



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

November 12, 2019

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Commissioner Meinelschmidt offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:00 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

APPROVAL OF MINUTES

October 22, 2019, October 23, 2019, and October 30, 2019

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the minutes of October 22, 2019. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 8:02 a.m. 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 comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of emergency plans; in accordance with Sections 3-305(b)(1), (4), (7), (8), and (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the filling of certain personnel vacancies with specific individuals and considered several economic development initiatives including the potential for a business entity or entities to locate, expand, or remain in the County and State. Additionally, the Commissioners discussed a personnel matter regarding a specific individual, received legal advice regarding said personnel matter and a pending legal proceeding, and gave staff further direction regarding same. Due to time constraints, all agenda items pertaining to public security, including fire and police services and staff, were not discussed.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney, Kendall McPeak, Deputy County Attorney, and at various times Andrew Bright, Assistant County Attorney; Rachel Brown, Director, Human Resources; Susan Small, Director, Business Development; and Robert J. Slocum, County Administrator.

RECONVENE IN OPEN SESSION

The Commissioners reached a consensus to return to open session at 10:01 a.m.

COMMISSIONERS' REPORTS AND COMMENTS

President Cline announced that effective immediately, Robert J. Slocum resigned from his position as County Administrator, adding that this is a personnel decision and no further comment will be made regarding this matter.

Commissioner Keefer attended the Annual Fundraiser for the Doleman Black Heritage Museum, and shared that each Commissioner was issued a commemorative plate.

Commissioner Wagner discussed several Veterans Day events, which took place Monday. Additionally, he discussed morale throughout the County and encouraged employees to approach him with issues and/or concerns.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved that the Chief Financial Officer report directly to the Board of County Commissioners. The motion passed unanimously.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve Kirk C. Downey, County Attorney, as the Interim County Administrator. The motion passed unanimously.

President Cline thanked Commissioner Meinelschmidt and Commissioner Wagner for their service to their Country; he also thanked the Delegation for meeting last week. He congratulated Mt. Aetna Fire Department for celebrating its 50th Anniversary. Commissioner Cline requested that Budget and Finance work to expedite retirement numbers to upcoming retirees. Ms. Greaves shared that she will work with Human Resources to ensure that the requested information is released to those who have submitted a request.

REPORTS FROM COUNTY STAFF

Division of Emergency Services

Brian Albert, Operations Manager, Division of Emergency Services requested acceptance of grant funding from the Maryland Numbers Board for the Phone Network Support, in the amount of 192,112.14. Mr. Albert explained that this was formerly approved in the amount of \$161,925.89.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to accept the grant funding from the Maryland Numbers Board for the phone network support, in the amount of \$192,112.14 as presented. The motion passed unanimously.

Human Resource Personnel Requests; Rachel Brown, Director

Director, Division of Environmental Management

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the promotion of Jeremy Mose for this position (Grade 19, Step 4 \$87,360). This position will be vacant upon the retirement of Dan DiVito. The motion passed unanimously.

Rachel discussed that her department is working on online portals to get the information regarding retirement numbers for employees; convenience.

OFFICE OF THE COUNTY CLERK

Krista Hart provided the Commissioners with an update regarding the Veterans Advisory Committee, a pending County board, which is currently in the establishment phase.

CITIZENS' PARTICIPATION

Martin Brubaker, 10925 Hartle Drive, Hagerstown, discussed the proposed Kieffer Funk solar project and shared his opposition of the same.

YOUTH MERITORIOUS AWARD PRESENTATION

The Commissioners presented a certificate of merit to a student selected by the Washington County Office of Grant Management (OGM) for his scholastic achievement, leadership qualities,

community service performed or other positive contribution to his school or community. Austin Miller from North Hagerstown High School received the October 2019 Youth Meritorious Award and was given a Washington County lapel pin from the Commissioners and a \$100 Office Max gift card from the OGM. The Commissioners commended Austin for his achievement and his family for their support.

AD HOC ETHIC REVIEW COMMITTEE REPORT AND FINDINGS

Julianna Albowicz, Chair, Ralph France, and Carolyn Brooks presented the Ad Hoc Ethics Commissions final report and recommendations to the Board. Ms. Albowicz shared that the members have reached a consensus that the current Ethic's Ordinance is well suited for use by Washington County and should be retained as well as the relationship with the County Attorney's Office.

