



**BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND**

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FOR IMMEDIATE RELEASE

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**NEWS
RELEASE**

Review of Actions Taken in the Washington County
Board of County Commissioners Meeting
Tuesday,

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Jim Kercheval reported on attending recent meeting with the Metropolitan Planning Organization's executive board and the consultant hired to do future work on the Long-Term Transportation Plan and Air Quality Analysis on future road projects. Scope of work for the consultant was discussed for that study as well as other projects that need to be completed. A meeting between the Planning department Staff and representatives of the State Department of Planning relative to Priority Planning Areas and other planning issues was held last week. Kercheval said that many issues with the state were resolved in that meeting. A meeting in Hancock Monday evening discussed proposed retail development on the east end of town. That plan has many hurdles in its path, including approval by the State to sell land needed to complete the development, that will need to be overcome before it gets to the County for consideration, Kercheval said. The Local Management Board meeting last week heard plans for a Teen Pregnancy Coalition presentation at the Maryland Theater on May 9th, and that funding for the Hopewell Express workforce transportation route will be extended for another year. Kercheval requested information from our Transit department regarding the impact created on our bus routes with the temporary closing of Jonathan Street. Kercheval commented on a public hearing held by the City on a proposed annexation of a retail development on the east end of town. Kercheval noted that comments made at that hearing were incorrect and misleading as they implied the County has approval authority over annexations. Washington County can only delay the building of a project for 5 years in the event that the zoning requested with annexation differs from the zoning designation in the County. In this case the City's recent approval of commercial zoning does differ from the County's HI-2 designation, so if the County does not grant express approval, the development could be delayed for 5 years.

Commissioner Kristin Aleshire reported on attending the City Council work session last week in which the City Comprehensive Plan and remaining land use designations were discussed. This included two possible shopping center locations being proposed along Rt. 40 and I-70. The County and City Board need to meet jointly to discuss these

proposed projects, Aleshire said. The Solid Waste Advisory Committee recommended raising the rates for Mulch produced at the landfill to \$25 per ton (two yards). The commercial price for mulch is between \$30 and \$40. Staff should be coming forward to make recommendations on raising the prices. The County would have to hold public Hearings on increases to any landfill fees.

Commissioner Bill Wivell reported on attending the recent AFL-CIO Workers Memorial Day event and presenting a proclamation on behalf of the Board of County Commissioners. The Department of Social Services Board met Monday evening and discussed budget issues and other items. Wivell also attended the Town of Hancock's public meeting on a proposed development along MD Rte. 144 and suggested that the Commissioners send a letter of support to the Mayor and Council of Hancock regarding this issue discussed on Monday evening.

Commissioners' President John Barr also reported on attending the Workers Memorial Day event, and the Crystal Ball fundraiser held by the Washington County Health Systems. That event provided funds for monitoring equipment to be installed in each ambulance in the County that would provide direct contact between units in the field and the Emergency Room. Barr reported on attending the Walk Across Maryland event held last weekend in Hancock. May 8th is Capitol Day in Hagerstown. The County will be able to discuss transportation issues during that event, Barr said. Steel costs will double by the end of this year, according to a national economic newsletter, Barr reported, and the County should feel the impact in construction projects.

PROCLAMATION, OLDER AMERICANS MONTH

Commission on Aging Director Susan MacDonald accepted this proclamation from Commissioners' President John Barr, designating May as Older Americans Month in Washington County. The proclamation stated that there are more than 28,000 county citizens above the age of 60, who comprise a diverse citizenry continuing to contribute to the social and economic well-being. Older Americans are productive members of society and the Commissioners asked all County citizens to be aware of the contributions our Elders make to society. The Commissioners urged all County citizens to be aware of the contributions Older Americans make to society during May 2008, Older Americans Month.

HISTORY WEEK/MUSEUM RAMBLE PRESENTATION

James Neville, Director of the Washington County Historical Society and Miller House Museum, and Tom Riford, Director of the Convention and Visitors Bureau (CVB) received a Commissioners' proclamation designating the week of April 28-May 4, as Washington County History Week, 2008. The Commissioners recognize the importance of History Week and the upcoming Fifth Annual Museum Ramble. CVB and the Historical Society have partnered with the Washington County Association of Museums and Historical Sites, and the Fifth Annual Washington County Museum Ramble is scheduled for Saturday May 3rd, from 1 p.m. – 5 p.m., and Sunday May 4th, from 1 p.m. – 5 p.m. This event is a self-guided tour of many of the museums throughout the county. Some twenty museums and historic sites will be participating in this year's "Ramble." Maps and directions to all the sites can be obtained at the Visitor Welcome Center, 6 North Potomac Street, Hagerstown.

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.

Phil Physioc of the Mount Aetna Road area commented on a legal issue regarding Water and Sewer issues.

