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BOARD OF COUNTY COMMISSIONERS
December 8, 2020
OPEN SESSION AGENDA

The meeting of the Board of County Commissioners of Washington County will be held at 100 West Washington Street, Suite 1113, Hagerstown. Due to Governor Hogan's Executive Order and gathering restrictions, Board members will be practicing social distancing. County buildings remain closed to public access except by appointment. Therefore, there will be no public attendance in the meeting chambers, unless previously scheduled. The meeting will be live streamed on the County's YouTube and Facebook sites.

- 10:00 AM** **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
CALL TO ORDER, President Jeffrey A. Cline
APPROVAL OF MINUTES: November 23, 2020 and December 1, 2020
- 10:05 AM** **COMMISSIONERS' REPORTS AND COMMENTS**
- 10:10 AM** **STAFF COMMENTS**
- 10:20 AM** **CITIZEN PARTICIPATION** (*citizens are required to submit a request to khart@washco-md.net or by calling 240.313.2204 at least 24 hours in advance of the meeting*)
- 10:25 AM** **DISCUSSION TO REVIEW DEMOLITION PERMIT REVIEW POLICY**– Dr. Tom Clemens, Chair; Linda Irvin-Craig, Co-Chair; Ralph Young, Co-Chair, Historic Advisory Committee
- 10:35 AM** **REVISION OF POLICY PR22 – BOARDS AND COMMISSIONS** – Kirk Downey, County Attorney / Interim County Administrator
- 10:45 AM** **COUNTY REGULATIONS CONCERNING PIA REQUESTS** – Kirk Downey, County Attorney / Interim County Administrator
- 10:50 AM** **BUDGET TRANSFER FOR TERMINAL EXPANSION CHANGE ORDER** – Garrison Plessinger, Director, Hagerstown Regional Airport
- 10:55 AM** **MARYLAND AVIATION ADMINISTRATION SPECIAL GRANT** – Garrison Plessinger, Director, Hagerstown Regional Airport
- 11:00 AM** **CLOSED SESSION** (*To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.*)
- 11:10 AM** **ADJOURNMENT**



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Open Session Item

SUBJECT: Discussion to Review Demolition Permit Review Policy

PRESENTATION DATE: December 8, 2020

PRESENTATION BY: Dr. Tom Clemens, Chair, Historic District Commission (HDC); Linda Irvin-Craig, Co-Chair, Historic Advisory Committee (HAC); Ralph Young, Co-Chair, Historic Advisory Committee

RECOMMENDED MOTION: Consensus to revise the Demolition Permit Review Policy and all appropriate local Ordinances to include 1) a requirement for historical documentation of a structure as part of a demolition permit; 2) inclusion of a 90-day feasibility period after the recommendation of the Historic District Commission (HDC) to define alternatives to demolition; and 3) establish a fine to deter premature demolition.

REPORT-IN-BRIEF: The existing policy regarding demolition permit review by the HDC was adopted by the Board of County Commissioners in January 1989. Since then it is the opinion of both the Historic District Commission and the Historic Advisory Committee that the policy has often been ineffective in preventing or delaying demolition of significant historic structures and to allow an opportunity to find alternatives to demolition. The potential revisions to the policy are recommended by the HDC and HAC to create those opportunities to discover and employ alternatives which will allow retention and rehabilitation of structures that are important to the representation and interpretation of Washington County's rich cultural heritage.

DISCUSSION: There are three area of priority that have been delineated by these boards to help preserve Washington County's historic and cultural heritage. These priority topics are designed to keep a complete and up to date inventory, allow time to work with property owners to seek alternatives to demolition, and implement deterrents to premature demolition. The revisions to the policy will not completely prevent demolition but it may help save and preserve several of our significant historical and cultural resources.

FISCAL IMPACT: N/A

CONCURRENCES: Historic District Commission, Historic Advisory Committee

ALTERNATIVES: Retain current policy

ATTACHMENTS: Current Demolition Review Policy
Demolition Support Document

Demolition Support Document for Historic District Commission and Historic Advisory Committee

Part of the duties of the Historic District Commission outlined in the Zoning Ordinance include:

