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BOARD OF COUNTY COMMISSIONERS
January 7, 2020
OPEN SESSION AGENDA

12:00 P.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – December 17, 2019 and November 12, 2019

12:05 P.M. 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; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation; and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter)

01:30 P.M. RECONVENE IN OPEN SESSION

01:35 P.M. COMMISSIONERS' REPORTS AND COMMENTS

01:45 P.M. REPORTS FROM COUNTY STAFF

01:50 P.M. CITIZENS PARTICIPATION

01:55 P.M. REVISED DEMOLITION PERMIT REVIEW POLICY – *Jill Baker, Director, Planning and Zoning*

02:05 P.M. SOLID WASTE CREDIT CARD FEE – *Sara Greaves, Chief Financial Officer and Dave Mason, Deputy Director, Solid Waste*

02:15 P.M. PROPERTY ACQUISITION FOR WIDENING OF EASTERN BOULEVARD – *Todd Moser, Real Property Administrator, Engineering*

02:20 P.M. DECLARATION OF SURPLUS PROPERTY – THE GREENS AT HAMILTON RUN – *Todd Moser, Real Property Administrator, Engineering*

02:25 P.M. MOTOROLA TELEPHONE SUPPORT CONTRACT FOR THE EMERGENCY COMMUNICATIONS CENTER – *Tom Brown, Assistant Director, Division of Emergency Services and Brian Albert, Operations Manager, Division of Emergency Services*

02:30 P.M. ADJOURNMENT

03:00 P.M. ATTEND CITY OF HAGERSTOWN MAYOR & COUNCIL CLOSED SESSION MEETING
Location: 2nd Floor of City Hall, 1 East Franklin Street, Hagerstown, Maryland



Open Session Item

SUBJECT: Revised Demolition Permit Review Policy

PRESENTATION DATE: January 7, 2020

PRESENTATION BY: Jill Baker, Director, Planning and Zoning

RECOMMENDED MOTION: Move to approve the revised Demolition Permit Review Policy as recommended by the Historic District Commission and/or with additional revisions resulting from discussion.

REPORT-IN-BRIEF: On November 19, 2019 the Board of County Commissioners were presented with a proposed change to the Demolition Permit Review Policy by the Historic District Commission. Also, during that meeting Commissioners were presented with additional recommendations to the Policy by the Historic Advisory Committee.

Three actionable items that have been proposed include:

1. If a demolition permit receives an **unfavorable disposition** from the Historic District Commission and/or the Planning Commission during the 60 day review period, the applicant shall enter a mandatory 90-day wait period (making the entire process take up to a total of 150 days) before the permit may be issued so that additional consultation may take place with the property owner to review alternatives to demolition.
2. If a property owner prematurely/illegally demolishes an historic structure
 - a. The fine would be raised to \$1,000 (currently \$100); and
 - b. The property owner would not be allowed to submit application for new permits on the property for a period of one (1) year.

Regardless as to whether changes are made to the Policy, at the end of the review process the demolition permit will be issued. The purpose of the 90-day wait period is to provide the applicant alternatives to demolition and at least provide an opportunity for accurate documentation and recordation of the structure prior to its removal.

DISCUSSION: The existing policy regarding demolition permit review by the Historic District Commission (HDC) was adopted by the Board of County Commissioners in January 1989. Since then it is the Historic District Commission's opinion that the policy has often been ineffective in preventing or delaying demolition of significant historic structures to allow an opportunity to

find alternatives to demolition. The proposed revisions to the policy are recommended by the HDC 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

FISCAL IMPACT: N/A

CONCURRENCES: Historic District Commission and Historic Advisory Committee

ALTERNATIVES: Retain current policy or approve a variation of the recommended motion.

ATTACHMENTS: Demolition Permit Flow Chart and Proposed changes to the Demolition Permit Policy

AUDIO/VISUAL NEEDS: N/A

Revised Review Procedures – Demolition Permits

Adopted by Board of County Commissioners – January 3, 1989

~~Amended – July 17, 1990~~ Revisions adopted – January 7, 2020

At the regular meeting on January 37, 2020 the Board of County Commissioners adopted ~~a~~ revisions to the policy ~~to that~~ provides that applications for a demolition permit for any structure which is identified in the Washington County Historical Sites Inventory be transmitted to the Historic District Commission and the Planning Commission for review and comment.