HAGERSTOWN URBAN IMPROVEMENT PROJECT – CAPITAL BOND BILL GRANT APPLICATION SUBMISSION

Susan Buchanan, Director, Grant Management, requested approval to submit the FY20 Maryland Capital Bond Bill application for the Hagerstown Urban Improvement Project, in the amount of \$500,000, and to accept awarded funds and to approve execution of grant documents upon receipt from the Maryland Department of General Services.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the submission of the FY20 application in the amount of \$500,000 for the Hagerstown Urban Improvement Project, to accept awarded funding, and to execute grant documents as presented. The motion passed unanimously.

The Commissioners recessed at 10:47 a.m. and returned to the meeting at 11:00 a.m.

PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-19-003, ALCOHOL PRODUCTION FACILITIES

President Cline convened a public hearing at 11:01 a.m. to obtain public comment regarding the rezoning application to amend text in several sections of the Zoning Ordinance as it pertains to the uses associated with alcohol production facilities throughout the County.

Jill Baker, Deputy Director, Planning and Zoning, explained that the purpose of these amendments is to update the ordinance to consolidate and streamline the definitions for different types of alcohol production facilities and where they should be located. Alcohol production facilities are proposed to be permitted in the Rural Business (RB), Business General (BG), Industrial Restricted (IR), and Industrial General (IG) districts and special exception uses in the Agriculture Rural (AR), Environmental Conservation (EC), Preservation (P), Rural Village (RV), Residential Transition (RT), Residential Suburban (RS), Residential Urban (RU), Residential Multi-family (RM), Business Local (BL) districts. Farm based Alcohol Production Facilities are proposed to be permitted in the AR, EC, P, and RB districts and special exception uses in the RV district. The Washington County Planning Commission considered the application during its meeting September 9, 2019 and unanimously recommended approval of the proposed text amendments with comments.

The public hearing was opened for public comment and the following offered comments:

Jenna Howely, 1783 Forrest Drive, Annapolis, MD, shared her support to the amendment, however requested an update to Article 28A (Alcohol Production Facility AND Alcohol Production Facility, Farm-Based) from "produced on site" to read "produced by licensee"

Selena Wilkes, Elmwood Farms Bed and Breakfast, Williamsport, MD, shared support for this matter.

Nathan Craft, 5513 Mt. Carmel Church Road, Keedysville, MD, shared support for this matter.

Commissioner Keefer left the meeting at 11:12 a.m. and returned at 11:14 a.m.

The hearing was opened for questions from the Commissioners. Commissioner Wagner asked if the proposed language change had been discussed by the Planning Commission. Ms. Baker shared that the proposal has been reviewed by staff, who takes no exception.

The public hearing was closed at 11:15 a.m.

Commissioner Wagner, seconded by Commissioner Baker, moved to amend the zoning ordinance as presented, effective August 13, 2019, to include amended language as presented. The motion passed unanimously.

(Resolution No. ORD-2019-23 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

FIRST QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S FISCAL YEAR 2020 GENERAL FUND BUDGET

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools, requested adjustments to the First Quarter Fiscal Year (FY) 2020 General Fund Budget by increasing the following categories: Administration - \$87,500, Instructional Salaries - \$64,113, Instructional Textbooks and Supplies - \$128,729, and Maintenance of Plant - \$85,500; and by decreasing the following categories: Other Instructional Costs - \$195,350, and showing \$170,492 Revenue, for a net change in fund balance of \$0. Mr. Proulx discussed several reasons for the requested adjustments.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the requested adjustments to the Washington County Board of Education's First Quarter FY2020 General Fund Budget as presented. The motion passed unanimously.

