

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

April 11, 2017

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:04 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 – APRIL 4, 2017

Commissioner Keefer, seconded by Myers, moved to approve the minutes of April 4, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Cline recalled April 11, 1935 when fourteen Williamsport school students on a field trip were killed and fifteen survived a railroad crossing accident in Rockville, Maryland. Railroad crossing safety improvements were implemented across the country and the Williamsport Memorial Library was built as a result of that accident.

Commissioner Keefer reported attending the annual reception for the Congressional Fire Services Institute in Washington, DC, with various emergency service providers and students from the Washington County Public Schools' Fire and Rescue Academy.

Commissioner Baker thanked County staff for making arrangements for a visit of a contingency of Korean investors for meetings, meals and visits to Fort Ritchie.

REPORTS FROM COUNTY STAFF

Information Technology – Appalachian Regional Commission Grant Funding

Bud Gudmundson, GIS Manager, Information Technology; Ron Whitt, Director, Information Systems; and Susan Buchanan, Senior Grant Manager, Community Grant Management, requested approval of the submission of a funding request to the Appalachian Regional Commission for \$72,162 and to accept the funding if awarded. Mr. Gudmundson indicated that the County's existing planimetric data acquired in 2005 needs updating. This data set is used with the Geographic Information Systems (GIS) software by many departments. The data will include building footprints, edge of roads, paved and unpaved lanes and parking areas, etc. It also includes sidewalks which are not part of our existing data set.

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A Capital Improvement Program item is pending over a two year project term. Staff is requesting to apply to the Appalachian Regional Commission (ARC) for a matching grant to help fund this project. There is a matching fund requirement associated with this funding request. A preliminary review by the Tri-County Council, Maryland Department of Planning and ARC has deemed this project eligible for submittal but the County must apply immediately to utilize Fiscal Year 2017 funding.

This project will be a multi-jurisdictional cooperative effort between Washington County and the City of Hagerstown. The City has pledged token funding support for the project, and Washington County will share the results with the City. The data will also be available to the private sector and the public. Washington County has adopted the "Open Data" concept for its GIS data, which allows anyone to use the data free of charge through a license agreement. This was approved by the Commissioners in 2015, in part as an investment in the private sector and incentive for development and to expand economic opportunities. The proposed \$144,324 Capital Improvement Project (CIP) will be spread over two years. If the ARC grant is approved, the second year of the CIP project will not be needed.

Commissioner Myers, seconded by Barr, moved to approve the submission of a \$72,162 funding request to the Appalachian Regional Commission for a matching grant to update the County's existing planimetric data and to accept the funding if awarded. The motion passed unanimously.

County Administrator

County Administrator Rob Slocum commented on the useful information to be gained through the approval of the last agenda item. He reported that a funding source has been determined for a contribution by the Commissioners to the planned Vietnam Memorial. Mr. Slocum remarked that the Williamsport Library sidewalk ADA improvements project would soon be advertised. He welcomed Chief Financial Officer Debra Murray to the head table noting that she would be attending the weekly meeting of the Commissioners.

SECOND QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S FISCAL YEAR 2017 GENERAL FUND BUDGET

Chris South, Chief Financial Officer, Washington County Public Schools, requested adjustments to the Second Quarter Fiscal Year 2017 General Fund Budget by decreasing the following categories: Mid-Level Administration - \$553,390; Instructional Salaries - \$298,470; Student Health Services - \$109,390; Student Transportation Services - \$200,000; Operation of Plant - \$480,870; and Capital Outlay - \$5,285, and by increasing the following categories: Other Instructional Costs - \$200,000; Special Education - \$250,000; Maintenance - \$695,575; and Fixed Charges - \$501,830, for a net change in fund balance of \$0. Mr. South briefly discussed several categories of budget adjustments. He stated that the current fund balance is \$8,250,000 with \$580,000 being committed to public/private partnerships, \$4 million to the Downtown Urban Improvement Project and approximately \$3.7 million currently unassigned.

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Commissioner Myers, seconded by Keefer, moved to approve the requested adjustments to the Washington County Board of Education's Second Quarter Fiscal Year 2017 General Fund Budget as presented. The motion passed unanimously.

PUBLIC HEARING – APPLICATION FOR TEXT AMENDMENT (RZ-16-006)

President Baker convened a public hearing at 10:32 a.m. to obtain public comment regarding the application from the Washington County Department of Planning and Zoning for Text Amendment RZ-16-006 to the Washington County Zoning Ordinance (Ordinance) concerning the proposal to amend Article 19 - "HI" Highway Interchange District, Sections 19.7, Lot Area, Lot Width and Yard Setback Requirements, and Section 19.8, Buffer yards; and Article 22, Division XI, Landscaping, Screening and Buffers, Section 22.11.1, Landscaping. Jill Baker, Chief Planner, presented the Staff Report and Analysis by the Department of Planning and Zoning for the application that serves to amend portions of the Washington County Zoning Ordinance by clarifying language regarding buffering and landscaping requirements and correcting errors and redundancies existing in Article 22, Division XI relating to landscaping requirements.