1. Review applications (Section 20.6-Historic Preservation, Section 5D.4-Rural Village and Section 20A-Antietam Overlay)
 2. Review and make recommendations regarding legislation, applications for zoning text or map amendments, special exceptions, variances, site plans, subdivisions or other proposals affecting historic preservation.
 3. Recommend programs and legislation to the Board of County Commissioners and Planning Commission to encourage historic preservation
 4. Serve as a clearing house for information, provide educational materials and info to the public and undertake activities that advance the goals of historic preservation
 5. Development of additional duties and standards. For example, criteria to be used in the review of building and demolition permit applications
 6. **Prepare, adopt, publish and amend any additional guidelines to provide adequate review materials for applications including HP, demolition and building permits**
 7. Oversee the maintenance and updating of the inventory of Washington County Historic Sites
- Reference: Section 20.3 Historic District Commission Duties and Powers (Zoning Ordinance)

Some key points or thoughts to expand upon:

1. Washington County should continue to pursue development and retention of historic resources. We are not one or the other. We need both to be a place where people want to live.
2. Washington County's unique history drives tourism.
3. The historic resources that support the many narratives of the County should be protected within reason.
4. Not all old structures are historic. Not all historic structures can be retained but ample time should be allowed to evaluate and document historical sites and/or structures. E.g.: Log house recently uncovered on Jonathan Street prior to demolition.
5. County staff is not qualified to provide documentation services. There are small business resources available locally that are qualified.

Some initiatives being pursued outside of this discussion:

1. Promotion of the County Tax Credit program as it is, including having it more prominently available on the County's website.
2. Exploring the expansion of the County Tax Credit program
3. Education initiatives regarding topics such as tax credits with special interest groups such as realtors, builders, and owners of historic properties.
4. Improvements to the information available to property owners regarding historic properties in Washington County .
5. Targeted mailings to historic property owners who may qualify or wish to become qualified for historic tax credits through seeking specific designations for HP.
6. Updates to, and expansion of, the Historic Sites Survey inventory, including status of structures and the addition of current photographs.

Priority 1 – Documentation

Who: The Historic District Commission would require the permit applicant to provide documentation. In some cases documentation may require the support of a licensed professional such as an architect, historian, engineer or surveyor. Requiring documentation is consistent with all other applications for plan review in Washington County.

What: Documentation would include the information required for review of building permits or site plans in the HP or AO zoning overlays and historic Rural Villages. The information includes-scale drawings, documentation of historic data/significance and property history. Additional documentation may include photographs of the interior/exterior of the property and documentation of explored alternatives to demolition.

When: Documentation would be completed PRIOR to permit application and would be provided at the time of demolition permit application. Documentation may not be required in cases where demolition permit request is a result of unanticipated events such as accidental fire or natural disasters like flood or extreme storm damage. In cases where the entire structure is not completely destroyed, documentation to record what is left may serve the records for the property.

Where: Documentation would be required for all demolition requests that involve a property on the County's inventory of historic resources or any property more than 50 years old in the Antietam Overlay (AO) or Rural Village (RV) Zoning Designations in Washington County Maryland.

Why: Documentation prior to permit application achieves the following goals:

1. *Ensures a timely and equitable review of the demolition permit. Documentation guidelines can be applied consistently to application review by staff before the application is scheduled for the HDC agenda and all applications will have the same level of documentation for decision making.*
2. *Provides an update to existing documentation for both staff and the Historic District Commission members to see any changes since the last time the property was documented.*
3. *Ensures that the HDC can request additional documentation, if needed, to support the applicant's requested permit.*
4. *If the property is to be demolished, documentation prior to application will ensure that the Maryland Inventory of Historic Properties and Washington County records can be updated accordingly*

There are 4132 resources in Washington County listed by Maryland Historic Trust. There are approximately 69,000 addresses in Washington County. That's less than 6% of structures in the County.

Demolition Permits Issued by Calendar Year*:

Calendar Year	Demolition Permits Issued	Demolition Permits Reviewed by HDC/Staff	Percent of Demo Permits Reviewed by HDC/Staff
2019	70	3	4%
2018	35	7	20%
2017	43	9	21%
2016	43	6	14%
2015	45	8	18%

*Source: Accela Automation – Reports – Permits – Reports: Permit Issuance – Demo & Comprehensive Planning – Historic – Review Activities

Priority 2 – 90 Day Feasibility of Alternatives

Who: The Washington County Historic District Commission and the permit applicant would enter into this 90-day feasibility of alternatives.

