



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

County Administration Building
100 West Washington Street, Room 226
Hagerstown, Maryland 21740-4834
Telephone (Voice/TTY) 240-313-2200
FAX: 240-313-2201

John F. Barr, *President*
Terry L. Baker, *Vice-President*
Kristin B. Aleshire
James F. Kercheval
William J. Wivell

FOR IMMEDIATE RELEASE

**CONTACT: NORMAN BASSETT
240-313-2077**

**NEWS
RELEASE**

Review of Actions Taken in the Washington County
Board of County Commissioners Meeting
Tuesday, March 11, 2008

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Kristin Aleshire reported on attending the PenMar Development Corporation Board meeting on Monday. Use of funds and joint programs with the Board of education were discussed, along with pursuing avenues for funding of a Fire/Rescue station at the former Fort Ritchie. The Commissioner called for a review of the purpose of the County's 51 Boards and Commissions with an eye toward duplication of effort. Aleshire commented on attending the Board of Education 2+2 Committee meeting and the public information meeting held last week on the Funkstown Bridge. The Williamsport Mayor and Council meeting last week discussed the Sheriff's Department contract with that Town. The Commissioner stated he plans to attend meetings of all Fire and Emergency Services companies in the next 6 months to assess differences in needs between the companies given location and call volume. A report would be issued at the end of that time, Aleshire said.

Commissioner Jim Kercheval reported on a meeting with the Sheriff to discuss Detention Center expansion options and capacity issues. The Citizens' for Protection of Washington County met with Kercheval to address Excise Tax concerns last week, and the City 2+2 Committee met. The Commissioner read to 3rd Grade classes at Potomac Heights Elementary School last week. A conference call with the State Department of Planning and County Officials discussed long-term planning implications affected by nutrient loading caps placed on the Counties. State Planning officials work with the Counties in looking at proposals to address County concerns. The Board of Education 2+2 Committee meeting discussed the school mitigation process for developers. The BOE and County plans will be integrated, Kercheval said to give Developers clearer direction as to what's required of them. A 2-day bicycling event would bring 200-300 cyclists to the County. Event sponsors requested assistance from the Board for Sheriff's Department overtime expenses in the amount of \$1,470.00. The cyclists will stay in area hotels and provide additional economic benefit. The request for support with funds from the Hotel-Motel Tax was approved on a 3-0 vote with Commissioner Wivell abstaining.

Commissioner Bill Wivell commented on the Department of Water Quality Advisory Committee meeting last week. The budget was discussed, as well as two requests for waiver of water fees, which were denied by that Board, Wivell reported.

Commissioners' President John Barr reported on attending a workforce Development meeting with the Governor and Lieutenant Governor in Annapolis. Pete Thomas of the Western Maryland Consortium was honored for his service to redeveloping the workforce at that meeting last week, Barr said. The Public Information meeting on the Funkstown bridge was crowded, and County staff did an excellent job in providing information about why the stone arch bridge must be repaired, and the timeline for that project. A meeting with Hagerstown Mayor Robert Bruchey and Congressman Roscoe Bartlett, County officials and representatives from the local group lobbying for federal transportation funds heard advice on developing a project ranking system from the Congressman, Barr reported.

NEW PERSONNEL REQUESTS

Human Resources Director Bill Sonnik brought the departmental requests for new personnel and wage/salary adjustments for Fiscal Year 2009 to the Board for review. 67 new positions were requested across County government, at a potential cost of \$2.991 million. The request included positions in the Sheriff's Department to support patrol, detention and Central Booking. Fire and Emergency Services requested Basic and Advanced Life Support specialists and dispatchers to support the consolidation of 9-1-1 services. Other positions were requested in Parks and Recreation to support the Community Resource locations at the three new elementary schools, Transit-County Commuter for support of expanded operations, the Planning Department and Solid Waste. Discussion took place on efficiencies realized through consolidation of the dispatch and central boeing operations, making shift differential percentages of salary, and overtime pay. A part-time Mechanic position at the Department of Transit-County Commuter was discussed as being moved to full-time. Several of the requested positions were not approved by the County Administrator. All personnel requests will be given further agenda time prior to the Public Hearing on the Fiscal Year 2009 budget set for May at Hagerstown Community College.

