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**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, July 15, 2008

THE COMMISSIONERS ATTENDED A JOINT MEETING WITH THE BOARD OF EDUCATION AT BOE HEADQUARTERS, 823 COMMONWEALTH AVENUE, HAGERSTOWN

Items under discussion included: Third Quarter budget adjustments; an update on design of the new Antietam Academy; an update on construction of the three new elementary schools; cost of relocating portable classrooms; transportation policies; and effects of Senate Bill 208, the High Performance Buildings Act, on local school construction.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Terry Baker commented on the tractor-pull event Saturday at the Agricultural Education Center and reminded the Board that a similar event featuring heavier equipment will be held on July 22<sup>nd</sup>.

Commissioner Jim Kercheval reported that the Maryland Association of Counties (MACo) Legislative Committee will meet next week, and ideas for legislation to be presented in the 2009 session will be discussed. The Commissioner called for a workshop on Biotech issues to be held, inviting all of the stakeholders to a roundtable discussion of types of jobs to be created in the County and expectations for biotech related businesses. Kercheval said the Economic Development Commission, the Chamber of Commerce, state agencies and representatives of biotech businesses should come together to discuss the model that would be best for Washington County.

Commissioner Kristin Aleshire also discussed MACo legislative issues, and called for legislation requiring reimbursement for County public safety services supplied on federal and state lands. Aleshire reported on attending the Western Enterprise Fire Company meeting last week, and commented on the lack of representation from Western Maryland on the Governor's Commission on the Death Penalty. The Commission does not have representatives from two of the Counties that house a large portion of the state's prisoners, Aleshire said.

Commissioners' President John Barr reported on the PenMar Development Corporation Board's annual meeting on Monday. Budget issues were under discussion, as well as plans for a Fort Ritchie Museum. An architect's study is being undertaken for that museum. Responsibility for provision of operating costs for that museum is in question. Barr called for a discussion of that issue by the Commissioners, and recommendations to the PMDC Board, at a later date.

#### 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.

Lawrence Hopp of Hagerstown discussed unincorporated or "paper" alleys in areas outside the City of Hagerstown. Assistant County Attorneys Kirk Downey and Andrew Wilkinson commented that in cases where the County has never been given property rights to an alley and does not maintain it as a County road, there is no jurisdiction and usage issues are civil matters.

#### OTHER BUSINESS

County Attorney Issues: Assistant County Attorney Kirk Downey reminded the Board that prospective legislative issues for the 2009 session are being compiled by the Attorney's Office.

Reports from County Staff: Human Resources Director Bill Sonnik requested permission to advertise a Senior Plant Operator position in the Division of Environmental Management's Winebrenner Waste Water Treatment Plant. The request was approved by unanimous vote.

Airport Fire Chief Phil Ridenour requested an amendment to the lease that Ryder Jet Corporation has with Hagerstown Regional Airport, allowing an addition of 3,750 square feet to its hangar, and an extension of that lease through the year 2042. Developers on the airfield typically enter into long-term leases with fees waived as an economic development incentive, due to the buildings developed reverting to County ownership at the end of the lease term. The addition will allow the company to house a third Global Express jet aircraft at its facility. The proposal was approved by unanimous vote.

Planning Director Mike Thompson reported on a stakeholders meeting for the federal PATH project last week. The project seeks to construct new large capacity power lines from West Virginia to eastern Maryland, and there is the possibility that the path the project will take could be through a portion of Washington County. There is also the chance, Thompson reported, that the path may not travel through the County. Last week's meeting focused on existing power line routes. Thompson said that the project will be driven by the federal government but concerns of local jurisdictions and citizens are being taken into consideration. The next meeting will be for public information, and will take place in August. Another stakeholders meeting will be held in September. Thompson stressed that no route for the power lines has been decided upon at this time.

