

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY  
Hagerstown, Maryland**

February 28, 2017

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:35 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

**APPROVAL OF MINUTES – FEBRUARY 14, 2017**

Commissioner Barr, seconded by Myers, moved to approve the minutes of February 14, 2017. The motion passed unanimously.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Cline commented on this morning's ribbon-cutting and open house for the new County Administration Complex at 100 West Washington Street and the County's commitment to remain in downtown Hagerstown.

Commissioner Keefer commented on the beautiful new office and meeting space for the Commissioners. He complimented the architects, builder, and County Administrator Greg Murray.

Commissioner Myers congratulated the County on the new facility.

Commissioner Barr commented on the improvements that include a larger meeting space that will last for many years. He encouraged citizens to visit and take part in the governmental process. Mr. Barr reported attending the Chamber of Commerce/Washington County Business Awards. He discussed the Maryland Association of Counties (MACo) meetings he continues to attend as its past president.

Commissioner Baker commented positively on this morning's ribbon-cutting. He commended Rich Eichelberger, Scott Hobbs and Brennan Garrett in the Engineering and Construction Department and all who contributed to the project. Mr. Baker attended the Business Awards event. He presented Commissioner Barr a certificate of recognition and gift on behalf of the County Commissioners for serving as MACo's president in 2016 and also for being a MACo board member for ten years.

**REPORTS FROM COUNTY STAFF**

**Engineering and Construction Management**

Rob Slocum, Director, Engineering and Construction Management, praised the many individuals that worked on the County Administration Complex project. He noted that the next projects are the new Hancock Library and the Emergency Services Building. He noted the approach of the County's pavement management season.

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**OTTO FARM LLC RURAL LEGACY PROGRAM EASEMENT**

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the Otto Farm LLC Rural Legacy Program (RLP) Easement Project of \$410,152.50 for 137.7175 easement acres located at 17342 Shepherdstown Pike, Sharpsburg, in the Rural Legacy area. Mr. Boggs described the parcel comprised of 14 acres of pasture and over 45 acres of woodland which will serve to buffer the C&O Canal and Potomac River. The parcel is located along Route 34 which was a main thoroughfare of troop movement leading up to and during the Battle of Antietam. Seven development rights will be extinguished with this easement. RLP funds are 100% State funds. In addition, the County receives up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all of its legal/settlement costs. The Commissioners discussed with Mr. Boggs the development rights extinguished and calculation method used for RLP easement purchases.

Commissioner Myers, seconded by Cline, moved to approve the Otto Farm LLC Rural Legacy Program (RLP) Easement Project of \$410,152.50 for 137.7175 easement acres as presented, 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-2017-02 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

**PUBLIC HEARING – APPLICATION FOR TEXT AMENDMENT (RZ-16-005)**

President Baker convened a public hearing at 11:00 a.m. to obtain public comment regarding the application from the Washington County Department of Planning and Zoning for Text Amendment RZ-16-005 to the Washington County Zoning Ordinance (Ordinance) concerning the proposal to amend Article 3, Section 3.3 (1) Table of Land Use Regulations, Article 4, General Provisions – Section 4.10 Accessory Structures; Section 4.26 Solar Energy Generating Systems, Article 11, Business Local District, Section 11.1 Principle Permitted Uses, Article 12, Business General District, Section 12.1 Principle Permitted Uses, Article 14, Industrial General District, Section 14.1 Principle Permitted Uses, Article 22, Special Provisions, Division V, Section 22.54 Mobile Homes, and Article 28A, Definitions to the existing Article 16 – Mixed Use District. Jill Baker, Chief Planner, presented the Staff Report and Analysis by the Department of Planning and Zoning regarding the application that serves to amend several sections of the Zoning Ordinance by updating, correcting, and clarifying language pertaining to various aspects of zoning regulation of the aforementioned subjects. (Staff Exhibit #1 regarding mobile home replacement was entered into the record.)

Ms. Baker described the reasoning behind the proposals, which relates to alcohol production uses including breweries, wineries as well as limited commercial breweries and wineries; resolving an oversight in the application and implementation of mineral extractive operations in rural areas of the County; uses relating to automotive sales, service and repair; the placement of accessory structures (recommending its deletion); correcting a

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reference to a section that no longer exists; adding provisions for car wash facilities; further definitions of convenience stores; revisions relating to the placement and location of mobile/manufactured homes; and the definition of an essential utility.

The Planning Commission recommends the approval of Text Amendment RZ-16-005. Ms. Baker advised that as of 11:00 a.m. this morning, two public comments were received and incorporated into the file: 1) from Robert Clemson who expressed opposition to removing the section regarding accessory structures not being allowed in front yards due to a possible hardship in rural areas, and 2) from Brad Fulton, AC&T, who commented in favor of changes regarding convenience stores that would create flexibility to the company's store plans.