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.

A group of business people from the Oak Ridge Drive area commented on County plans to repair the stone arch bridge at Funkstown. The group favored a temporary bridge or waiting until a bypass could be built around Funkstown.

Funkstown Assistant Mayor Paul Crampton also commented on the need for a bypass there.

Diane Eads of Hagerstown addressed the Board on the "State of the Middle Class".

Nancy Race of Homes for America gave the Board information on a plan by that non-profit entity to rehabilitate Hopewell Manor and construct workforce housing apartments at that location.

Monda Sagalkin of the League of Women Voters inquired about \$1 million was put in a set-aside for property tax relief. County Administrator Greg Murray said that a

decision on that fund has yet to be made, and that the lowering of the property tax cap to 5% saved taxpayers additional millions.

OTHER BUSINESS

County Attorney Issues: County Attorney John Martirano brought an item from the Town of Smithsburg before the Board. That town had requested that the Board of Education deed .75 acres of land near Federal Lookout Road to the Town for construction of a new water tower. The BOE agreed, and under state law, must convey the property to the County Commissioners. The request was to accept the deed to the property, and transfer the deed to the Town. Commissioner Wivell requested that the transaction contain a reverter clause. The measure as amended was approved by a 3-1 vote with Commissioner Aleshire abstaining for business reasons.

Reports from County Staff: Human Resources Director Bill Sonnik requested advertisement of a vacant budgeted Emergency Communications Specialist position. The measure was approved by unanimous vote.

Department of public Works Director Joe Kroboth discussed several projects put forth by the Regional Transportation Action Coalition as priorities. 5 projects would include widening Interstates 81 and 70, an overpass at Keep Tryst, Valley Roads and U.S./ 340, a railroad overpass on Eastern Boulevard and the Hagerstown northeast bypass. One proposal would incorporate several initiatives involving Eastern Boulevard into a single multi-phase project that would include a bridge over Antietam Creek connecting Eastern to Robinwood Drive, widening Eastern Boulevard, the railroad overpass and extension of that road to connect to Maryland Route 60. Funding from the City, County and the private sector would be involved in the proposed projects. The plans will be returned to the Board for review at a later date.

PUBLIC HEARING: ACQUISITION OF REAL PROPERTY

County Attorney John Martirano, Real Property Administrator Joe Kuhna and Communications Maintenance Manager Pete Loewenheim brought this matter to public hearing, to permit any interested person to appear and testify concerning the acquisition of the parcel of land consisting of approximately 5 acres, with improvements, situated at or near Quirauk Mountain, located off High Rock Road in Cascade, Maryland, for the sum of \$170,140.00. The public hearing was held to meet the requirements of Section 1-301(b) of the Code of the Public Local Laws of Washington County, Maryland. It has been determined that the Property is needed for a public purpose. The property contains a communications tower and equipment building and would be used as part of the County's Public Safety Communications project. Loewenheim told the Board that the County currently uses a nearby tower owned by the U.S. Army for several communications antennas, but has been asked to reduce or eliminate its presence at that location. Loewenheim also stated that several cellular communications providers have been interested in using space on a tower in the area, and would be a source of revenue for the County. No one testified either for or against the proposal. The record was not required to remain open, and a motion to approve the purchase was approved by unanimous vote.

THE COMMISSIONERS HEARD THE WASHINGTON COUNTY FREE LIBRARY BUDGET PRESENTATION AT THE NOON HOUR

Library Director Mary Baykan and members of the Library Board of Directors presented a request for \$2,567,710 in operating expenses for Fiscal Year 2009 for Commissioners' review. That figure represents an increase of \$80,970, or 3.26% due to wage and salary increases expected and a one-time request for replacement of the heating and air conditioning system at the Williamsport Branch Library, in accordance with an agreement made between the County and the Town. The increases would also cover the rising cost of energy for the main and satellite Library branches. The new Boonsboro Library also added to the allocation increase. The annual \$1,500 pass-through allotment for the Blue Ridge Summit, Pennsylvania, library was also requested to continue. All budgets will be reviewed prior to the annual budget public hearing at Kepler Theater on the Hagerstown Community College campus in May.