What: As part of increased documentation, demolition permits would be accompanied by a narrative/supporting documents outlining why demolition alternatives are not feasible to the permit applicant. The Commission would have ninety (90) days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner and other parties to find a means of preserving the site or structure. This 90-day period may include posting of the property. Washington County Historic District Commission currently encourages demolition alternatives as listed in order of priority below:

1. *Redesigning the project to avoid any impact to the structure or its setting;*
2. *Incorporating the structure into the overall design of the project;*
3. *Converting the structure into another use (adaptive reuse);*
4. *Relocating the structure on the property;*
5. *Relocating the structure to another property;*
6. *Salvaging from the structure, historically significant architectural features and building materials;*
7. *Documenting the structure as a whole and its individual architectural features in photographs, drawings and/or text.*

When: This 90-day period would begin after the Historic District Commission issues a decision against demolition and could run concurrently with additional County board reviews such as the Planning Commission and Board of County Commissioners.

Where: This 90-day period would potentially apply to any demolition permit application that includes any property on the County's inventory of historic resources or is more than 50 years old in the Antietam Overlay (AO) or Rural Village (RV) Zoning Designations.

Why: This 90-day period after completion of permit review achieves the following goals:

1. *This is a conversation starter. The current 45-day review period does not provide enough time to have conversations with all partners in historic preservation to find alternatives to save the structure or site. The feasibility of demolition alternatives is often revised when more parties become aware of the structure's situation thereby increasing the chances that one or more of the demolition alternatives can be utilized.*
2. *As a Maryland Certified Local Government (CLG), this 90-day period would be consistent with current ordinance language established after Washington County became certified and would maintain our local status.*

Priority 3 – Deterrents to Premature Demolition

What we have now - \$100/day Civil Citation if demolition occurs without a permit

1. The Historic District Commission has no way to deter demolition without a permit or premature demolition. Premature demolition occurs when an owner/applicant applies for a demolition permit but proceeds with the demolition before the permit is issued. This has happened twice in the last 12-month period with permits under review by the Historic District Commission.
2. A \$100/day Civil Citation is a reaction to a completed demolition and is rarely enforced. This civil citation is effective for building violations during construction. It is not effective for demolition because the citation will not cover the costs to replace or document the structure after it is already lost.

Proposed Deterrents to Premature Demolition

1. Create a mechanism for the HDC to issue fines for demolition without a permit as opposed to civil citations.
2. Establish a fine of up to \$5000.
3. Impose a new construction moratorium for a minimum of 1 year when demolition without a permit or demolition by neglect has occurred.

Proposed Benefit of Deterrents

Dedicate use of any generated fines for historic preservation initiatives such as updating the Historic Sites Survey, documentation assistance or grant matching funds.

Why do we need to explore deterrents?

Our current available option of \$100/day civil citation is not a viable mechanism to deter premature demolition.

It is important to remember some key facts about historic buildings:

1. Old buildings have intrinsic value.
2. When you tear down an old building, you never know what's being destroyed.
3. New businesses prefer old buildings.
4. Old buildings attract people.
5. Old buildings are a reminder of a county's culture and complexity.
6. **Regret goes only one way.**

-National Trust, Six Practical Reasons to Save Old Buildings



Agenda Report Form

Open Session Item

SUBJECT: Revision of PR-22, Boards and Commissions Policy

PRESENTATION DATE: December 8, 2020

PRESENTATION BY: Kirk C. Downey, County Attorney/Int. Co. Administrator

RECOMMENDED MOTION: Move to adopt the proposed revisions to PR-22, Boards and Commissions Policy, as presented and restate and republish said policy as amended.

REPORT-IN-BRIEF: Proposed revision of the Boards and Commissions Policy, PR-22.

DISCUSSION: The Commissioners asked that the Boards and Commissions Policy, PR-22, be reviewed. Staff has reviewed the policy and suggested certain revisions to allow the Board of County Commissioners flexibility and authority over those boards and commissions under its purview.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Redline of PR-22, Boards and Commissions Policy

AUDIO/VISUAL NEEDS: N/A



POLICY TITLE: Boards and Commissions

POLICY NO.: PR-22

I. PURPOSE

The purpose of this Policy is to establish guidelines for the appointment and compensation, if applicable, of various boards, commissions, committees, authorities, and other bodies reporting to the Board of County Commissioners ("Board").

II. GENERAL POLICY

The Board recognizes the importance of and encourages citizen participation in local government boards and commissions. The Board maintains a file of County residents who are interested in appointment to one of many such bodies. Interested individuals should submit a completed application form which may be obtained online at www.washco-md.net or upon request from the County Clerk. All applications will be kept on file for two (2) years.

III. RESIDENCY AND ATTENDANCE REQUIREMENTS

Applicants must reside or work in Washington County to be considered for appointment. Applicants must be willing and able to attend meetings as scheduled, day or evening. Appointees to County boards and commissions are subject to the County's Ethics Ordinance.