The hearing was opened for public comment. William Skomski, Sr., owner of Antietam Brewery, 49 Eastern Blvd., Hagerstown, Maryland, 21740, commented in favor of the brewery addition to the Zoning Ordinance to attract more breweries to establish businesses in the County.

The Public Hearing was closed at 11:31 a.m.

The matter was opened for questions from the Commissioners. Commissioner Baker commented that he may not be in support of the accessory structure proposal and mobile/manufactured home setback changes. Commissioner Myers discussed the proposal regarding mobile home placement and his concerns with associated expenses to the homeowner such as well placement/drilling, etc. He also commented on the proposed changes to accessory structures relating to country and rural areas.

The Commissioners requested that Ms. Baker return in a future meeting with data regarding how often mobile/manufactured homes are being replaced. Commissioner Myers suggested using a percentage system relating to the increased size of replaced mobile/manufactured homes.

#### **FISCAL YEAR 2018 BUDGET - HUMAN RESOURCES REQUESTS**

Stephanie Stone, Director, Health and Human Services, presented the Human Resources requests for Fiscal Year 2018 that included the Election Board - \$73,555, Sheriff's Department - \$221,801; Parks Department - \$36,807; and Water Quality - \$94,760.

Election Board - requesting an increase in election worker pay from \$150 to \$175 and an increase in Chief Judge's pay from \$200 to \$225; \$10,000 is being requested for potential legal fees for election recounts and \$16,000 to add a second early voting site in Boonboro.

Sheriff's Department - requesting \$221,801 in wages and benefits for taking over two grant-funded deputy positions relating to overdose investigations and drug treatment services to Detention Center inmates. A full-time Senior Office Associate position is being requested due to documentation required by the State's 2016 Justice Reinvestment Act.

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Sheriff's Department personnel discussed funding requests for palm and fingerprinting equipment, body camera software, ballistic vests and body armor, and for leasing two cars for the Narcotics Task Force.

Central Services – proposing to eliminate the Senior Office Associate position in the mailroom and move that employee to the soon-to-be vacated Procurement Technician's position for a savings of \$66,200. Those savings would be applied toward the costs of the new lobby security desk personnel at the County Administration Complex.

Parks Department – requesting that a part-time Office Associate position be made into a full-time position due to an increased volume of work - \$36,807 wage and benefits.

Water Quality – requesting a new full-time Environmental Engineer position to assist with an increased workload - \$94,760 wage and benefits.

#### **RECESS**

The Commissioners recessed at 12:28 p.m.

#### **INTERGOVERNMENTAL COOPERATIVE PURCHASE OF INTEROPERABLE RADIO EQUIPMENT**

Rick Curry, Buyer, Purchasing, and Mark Makes, Deputy Director, Wireless Communications, requested approval to authorize by Resolution the approval of Fixed and Portable Radio Equipment to provide for Interoperability between the Washington County UHF Radio System and the State of Maryland's new 700 MHz Radio System consisting of Multi-Band subscriber radios (and accessories) from Motorola Solutions, Inc. of Columbia, Maryland, at the contracted unit process totaling \$100,063.44 based on the contract awarded by the City of Baltimore, Maryland. The County may "piggy-back" on another governmental jurisdiction's contract to eliminate Washington County's bid process and obtain overall better pricing due to economies of scale offered by the subject contract. On items over \$50,000, a determination to allow or participate in an intergovernmental cooperative purchasing arrangement is by a resolution indicating the cost benefits and efficiencies to the County.

Commissioner Barr, seconded by Keefer, moved to authorize by Resolution the approval of Fixed and Portable Radio Equipment to provide for Interoperability between the Washington County UHF Radio System and the State of Maryland's new 700 MHz Radio System consisting of Multi-Band subscriber radios (and accessories) from Motorola Solutions, Inc. of Columbia, Maryland, at the contracted unit process totaling \$100,063.44 based on the contract awarded by the City of Baltimore, Maryland. The motion passed unanimously. (Resolution No. RS-2017-03 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

**REJECTION OF CONSTRUCTION BID – GARIS SHOP ROAD BRIDGE**

Scott Hobbs, Deputy Director, Engineering and Construction Management, recommended rejection of the bids for the Garis Shop Road Bridge Rehabilitation Project in the best interest of the County and to rebid the project at a later date. The project involves the rehabilitation of an existing one lane, three-span stone arch bridge over the Antietam Creek

on Garis Shop Road. The project was reevaluated for alternative ways to reduce the cost due to limited local funding to cover the work and any cost overruns. The project cost may be reduced by providing add/deduct alternate items in the contract. The bids received for temporary shoring, maintenance of stream flow and some concrete items were higher than estimated. Rebidding this work at a future time with a revised plan and schedule to better accommodate the contractor should attract additional bidders and allow for more competitive bid prices. The Commissioners discussed the proposal with Mr. Hobbs.