JOB PROFILING, WORK KEYS AND WORK READY COMMUNITIES PROGRAM

Susan Small, Director, Business Development, and Dr. James Klauber, President, Hagerstown Community College, requested approval of the reallocation of Appalachian Regional Commission grant funds previously awarded to Washington County in the amount of \$37,500 to Hagerstown Community Colleges FY20 ARC grant application and to approve the use of Hotel Rental Tax funds of \$37,500, to assist with the 50% match requirement. Ms. Small explained that Washington County was previously awarded a \$75,000 ARC grant for website enhancements, which was held for future projects.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the requested reallocation of the ARC grant funds in the amount of \$37,500 to Hagerstown Community College, and to approve the use of Hotel Rental Tax funds in the amount of \$37,500 as requested. The motion passed unanimously.

MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of a commitment from the Agricultural Transfer Tax in the amount of \$325,000 to the 60/40 match component of the Maryland Agricultural Land Preservation Program (MALPP) for the fiscal year 2020 (FY20) cycle.

Mr. Boggs explained that each year, MALPP asks counties to obligate funds to the 60/40 match portion of the Land Preservation Easement Program. Land Preservation staff has recommended that Washington County designate \$325,000 as its 40% local match in order to receive the 60% State match of \$487,500. This commitment would result in a total funding of approximately

\$1,612,500 for easement purchases in FY20, to include \$800,000 of general allotment funds received by all counties. Mr. Boggs stated that the 60/40 match commitment and General Allotment money would result in funds for land preservation easement purchases for four (4) farms.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the recommendation of a commitment from the local share of the Agricultural Transfer Tax in the amount of \$325,000 as presented. The motion passed unanimously.

KB FARM PROPERTIES, LLC CONSERVATION RESERVE ENHANCEMENT PROGRAM EASEMENT

Mr. Boggs requested approval of the KB Farm Properties, LLC Conservation Reserve Enhancement Program (CREP) Easement project, paid for 100% by the Maryland Department of Natural Resources, for \$57,700.80 for 20.00 easement acres located at 12633 Unger Road, Smithsburg, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase. CREP and Rural Legacy funds are 100% State funds. In addition to the easement funds, the County will receive up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all the County's legal/settlement costs.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the KB Farm Properties, LLC CREP project in the amount of \$57,700.80, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2019-24 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

BATTERY STORAGE PROJECTS – PAYMENT IN LIEU OF TAXES AGREEMENT

Stephen Wiley, Innolith Snook, LLC, requested execution of proposed payment in lieu of taxes (PILOT) agreements for three (3) utility scale battery storage projects proposed in cooperation with the City of Hagerstown Light Department; one (1) project by Mitsubishi Heavy Industries (MHI) and the other two (2) with Alevo USA; as previously heard by the Board on September 10, 2019. The proposed amount to Washington County would be \$50,000 for the first five (5) years and \$60,000 for the next five (5) years thereafter.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the request for PILOT agreement, with the provision of adding the requirement for the submission of a decommissioning bond. The motion passed unanimously.

WASHINGTON COUNTY PUBLIC SERVICE ACADEMY – CAPITAL BOND BILL GRANT APPLICATION SUBMISSION

Ms. Buchanan and Scott Hobbs, Director, Engineering, requested approval to submit the FY20 Maryland Capital Bond Bill application for the Washington County Public Services Academy, in the amount of \$500,000, and to accept awarded funds and to approve execution of grant documents upon receipt from the Maryland Department of General Services; there are no matching requirements.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the submission of the FY20 application in the amount of \$500,000 for the Washington County Public Service Academy, to accept awarded funding, and to execute grant documents as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD: PROFESSIONAL BOULEVARD BRIDGE

Mr. Hobbs recommended award of the Professional Boulevard Bridge contract to the lowest responsive, responsible bidder, Kinsley Construction, Inc. of Hagerstown, in the amount of \$8,963,695 and to execute a Memorandum of Agreement (MOA) for infrastructure responsibilities to include future bridge and road construction / maintenance relating to the proposed annexation. The project is a 550 consecutive calendar day contract with an anticipated notice to proceed in January 2020, and a completion date in the summer 2021. The project is a budgeted Capital Improvement Project, with funds available from RDI055 and RDI056 accounts.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the award of the Professional Boulevard bridge contract project to Kinsley Construction, Inc., in the amount of \$8,963,695, and to execute the MOA with the City of Hagerstown as presented. The motion passed 3-2 (Commissioner Baker and Commissioner Keefer voted "NAY").