Ms. Baker indicated that no public comment was received during the public rezoning meeting held October 17, 2016. The Planning Commission considered the application during its regular meeting held October 17, 2017 and recommended its approval.

The hearing was opened for public comments and there were none.

The matter was opened for questions from the Commissioners. Commissioner Myers asked about landscaping requirements in the buffer areas. Commissioner Baker inquired whether the proposed changes are more stringent or less stringent. Ms. Baker stated that they are for clarification purposes only with no increase or decrease in regulations.

The public hearing was closed at 10:40 a. m.

Commissioner Myers, seconded by Barr, moved to approve Text Amendment RZ-16-006 to the Washington County Zoning Ordinance. The motion passed unanimously. (Ordinance No. ORD-2017-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

BURNS FARM LLC RURAL LEGACY PROGRAM EASEMENT

Eric Seifarth, Rural Preservation Administrator, Planning and Zoning, recommended approval of the Burns Farm LLC Rural Legacy Program (RLP) Easement Project of \$330,489.12 for 91.75 easement acres located at 8428 Sharpsburg Pike, Sharpsburg, in the Rural Legacy area. Mr. Boggs described the parcel that contains approximately 35 acres of cropland, 7 acres of pasture and 49 acres of woodland. He also discussed its historic value and noted that the farmstead is on the Maryland Inventory of Historic Places. Seven

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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.

Commissioner Keefer, seconded by Myers, moved to approve the Burns Farm LLC Rural Legacy Program (RLP) Easement Project of \$330,489 for 91.75 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-2017-05 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

NEW COUNTY POLICY PR-33 - SERVICE ANIMALS

Debra Peyton, Benefits Administrator, Health and Human Services, and Kendall McPeak, Assistant County Attorney, presented the proposed new County Policy PR-33 – Service Animals. The policy provides guidance regarding the use of Service Animals as defined in the Americans with Disabilities Act by visitors and employees with disabilities on the property and in the buildings and facilities of Washington County.

Commissioner Barr, seconded by Myers, moved to approve the new County Policy PR-33 – Service Animals as presented. The motion passed unanimously.

DISPOSITION OF WASHINGTON COUNTY SCHOOLS TRANSFERRED SCHOOL SITES

Susan Small, Real Property Administrator, recommended that the County Commissioners accept a bid from Re/Max Achievers for the real estate consulting and brokerage services for the disposition of surplus property located at 22930 Federal Lookout Road, Smithsburg (former Job Development Center) and accept the same services for the sale or lease of two other surplus properties located at 59 Winter Street (formerly Winter Street Elementary) and 12408 Learning Lane (formerly Conococheague Elementary). Ms. Small indicated that staff solicited bids on March 8, 2017 for the three former school sites. The requests for bids were sent to eight brokerage/real estate offices located in Washington County, published in the local newspaper, listed on eMaryland Marketplace and on the County's website. The County also conducted site visits and all bidders had an opportunity to ask questions prior to the bid opening. Bids were received and publicly opened March 29, 2017. One bid was received for the real estate consulting and brokerage services for the Job Development Center. No bids for the lease and use of the remaining two sites were received. Ms. Small introduced Re/Max Realtor Jody Bell who was in attendance.

Ms. Small indicated that compensation for the sale of the Job Development Center is \$5,850 per \$100,000 of the total sales price plus a one-time administration fee of \$595 at the time of closing.

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The Commissioners discussed the proposal. Commissioner Cline suggested that the \$595 administration fee be waived by the Realtor since the commission is near the standard 6% rate and the funds are taxpayers' money. Ms. Bell verbally agreed to its waiver. County Attorney John Martirano reminded the Commissioners that the actual conveyance of any of these three former school sites is subject to the review and approval by the State Board of Public Works.

Commissioner Barr, seconded by Myers, moved to take action that is in the best interest of the County and accept the bid from Re/Max Achievers for the real estate consulting and brokerage services for the disposition of surplus property located at 22930 Federal Lookout Road, Smithsburg (former Job Development Center) and accept the same services for the sale or lease of two other surplus properties located at 59 Winter Street (formerly Winter Street Elementary) and 12408 Learning Lane (formerly Conococheague Elementary) including the waiver of the \$595 administration fee, as presented. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Barr, seconded by Keefer, moved to convene in closed session at 10:58 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; and any other personnel matter that affects one or more specific individuals, in accordance with Section 3-305(b) (1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed two County employee hiring recommendations with staff.

During closed session, the Commissioners provided direction to staff as to two County employee hiring recommendations.

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 Robert J. Slocum, County Administrator; Sarah Sprecher, Assistant County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; Debra Murray, Chief Financial Officer, Budget and Finance; and Stephanie Stone, Director, Health and Human Services.

(Commissioner Myers left the meeting at 11:02 p.m. and returned at 1:33 p.m. for the afternoon session).

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Cline, moved to reconvene in open session at 11:01 p.m. The motion passed unanimously.