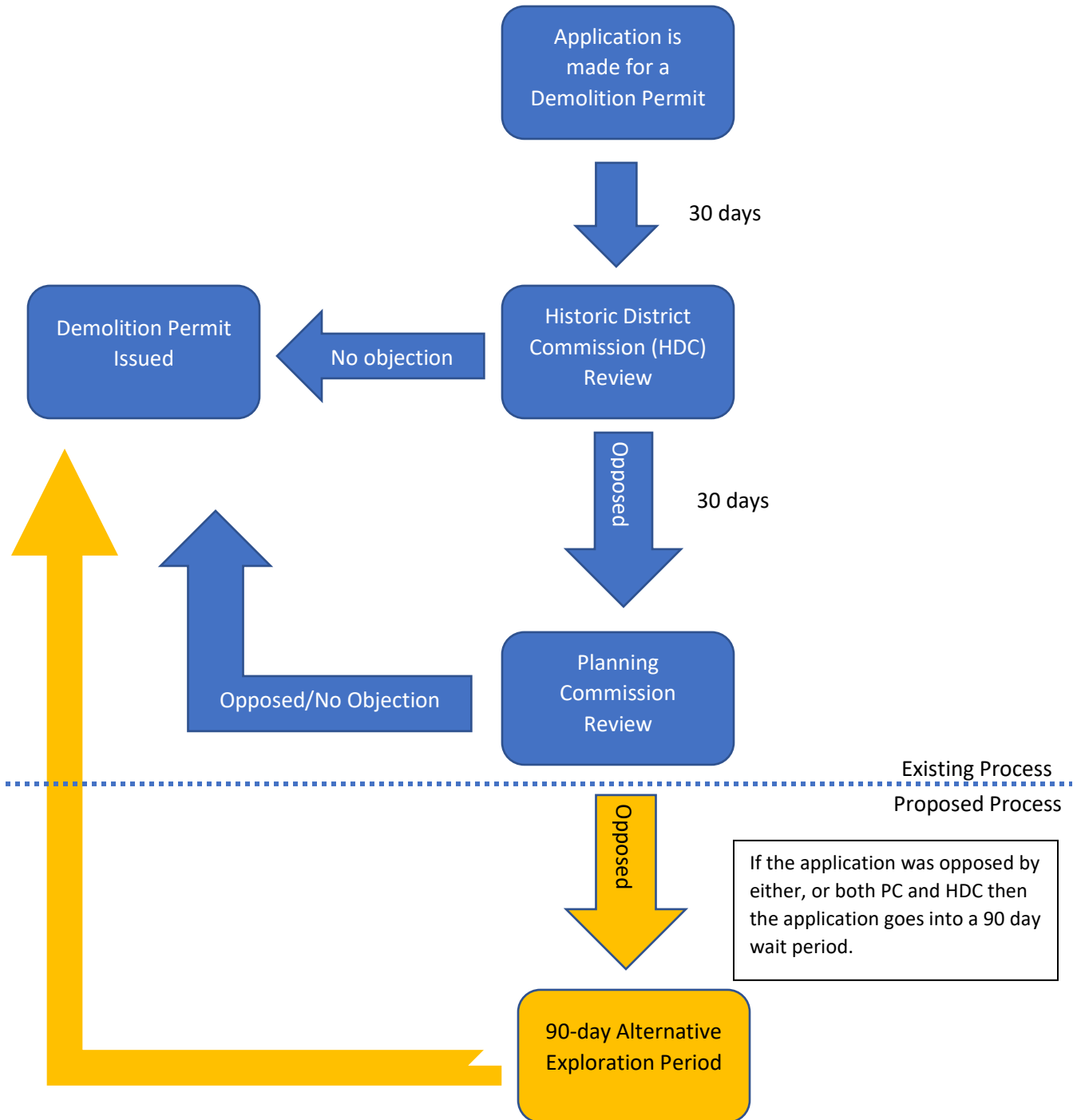
It is the Commissioners' intention that both the Planning Commission and the Historic District Commission ~~(via transmittal from Planning)~~ would have the opportunity to review these applications and provide any comments within a maximum of 60 days from the date of application except if either body would recommend that the demolition permit not be issued there would be an additional 90-day waiting period. During the 90-day waiting period the HDC would utilize the additional time to consult with and advise the applicant of alternatives to demolition. This policy does not provide for approval or disapproval of the demolition permit by either the Planning Commission or the Historic District Commission. Demolition permits will still be issued solely on the basis of meeting the technical requirements of applicable codes. The Board does feel, however, that proposed demolition of a structure with historical significance should be brought to the attention of all affected or interested parties so that appropriate measures through other existing programs or actions may be taken as necessary

