum number of hours. The duration of the contract is for a period of 1 year from the issuance of the notice-to-proceed with an option by the County to renew for up to 4 additional one 1-year periods. The measure was approved by unanimous vote.

#### BID AWARD: JANITORIAL SERVICES

Luther and Director of Buildings, Grounds and Parks Jim Sterling brought this request before the Board, to award the contract for janitorial services at County-owned buildings to several bidders. Award Option #1 is for \$112,363.72 to Global Services Corporation of Columbia Maryland, for the County Administration Building, the Court House Annex, the County Court House, the Administrative Annex at 80 West Baltimore Street, and the County Office Building at 33-35 West Washington Street. The University of Maryland Extension Service and Heritage Museum Building on Sharpsburg Pike bid would go to Global in the amount of \$11,251.00 in a separate bid. The Landfill Complex bid would be awarded to Kaleidoscope Cleaning of Westminster, Maryland in the amount of \$2,880.00. Award Option #2 involved bidding of each individual location separately. Alternate options were proposed in the event a bidder was found not to be responsible. Option 1 was approved by unanimous vote.

#### ECONOMIC DEVELOPMENT COMMISSION STRATEGIC PRIORITIES

Tim Troxell, Director of the Hagerstown-Washington County Economic Development Commission (EDC) and that group's chairperson Peggy Bushey brought this report before the Board. Five of EDC's previous priority areas were updated recently. The development organization's Strategic Priorities for FY '04

include Assisting and Retaining Existing Businesses, Facilitating Workforce Development Projects; Supporting the City of Hagerstown in its Economic Development Objectives, Finalizing and Implementing the EDC Marketing Plan, Identifying Infrastructure Needs and Opportunities for future development, and Investigating Future Governing Structure and Funding Sources. The Celebration of Business and Washington County Business Awards programs would be retained, Troxell said. Liaison with Educational facilities would continue, and input from City leaders would be sought in development of City support plans. The marketing plan would include new advertising strategies, targeting of relocating and expanding businesses in the DC metro area, maintaining the 1200-address newsletter dissemination and sponsoring tours of potential development sites in Hagerstown and Washington County. Additional presentations will be made to the Maryland Department of Business and Economic Development as well. Commissioners' President Greg Snook asked that EDC discuss City of Hagerstown priorities for economic development with appropriate input from City leaders and staff.

#### ENGINEERING REVIEW FEES

Director of Public Works Gary Rohrer brought this issue before the Board. On June 17th, the Board approved addition of two new positions within the Engineering Department, to be funded through revised Engineering Review Fees. The structure supports all growth-related operating expenses within that department attributed to the current building boom. Action on the measures was postponed in July, with some Commissioners calling for additional time for review. Rohrer told the Board that the fees address General Fund expenses, and would relieve general tax spending on the department by 7.9%. Additional information was requested, and Rohrer will make a further report to the Board.

#### AMENDMENTS TO TIP JAR REGULATIONS

County Attorney Richard Douglas brought these amendments before the Board for approval. A public hearing was held on Tuesday, August 19, 2003, for the purpose of considering amendments to the Regulations of the Washington County Gaming Office. The record was left open for a period of 5 days for the submission of written comments. No comments were received during this period. The changes would preserve the intent of statutory prohibition against wholesaler's licenses being held by tip jar operators by expanding the class of persons excluded from holding a wholesaler's license to controlled entities and members of their immediate families; preserve the intent of not allowing a wholesaler's license to be held by an entity owned largely by tip jar operators; require seal cards to be imprinted with the manufacturer's serial number; change the name of the regulations to more clearly reflect their purpose, clarify that the Gaming Office is directed by the Board of County Commissioners, and update statutory references to the gaming law. Commissioners' President Snook told the Board that a discussion with Delegate Bob McKee, who participated in drafting the Tip Jar legislation, indicated that the intent of the law was that tip jar wholesale license holders not be tip jar retail license holders as well, with the exception of Fire and Rescue organizations. The County has been requested to pass the amendments by members of the local delegation, which will take the matters under advisement during

the General Assembly session next January. The measures were adopted on a 4-1 vote, with Commissioner Kercheval voting "no".