IV. APPOINTMENTS AND TERM LIMITS

The provisions of this Policy will govern term limits unless otherwise provided by statute, regulation, by-laws of the board or commission, or action of the Board. Board and commission by-laws will be approved by the Board.

Terms generally.

1. The term limit for all board and commission members is two (2) consecutive terms. Terms will be three (3) years.
2. An appointment to fill an unexpired term will not be considered a full term. A member may serve until a successor is appointed.
3. Terms will be staggered wherever possible to assure continuity.
4. Membership on a board or commission may be terminated by voluntary withdrawal or removal by the Board at the Board's sole discretion.
5. All board and commission members shall take the oath of office within thirty (30) days of their appointment.

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Deleted: , except for the Economic Development Commission (EDC). Applicants for the EDC will be considered who are employed by or affiliated with business entities that have a substantial presence in Washington County. The extent of the affiliation of the applicant and the presence of the entity in Washington County will be factors in the deliberations of the Board on the application for appointment to the EDC....

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V. COMPENSATION

The Board has the final authority in all compensation decisions pertaining to board and commission members. The Board recognizes that, because of the varied nature of responsibilities, compensation will vary. Most boards and commissions have historically not been paid appointments. A list of current County boards and commissions is maintained by the County Clerk.

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VI. FISCAL YEAR REVIEW

As part of the budget preparation process, the Board will review the status of all boards and commissions. At that time, the Board may decide to create or abolish boards and commissions, change the paid or unpaid status, or increase or decrease member compensation.

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VII. EXCEPTIONS

The Board may waive the two (2) year consecutive term limit or any other provision in this policy when the Board, in its sole and absolute discretion, believes such waiver to be in the best interests of Washington County citizens.

Policy Actions

Action Taken	Approval Date	Effective Date
Adoption	November 4, 1997	November 4, 1997
Revision	January 5, 1999	January 5, 1999
Revision	April 22, 2003	April 22, 2003
Content affirmed and renewed	November 28, 2017	November 28, 2017
Revision	December 8, 2020	December 8, 2020

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Agenda Report Form

Open Session Item

SUBJECT: County Regulations Concerning PIA Requests

PRESENTATION DATE: December 8, 2020

PRESENTATION BY: Kirk C. Downey, County Attorney

RECOMMENDED MOTION: Move to rescind County Regulations Concerning Public Information Act Requests, in favor of those procedures prescribed by the Maryland Code.

REPORT-IN-BRIEF: The County's Regulations Concerning Public Information Act Requests is outdated due to significant changes in the Maryland Public Information Act (*MPIA*) and should be rescinded in favor of the Maryland Code.

DISCUSSION: The Maryland Public Information Act¹ grants members of the public broad access to public records in the possession of State and local governments. The MPIA was originally enacted in 1984. Washington County adopted Regulations Concerning Public Information Act Requests (*Regulations*) on January 2, 2001, which set out procedures for filing PIA requests, for inspection and copying records, and charging reasonable fees.

Since the adoption of the County's Regulations, the MPIA statute has been substantially revised several times. The MPIA now sets forth statewide procedures for: responding to requests for records; calculating fees for search, review, and production of the records; deciding disputes regarding the fees charged for search, review and production of records; obtaining mediation or judicial appeal regarding disputes involving access to records; and related matters.

The substantial changes to the MPIA now render the County's Regulations Concerning Public Information Act Requests both superceded and unnecessary. The Regulations should be rescinded, and the County should simply rely on the procedures set forth in the Maryland Code.

FISCAL IMPACT: Negligible

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Previous County Regulations dated January 2, 2001

AUDIO/VISUAL NEEDS: None

¹ Maryland Code, General Provisions Article § 4-101 et seq.

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

POLICY NUMBER:

ADOPTION DATE: January 2, 2001

EFFECTIVE DATE: January 1, 2001

FILING INSTRUCTIONS: _____

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REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

CHAPTER 01 PUBLIC INFORMATION ACT REQUESTS

.01 General.

These regulations set out procedures for filing requests with Washington County, Maryland for the inspection and copying of records under the Public Information Act, State Government Article §§10-611 through §10-628, Annotated Code of Maryland. It is the policy of the County to facilitate public access to the records of the County, when such access is allowed by law, by minimizing costs and time delays to persons requesting information.

.02 Definitions.