OTHER BUSINESS

Staff Comments: Public Works Director Joe Kroboth brought House Bill 1599 for Commissioners review and consideration. The Bill contains a section that would limit the type of truck that could be parked overnight on a County right of way in a subdivision. The original language specified semi-trailers and single unit trucks over 10,000 pounds. After review and discussion on items within the bill's language, all reference to single-unit trucks was removed as well as restrictions based on weight. The language that will be used stipulates that commercial trucks consisting of tractor and semi trailer would be banned from parking on County roads within subdivisions.

Kroboth also reported that Eastbound lane shifting will begin in phases at the Maugans Avenue intersection with U.S. 11, and will be reduced to one lane of traffic at certain times during the day, while construction work continues there. The City of Hagerstown approved a lease agreement for the alleyway off Summit Avenue that would be closed to allow the Sheriff's Department to construct and operate a sally-port to move prisoners into and out of the Court House Annex. The lease would be in effect as long as the courthouse is located at the current location, Kroboth said.

Director of Special Projects Gary Rohrer stated he represented the County at a Strategic Highway Safety Plan meeting. Counties and Municipalities are working with the State on several traffic safety programs, some of which will be administered by the Health Department.

County Attorney Issues: Assistant County Attorney Kirk Downey brought rezoning case RZ-07-004 to the Board for final approval. A public hearing was held on the case on January 8th at the request of the applicant, WASHCO Arnett Farms, LLC, for rezoning of 29.53 acres located on the west side of Maryland Route 65, from HI-2 (Highway Interchange 2) to HI-1 (Highway Interchange 1). After discussion that date on factors such as realignment of Rench Road and concerns of the neighborhood, consensus was reached to have the County Attorney prepare a revised draft of the amendment, to include requirements for adequate buffering, developer paying the cost for the road construction, using berms for buffering purposes and restricted access at a proposed intersection. Downey presented a document that addressed those concerns, and said that landowners in the area are settling some mutual issues, The approval would not be final

until the landowners came to terms. The measure was approved by a 4-1 vote, with Commissioner Baker voting "no".

County Administrator Comments: County Administrator Greg Murray told the Board that the Capital Improvement Projects discussion had to be cancelled due to lack of time, and that a half-day session should be devoted to discussion and review of the CIP. Consensus was reached to hold that discussion on the morning of the March 25th meeting, and move other items to afternoon and evening of that day. Due to the holiday schedule, there will not be a Commissioners' meeting on March 18th.

SCHOOL MITIGATION REQUEST

Planning and Community Development Director Mike Thompson and Lee Downey, Owner/Developer of Tammany Heights North brought this request for Approval of a School Mitigation Proposal for 11 single-family and three duplex lots in the next section of the Tammany Heights North Development under Section 9.1 of the Adequate Public Facilities Ordinance (APFO). Tammany Heights North is located along Custer Court south of I-70 and east of I-81. Preliminary plat approval was granted in August of 2006 for the lots in question on approximately 27 acres. A final plat for the development was submitted for review in August 2006 and must comply with the provisions of the APFO or has approved a mitigation plan by the Board of County Commissioners. Downey presented Dr. Betty Morgan, Superintendent of the Washington County Public Schools in late 2006 with a proposal and received a response in early 2007. In January of this year, Mr. Downey submitted a letter to the Planning director requesting approval of his mitigation plan. This was forwarded to the Washington County Public Schools for comment under the process outlined in the APFO Mitigation Request Process. A response was received dated February 7, 2008 and is attached to the ARF. The Board of Education has stated that Williamsport Elementary, Springfield Middle and Williamsport High Schools will serve the proposed development. Based on the September 2007 enrollment numbers the schools are at 90%, 93% and 100% of capacity and utilizing the most recent December 2007 numbers the schools are at 90%, 92% and 100% of capacity. The only issue under the APFO is at the high school as the WCPS projection is that enrollment will be at 105% of capacity in September 2008. The developer is proposing a school mitigation plan based on Section 9.1 of the Adequate Public Facilities Ordinance. This proposal specifies that: The developer agree to reserve two lots for Student Trade, contingent upon road improvements beginning in May 2008. The homes built would be sold in 2009 and 2010 at the earliest; The developer agree to pay the existing excise fees for nine residential lots at the time the street is completed rather than at the time of building permit; The project be phased to permit not more than three duplex lots and three single family lots in 2008 and permits for the remaining eight single-family units would not be applied for until 2009 unless another agreement is reached with all parties. The proposed development would generate five elementary students, two middle school students and two high school students according to the information from the WCPS. Dr. Morgan in her letter stated the offer to reserve two lots for the Student Trades Foundation is interesting, but does not currently meet their "Developer-Funded School Construction Projects" policy. The approval of the mitigation plan would allow for the payment of \$143,000,000 in excise tax up front based on the current excise tax, which would provide additional funds for school projects set forth in