CONSTRUCTION BID AWARD: BACK ROAD

Mr. Hobbs requested approval to award the Back Road contract to the lowest responsive, responsible bidder, Lantz Construction, DBA Building Systems of Hagerstown, in the amount of \$1,913,175 for the base bid plus add alternate 1 and 2. This is a 300 consecutive calendar day contract with an anticipated notice to proceed in November 2019, and the project is a budgeted Capital Improvement Project, with funds available in the Back Road Culvert 11/02 (BRG086) and Stormwater Retrofits (DNG039) projects in the Capital Improvement Plan (CIP), and FEMA reimburses eligible costs currently estimated at \$368,000 on the project. The Hoffmaster and Harpers Ferry project (DNG077) is covering local costs for the South County flooding projects along with funds received for direct administrative costs. Final costs and reimbursements for the flood event will be determined upon completion of the projects.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the award of the Back Road contract to Building Systems in the amount of \$1,913,175 as presented. The motion passed unanimously.

MINIMUM WAGE ANALYSIS

Sara Greaves, CFO, and Rachel Brown, Director, Human Resources, presented an approach for the Fiscal Year (FY) 2021 budget and future years. Ms. Greaves presented information as requested from October 15, 2019 which included new options for the County's plan of action to address the minimum wage legislation through FY2025.

The Commissioners discussed the options presented as well as a part-time wage scale. Staff was instructed to continue with efforts of seeking resolution to this matter.

FISCAL YEAR 2019 YEAR END REPORT

Ms. Greaves provided the Commissioners with information on the FY19 Year End Revenue / Expenditure reporting. Additionally, Ms. Greaves discussed future steps for FY21.

RECESS

The Commissioners recessed at 12:58 p.m. and returned to the meeting at 2:00 p.m.

JOINT MEETING WITH THE CITY OF HAGERSTOWN MAYOR AND COUNCIL

A joint meeting of the Board of County Commissioners of Washington County, Maryland, and the City of Hagerstown Mayor and Council was held at City Hall, 1 East Franklin Street, Hagerstown. The meeting was called to order at 2:01 p.m. with the following Commissioners present: Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Cort F. Meinelschmidt. Hagerstown Mayor Robert E. Bruchey, II was present as well as City Council Members Kristin Aleshire, Austin Heffernan, Emily Keller, Shelley McIntire and Lewis Metzner.

Automatic and Mutual Aid Agreement

Chief Steve Lohr and Dave Hays, Director, Emergency Services, discussed the draft, proposed Automatic and Mutual Aid Firefighting, Rescue, and EMS Agreement between the City of Hagerstown and Washington County.

Fire and EMS Services and Funding

The parties discussed perceived inequities concerning the provision of Fire and EMS services in the City and County and the need for a plan of action to address outstanding concerns. A consensus was reached to begin discussion at staff level with the City Administrator and Interim County Administrator meeting to seek resolution.

The parties also discussed the tax differential method now used by the County to credit municipalities for services already provided. The parties directed staff to have additional conversations concerning the matter.

Tax Sale of Vacant Properties

The parties discussed the quantity of no-bid tax sale properties and the option of a PILOT program, beginning with 3 to 5 properties a year.

Water Boundaries

City Council members and staff discussed the Urban Growth boundaries. County staff and City staff have been meeting monthly to discuss options to alleviate the burden to developers affected by the boundaries.

The Commissioners departed for 100 West Washington Street, Suite 1113.

CONVEYANCE OF REAL PROPERTY TO STATE OF MARYLAND – EASTERN AND JEFFERSON BOULEVARD (MD64)

Todd Moser, Real Property Administrator, and Mr. Hobbs, recommended approval of conveyance of real property consisting of 4,579 square feet in fee simple for zero consideration to the State of Maryland at the intersection of Eastern Boulevard and Jefferson Boulevard.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the conveyance of real property consisting of 4,579 square feet in fee simple for zero consideration to the State of Maryland, as presented.