- A. "Act" means the Public Information Act, State Government Article §10-611 through §10-628, Annotated Code of Maryland.
- B. "Applicant" means a person requesting disclosure of public records.
- C. "County" means Washington County, Maryland.
- D. "Custodian" means an authorized person employed by the County having personal custody and control of public records of the County.
- E. "Official Custodian" means the person who is responsible for the maintenance, care, and keeping of the public records of the County. Unless otherwise provided by law, the County Attorney is the official custodian of the County's records.
- F. "Public records" means all paper, correspondence, forms, books, photographs, photostats, films, microfilm, sound recordings, maps, drawings, or other written documents, regardless of physical form or characteristics. "Public records" includes all copies made or received by the County in connection with the transaction of public business and includes the salaries of all employees of the County.
- G. "Working day" means a day other than Saturday, Sunday, or a County holiday.

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

- H. "Written documents" means all books, papers, maps, photographs, cards, tapes, recordings, computerized records including e-mails, and other documentary materials, regardless of physical form or characteristics.

.03 *Who May Request.*

Any person may request to inspect or copy public records of the County.

.04 *Necessity for Written Request.*

A. Inspections.

- (1) Except as otherwise provided in this chapter, the custodian shall generally make public records available for inspection by an applicant without demanding a written request.
- (2) The custodian shall require a written request if the custodian reasonably believes that the Act or any other law may prevent the disclosure of the record to the applicant or that a written request will materially assist the County in responding to the request.

B. Copies.

If the applicant is requesting a copy of any public record, the custodian may require a written request by the applicant.

.05 *Contents of Written Request.*

A written request shall contain the applicant's name and address, shall be signed by the applicant, and shall reasonably identify by brief description the record sought.

.06 *Filing Written Request.*

A written request shall be addressed to the custodian of the record. If the custodian is unknown to the applicant, the request may be addressed to the County Attorney.

.07 *Response to Written Request.*

- A. If the custodian decides to grant a written request for inspection, the custodian shall produce the record for inspection immediately or within a

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

reasonable period, not to exceed 30 days from the date of the request where such period of time is needed to retrieve the information.

- B. If the custodian decides to deny the written request, the custodian shall do so within 30 days of the written request and immediately upon deciding to deny the request, notify the applicant of the denial.
- C. If a requested public record is not in the custody or control of the person to whom written application is made, that person shall, within 10 working days of the receipt of the request, so notify the applicant. If that person knows the name of the custodian of the record or the location or possible location of the record, this information shall also be given to the applicant.
- D. With the consent of the applicant, any time limit imposed by .07 A to C may be extended for an additional period not to exceed 30 days.

.08 Notification of Persons Who May Be Affected By Disclosure.

Unless prohibited by law, the custodian should notify any person who could be adversely affected by disclosure of a record that a request for inspection or copying of the record has been made. The custodian may consider the views of that person before deciding whether to disclose the record to the applicant.

.09 Records Temporarily Unavailable.

If a requested public record is in the custody and control of the person to whom written application is made but is not immediately available for inspection or copying, the custodian shall, within 10 working days of the receipt of the request, so notify the applicant and set a date and hour within a reasonable time for inspection or copying.

.10 Records Destroyed or Lost.

If a requested record has been destroyed or lost, the custodian to whom the application is made shall, within 10 working days of the request, notify the applicant of this fact and explain in the response the reasons why the record cannot be produced.

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

.11 *Review of the Denial.*

- A. If a written request is denied by the custodian for a reason other than that the record is temporarily unavailable, the applicant may, within 30 days after receipt of the notice of the denial, request an administrative hearing.
- B. If the applicant requests a hearing, the hearing shall be conducted by a hearing officer designated by the County Attorney and the hearing shall be governed by Title 10, Subtitle 2 of the State Government Article. After the hearing, the hearing officer shall prepare a recommended decision for the County Attorney. The County Attorney shall issue the final decision of the County.
- C. If the hearing results in a total or partial denial of the written request, the applicant may file an appropriate action in the circuit court under §10-623 of the Act.
- D. If the applicant chooses not to request a hearing under ¶A above, the applicant may file an action for judicial enforcement under §10-623 of the Act without exhausting that administrative remedy.

.12 *Disclosure Against Public Interest.*

If, in the opinion of the County Attorney, disclosure of any public record that may otherwise be subject to disclosure under the Act would do substantial injury to the public interest, the County Attorney may temporarily deny the request in writing and apply within 10 working days of the denial to the appropriate circuit court for an order permitting continued denial or restriction of access. Notice of the application filed with the circuit court shall be served on the applicant in the same manner that is provided for service of process by the Maryland Rules of Procedure.

