

Joint Session with Washington County Delegation and
Washington County Commissioners
Mayor & City Council

December 16, 2004
Hagerstown, Maryland

December 16, 2004 - Joint Meeting with the Washington County Delegation and the Washington County Commissioners at 11:00 a.m.

Present from the Mayor and City Council: Mayor W. M. Breichner, Councilmember L. C. Metzner, Councilmember C. N. Moller, Councilmember N. L. Hendershot, Councilmember P. M. Nigh and Councilmember K. B. Aleshire.

Present from the Delegation: Senator John J. Hafer, Senator Alex Mooney, Delegate Richard B. Weldon, Jr., Delegate Chris Shank, Delegate Robert McKee, and Delegate Leroy Myers.

Greg Snook, President of the Washington County Commissioners, thanked the City for implementing a school construction fees ordinance. Mr. Snook stated 100% of the fees collected for school construction will be used for that purpose. The fees are charged based on the square footage of the dwelling unit.

Mr. Snook stated they are requesting that the school fee collected under the Adequate Public Facilities Ordinance (APFO) be transferred over to the Excise Tax revenue. It has been reported that the entire County will only be getting \$ 2.8 million in school funding. Delegate Hafer indicated he thinks there will be additional funding. Mr. Snook stated the County has to make sure there is adequate funding for schools.

Commissioner James Kercheval discussed the Excise Tax. He stated the County is not trying to generate any more money than is needed for school construction. They are not proposing an increase in the building excise tax without some adjustment in the fees presently charged under the APFO, but rather a process by which they would meet with other concerned parties and hammer out an approach that meets the needs of the citizens while making administration simpler and more uniform across Washington County. The Excise tax currently in place is collected by the municipalities.

A final proposal will be made to the Delegation, with a firm number, very soon.

Commissioner Kercheval stated the City does not want the Excise tax to cause development to occur in areas where it is not being encouraged. Delegate Shank asked if there would be a variable amount between different areas. Councilmember Metzner sated he sees it more that the City may have additional impact fees, above the Excise tax. Councilmember Aleshire stated he is concerned about development being higher density than single family homes. Commissioner Kercheval stated the County was looking for a flat fee. Delegate Weldon asked if it would be appropriate to get enabling legislation in place before having the final numbers.

Commissioner Kercheval stated the concern from the building community is that there is no

ceiling on the fees. Delegate Weldon stated the legislation has to be created in terms of where we are now and this is not a valid argument. Delegate Shank stated the Delegation would be willing to provide flexibility for the City to encourage single family development; however, there would have to be some cap.

Commissioner Snook stated a large problem is the uncertainty of State funding for school construction. Delegate Shank asked how many new students are moving into existing homes. Commissioner Kercheval stated the increasing capacity numbers are from new developments.

Commissioner Snook stated the other legislative requests from the County Commissioners are:

1. Salary Study Commission Recommendations
2. Purchasing/Procurement
3. Electrical Board
4. Animal Control Ordinance
5. Weed Control
6. False Alarms

The items are discussed in greater detail in the packet that was given out at the meeting. Other general requests include:

1. Support for request for fifth Circuit Court judge
2. Support for transfer of the Ag Center property to the County
3. Support for bill on New Jobs Tax Credit clarification
4. Operational Personnel of University

Delegate Shank asked the County to consider requesting an increase in pay for the Chief Judges of Elections. Any increase would have to be completed through the legislation.

Mayor Breichner stated the City's priorities include:

1. Excise Tax/School Funding - the 2+2 Committee has been considering a long term solution to providing a county-wide approach to providing funds for increasing the capacity of county schools.
2. Central Booking - City, County and State officials have held discussions over the need for a central booking operation and the schedule for State and local funding of such a facility. Delegate Shank stated he understood this did not move forward because the City and County had not been able to agree on how to operate the facility. Commissioner Kercheval stated no agreement had been developed

because no discussion took place. Councilmember Metzner stated there will be an agreement now.

3. USMD Operating Funds - The continuation of State funding for the operation of the USMD Center which is scheduled to open in January, 2005, is clearly a top priority for the community in the next General Assembly.
4. Edgewood Drive/Dual Highway Intersection Improvements - A cooperative effort of the State, County, and City to improve this intersection began this year with the commencement of design work. Each government has contributed 1/3 of the cost of the design services. The plan for funding and constructing the improvements needs further discussion. Delegate Shank asked if the road fee could be used for this upgrade. Councilmember Metzner stated it would be unreasonable to expect new development to pay for something that was already failing.
5. Hotel Room Tax - There have been some preliminary discussions regarding potential amendments to the State's legislation pertaining to the Washington County Room Tax and the possible distribution of a portion of these funds to Hagerstown. Delegate Shank asked if the City and County have come to an agreement regarding the room tax. Commissioner Kercheval and Councilmember Metzner both indicated the 2+2 group has not discussed this yet in detail. Councilmember Metzner stated the City is asking the Delegation to consider allowing an additional 2% room tax for City hotels, in addition to the County tax.
6. School for the Arts - The Delegation obtained \$ 400,000 in bond bill funding for the future creation of the Board of Education's School for the Arts on South Potomac Street. The Board is currently in the process of beginning a feasibility study for the former Henry's Theater Building. Councilmember Metzner stated substantial private funding will be needed for this project also. Delegate Shank stated the Delegation clearly supports this endeavor.
7. Bond Projects
8. MML Priorities - Each year the Maryland Municipal League identifies legislative priorities for the General Assembly.
9. House Bill 258 - During the 2004 Session, Delegate Frush introduced House Bill 258. This proposed legislation authorized municipal corporations in Maryland to create special taxing districts within their corporate limits for the purpose of financing capital and operating costs to enhance police and fire protection in areas

determined by the municipal corporation to require additional public safety services. HB 258 was not adopted in 2004, but it is anticipated that the same legislative proposal will be submitted in 2005.

10. Continuation of State Funding Programs: Program Open Space, Community Legacy, Urban Parks and Recreation and Highway User Revenues.

- ____ 11. Taxi operations: The City is asking the Delegation to look at the definitions for taxis and transportation companies. There is only one inspector for the entire State for inspection of taxi type vehicles. Councilmember Metzner asked that the Delegation review closely what is happening with transportation companies. Authority is needed to inspect drivers of transportation companies. Delegate Weldon asked if the MML has discussed this issue. This would seem, to him, the way it should go through the process. The City Attorney is compiling information about this proposal and will submit it to the Delegation.

Councilmember Aleshire asked the Delegation to review the malpractice insurance dilemma. Delegate Shank stated he thinks the governor has a solution. Senator Mooney stated it was solved last year but was defeated. This is a solution, not just a band-aid.

Delegate Shank stated the Delegation was seeking a Farm Center Tour Specialist for the area. Delegate McKee stated Frederick County has a specialist and they pay for themselves. Commissioner Nipps stated when the University System of Maryland and the State is dictating what can occur at the Ag Center, it is difficult to make it usable. Delegate Shank stated this program would be marketing the entire farming community. He stated he thinks it is time we pay attention to the Agricultural community's request.

There being no further issues to be discussed, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

Donna K. Spickler
City Clerk

Approved: January 25, 2005