#### CITY OF HAGERSTOWN ANNEXATION REQUEST: STAMPLER/DUAL HIGHWAY PROPERTY

The Commissioners supported the staff position, that "express approval" was not necessary for this annexation, by unanimous vote. Planning Director Mike Thompson

brought this proposed annexation request by the City of Hagerstown for the Stampler / Dual Highway property to the Board, with a request for approval as recommended, that the request is consistent with existing County Zoning, and “express approval” for the development of the property was not required. Maryland Code states that a municipality may not place a property into a zoning classification that permits development at a substantially higher density than that permitted under County zoning. The request for annexation was for an existing parcel of land consisting of approximately 0.92 acres (40,075 square feet), adjacent to the City of Hagerstown, located on the east side of Dual Highway next to the Four Points Hotel. A site plan was recently approved by the county planning commission to permit the construction of an office building, which is permitted under the existing HI-1 zoning. Upon receiving notification from the City of Hagerstown that the property would be required to annex, based on where the project stood in the approval process, the City agreed to permit the project to complete the site plan review under the County process, but City staff made recommendations dealing with landscaping and the placement of a sidewalk along the frontage of the site. These recommendations were included as part of the planning commission approval. The applicant requested C-2 (Commercial General) zoning upon annexation, which is consistent with the existing HI-1 (Highway Interchange) County zoning designation. The proposed zoning is also consistent with the Low Density Residential designation on the 2002 adopted Comprehensive Plan.

#### CITY OF HAGERSTOWN ANNEXATION REQUEST; PROSPECT PLACER, HARWOOD ROAD

The Commissioners granted "express approval" to this request by unanimous vote. Planning Director Mike Thompson brought this proposed annexation request by the City of Hagerstown Annexation for property adjacent to the City per state law. Thompson requested that the Board move to approve the proposed annexation and zoning as recommended by staff stating the request is consistent with existing County Zoning and “express approval” for the development of the property was not required. . Maryland Code states that a municipality may not place a property into a zoning classification that permits development at a substantially higher density than that permitted under County zoning unless granted approval by the local County governing body. The request was for an existing lot consisting of approximately 10,000 square feet, located on Lot 182, Prospect Place on Harwood Road adjacent to the southwestern boundary of the City of Hagerstown west of Virginia Avenue. The property is an existing lot and the applicant is proposing to construct a single-family home on the site. The applicant is requesting R-1 (Residential) zoning upon annexation, which is consistent with the existing RU (Residential Urban) County zoning designation. The proposed zoning is also consistent with the Low Density Residential designation on the 2002 adopted Comprehensive Plan. Discussion took place on differences between the City's R-1 and County's RU zoning districts due to densities allowed. Express approval was granted based on the differences in the County and City zoning.

#### RISK MANAGEMENT POLICY AND AMENDMENTS TO SAFETY COMMITTEE BYLAWS

The Commissioners approved these requests by unanimous vote. Risk Management Administrator Becky Maginnis, Brian Overcash, Safety Compliance Administrator; and Human Resources Director Bill Sonnik requested approval of a County Risk Management Policy and approval of amendments to the Safety Committee Bylaws. The calendar year 2008 goal for the Human Resources Department is to develop a formal safety/risk management program. Adopting a risk management policy is the first step to achieving that goal. Amending the Safety Committee Bylaws is necessary to restructure and reinvigorate the County's Safety Committee. Expanding the County's current safety compliance program to encompass risk management is necessary to place Washington County in the best position possible to market its current and future insurance needs. In addition, a program based on the accepted risk management principles of exposure identification and analysis, financing alternatives, control and safety, and program evaluation will safeguard the County's assets, human and otherwise, in the most cost-effective manner possible. The policy established a mandate by the Commissioners for implementation of such a program. One of the most important components of the program is a Safety Committee actively involved in recommending, implementing and reviewing the County's program. The Bylaws were revised to reflect the increased scope and critical nature of the County's Safety Committee.

