

January 13, 2009
Hagerstown, Maryland

The regular meeting of the Board of County Commissioners of Washington County, Maryland was called to order at 8:35 a.m. by President John F. Barr with the following members present: Commissioners Kristin B. Aleshire, James F. Kercheval, and William J. Wivell.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Commissioner Barr followed by the Pledge of Allegiance to the Flag by the full assemblage.

APPROVAL OF MINUTES - JANUARY 6, 2009

Motion made by Commissioner Kercheval, seconded by Aleshire, to approve the minutes of January 6, 2009. Motion carried with Commissioners Kercheval, Aleshire and Barr voting "AYE" and Commissioner Wivell "ABSTAINING."

(Commissioner Baker arrived at 8:41 a.m.)

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Kercheval provided highlights of the Winter Maryland Association of Counties (MACo) Conference and the seminars he attended. He stated that a tribute was held in honor of David Bliden, Executive Director of MACo, who is retiring.

Commissioner Aleshire cited an article in the *NACo News* regarding an IRS proposal and the effect it could have on capital projects. He reported on the Economic Development Commission meeting. Commissioner Aleshire stated that he received a letter from the Citizens for Preservation of Pleasant Valley regarding a proposal to locate a cellular tower in that area. He indicated that there seems to be some confusion over what is being proposed and asked that the Director of Public Works respond to the organization.

Commissioner Baker reported that the Recreation & Parks Advisory Board heard presentations from several municipalities regarding requests for Program Open Space (POS) funds. He stated that he attended the Mayor and Council meetings for the Towns of Clear Spring and Williamsport. Commissioner Baker informed the Commissioners that he received several telephone calls in

opposition to the alarm ordinance proposal as well as the new tax assessments.

Commissioner Barr reported on the MACo Winter Conference and the sessions he attended.

ADOPTION OF AGRICULTURAL PRESERVATION DISTRICTS

Eric Seifarth, Rural Preservation Administrator, and Sara Edelman, Land Preservation Planner, met with the Commissioners regarding whether to continue with the five and ten year Agricultural District Programs. Mr. Seifarth reviewed comments that were made at the public hearing held on January 6, 2009. He stated that several changes were made to the proposed Ordinance based on those comments.

Motion made by Commissioner Kercheval, seconded by Wivell, to adopt an Ordinance for the Establishment of Agricultural Preservation Districts with the revisions presented. Unanimously approved.

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the Regulations for the Establishment of Agricultural Preservation Districts as presented. Unanimously approved.

SECURITY SYSTEM FALSE ALARM ORDINANCE

Andrew Wilkinson, Assistant County Attorney, and Sheriff Douglas Mullendore met with the Commissioners regarding the revised ordinance regulating security system alarms. Sheriff Mullendore stated that a public hearing was held on September 11, 2007 and a presentation made to the Board on September 25, 2007. At that time, the Board directed them to meet with the City of Hagerstown to consider a mutual ordinance for use in the joint emergency operations center. Mr. Wilkinson stated that both Sheriff Mullendore and City Police Chief Arthur Smith have reviewed

and updated the draft Ordinance. Sheriff Mullendore outlined the changes made to the proposed Ordinance and indicated that the Mayor and Council are expected to repeal the City's current ordinance and adopt the County Ordinance. Sheriff Mullendore estimated that the total wage cost to his Department for responding to false alarms in 2006 was \$96,000. He noted that out of 3,500 calls, one percent was from actual criminal activity and one percent was weather related. Chief Smith provided information on the City of Hagerstown's current system. The meeting was opened for questions and discussion. Commissioners Wivell and Baker indicated that they were opposed to establishing a permit fee for alarm systems, but stated that they could support instituting fines for repeat offenders. After discussion, it was the consensus to schedule another public hearing relating to the proposed ordinance and the proposed fees and fines.

DISCUSSION OF COUNTY GOALS - CONTINUATION

County staff continued its update from last week on current term goals and discussion of any possible new goals.

Washington County Community Partnership for Children & Families (WCCP)

Stephanie Stone, Director of the WCCP, informed the Commissioners that the goal to review and update its bylaws has been completed. She stated that WCCP is working in conjunction with the Teen Pregnancy Prevention Task Force to develop a comprehensive strategy to reduce teen pregnancy by a measurable goal but that this goal will continue into next year. Ms. Stone reviewed the strategies being pursued. She stated that WCCP is working with the County purchasing requirements on bidding available grants and initiatives.