#### WASHINGTON COUNTY ARC ACTIVITY CENTER PROGRAM

Washington County ARC Director Bob DeHaven brought this report before the board. DeHaven told the Board that the name "Association for Retarded Citizens" was changed last year. Five years ago, the Board approved a 7-year, \$50,000.00 interest-free loan to the ARC for assistance with the local match for state funds to construct an activity center at the agency's Florida Street location. On this date, DeHaven presented the Commissioners with the payoff check for that venture, thanking the Board for its support.

DeHaven said that the ARC has been able to secure about \$4.5 million in capital grants with the help of local government and private fund-raising activities. Commissioners' President Snook called the ARC a valuable resource to the Washington County community.

#### TOWN OF KEEDYSVILLE ANNEXATION REQUEST

Keedysville Mayor Lee Brandenburg and Town Attorney Robert Kuczynski brought this matter before the board. The town wants to annex 30.4 acres of land on its Western border, belonging to Ronald Milburn. The owner wishes the property to be annexed, and the addition will provide additional customers for County sewer utilities. Certain classifications of property must be approved by the Board of County Commissioners in order for an annexation into a municipality to occur. If approved, the zoning classification would be changed from Agricultural, to Suburban Residential under Keedysville's zoning regulations. Commissioners' President Snook requested the town to look at the County Adequate Public Facility Ordinance and consider adopting such a regulation, to adequately serve its citizens in highway construction and school capacity. The measure was approved by unanimous vote.

Once each month, the Board holds an evening meeting in one of the municipalities in order to give citizens increased opportunity to interact with local government. This month, the meeting was held in Hagerstown, at the County Administration Building at 100 West Washington Street.

#### PROCLAMATION: DAV FORGET-ME-NOT MONTH

Tony Prochneiwski, Commander of Chapter 14 of the Disabled American Veterans accepted a proclamation declaring September, 2003 as Disabled American Veterans' Forget-Me-Not month from the Board. In presenting the proclamation, Commissioner John Munson said the DAV offers free services to disabled veterans and their families in filing claims for government benefits as well as resolution of

problems regarding employment, health care and counseling. The DAV responds to emergency needs of families of any disabled veteran. The proclamation cites the need for a continuing sense of gratitude to those veterans who have given so much to protect and preserve the American way of life. September 2003 will see the annual Forget-Me-Not drive in Washington County. All contributions will be utilized for disabled veterans and families in the community.

#### COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Dori Nipps commented on the St. Lawrence Cement open house held over the weekend, and on a series of reports developed by airport consultant URS dealing with progress on the security project and the runway extension project at Hagerstown Regional Airport. Nipps told the Board that public inspection of the report will be available on October 7th at Maugansville Ruritan from 1-3 p.m. and 5-8 p.m. URS and Airport staff will be on hand to gather public input and answer questions about those projects. Nipps also brought a request for a one-time loan to the airport of \$15,000 to assist in replacing the roof on Hangar #1 at the facility. Additional funds are included in the airport budget for this project. The loan will be repaid from increases in hangar rental fees over the next several fiscal years. The motion was approved by unanimous vote.

Commissioner John Munson also commented on the event at St. Lawrence Cement, and addressed an issue of using recycled tires as part of the manufacturing process at that plant. Used tires deposited at the County landfill could be used by the plant, Munson said. Landfill staff will be directed to look into cost of entering into an agreement with the company. Munson also brought the issue of using pole barns at the Agricultural Education Center Park as parking space for recreational vehicles during the Winter months. Revenue could be gained from this process, Munson said. A motion to ask the property owner, the University of Maryland, to place RV parking on the list of approved activities at the Park was denied by a 3-2 vote, with Commissioners Nipps, Jim Kercheval and Board President Greg Snook voting "no".