It is the Board's desire that the review be completed promptly and, as previously stated, within no more than a 60-day period unless there is opposition by the Historic District Commission that would initiate the 90-day waiting period. The demolition permit is not to be issued until the Planning Commission review is complete within the prescribed time frame.

AMENDMENT - July 17, 1990

It is not the intent of this policy to negate or in any way change the existing authority granted to the Historic District Commission by Article 20 of the Zoning Ordinance regarding review, approval or disapproval of demolition permits in the Historic Preservation (HP) Zone.

Demolition Permit Flow Chart





Agenda Report Form

Open Session Item

SUBJECT: Solid Waste Credit Card Fee

PRESENTATION DATE: January 7, 2020

PRESENTATION BY: Sara Greaves, Chief Financial Officer; Dave Mason, Deputy Director, Solid Waste

RECOMMENDED MOTION: A motion to approve a 2.5% convenience fee for credit card payments at the Landfill.

REPORT-IN-BRIEF: In late October 2019, a commissioner requested that the County look into accepting credit cards at the landfill. The Solid Waste fund is an enterprise fund and supported through charges and fees. The Solid Waste Fund would request that the credit card fee would be passed through to the customer at a rate of 2.5%.

DISCUSSION: The Office of Budget & Finance and Solid Waste have been working together to find a cost effective solution to accept credit cards at the 40 West Landfill site for both the scale and permits. With the added option of paying with a credit card, comes the associated fee charged by the credit card company.

Because the Solid Waste fund is an enterprise fund, we are requesting approval for the associated fees to be passed through to the customer at a standard rate of 2.5%.

One reason for this pass through, is that fact that Solid Waste is an enterprise fund, and if expenses increase, then rates may have to increase for other services. Many of the regular customers are used to paying with cash or check (or have an account). The county would encourage customers to continue to pay using those methods.

Accepting credit cards will:

- 1- Take longer to process at the scale and hurt productivity
- 2- Possibly raise expenditures for the landfill

The 2.5% fee on a minimum charge of \$10 would be \$0.25, while a \$50 charge would have a fee of \$1.25. We do not think this is unreasonable and is a cost that can and should be absorbed by the payer.

Currently, customers leave the landfill to get cash from the ATM at a nearby Sheetz. This fee is much lower than an ATM fee in most cases.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: Do not charge the fee and have the landfill absorb the cost or increase other rates

ATTACHMENTS: Resolution imposing the 2.5% fee

AUDIO/VISUAL NEEDS: None

RESOLUTION NO. RS-

A RESOLUTION TO ADOPT A CREDIT CARD CONVENIENCE FEE AT FORTY WEST LANDFILL

RECITALS

It has been recommended to the Board of County Commissioners of Washington County, Maryland (the "Board") that credit and debit cards be accepted for payment of fees and charges for the convenience of patrons at the Forty West Landfill. Accepting credit cards will provide a convenient payment method to customers who are currently having to utilize nearby Automated Teller Machines (ATMs) to withdrawal cash for payment of fees and charges.

The Board is willing to accept credit and debit cards for the convenience of patrons. A 2.5% convenience fee will be assessed to cover the transaction costs the Board will be charged per transaction. As Solid Waste is an enterprise fund, the Board finds it appropriate that patrons bear the transaction cost as payment by credit or debit card is an election by them for their convenience.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland, that the landfill located at Forty West charge a 2.5% convenience charge on every credit or debit card transaction processed.

Adopted this ____ day of _____, 2020.