Commissioner Myers, seconded by Keefer, moved to reject the bid for the Garis Shop Road Bridge Rehabilitation Project in the best interest of the County and to rebid the project at a later date. The motion passed unanimously.

**PROPOSED TURNAROUND AT BOTTENFIELD ROAD**

Rob Slocum, Director, Engineering and Construction Management, requested approval for a proposed turnaround at or near the last private property on Bottenfield Road, located west of Hancock between the Pennsylvania State Line and Interstate 70, which serves six parcels of land. Four parcels have homes and one-half of the entire road serves one parcel owned by Valley Meadow Farms, LLC. Bottenfield Road has been closed with a gate at the Pennsylvania line rendering it a dead-end road into a single private property. Valley Meadow Farms has approached staff with a request to close the road with a turnaround near its property line. The segment of the road proposed to be closed would serve as the driveway to the home on that parcel. Staff believes the closure is in the best interest of the County.

The Commissioners discussed the matter and requested that staff begin the legal and administrative process to close a portion of the road as recommended and to subsequently convey that portion of the property to the adjacent landowner. Mr. Slocum recommended initially closing the road and in the future considering an exchange of property if warranted.

Commissioner Keefer, seconded by Barr, moved to approve a turnaround at or near the last private property on Bottenfield Road located west of Hancock between the Pennsylvania State Line and Interstate 70 as presented. The motion passed unanimously.

**RELOCATION OF C&O CANAL NATIONAL HEADQUARTERS PLAN**

Mayor Jim McCleaf and Town Manager Donnie Stotlemeyer, Town of Williamsport, and Convention and Visitor's (CVB) Director Dan Spedden apprised the Commissioners of the proposal to move the Chesapeake and Ohio Canal National Headquarters to the town. The plan would move the current Dual Highway headquarters to the Cushwa Basin at the foot

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of the canal in Williamsport. Mr. Spedden discussed the proposal to locate the headquarters to the former Miller Lumber Company's 40,000 square foot building that would house the headquarters, an enhanced visitor's center, and parking area to be constructed. Mr. Stotlemeyer noted that the new offices would relocate 109 park employees, including nearly 36 workers in a federal emergency dispatch and management agency, new to the County. It would also complement the current project underway to restore and rewater the Conococheague Aqueduct. The expected increase in tourism would generate more customers for existing businesses in the downtown and spur new investment. The town is requesting support for the project in the form of a letter or resolution.

Commissioner Myers compared the project with the previous Big Slackwater Project. He expressed his support but requested information on the studies performed that projected the monetary impact on the town from the expected workers. Commissioner Cline also expressed his support.

Commissioner Myers, seconded by Cline, moved to provide a letter of support for the project as requested by the town. Commissioner Keefer commented on the positive effects of the proposal. Mayor McCleaf quoted reports from the Parks Service and CVB that estimate an average of \$40 a day now spent by C&O Canal visitors. The motion passed unanimously.

(Commissioner Keefer left the meeting room at 2:14 p.m.)

#### **MARYLAND AVIATION ADMINISTRATION SPECIAL REQUEST**

Stephanie Lapole, Grant Manager, Community Grant Management, and Phil Ridenour, Director, Hagerstown Regional Airport, requested the acceptance of a \$67,726 grant from the Maryland Aviation Administration to fund the replacement of the existing Virtual Perimeter Monitoring System (VPMS) which in the last six months is no longer operable due to hardware and software failures. The VPMS is the Airport's security system that includes 18 cameras positioned around the airfield, terminal and terminal parking lot. The project also includes the replacement of existing door access control keypads and software that controls access into the Terminal Administrative Office and Airport Fire Station. This grant pays up to 55% of the total project cost. Washington County would contribute 45% or \$54,413, which is contained in the department's budget.

Commissioner Barr, seconded by Myers, moved to approve the acceptance of a \$67,726 grant from the Maryland Aviation Administration to fund the replacement of the existing Virtual Perimeter Monitoring System as presented. The motion passed unanimously. (4-0, Commissioner Keefer was absent.)