the CIP. The measure was approved on a 3-2 vote with Commissioners Wivell and Aleshire voting "no".

CITY OF HAGERSTOWN ANNEXATION: DOUBS PROPERTY

Planning Director Mike Thompson brought this request from the City of Hagerstown for "express approval" of an annexation before the Board. Thompson requested that the Board move to deny "express approval" for the proposed development as requested zoning is inconsistent with current County zoning and the 2002 adopted Comprehensive Plan. 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 is for a parcel of land consisting of approximately 141.69 acres, adjacent to the City of Hagerstown. The property is located at the interchange of I-70 and U.S. Route 40. The site is bordered by I-70, U.S. 40, Landis Road and Day Road and is contiguous with the City across U.S. 40. The property is currently vacant and the Annexation Plan provided with the request indicates that the owner would like to develop the property with primarily commercial use and with some residential. No formal development plans have been submitted at this time.

The applicant is requesting C-4, Regional Shopping Center, and R-3 Residential, zoning upon annexation to the City. C-4 is intended to provide locations for commercial businesses, retail, and offices, and specifically a regional shopping center development. The R-3 zoning would provide locations for areas of high-density development, including multiple family dwellings, apartments, condominiums and townhouses. The overwhelming portion of the site is zoned HI-2 with a small portion zoned HI-1 adjacent to U.S. 40. The HI-2 district is intended to serve as a transitional zone between HI-1 and nearby residential areas by providing for those uses of a restricted business or light industrial nature, less intense than the HI-1 and intended to be compatible with both the HI-1 and the other nearby residential zoning districts. Staff believes the proposed R-3 zoning for a portion of the property is consistent with the HI-2 zoning designation, but is of the opinion the C-4 is a significant change from what the current zoning permits and therefore, "express approval" would be required. The adopted 2002 Comprehensive Plan designates the property primarily for High Density Residential, with a small area of commercial adjacent to U.S. 40. Staff also noted that this area is within the Urban Growth Area and the zoning is being reviewed at this time, but presently zoning is consistent with the Comprehensive Plan. The City has noted that their Draft Comprehensive Plan proposes the property as Business Employment and Medium Density Residential and they believe their proposal to be more consistent with the current County zoning. The City of Hagerstown Planning Commission has recommended the property be annexed, but with compatible zoning reflecting the land use proposed in their Draft Comprehensive Plan, which if completed would be consistent with the County zoning. Commissioners reached consensus that additional time was needed to consider the issue, and that the request would be included on a future agenda.