Effective the ____ day of _____, 2020.

ATTEST:

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

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to form
and legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Ste. 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Property Acquisition for Widening of Eastern Boulevard.

PRESENTATION DATE: January 7, 2020

PRESENTATION BY: Todd Moser, Real Property Administrator, Engineering

RECOMMENDED MOTION: Move to approve the option agreements for partial and full property acquisition including fee simple and/or easements for Eastern Boulevard Tax ID 18 045958 and Eastern Boulevard Tax ID 18 030810; and to approve an ordinance approving said purchase, and to authorize the execution of the necessary documentation to finalize the acquisition.

REPORT-IN-BRIEF: Option agreements have been executed for the two above-stated properties. Both the fee simple and easement acquisition are shown in the table below. Properties were appraised, and property owners were offered and accepted fair market value for the acquisitions.

Property Address	Fee Simple	Easement	Acquisition Cost
Eastern Boulevard - Tax Map 0038, Parcel 898. Tax ID 18 045958	0.9047 Acres Full Take	N/A	\$50,000
Eastern Boulevard - Tax Map 0038, Parcel 859. Tax ID 18 030810	9,783 Sq.Ft.	811 Square Feet Temporary Construction Easement, 9,190 Revertible Easement, 334 Square Feet Perpetual Drainage Easement.	\$7,000

DISCUSSION: Eastern Boulevard will be widened from two lanes (one lane in each direction) to four lanes (two lanes in each direction) from Jefferson Boulevard (MD 64) to Antietam Drive and the construction will occur in several phases of work as indicated in the Capital Improvement Plan (CIP).

FISCAL IMPACT: \$57,000; CIP Budgeted Project

CONCURRENCES: Director of Engineering

ALTERNATIVES: N/A

ATTACHMENTS: Aerial Map, Ordinance

AUDIO/VISUAL NEEDS: Yes (Aerial Map)

Polar LLC



Star Drive

Klick Way

Klick Way

Anteem Drive

Brill Way

Eastern Boulevard

Polar LLC
2218045958
.90 Acres

0 50 100 150 200 Feet



ORDINANCE NO. ORD-2019-

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

*(Eastern Boulevard Widening Project – Phase III:
Property acquisition – part of Eastern Boulevard, Hagerstown,
Washington County, Maryland)*

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the “County”) believes that it is in the best interest of the citizens of Washington County to acquire certain real property identified on the attached Exhibit A (the “Property”) to be used for public purposes.

2. The County approved the acquisition of the Property on January 7, 2020.

3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase of the Property are not to be expended from the General Fund of the County.

4. The acquisition of the Property is necessary for the Eastern Boulevard Widening Project – Phase III in Washington County, Maryland.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the acquisition of the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the acquisition of the Property.

ADOPTED this ____ day of _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION:

Part of Eastern Boulevard, Hagerstown, Maryland

All that parcel of land consisting of 0.9047 acre of land, more or less, situate along the easterly margin of Eastern Boulevard in Election District No. 18, Washington County, Maryland, and being the same lands conveyed unto Polar, LLC, a Maryland limited liability company, by Ben Shaool, by Ann Parker, his attorney-in-fact, by a deed dated September 27, 2006, and recorded among the Land Records of Washington County, Maryland, in Liber 3120, folio 622.

Eastern Boulevard Phase II: Eastern Boulevard (Conway Barnes)



Legend

-  Fee Simple
-  Temporary Construction Easement
-  Perpetual Drainage Easement
-  Reversible Slope Easement
-  Parcel Boundaries

0 25 50 75 100 Feet

ORDINANCE NO. ORD-2019-

AN ORDINANCE TO APPROVE THE PURCHASE OF REAL PROPERTY

*(Eastern Boulevard Widening Project – Phase III:
Property acquisition – part of Eastern Boulevard, Hagerstown,
Washington County, Maryland)*

RECITALS

1. The Board of County Commissioners of Washington County, Maryland (the “County”) believes that it is in the best interest of the citizens of Washington County to acquire certain real property identified on the attached Exhibit A (the “Property”) to be used for public purposes.