INTERGOVERNMENTAL COOPERATIVE PURCHASE OF TRAFFIC SIGNAL LIGHT EMITTING DIODES (LED) ACCESSORIES

County Purchasing Department Buyer Rick Curry and Dave Shrader, Traffic Control Supervisor in the Highway Department brought this Intergovernmental Cooperative Purchase of Traffic Signal Light Emitting Diode (LED) Accessories before the Board. The request was to authorize the Highway Department to purchase traffic signal LED accessories, at a cost of \$28,602.00 from RGA, Inc. of Powhatan, Virginia, through utilization of a contract that was awarded by Howard County, Maryland. LEDs are more efficient than incandescent bulbs, reduce energy use and maintenance costs. . Retrofitting the traffic signals with LEDs would reduce the electrical cost by as much as fifty percent. An LED's service life is roughly nine years as opposed to an incandescent bulb service life of one to two years. Because of LEDs long service life, they will reduce maintenance since they eliminate annual bulb replacements. Intergovernmental purchases are allowed when the County can save taxpayer dollars by tasking advantage of another jurisdiction's contract. The measure was approved by unanimous vote.

OTHER BUSINESS:

County Attorney Issues: County Attorney John Martirano commented on the need for a Public Hearing regarding changes to any landfill fees.

Appointments to County Boards and Commissions: County Clerk Joni Bittner brought requests for reappointments to the Board of Zoning Appeals, the Mental Health Authority, the Local Management Board, and the PenMar Development Corporation to the Commissioners for consideration as several members of County advisory boards' terms will expire in the near future. All of the applicants have served only one term and are eligible and willing to serve for a second term: Requests for reappointment of David Williams to the Board of Zoning Appeals, Tony Reeder to the Mental Health Authority, Patsy Campbell and Mark Lannon to the Local Management Board, and four members of the PenMar Development Corporation Board, Peggy Bushey, Michael Mason, John Simpson, and Michael Zampelli were all approved by unanimous vote.

County Administrator's Comments: County Administrator Greg Murray told the Board that the ribbon cutting ceremony for the infield at Municipal Stadium is set for Friday May 2nd. Additional discussions with the Board of Education will be needed on use of recreational facilities at the three new elementary schools, Murray said.

Reports from County Staff: Human resources Director Bill Sonnik requested permission to advertise a Section Supervisor position at Highways. The measure was approved by unanimous vote. Sonnik also recommended approval of Bardonna Woods as Director of Emergency Communications. Woods would oversee the consolidated emergency dispatch center. She was serving as Chief of 9-1-1 Communications. The measure as approved by unanimous vote.

Planning Director Mike Thompson told the Board that a meeting with representatives of the State Public Service Commission, the Department of Natural Resources and other Counties discussed a planned power distribution line that would extend from West Virginia to Frederick County. No specific location for the line has been established, and there would be Public Hearings held by the state prior to development of such a project, Thompson said.

Acting Director of the Division of Fire and Emergency Services Kevin Lewis told the Board that the Consolidated Emergency Communications Committee is working on an informational session to be presented to a joint meeting of the Commissioners and the Hagerstown City Council on May 29th. Washington County will participate on a national level drill this weekend continuing into early next week, focusing on a scenario that would have a level 3 tornado impact the state. Written testing for Advanced Life Support Technician applicants is scheduled for May 31st, Lewis said.

CITIZEN PARTICIPATION PLAN

Sonja Hoover, Economic Development Commission Fiscal/Research Specialist brought this proposed Citizen Participation Plan before the Board with a recommendation that the Board of County Commissioners adopt the Washington County Community Development Block Grant Program Citizen Participation Plan. Federal regulations require that each unit of general local government receiving or expecting to receive Community Development Block Grant (“CDBG”) funds adopt a Citizen Participation Plan. It is now required that a jurisdiction’s Citizen Participation Plan be current and effective for a three-year period. Washington County’s Citizen Participation Plan needs to be made current, especially now that the Hagerstown-Washington County Economic Development Commission administers the program. The Plan is a document that states the County will provide for and encourage citizen participation; ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government’s proposed and actual use of CDBG funds; furnish the citizens information about CDBG funds and activities; provide technical assistance; provide a minimum of two public hearings; provide citizens with notice of, and opportunity to comment on, proposed activities in an application to the State of Maryland; and provide citizens the opportunity to submit complaints and grievances. Commissioners requested that information on this process be posted to the County website. The measure was approved by unanimous vote.