Economic Development Commission (EDC)

Tim Troxell, Executive Director of the EDC, stated that the goal to develop a refined policy to allow new developments to proceed through the process in an expedient manner has been accomplished. Mr. Troxell indicated that efforts have begun to implement the goal to develop an action plan and facilitate involvement of the EDC in key economic development areas. Commissioner Aleshire suggested that green initiatives be included in the goals.

Purchasing

Karen Luther, Purchasing Agent, informed the Commissioners that the Purchasing Department now advertises bids on the State's E-Marketplace and provides information on the County's website. She stated that vendors are notified of changes in the process online but that there are no plans in the near future to use electronic bidding online.

Budget & Finance

John Martirano, County Attorney, indicated that he researched the issue of bi-annual budgeting at the request of Budget and Finance and has determined that the County would need to seek specific legislative authority to change the *Code of Public Local Laws* in order to institute a bi-annual budget process with alternating years for the CIP and operating budgets.

Environmental Management

Julie Pippel, Director of the Division of Environmental Management, stated that she is working with the Department of Natural Resources on the goal to form a Local Implementation Team to develop a local basin level Tributaries Strategy Plan.

Solid Waste

Ms. Pippel stated that her department is proceeding to work with several companies regarding the goal to develop a comprehensive approach toward recycling and the reduction of solid waste as well as evaluating possibilities for methane extraction and use. She indicated that more information will be available later this month and she will report on it in the next 30-60 days.

Water Quality

Ms. Pippel informed the Commissioners that she is working with the Planning Department on the goals to tie the County Capacity Management

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Plan into the Planning Department's goals, preparing the water/sewer component of the comprehensive plan in conjunction with HB 1141 requirements, and supporting the Planning Department in completing the Water and Sewer Master Plan update.

The Commissioners agreed to continue the review of departmental goals at next week's meeting.

CITIZENS' PARTICIPATION

Monda Sagalkin, representing the League of Women Voters, asked the Commissioners to begin the process of adding inclusionary zoning for workforce housing units. Commissioner Kercheval stated that the rezoning of the Urban Growth Area, currently underway, could significantly impact the zoning densities and that any consideration of an inclusionary zoning program would need to wait and be incorporated into those changes.

Joan and Steve Tucker spoke in opposition to the False Alarm Ordinance. Mrs. Tucker stated that they are not against assessing fees for abuse, but are against paying a permit fee for their alarm. Mr. Tucker responded to statistics given by Sheriff Mullendore and stated that he feels that the system is working fine without an additional tax.

REPORTS FROM COUNTY STAFF

Julie Pippel provided an update on the Federal stimulus packages and the funds targeted to water quality. Ms. Pippel stated that it is the Maryland Department of the Environment's intention to follow the procedures now in place for the State revolving loan funds to distribute the monies. She reviewed the process and indicated that her department would utilize the current plan and the priority list. Joe Kroboth, Director of Public Works, reviewed the three categories of priority projects. He provided the Commissioners with a list of County projects that fall within those categories. Mr. Kroboth noted that the County has seven projects that meet all three categories. He stated that he is still working with the municipalities to obtain project lists. Mr. Kroboth asked for direction regarding which projects the Commissioners would like to submit. Commissioner Aleshire stated that the projects

that are submitted should be those that rank high on the County's priority ranking system as well.

Mr. Kroboth distributed a draft of the policy regarding the disposal of surplus County property. He indicated that it is listed as a 2009 operational goal for the Department of Public Works. John Martirano, County Attorney, stated that the County Commissioners should have input into the policy.

Mr. Kroboth stated that the contractor for the Funkstown Bridge Project would be addressing "punch list" items this evening to finalize the project and that traffic would be flagged to allow the work to be completed.

DISTINGUISHED BUDGET PRESENTATION AWARDS PROGRAM

Commissioner Barr presented a Certificate of Merit to Debra Murray, Director of Budget and Finance, in recognition of having received the Distinguished Budget Presentation Award from the Government Finance Officers Administration (GFOA) for Fiscal Year 2009. He stated that this award is the highest form of recognition in governmental budgeting and represents the commitment of staff to meet the highest standards. The Commissioners congratulated Ms. Murray on this achievement. Ms. Murray thanked the Commissioners for the Certificate and recognized her staff for its assistance.