.13 *Fees.*

- A. The fee schedule for copying and certifying copies of records is as follows:
 - (1) **Copies.** The fee for each copy is \$.15 per page if reproduction is made by a photocopying machine within the County. If records are not susceptible to photocopying (for example, punch cards, magnetic tapes, blueprints, and microfilm), the fee for copies will be based on the actual

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

cost of reproduction. There will be no charge for a request for five (5) copies or fewer.

- (2) *Certification of Copies.* If a person requests that a copy of a record be certified as a true copy, an additional fee of \$1.00 per page, or if appropriate, per item shall be charged.
 - (3) *Other documents.* Standard engineering drawings (24" x 36") and half-sheet or right-of-way plat sizes will be charged at \$2.50 per sheet, and the cost of copying larger plats shall be computed by the total area of the document at the rate of \$2.25 plus \$.04 per square foot.
 - (4) *Search Fee Charged.* A search fee of \$15.00 per hour will be charged for the time required to search for and assemble documents in response to the request. No charge will be assessed for the first two hours incurred.
- B. Notwithstanding ¶A above, if the fees for copies, printouts, photographs, or certified copies of any record are specifically prescribed by a law other than the Act or this regulation, the prescribed fee shall be charged.
 - C. If the custodian is unable to copy a record within the County, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the County. The custodian shall either collect from the applicant a fee to cover the actual cost of reproduction or direct the applicant to pay the cost of reproduction directly to the facility making the copy.
 - D. Before copying a record, the custodian shall estimate the cost of reproduction and either obtain the agreement of the applicant to pay the cost or demand prepayment of any estimated fee before reproducing the record.
 - E. Except as provided in subsection F, the official custodian shall charge the fee set forth in section .13(A)(4) for official's or employee's time expended searching for requested records or for any time expended preparing records for inspection and copying.

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

- F. The official custodian may not charge any search or preparation fee for the first two hours of official or employee time that is needed to respond to a request for information.
- G. Upon request, the official custodian may waive or reduce any fee charged pursuant to this regulation if the custodian determines that the waiver or reduction is in the public interest. The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the cost or fee.
- H. If the applicant requests that copies be mailed or delivered to the applicant, the custodian may charge the applicant for the cost of postage or delivery to the applicant.

.14 Time of Inspection.

An applicant may inspect any public record that the applicant is entitled to inspect during the normal working hours of the County.

.15 Place of Inspection.

The place of inspection shall be the place where the document is located unless the custodian, after taking into account the applicant's expressed wish, determines that another place of inspection is more suitable and convenient.

Chapter 02 CORRECTION OR AMENDMENT OF PERSONAL RECORDS

.01 General.

These regulations set out procedures for persons in interest to request the correction or amendment of personal records under State Government Article §10-625 in Washington County.

.02 Who May Request.

A "person in interest" as defined in §10-611(e) may request the County to correct or amend any personal records pursuant to §10-625.

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

.03 *Contents of Request.*

The person in interest shall request the correction or amendment in writing. Each request shall:

- A. Identify the personal records the person is seeking to correct or amend;
- B. State the precise correction or amendment requested;
- C. State the reason the correction or amendment is sought; and
- D. Include the statement that the personal records are to the person's belief currently inaccurate or incomplete.

.04 *Filing the Request.*

A request for correction or amendment of the records shall be filed with the County by addressing it to the custodian of the record. If the custodian is unknown to the person in interest, the request may be addressed to the County Attorney.

.05 *Return of Request.*

A request for correction or amendment will be considered filed with the County when received only to the extent that it reasonably complies with Regulation .03. If a request does not reasonably comply with Regulation .03, it shall be returned to the person with an explanation of the reason for the return and a statement that, upon completion, it may be refiled with the County.

.06 *Response to Request.*

Within 30 days after the completed request for correction or amendment that complies with Regulations .03 and .04 is received, the custodian of the record shall:

- A. Make the requested correction or amendment and inform the person in writing of the action; or
- B. Inform the person in writing of:
 - (1) The County's refusal to make the requested correction or amendment; and

REGULATIONS CONCERNING PUBLIC INFORMATION ACT REQUESTS

- (2) The reason for the refusal; or
- C. Inform the person in writing that the request will not be acted on because:
 - (1) The person is not a "person in interest";
 - (2) The records sought to be corrected or amended are not "personal records";
 - (3) The person requesting the correction or amendment is not entitled to inspect the records under §10-615 through §10-619; or
 - (4) Of any other reason that is authorized by law.

.07 Refusal of Request.