RIGHT-OF-WAY PURCHASE, GOVERNOR LANE BOULEVARD

Joe Kuhna, Real Property Administrator brought this request from RLR Investments, LLC , 10120 Governor Lane Boulevard to purchase a 95 foot strip of land, owned by the County, running with the frontage of their parcel off the current 200 foot right of way of Governor Lane Boulevard to allow for business expansion and parking. A local trucking business is looking to expand on their current location to accommodate 30 new terminal spaces, a new 2400 sq.ft. office building and employee parking facilities. They have asked us to sell a 95 foot strip of land along Governor Lane Boulevard fronting their property and within the current 200 foot right of way we maintain. The 95 foot request is part of the current 200 foot right of way associated with Governor Lane Boulevard. RLR has been at this location since 2000 providing trucking and freight services and is interested in expanding the site to include a new 2400 sq. ft. office building, 30 new truck terminal spaces and employee parking facilities. The Board had heard a similar request last year from Homewood Retirement Community and chose to lease space to

Homewood rather than sell property. Discussion centered on the amount of right of way the plan would take from one side of Governor Lane Boulevard and the potential for future road widening needs. The Board requested that staff ask the developer to submit a redesigned, in-depth plan.

PROPERTY ACQUISITION 19327 LONGMEADOW ROAD

Joe Kuhna, Real Property Administrator brought this request for property acquisition of 19327 Longmeadow Road before the Board for approval. Three homes along Longmeadow Road will interfere with future widening efforts. The County has had the property at 19327 Longmeadow Road appraised and has made an offer to purchase the property for \$280,000. Plans are underway to design the future intersection improvements and widening at Longmeadow Road and Marsh Pike. The realignment will place the road improvements too close to the current property and the current owners at 19327 Longmeadow Road have approached the County with their intention to sell the property. The measure was approved on a 4-1 vote, with Commissioner Wivell voting "no". Later in the meeting Commissioner Terry Baker requested his vote be changed to "no", due to the purchase price of the property. Since that vote was announced in the meeting, County Attorney John Martirano advised that all Commissioners would have to agree to allow the vote to be changed. The Commissioners agreed and the vote was changed to a 3-2 approval, with Commissioners Baker and Wivell voting "no".

FOREST CONSERVATION ACT PROGRAM CERTIFICATE PRESENTATION

Elmer Weibley, District Manager of the Soil Conservation District for Washington County received a certificate of recognition from the Commissioners to honor WCSCD for being selected to receive the District Excellence Award for Forestry Resources for 2007 by the National Association of Conservation Districts from the 3,000 soil conservation districts across the United States. The District's Payment in Lieu of Program was judged the most outstanding program of its type. The Washington County Soil Conservation District (WCSCD) works cooperatively through a formal Memorandum of Understanding (MOU) with Washington County, Maryland to implement certain aspects of the State of Maryland's Forest Conservation Act (FCA). The FCA requires developers to mitigate forest resource losses resulting from residential or commercial developments, by preserving existing forests or planting new forest areas either on-site or off-site. In certain cases, retention or creation of forests is not feasible due to the nature of the proposed developments or site constraints. In these cases, developers pay a fee to Washington County that is to be used to retain important existing forests or plant new forest acres and create a permanent conservation easement on those acres. WCSCD entered into a formal MOU in 1998 to facilitate this process and provide services to the County to accomplish this goal. WCSCD markets the program, identifies potential landowners, coordinates the assessment of existing forests and development of planting plans for the sites, arranges for a site survey by a registered professional surveyor, coordinates the preparation of the easement document with a local attorney and conducts the closing to distribute the easement payment to the landowner. The Maryland Department of Natural Resources, Forest Service, provides for a modest fee, the planting plans and existing forest stand delineations and characterizations the FCA requires. For projects that involve tree planting, the WCSCD prepares bid documents for tree planting services, executes the bidding process, selects qualified vendors, supervises the site

preparation and actual tree planting activities. A total of 495 acres of forest have been placed under permanent conservation easement and during 2008 it is expected an additional 105 acres will be conserved. The WCSCD is committed to stewardship of each of these projects for at least a period of twenty years and has returned to each of them to monitor and perform required maintenance such as removal of tree shelters and re-planting of areas of high tree mortality. Washington County pays the District \$700.00 per acre for each acre placed under easement. The significant amount of funding this program provides has enabled the District to fund several grant requests for tree planting projects, enhance employee salary and benefits, as well as, strengthen educational and outreach to the urban community. WCSCD is the only District in Maryland to develop this type of program that works so closely in meeting the goals of the FCA program. The close partnership between WCSCD, Washington County, and the Maryland Department of Natural Resources, Forest Service has resulted in the completion of high quality projects that enhance the forest resource base of Washington County Maryland as it moves forward and experiences continuing urbanization pressures.