COMMUNITY FOUNDATION SCHOLARSHIP FUND

Gregory Murray, County Administrator, reviewed details of the Community Foundation Scholarship Fund. Mr. Murray noted that the previous Board of County Commissioners provided \$50,000 toward funding a County scholarship and that details of the scholarship need to be formalized. Brad Sell, Director of the Community Foundation, explained that the actual scholarship awards will not be available until 2011, when the Waltersdorf-Henson challenge is met. However, the fundraising activities

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have been so successful that the Board decided to take funds from those activities and make 10 scholarships available for the spring semester. The Commissioners agreed that the requirements of its scholarship in the amount of \$2,500 would include a grade point average of at least 2.50 and a household income of between \$0-75,000. The Commissioners also stipulated that the recipients must be a Washington County resident and/or have graduated from a Washington County high school or college and that community involvement would be considered. Commissioner Aleshire suggested that it exclude anyone with a criminal background. The Commissioners directed Staff to review Commissioner Aleshire's suggestion with the Community Foundation and the University System of Maryland to see if it is a permitted.

CONVENE IN CLOSED SESSION

Motion made by Commissioner Wivell, seconded by Kercheval, to convene in closed session at 11:46 a.m. to discuss the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction; to discuss personnel matters that affect one or more specific individuals; to discuss public security as the public body has determined that public discussion would constitute a risk to the public or to public security; and to consult with counsel to obtain legal advice in accordance with Section 10-508 of the State Government Article of the Annotated Code of Maryland. Unanimously approved.

RECONVENE IN REGULAR SESSION

Motion made by Commissioner Aleshire, seconded by Kercheval to reconvene in open session at 2:15 p.m. Motion carried with Commissioners Aleshire, Kercheval, and Barr voting "AYE" and Commissioners Baker and Wivell voting "NO."

In closed session, the Commissioners discussed the appointment, employment, and/or assignment of appointees, employees, or officials over whom it has jurisdiction; discussed personnel matters that affect one or more specific individuals; discussed public security as the public body has determined that public discussion would constitute a risk to the public or to public security; and consulted with counsel to obtain legal advice. Present during closed session were Commissioners John F. Barr,

Terry L. Baker, Kristin B. Aleshire, James F. Kercheval, and William J. Wivell. Also present at various times were Gregory Murray, County Administrator; John Martirano, County Attorney; Andrew Wilkinson, Assistant County Attorney; Joni Bittner, County Clerk; Joe Kroboth, Director of Public Works; Carolyn Motz, Airport Director; Phil Ridenour, Airport Fire Chief; Airport Advisory Commission members Kent Oliver and Harry Reynolds; Federal Aviation Administration representatives Tom Priscilla and Jennifer Mendlesohn; Mahesh Kukata, Airport Design Consultants, Inc.; Staci Quesenberry, representing the URS Corporation; and Caleb Eby.

APPROVAL OF PMDC EXECUTIVE DIRECTOR

Motion made by Commissioner Aleshire, seconded by Kercheval, to approve the PenMar Development Commission (PMDC) Board's proposal to appoint Doris Nipps as Executive Director, as presented by its Executive Committee. Motion carried with Commissioners Aleshire, Kercheval, and Barr voting "AYE" and Commissioners Wivell and Baker voting "NO."

BOARD APPOINTMENTS - GAMING COMMISSION, BOARD OF SOCIAL SERVICES AND DISABILITY ADVISORY COMMITTEE

Motion made by Commissioner Kercheval, seconded by Aleshire to make the following appointments: 1) Gaming Commission - to reappoint Judith Ferro for a two-year term; 2) Board of Social Services - to appoint Bonnie Elgin to fill the unexpired term of Roland Smith which extends to June 30, 2010; and 3) Disability Advisory Committee - to appoint Forrest Easton, Patricia Ieraci, and William Vance for three-year terms and to appoint Melinda Propst to fill the unexpired term of Jennifer Maust which extends to July 31, 2011. Unanimously approved.

ADJOURNMENT

Motion made by Commissioner Aleshire, seconded by Baker, to adjourn at 2:18 p.m.

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County Administrator

County Attorney

County Clerk