If the County's final determination under Regulation .06 is to refuse the requested correction or amendment, as authorized by Regulation .06B, the person in interest may file with the County a concise statement of the reasons for:

- A. The requested correction or amendment; and
- B. Disagreement with the County's refusal to make the correction or amendment.

.08 Requirements for Statement of Disagreement.

The statement specified in Regulation .07 shall be filed on pages not exceeding 8" x 11 "in size. Only one side of the page shall contain the statement. No more than five pages will be accepted by the County in connection with a single request for correction and amendment.

.09 Information Provided to Third Parties.

When the County discloses to a third party information from personal records about which a statement in compliance with Regulations .07 and .08 has been filed, the County shall furnish a copy of the statement to the third party.

.10 Administrative Review.

- A. A person may, but need not, request an administrative review within the County, by filing a request for review with the County Attorney, if the person has been denied:
 - (1) An amendment or correction of a record;
 - (2) The right to file a statement; or
 - (3) The right to have a statement to a third party forwarded pursuant to Regulation .09.
- B. A request for review shall be filed within 30 days of the date the person is advised of the County's action.
- C. The review proceedings shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article and the administrative hearing regulations of the County.

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Agenda Report Form

Open Session Item

SUBJECT: Budget transfer for terminal expansion change order

PRESENTATION DATE: December 8, 2020

PRESENTATION BY: Garrison Plessinger, Airport Director

RECOMMENDATION: To approve the budget adjustment and change order for terminal project.

REPORT-IN-BRIEF: Budget transfer will provide funding for local portion of the change order.

DISCUSSION:

The following items below were approved by the FAA and MAA for the terminal project:

- Substitution of Roof Ceiling Panels
- Unsuitable Excavation
- Storm drain Inlet Modifications
- Relocate Water Heater

Funding is distributed as follows:

- 90% FAA totaling \$51,800
- 5% MAA totaling \$2,900
- 5% County totaling \$2,900

FISCAL IMPACT: \$57,600 increase to project

CONCURRENCES: NA

ALTERNATIVES: NA

ATTACHMENTS: Budget Adjustment Form, FAA Concurrence, Callas Change Order #3 Form

AUDIO/VISUAL NEEDS: NA



Washington County, Maryland Budget Adjustment Form

Print Form

- ☒ Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- ☐ Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance	
Deputy Director - Finance	Kelcee Mace <small>Digitally signed by Kelcee Mace Date: 2020.11.23 10:39:23 -05'00'</small>
Preparer, if applicable	

Department Head Authorization	Garrison Plessinger <small>Digitally signed by Garrison Plessinger Date: 2020.11.23 10:49:02 -05'00'</small>
Division Director / Elected Official Authorization	
Budget & Finance Director Approval	
County Administrator Approval	
County Commissioners Approval	

Required approval with date	
If applicable with date	
Required approval with date	
Required approval with date	
Required > \$ 25,000 with date	

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
498400	35	45010	BLD082		0000	Capital Grant - Federal	51,800
498410	35	45010	BLD082		0000	Capital Grant - State	2,900
498710	35	45010	BLD082		0000	Capital Transfer - General	2,900
599999	35	45010	BLD082		CNST	Passenger Terminal Hold Room Expansion	57,600

Explain Budget Adjustment	Items including Substitution of Roof Ceiling Panels (AIP-06), Unsuitable Excavation (AIP-061), Stormdrain Inlet Modifications (AIP-061), Relocate Water Heater (AIP-061) +
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Required Action by County Commissioners	<input type="radio"/> No Approval Required	<input checked="" type="radio"/> Approval Required	Approval Date if Known	
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**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY MARYLAND
100 WEST WASHINGTON STREET, HAGERSTOWN, MARYLAND 21740-4735
CHANGE ORDER**

TO: CALLAS CONTRACTORS, LLC
Consultant: Attn: Eve Miller, Project Manager
Contractor: 10549 Downsville Pike
Vendor: Hagerstown, MD 21740

Change Order No. Purchase Order No.

Contract No. Oracle Account No.

Project Title: Date:

The contract time will: ☐ increase ☐ decrease ☒ remain the same by: ☐ calendar days ☐ working days

Description of Change:

1. Substitution of roofing panels from B-Deck to EPIC Deck
2. Unsuitable Material Excavation and Backfill
3. Stormdrain Inlet Modifications
4. Relocate Water Heater

Reason for Change:

See the attached letter addressed to the FAA for justification of the items listed above.