#### **PLANNING ASSISTANCE TO STATES PROGRAM GRANT**

Stephanie Lapole and Julie Pippel, Director, Environmental Management, requested acceptance of a \$50,000 grant award from the United States Army Corps of Engineers. The funding will be used toward the completion of Phase 2 of the Urbanized Area Stormwater Infrastructure Mapping Project with the United States Army Corps of Engineers-Baltimore

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District. The project will enable the County to work toward compliance with the National Pollutant Discharge Elimination System (NPDES) MS4 Phase II General Permit by mapping and inventorying its stormwater drainage system within the Urbanized Area. A 50/50 match is required and will be provided through the department's budget.

Commissioner Barr, seconded by Myers, moved to approve the acceptance of a \$50,000 grant award from the United States Army Corps of Engineers to be used toward the completion of Phase 2 of the Urbanized Area Stormwater Infrastructure Mapping Project with the United States Army Corps of Engineers-Baltimore District. The motion passed unanimously. (4-0, Commissioner Keefer was absent.)

(Commissioner Keefer returned to the meeting at 2:20 p.m.)

### **CONVENE IN CLOSED SESSION**

Commissioner Myers, seconded by Keefer, moved to convene in closed session at 2:20 p.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; 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; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1), (4) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed with staff proposals of two business entities that hope to remain in the County/State; considered an County employee position recommendation by staff; received an update on an ongoing personnel matter, discussed the potential appointment of a number of specific individuals to a local advisory committee over which the Commissioners have appointment authority; and discussed the potential appointment/reappointment of a specific individual to a local commission over which the Commissioners have appointment authority.

During closed session, the Commissioners provided direction to staff relating to proposals received from two business entities that hope to remain in the County/State; provided instructions to Staff as to an employee position recommendation; instructed Staff to bring forth the potential appointments to a local advisory committee over which the Commissioners have appointment authority for further consideration and discussion and a possible vote during this afternoon's open session meeting; instructed Staff to bring forth the potential appointment/reappointment to a local commission over which the Commissioners have appointment authority for further consideration and discussion and a possible vote during this afternoon's open session meeting.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy Myers, Jr. Also present were Sarah Sprecher, Assistant County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano,

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County Attorney, and at various times Gregory B. Murray, County Administrator; Stephanie Stone, Director, Health and Human Services; Bob Mandley, Business Development Specialist, Department of Business Development; Stephen Goodrich, Director, Planning and Zoning; and Perry Jamieson, member, Antietam Battlefield Advisory Committee.

### **RECONVENE IN OPEN SESSION**

Commissioner Barr, seconded by Myers, moved to reconvene in open session at 2:55 p.m. The motion passed unanimously.

### **YOUTH MERITORIOUS AWARDS – FEBRUARY 2017**

The Commissioners presented certificates of merit to students selected by the Washington County Office of Community Grant Management (OCGM) for their scholastic achievement, leadership qualities, community service performed or other positive contributions to their school or community. The following students received February 2017 Youth Meritorious Awards: Diana James of E. Russell Hicks Middle School, Gabriella Ganoë of Boonsboro Middle School and Eiza Yousif of Boonsboro Middle School. Each student received a Washington County lapel pin from the Commissioners and a \$100 Staples gift card from the OCGM. The Commissioners commended the students for their achievements and the families for their support.

### **REPORTS FROM COUNTY STAFF**

#### **County Clerk – Appointments to Boards/Commissions**

#### **Antietam Battlefield Advisory Committee**

Commissioner Myers, seconded by Barr, moved to appoint the following individuals to the Antietam Battlefield Advisory Committee for the terms listed:

#### **Three-year terms:**

Perry Jamieson (Town of Sharpsburg resident)

Jane Hershey

John Powell

John Schildt

#### **Two-year terms:**

Justin Mayhue

Robert Murphy

Christopher Vincent

#### **One-year term:**

George Anikis

Michael Wasiljov

#### **Planning Commission**

Commissioner Barr, seconded by Keefer, moved to appoint Robert Goetz, Jr. to the Washington County Planning Commission to a first, five-year term through February 28, 2022. The motion passed unanimously.



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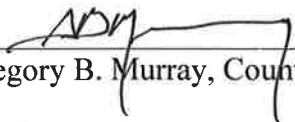
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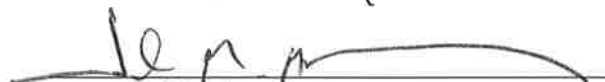
**CITIZENS' PARTICIPATION**

There were no citizens attending the meeting who wished to participate.

**ADJOURNMENT**

Commissioner Myers, seconded by Keefer, moved to adjourn at 3:15 p.m. The motion passed unanimously.

  
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Gregory B. Murray, County Administrator

  
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John M. Martirano, County Attorney

  
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Vicki C. Lumm, County Clerk