2. The County approved the acquisition of the Property on January 7, 2020.

3. A public hearing was not required by Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the funds utilized to purchase of the Property are not to be expended from the General Fund of the County.

4. The acquisition of the Property is necessary for the Eastern Boulevard Widening Project – Phase III in Washington County, Maryland.

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland that the acquisition of the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the acquisition of the Property.

ADOPTED this ____ day of _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

EXHIBIT A--DESCRIPTION OF PROPERTY

PROPERTY ACQUISITION:

Part of Eastern Boulevard, Hagerstown, Maryland

All that parcel of land consisting of 9,783 square feet or 0.225 acre of land, more or less, situate along the easterly margin of Eastern Boulevard in Election District No. 18, Washington County, Maryland, and shown and/or indicated on a plat entitled "EASTERN BOULEVARD WIDENING II, SECURITY RD. TO CHARTRIDGE DR.," dated Jan. 2, 2019 and intended to be recorded among the Land Records of Washington County, Maryland, in the Washington County Lands and Roads Record Book as Right-of-Way Plat Nos. 100-10-577 and 100-10-578.

Together with a perpetual drainage easement containing an area of 334 square feet or 0.0077 acre of land, more or less, referred to as "PERPETUAL DRAINAGE ESMT. AREA NO. 6", the outline of which is depicted on the above-mentioned Right-of-Way Plat No. 100-10-577.

Also together with two (2) revertible easements for supporting slopes containing an aggregate area of 9,190 square feet of 0.2110 acre of land, more or less, referred to as "REVERTIBLE EASEMENT AREA NO. 19" and "REVERTIBLE EASEMENT AREA NO. 20", the outlines of which are depicted on the above-mentioned Right of Way Plat Nos. 100-10-577 and 100-10-578.

And also together with a temporary construction easement encompassing an area of 811 square feet or 0.0186 acre of land, more or less, referred to as "TEMP. CONSTRUCTION ESMT. AREA NO. 14", the outline of which is depicted on the above-mentioned Right-of-Way Plat No. 100-10-577.

The above parcels of land being a portion of that tract or parcel of land conveyed unto Conway S. Barnes, Bonnie Belinda Owens, and Lester Adam Barnes, as tenants in common, by Conway S. Barnes, Personal Representative of Joyce Olive Barnes, deceased, by a deed dated December 6, 2016, and recorded among the Land Records of Washington County, Maryland, in Liber 5407, folio 14.



Agenda Report Form

Open Session Item

SUBJECT: Declaration of Surplus Property – The Greens at Hamilton Run

PRESENTATION DATE: January 7, 2020

PRESENTATION BY: Todd Moser, Real Property Administrator, Engineering

RECOMMENDED MOTION: Move to adopt the ordinance declaring the property consisting of 11.667 acres of land to the west of Pangborn School and on the south side of Westwood Street approximately 985 feet Southward from the Hagerstown-Smithsburg Highway, or Jefferson Street, in Election District No. 22 as surplus property and approve the conveyance of same to the City of Hagerstown for the use at The Greens at Hamilton Run Golf Course and authorize the execution of the necessary documentation to finalize the conveyance.

REPORT-IN-BRIEF: The Board of County Commissioners previously approved the acceptance of the Board of Education property consisting of 11.667 acres to the County, then to be conveyed to the City of Hagerstown for use at the golf course.

DISCUSSION: The Board of Education has completed the conveyance of 11.667 acres to the County. Prior to the County conveying the property to the City of Hagerstown, the property must be declared surplus property. The Interagency Committee on School Construction has approved the conveyance of land to be used as a golf course, if the land ceases to be used as a golf course, the land would revert back to the Board of Education.

FISCAL IMPACT: N/A

CONCURRENCES: County Attorney

ALTERNATIVES: N/A





ATTACHMENTS: Aerial Map, Ordinance

AUDIO/VISUAL NEEDS: Yes (Aerial Map)

Hagerstown Municipal Golf Course (The Greens at Hamilton Run)



Legend

-  - Board of Education (Pangborn Elem.)
 -  - Proposed Property Transfer
(Board of Education to County to City of Hagerstown)
 -  - City of Hagerstown
 -  - Parcel Boundaries
- 0 125 250 375 500 Feet

ORDINANCE NO. ORD-2020-_____

**AN ORDINANCE TO DECLARE CERTAIN REAL PROPERTY
AS SURPLUS PROPERTY AND TO APPROVE THE CONVEYANCE OF SAID
REAL PROPERTY**

BE IT ORDAINED by the County Commissioners of Washington County, Maryland (the "County"), as follows:

1. It is hereby established and declared that the real property described on Exhibit A (the "Property") is no longer needed for a public purpose or a public use.