The completion date, incorporating the changes included in this change order, is:	<input type="text" value="March 22, 2021"/>
The original contract sum was:	<input type="text" value="\$6,391,000.00"/>
Net changes by previous change orders:	<input type="text" value="\$1,025,654.82"/>
Contract sum prior to this change order:	<input type="text" value="\$7,416,654.82"/>
By this Change Order, the contract sum will be changed by:	<input type="text" value="\$57,542.13"/>
The new contract sum including this change order will be:	<input type="text" value="\$7,474,196.95"/>

The Consultant/Contractor/Vendor shall not commence with the work described hereon until this form is executed by all agents.

Consultant: Digitally signed by Mahesh S. Kukata, PE
Date: 2020.09.17 13:32:58 -04'00'

Finance:

Contractor/Vendor: Digitally signed by Eve Miller
Date: 2020.11.04 12:59:53 -05'00'

Purchasing:

Approving Agency: Digitally signed by Garrison Plessinger
Date: 2020.11.05 08:34:56 -05'00'

County Administrator:

Outside County Entities: Please email the signed form to ChangeOrder@washco-md.net.



U. S. Department
of Transportation

**Federal Aviation
Administration**

WASHINGTON AIRPORTS DISTRICT OFFICE
13873 Park Center Road, Suite 490S
Herndon, Virginia 20171
Telephone: 703/487-3980
Fax: 703/487-3982

September 11, 2020

Mr. Garrison Plessinger
Airport Director
Hagerstown Regional Airport
18434 Showalter Road
Hagerstown, Maryland 21742

Re: Change Order No. One (1)
Hagerstown Regional Airport
Expand Terminal Building
AIP 3-24-0019-061/062-2019

Dear Mr. Plessinger:

I have reviewed the subject Change Order and associated time extension and determined that it is justified reasonable.

The following contract items are approved for an increase of \$1,083,196.95 (\$41,196.95 AIP-061/ \$1,042,000 AIP-062) and no change to contract time:

1. Acquire and Install Passenger Boarding Bridge (AIP-062)
2. IT Equipment Procurement by Washington County (AIP-061)
3. Substitution of Roof Ceiling Panels (AIP-061)
4. Unsuitable Excavation (AIP-061)
5. Stormdrain Inlet Modifications (AIP-061)
6. Relocate Water Heater (AIP-061)

The following limitations apply to this action:

- This determination is solely for the purpose of establishing eligibility of costs under the AIP program. This approval does not represent a commitment of Federal funds in addition to the original grant obligation.
- The incorporation of non-participating work items must not directly or indirectly result in any additional cost to the AIP-eligible portion of the project. Please maintain a separate and accurate cost accounting of the non-participating work that will permit a third party auditor to quickly verify proper allocation of costs.

- The eligible costs for the IT Equipment Procurement cannot exceed the original costs included in the contract (\$16,345.18). Any costs above that amount will not be AIP eligible.

Please forward a copy of the executed change order to my attention as soon as it is available. Your record drawings should indicate details addressed by this change order.

Please contact me at (703) 487-3976 or via e-mail at john.m.robinson@faa.gov if you have questions.

Sincerely,

John M. Robinson, II, P.E.
Airport Engineer

EC: William Krozack, MAA
Mahesh Kukata, ADCI
Kyle Allison, FAA



Agenda Report Form

Open Session Item

SUBJECT: Maryland Aviation Administration Special Grant – Approval to Accept Funding

PRESENTATION DATE: December 8, 2020

PRESENTATION BY: Garrison Plessinger, Director, Airport

RECOMMENDED MOTION: Move to approve acceptance of the award from the Maryland Aviation Administration in the amount of \$135,375.

REPORT-IN-BRIEF: The Hagerstown Regional Airport submitted a request to the Maryland Aviation Administration seeking funding assistance through the Special Grant program for the completion of the upgrades to the existing Virtual Perimeter Monitoring System (VPMS), purchase of an Aircraft Rescue Fire Fighting Foam Testing Equipment and a Live Scan Fingerprinting Machine. These projects were approved in FY21 CIP budget.

DISCUSSION: The Office of Grant Management has reviewed the grant funding guidelines. There is a County match requirement of 25% associated with this grant. The match is included in the FY21 Airport CIP budget.

Maryland Aviation Administration	(75%)	\$135,375
Washington County	(25%)	<u>\$ 45,125</u>
Total Project Cost		\$180,500

FISCAL IMPACT: Matching funds are included in the Airport's CIP budget.

CONCURRENCES: Susan Buchanan, Director, Office of Grant Management

ALTERNATIVES: Deny acceptance of funding

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A