BID AWARD: PUBLIC SAFETY FIBER OPTIC CONDUIT

Director of Public Works Joe Kroboth and Rob Slocum, Acting Deputy Director of Public Works – Capital Projects brought this Bid Award for Public Safety Fiber Optic

Conduit, before the Board. The recommendation was to award the contract to the lowest, responsive, responsible bidder, D.A. Foster Company of Fairfax, Virginia for the total bid amount of \$1,622,515.53 for the project, necessary for functionality of the Public Safety Radio System and to provide computer connectivity to the Division of Environmental Management offices on Elliott Parkway. The Engineer's construction cost estimate was \$1,391,164 based on the design by consultant, Brudis & Associates, Inc. of the project consisting of installation of approximately 14,278 lineal feet of 4-inch conduit and a short segment, 51 lineal feet, of 2-inch conduit, totaling approximately 2.7 miles. Installation consists of trenching, directional boring, and jack and bore. If approved, construction would commence on or about March 31st, with completion on or about August 28th, or 150 calendar days. The contract includes provisions for Liquidated Damages in the amount of \$500 per calendar day, should the Contractor fail to complete the work on schedule. The measure was approved by unanimous vote.

BID AWARD: U.S. ROUTE 40 AND MOUNT AETNA ROAD INTERSECTION

Public Works Director Joe Kroboth and Acting Deputy Director of Public Works – Capital Projects Rob Slocum brought this request, for approval of a contract award for U.S. Route 40 and Mount Aetna Road Intersection Improvements, to the lowest, responsive, responsible bidder, L.W. Wolfe Enterprises Inc. of Myersville, Maryland in the amount of \$1,089,268.85. With this project, a right turn lane will be added from Mt. Aetna Road to U.S. Route 40, the right turn lane on U.S. Route 40 to Mt. Aetna Road will be extended and widened, and a through lane will be added in the Eastbound direction from U.S. Route 40 to Yale Drive. The project consists of full-depth asphalt pavement widening, grinding and resurfacing of the existing bituminous pavement, removal of existing and installation of new drainage structures, modifications to existing signalization, and associated excavations and embankments on Mt. Aetna Road, to include the intersections of the same at and U.S. Route 40 and Yale Drive. If approved award, construction would begin on or about April 21, 2008 with completion on or about September 17, 2008. The contract includes provisions for Liquidated Damages in the amount of \$500 per calendar day, should the Contractor fail to complete the work on schedule. This is a budgeted CIP project, with a current unencumbered balance of \$1,243,816.45. State Aid funds in lieu of Federal Aid has been obligated by the State Highway Administration in the amount of \$885,000. All construction expenses are estimated to be \$1,225,246.79. This includes the recommended bid of \$1,089,268.85, project inspection at \$81,514.50, and the remaining balance of \$62,945 to be used as construction contingency. This construction contingency is approximately 5.1% of the construction contract. We would prefer to allocate 10% for construction contingency or \$122,525. The Division wishes to advise the BCC that additional funds may be sought to cover unforeseen expenses during construction. This project is required accommodate both existing and additional anticipated traffic on Mt. Aetna Road. The Engineer's construction cost estimate is \$1,189,253.00 from the design consultant, Brudis & Associates, Inc. The measure was approved by unanimous vote.

AMENDMENT TO 2006 RESIDENTIAL CODE

Permits and Inspections Director Dan DiVito brought this request, to adopt an amendment to the ordinance adopting the 2006 International Residential Code for One-

and Two-Family Dwellings, First Printing, with Local Amendments for Washington County, Maryland, to the Board. DiVito recommended adopt the Ordinance to Amend the Ordinance adopted by the Board of County Commissioners of Washington County, Maryland on December 17, 2007, effective March 1, 2008 as presented by staff. A public hearing was held on February 26, 2008 for the purpose of considering the adoption of an Ordinance to amend the Ordinance entitled "An Ordinance to Repeal the 2003 International Residential Code for One- and Two-Family Dwellings, Fourth Printing, with Local Amendments for Washington County, and to Enact the 2006 International Residential Code for One- and Two-Family Dwellings, First Printing, with Local Amendments for Washington County, Maryland" adopted by the Board of County Commissioners on December 17, 2007. Subsequent to the adoption of the 2006 International Residential Code for One- and Two-Family Dwellings, First Printing, with Local Amendments for Washington County, it was discovered that new language had been inadvertently omitted in Section R403.1, General, of the local amendments, which read: "All structures requiring continuous footings shall be reinforced with a minimum of two #4 reinforcing bars, or as specified by a design professional". The measure was approved by unanimous vote.

###