CORRECTION OF CONVEYANCE ERROR

Mr. Moser recommended approval to convey 0.936+/- acres of previously accepted roadbed at Blooming Meadows Court, back to the developer and to approve the conveyance of roadbed back to the County after corrections are made. Mr. Moser explained that the developer conveyed a small portion of a homeowner's property in 2013 when transferring Blooming Meadows Court to the County. County staff has worked with the developer and agreed to convey the accepted roadbed back to the developer. After the developer has conveyed the small strip of land back to the property owner, the roadbed will be transferred back to the County.

Commissioner Wagner, seconded by Commissioner Keefer, moved to convey the 0.936 +/- acres to the developer as presented. The motion passed unanimously.

GRANT OF EASEMENT TO STATE OF MARYLAND

Mr. Moser recommended approval to grant an easement consisting of 178 square feet located on Parcel 362, Tax map 722, Tax ID 19011224 on Main Street, Keedysville to the State of Maryland for the Keedysville Main Street Urban Reconstruction project.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve to grant the easement consisting of 178 square feet to the State of Maryland as presented. The motion passed unanimously.

HIGHWAY DEPARTMENT 2019-2020 WINTER WEATHER OPERATIONS UPDATE

Andrew Eshleman, Director, Public Works; and Zane Rowe, Deputy Director, Highways presented information as it pertains to the Highway Departments preparation for the winter maintenance season, to include personnel management, routes, and equipment.

HIGHWAY DEPARTMENT POSITION REASSIGNMENT PLAN

Mr. Eshleman, and Mr. Rowe requested approval of a reassignment plan for the Highway Department. Mr. Eshleman provided the Commissioners with the reorganization to include the reclassification of a vacant non-exempt Grade 13, Section Supervisor position to an exempt Grade 16 Supervisor of Operations, and to divide a vacant full time Grade 6 Motor Equipment Operation (MEO) I position into two (2) Seasonal MEO I positions. Mr. Eshleman stated that the proposed changes do not create any wage increase or decrease to the budget.

Commissioner Keefer left the meeting at 3:52 p.m. and returned at 3:55 p.m.

Commissioners discussed the number of vacant budgeted positions and the need for same.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the restructure as presented and to move forward will filling vacant positions as budgeted. The motion passed unanimously.

NORTHERN PUMP STATION – CHANGE ORDER

Mark Bradshaw, Deputy Director, Division of Environmental Management, recommended approval of Change Order Number 3 for EA Engineering, Science, and Technology, Inc., in the amount of \$158,979.80. Funds are budgeted in the Department of Water Quality's Capital Improvement Plan account LIN042.

The Commissioners discussed the option to secure the easement prior to approval of the Change Order and expending design costs. The Commissioners reached a consensus to delay the approval until further discussion can be held with the County Attorney's office.

INSTALL SEWER PRIOR TO HAGERS CROSSING PAVING THEIR NEW ENTRANCE ONTO MCDADE ROAD

Mr. Bradshaw recommended award of the contract to Huntzberry Brothers, Inc. in the amount of \$48,800 to install 240 feet of force main prior to paving at Hagers Crossing new connection to McDade Road. Funds are budgeted in the Department of Water Quality's Capital Improvement Plan LIN042.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to award the contract to Huntzberry Brothers in the amount of \$48,800 to install 240-feet of force main as presented. The motion passed unanimously.

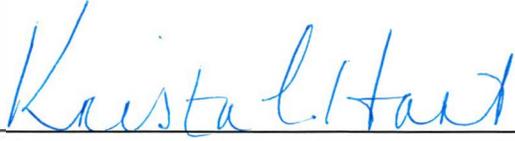
INSTALL SEWER LINE UNDER MD 144

Mr. Bradshaw recommended award of a contract to Fayetteville Contractors, Inc. in the amount of \$160,336 to install gravity sewer under MD144. Funds are budgeted in the Department of Water Quality's Capital Improvement Plan account LIN042.

Commissioner Wagner, seconded by Commissioner Keefer, moved to award the Sewer Line under MD 144 to Fayetteville Contractors in the amount of \$160,336 as presented. The motion passed unanimously.

ADJOURNMENT

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to adjourn at 4:15 p.m.
The motion passed unanimously.



Krista L. Hart, *County Clerk*