2. The County believes that it is in the best interest of the citizens of Washington County to convey the Property to the Mayor and Council of the City of Hagerstown ("City". Notice of Intent to convey the Property was not required to be advertised, pursuant to Section 1-301, Code of the Public Local Laws of Washington County, Maryland, as the Property is to be conveyed between local government entities.

3. The President of the Board of County Commissioners of Washington County, Maryland, and the County Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the County, a deed conveying the Property to the City, for no monetary consideration, and the Real Property Administrator is authorized to execute on behalf of the County any HUD-1 settlement statement and any other documents necessary to consummate the transaction.

ADOPTED this ____ day of _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to form
and legal sufficiency:

Kendall A. Desaulniers
Deputy County Attorney

EXHIBIT A

All that improved tract or parcel of ground lying to the West of Pangborn School and on the South side of Westwood Street approximately 985 feet Southward from the Hagerstown-Smithsburg Highway, or Jefferson Street, in Election District No. 22, Washington County, Maryland, and more particularly described as follows:

Beginning at a stake in the South marginal line of Westwood Street as shown on the plat accompanying the deed from the Board of Education to the City of Hagerstown, recorded among the land records of Washington County, Maryland in Liber 368, folio 285, and made a part hereof, said stake being at the end of the first line of a deed from Elise Loose Lane and Margaret A. Loose to the Board of Education, dated April 24, 1947, recorded in Liber 241, folio 598, one of the land records of Washington County, thence with the second, third and part of the fourth lines of said deed as follows: South 17 degrees 57 minutes West a distance of 522.13 feet to a point, thence South 18 minutes East a distance of 600.00 feet to a point, thence North 9 degrees 49 minutes East a distance of 773.62 feet to a point, thence North 12 degrees 50 minutes East a distance of 300.00 feet to a point, thence North 77 degrees 10 minutes West a distance of 455.50 feet to the place of beginning, containing 11.667 acres of land, more or less.

Subject to all easements, rights of way, covenants, conditions, and restrictions of record.

BEING the same property which was conveyed from the Board of Education of Washington County, Maryland, a body corporate of the State of Maryland, and the Board of County Commissioners of Washington County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland, by deed dated November 26, 2019, and recorded in Liber 6125, folio 369, among the Land Records of Washington County, Maryland.



Agenda Report Form

Open Session Item

SUBJECT: Motorola Telephone Support Contract for the Emergency Communications Center

PRESENTATION DATE: January 7, 2020

PRESENTATION BY: Tom Brown, Assistant Director, Division of Emergency Services and Brian Albert, Operations Manager, Division of Emergency Services

RECOMMENDED MOTION: Move to accept the extended Motorola Solutions Telephone Support Contract for the Emergency Communications Center.

REPORT-IN-BRIEF: Need formal vote to accept the Telephone Support Contract with Motorola Solutions in the amount of \$192,112.14 so that technical support for the telephone system within the center continues.

DISCUSSION: On October 8, 2019, the Board of County Commissioners (BOCC) approved an extension of a support contract with Motorola Solutions for VESTA Communications telephone equipment in the amount of 161,925.89.

At the October 29, 2019 BOCC Meeting, during staff comments, staff reported to the BOCC that the extension for a 12-month period would cost \$192,112.14, and that the entire cost could be paid from the Emergency Numbers Systems Board (ENSB), which was approved by the ENSB during the week of October 21, 2019. The BOCC's formal vote to accept the increased amount and approve execution of the contract extension is necessary for inclusion in the minutes.

FISCAL IMPACT: Funds will be utilized from the Emergency Numbers System Board.

CONCURRENCES: Director, Division of Emergency Services

ALTERNATIVES: Deny approval and work without a service contract

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A