APPLICATION FOR REZONING: APPLICANT - BOWMAN 2000 LLC

Planning Director Mike Thompson Chief Planner Steve Goodrich, and Assistant County Attorney Kirk Downeybrought Application for Rezoning RZ-07-008 Bowman 2000 LLC before the Board. The Planning Commission recommended approval of this rezoning request based on change in the character of the neighborhood, that the property, 17.42 acres in 2 tracts located at 18400 Precision Place; the southwest corner of Mack Truck Road and Precision Place be rezoned from IR – Industrial Restricted to HI-1 – Highway Interchange 1. A joint public hearing was held on this rezoning request on November 26, 2007. This matter is on the agenda for discussion by the Commissioners on the issue of whether to grant or deny the rezoning request. Discussion centered on whether the makeup of the neighborhood had changed, or if a mistake had been made when highway intersections were rezoned in 1995. Commissioner Kercheval, who represents the Board on the Planning Commission stated that the area should have been rezoned to Highway Intersection (HI) at that time. The Board reached consensus that a mistake was made in the previous zoning. The County Attorney's office will prepare findings of fact to be taken before the Commissioners for a vote at a later date.

OTHER BUSINESS

County Administrator Greg Murray discussed the need for information from the Board relative to the possibility that Express Approval will be requested for the Doub Property, requested to be annexed into the City for development of a shopping center, at the intersection of I-70 and U.S. 40. Planning Director Mike Thompson told the Board that the City of Hagerstown's C-4 zoning designation is contrary to the County's Comprehensive Plan, and that the current designation of Highway Interchange-2 provides different criteria for development. Discussion centered on need for a traffic study and impact on the interchange. Commissioners wanted to know if the planned entrance would cause traffic backups onto the Interstate. Screening of existing homes was also under discussion. A forum for public comment would need to be developed, and Comments from City officials would be needed. Planning Staff will do an evaluation of the developer's proposal and bring additional information to the Board.

RZ-07-007, APPLICATION FOR REZONING, APPLICANT: MARTIN MARIETTA MATERIALS, INC.

Planning Director Mike Thompson, Chief Planner Steve Goodrich, and Assistant County Attorney Kirk Downey brought RZ-07-007 – Application for Rezoning from Martin Marietta Materials, Inc. before the Board. The applicant has requested that the property consisting of 77.08 acres located on the south side of Maryland Route 68, approximately 800 feet west of its intersection with Bottom Road be rezoned from Agricultural (Rural) to Agricultural (Rural) with an Industrial, Mineral Overlay. A joint public hearing was held on this rezoning request on November 26, 2007. This matter is on the agenda for discussion by the Commissioners on the issue of whether to grant or deny the rezoning request. The Planning Commission recommended approval of this rezoning request. Based on comments in the Public Hearing and concerns expressed through written comments, the Commissioners' discussion centered on a number of issues including: Access to the property from Maryland Route 68; Blasting setback limits; Effects on water supplies in the area and "zones of influence"; Historic property considerations; 100-year history of the quarry in the area versus history of surrounding farms; Notification to the State and County if blasting irregularities occurred; compatibility with the surrounding community; Creation of a fund by Martin Marietta to pay for property damage alleged by homeowners; A central phone number to handle homeowner complaints to the company; Development of a Community Advisory Board as the company has done in other areas; and consideration of future residential development in the area. No action was required, and the Commissioners suggested that attorneys for the company and the County discuss the Board's concerns and find resolution to those issues. Information will be brought to the Board at a later date for consideration.

PUBLIC HEARING: AGRICULTURAL PRESERVATION DISTRICTS

Eric Seifarth and Sara Edelman, Land Preservation Planners brought these requests for approval of Agricultural Preservation Districts before the Board. Several landowners have requested to place their farms into the Maryland Agricultural Land Preservation Program (MALPP). The parcels are located outside of the Urban Growth Area and in areas that have no water or sewer services. The soils are considered agriculturally significant and good for crop growth. Staff feels that these district applications will protect prime farmland and are acceptable to be approved as Agricultural Preservation Districts. There will be \$325,000 in tax credits being paid in Fiscal Year '09, and the 5 proposed districts would receive \$8,300 per year in tax credits. Myron and Janet Martin hold 108.49 acres near Yarrowburg. The Windy Willow Farm Inc. requests easement for 44.41 acres off St. Paul Road near Clear Spring. Jay Richard Miller would place 178.23 acres under easement near Downsville. Kenneth Thomas requests that parcels of 130.93 acres and 62.384 acres near Boonsboro be preserved. The MALPP program encourages landowners to join Agricultural Preservation Districts to ensure that the land is kept in agricultural use through a commitment by the landowner not to develop the property for 10 years.. The Agricultural Advisory Board has approved these applications, and the Planning Commission has determined that the applications are consistent with the Comprehensive Plan. No one appeared either in favor of or against

the measures in Public Hearing. The Hearing was closed and the measures were approved by unanimous vote.

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