#### **BID AWARD: PAVEMENT MAINTENANCE PROGRAM**

The Commissioners approved this award request by unanimous vote, and also approved the Asphalt overrun shortfall in the amount of \$429,946.52 (see below) from the FY '09 CIP contingency fund, by unanimous vote. Engineering Department Project Coordinator Vicky McKenzie and Deputy Director of Public Works Rob Slocum requested award of the Pavement Maintenance contract for Fiscal Year 2009 to the lowest responsive, responsible bidder, C. William Hetzer, Inc., of Hagerstown, Maryland, for amount of \$4,240,682.30. The program is described as asphalt preservation, repair and rehabilitation. Applications include, Superpave Hot Mix Asphalt (HMA) Patching and Overlay, Crack Filling, Chip Seal Bar Patch, Chip Seal (single and double applications) and Thermoplastic Pavement Markings. The program would accomplish 7.1 miles of Hot Mix Asphalt Patching and Overlay; 6.3 miles of Hot Mix Asphalt Patching and Crack Filling; 3.5 miles of Chip Seal Bar Patch & Crack Filling; 24.5 miles of Chip Seal Bar Patch and Chip Seal; and 5.3 miles of Thermoplastic Pavement Markings. The proposed contract includes the standard SHA provision for monthly liquid asphalt price adjustments, as used in prior years. The asphalt index is up 91% from 1 year ago, up 20% in the last month. An FY '08 asphalt adjustment overrun estimate of \$200,000 and an FY '09 estimate of \$585,000 are included in the proposed budget. The liquid asphalt index listed in the FY '09 bid documents was \$521.67/ton as published in June by the Maryland Asphalt Association. The July index is \$628.33 /ton. The average index estimated for this budget is \$782.51/ton, or a 50% increase from the June index. The actual expense incurred due to the asphalt index over the term of the contract will be determined by two variables; the quantity placed each month and index price for that particular month. The proposed total budget for the project, including adjustments for Asphalt overrun is \$5,505,682.30, which is \$429,946.52 over the budgeted amount in the Capital Improvement Program. Discussion took place on the asphalt index increases, the method

of road prioritization, and chip seal methodology. Slocum told the Board that the chip seal process has improved in recent months.

#### HOTEL/MOTEL TAX FUND DISTRIBUTION

The Commissioners approved distributing \$821,500 in Hotel-Motel revenue by a method that would allow each municipality in the County a base amount of \$15,000, with additional funding based on population. State law provides that half of the tax funds collected through the Hotel/Motel room-use tax be utilized by the Convention and Visitors Bureau to promote and enhance the tourism industry in the County, with the other half used for economic projects. In the budget process for Fiscal Year 2009, the Commissioners made a determination that a portion of collected hotel/motel tax would be directly distributed to municipalities either by population or by areas in which the tax was collected. The Mayors of the various municipalities, as a component of the Maryland Municipal League, recommended that the distribution be population-based. County staff recommended quarterly distributions of those funds, with annual reporting similar to Excise Tax reporting to insure proper expenditure of funds. Four distribution scenarios were proposed. One method would be to divide the total funds by actual population, with Clear Spring at the low end of the scale and Hagerstown at the top. That method provided little funding for projects in communities with lower population. In other methods, base amounts for each municipality of \$10,000 or \$15,000 were proposed. Under those plans, the 9 municipalities would receive the base amount, and the remainder of funds would be divided based on population. The unincorporated portion of Washington County would receive funds, based on its population. Under the plan approved by the Commissioners, providing a base amount of \$15,000, ranked in terms of population, the City of Hagerstown would receive \$139,940; Boonsboro would receive \$24,533; Smithsburg would receive \$22,317; Williamsport would receive \$21,388; Hancock would receive \$20,883; Funkstown would receive \$18,373; Sharpsburg would receive \$17,330; Keedysville would receive \$16,662; and Clear Spring would receive \$16,532. If distributed by area collected, the towns of Boonsboro, Funkstown, Smithsburg, Keedysville and Clear Spring would not have received funding, due to no lodging facilities being located in those municipalities. The Commissioners felt that events and attractions in those communities generate visitors and therefore revenue in hotels and motels nearby.

The base-amount approach was seen as more equitable for smaller communities. Sharpsburg, for example, has one bed and breakfast facility, yet Antietam Battlefield draws thousands of visitors to Washington County each year. By the Area Collected scenario, Sharpsburg's portion of the funds would have been only \$2,500.

A reporting form was also provided for Commissioners' review, to be used by municipalities to show how the funding is expended each year. Commissioner Jim Kercheval suggested a more in-depth form be developed. The room tax is generated through use of lodging facilities primarily by those visiting County events and attractions.

#### THE COMMISSIONERS ATTENDED A TOUR OF THE WASHINGTON COUNTY HUMANE SOCIETY SHELTER

The Board viewed a power point presentation of the legal, contractual and internal operational requirements for the Humane Society of Washington County (HSWC) in the

enforcement of the current Washington County Animal Control Ordinance. Under discussion were recommendations for areas of improvement to the current Ordinance and/or possible improvements to the methods of implementation to improve the efficiency of services to County citizens and animals.

THE BOARD ATTENDED A PUBLIC INPUT MEETING ON THE PROPOSED DOUB ANNEXATION AT HAGERSTOWN COMMUNITY COLLEGE'S KEPLER THEATER. AT 5:00 P.M.

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