Commissioner Bill Wivell commented on the St. Lawrence Cement tire issue, and suggested follow-up be undertaken. Wivell told the Board that a community group is being set up to discuss the future of the Potomac Center, and named County Office on Disability Issues Administrator Norman Bassett to serve on that committee.

Commissioner Jim Kercheval discussed a meeting of the Black Rock Golf Course Board that heard from Budget and Finance Director Debra Bastian on financial issues. Kercheval reported that a City group is interested in establishing a Cultural Heritage Center in Downtown Hagerstown, to be used by the public for Genealogy research and other historic uses such as a museum.

Commissioners' President Greg Snook told the Board that a recent meeting of the Emergency Services Council discussed Fire and Rescue dispatch protocols, and said that the Washington County Volunteer Fire and Rescue Association will make a presentation soon on the perceived need for a fire tax in the

County. House Bill 67 exempts Fire and Rescue workers from needing a Commercial drivers' license to operate certain heavy duty apparatus, Snook reported.

#### CITIZENS PARTICIPATION

Each week the Board of County Commissioners sets aside time to hear from citizens of Washington County on matters of importance to the community.

Dave Kendrick of Highland Manor brought an issue involving a Pit Bull roaming at large, and presented a petition with 102 signatures seeking to have the dog removed from the neighborhood. The animal has been judged vicious by the Humane Society and legal documents have been filed in Circuit Court to have the animal removed.

Carri Gouff and Robin Biser of Cascade brought the issue of fees charged by the Board of Education for use of Gymnasium space before the Board. Commissioners Nipps and Snook explained that although the Commissioners have budgetary input to the BOE, there is no oversight on policies and procedures adopted by the elected Board of Education, and suggested the pair address that body during its regularly scheduled meetings.

#### LEAGUE OF WOMEN VOTERS DISCUSSION

Former Commissioner Linda Irvin-Craig, Art Callaham and Evvie Williams, members of the Washington County League of Women Voters brought this discussion before the Board, A task force appointed by the League has been studying the County's form of government, and is recommending a change to Code Home Rule. That form of government allows for greater lawmaking within a County without having to rely on the local Delegation to the Maryland General Assembly. The 10-month study involved about 40 regularly attending citizens and asked questions as to whether the current form of government is serving the County best, and if the delegation is being best served by having to deal with as many local issues as it does. Under Commission form of government, the County must rely on the delegation for enabling legislation in order to set many laws and regulations into motion. Currently 5 Counties in Maryland operate under Code Home Rule (CHR), in which Commissioners, elected to four-year terms, remain the governing body. The elected BOCC could legislate change in the structure of County government, enact, repeal or amend local laws, and legislate through "police powers". All legislation would be subject to voter referendum. The Board could not create or levy any new form of tax, license or franchise fee that was not authorized at the time of the change in government structure. Zoning provisions of the State Code would be followed, there would be no maximum debt limit, but General Assembly action would be needed to enact "tax-cap" and a cap on debt. Commissioners President Snook thanked the group for its diligence, and said that the Board would take the matter under advisement. Charter Home Rule has been proposed and taken to public referendum in Washington County twice,

failing in both 1977 and 1988 by substantial margins. A similar move to change the Frederick County form of government failed in a referendum this year.

#### OTHER BUSINESS

Appointments to Boards and Commissions: County Clerk Joni Bittner requested that the Commissioners appoint Natalie Rook to the Ethics Commission. The measure was approved by unanimous vote.

Bittner also requested approval of Mark Myers as the Clear Spring representative to the housing Authority of Washington County. Deborah Cohill would like to be reappointed to another 5-year term as the representative of the Town of Hancock. The measures were approved by unanimous vote.

Approval of Employee: Commissioners' President Snook requested approval of Dale Fishack to fill the Plans Reviewer position in the Department of Permits and Inspections, the measure was approved by unanimous vote.