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DISCUSSION OF HARFORD COUNTY OFFICE OF DRUG CONTROL POLICY

Kevin Simmers, Founder, and Jason Divelbiss, Board Member, Brooke's House, and Joseph Ryan, Manager, Harford County Office of Drug Control Policy, appeared before the Commissioners to discuss methods used by Harford County to address increased alcohol and substance abuse issues among citizens. Jason Divelbiss stated that local individuals recently visited Harford County to meet with Mr. Ryan to see what could potentially be offered in Washington County. Mr. Ryan discussed his position as head of the Harford County Office of Drug Control Policy (ODCP) the past eighteen years. The ODCP has been working to address alcohol and substance abuse through a paradigm shift to reduce overdose deaths and increase the number of people receiving behavioral health services using the following plan components: Historical Review of Prevention and Intervention Initiatives, Needs Assessment/Analysis of Data, Strategic Initiatives (including education of the clinical community and outreach to high risk individuals and performance metrics). The goal is to reduce overdose deaths by 25% by 2020.

Joseph Ryan stated that the blueprint is in place for the establishment of a successful program in the State of Maryland. Funds/grants can be requested through various federal, state and local channels. Mr. Ryan's office receives \$1.1 million in Harford County funds and \$680,000 in state and federal grants. It was stated that the establishment of a Washington County ODCP could provide the additional focus, coordination, and aggressive attitude required to help turn the tide in this battle.

Kevin Simmers discussed the alarming drug addiction problem in Washington County in comparison to Harford County. Washington County lost 29 citizens to heroin overdoses January through September 2016 and Harford County lost 27. The Commissioners thanked the individuals for the information.

RECESS

The Commissioners recessed at 11:53 a.m. to attend a luncheon and budget presentation with the Washington County Museum of Fine Arts at 401 Museum Drive, Hagerstown.

AFTERNOON SESSION

President Terry L. Baker called the afternoon session to order at 1:33 p.m. with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

LOBBYIST REPORT ON THE 2016 GENERAL ASSEMBLY SESSION

Bruce Bereano, the lobbyist hired this session by the County Commissioners, discussed the recent legislative session and reported on items affecting Washington County. He described testifying before committees and having regular meetings with the County's delegation and other elected representatives to keep local issues in the forefront. Mr. Bereano also provided reports to the Commissioners and staff during the legislative session for statewide issues that may have affected Washington County. He advised that Sine Die was April 10 and the first bill signed by Governor Hogan this morning postpones for three years the controversial ranking/scoring system for major transportation projects instituted

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last year by the legislature. Mr. Bereano noted several other bills that passed including the dissolution of the PenMar Development Corporation. The bill involving changes to the State's medical marijuana program did not pass. However, the lawsuit initiated by GTI Maryland, which was planning to establish a growing facility in Washington County, will continue in Baltimore City. On a very positive note, Washington County received \$1.5 million initially in the Capital Budget for the Downtown Urban Improvement Project with additional monies planned in the next two years' budgets. Another notable item was the passage of a bill to save several Washington County municipalities from repaying a debt due to a mistake by the Comptroller's office for income tax revenue received 2010-2015. Mr. Bereano provided the Commissioners with dates for bill signings if they are interested in being present.

Commissioner Myers commented on the scoring system for highways that has now been delayed for three years. County Administrator Rob Slocum stated that it was a major win for rural counties. Commissioner Myers also asked Mr. Bereano to keep watch on the topic of a notification required by businesses to give notice of lack of work. Mr. Bereano commented that all of these type bills were strongly opposed by the General Assembly and looked upon as micromanaging business.

PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT (RZ-16-003)

President Baker convened a public hearing at 2:02 p.m. to obtain public comment regarding the application from Applicant VA AVE, LLC for Map Amendment RZ-16-003 to the Washington County Zoning Ordinance (Ordinance). The application concerns the request to change the zoning classification of property located on the south side of Virginia Avenue and adjacent to the east side of I-70 consisting of 32.783 acres from ORT (Office, Research and Technology) to IR (Industrial, Restricted). Commissioner Baker reviewed the procedures for the Public Hearing and County Clerk Vicki Lumm administered the oath to those who planned to give testimony in the matter.

Steve Goodrich, Director, Planning and Zoning, presented the staff report dated October 3, 2016 for RZ-16-003 on behalf of the Washington County Department of Planning and Zoning. The Applicant has claimed a mistake was made in zoning the property ORT. Mr. Goodrich entered the Planning Office file into the record. A public rezoning meeting was held October 17, 2016. The Washington County Planning Commission considered the application during its regular meeting on December 5, 2016 and recommended approval of Map Amendment RZ-16-003. Mr. Goodrich distributed copies of email correspondence received from Dean and Cynthia Boggs, 16821 Tammany Manor Road, Williamsport, Maryland, commenting on potential flooding issues.

Attorney Zachary Kieffer, Divelbiss & Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, presented the Applicant's case for VA AVE, LLC, alleging that a mistake was made in zoning the property. The Applicant argued that the assigned ORT classification was a mistake because it overlooked facts that failed to make the property appropriate for an ORT "campus-like" development site for medical, corporate and technology uses.

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The hearing was opened for public comment and one individual offered comment. Ann Courtemanche, 17616 Burnside Avenue, Hagerstown, asked what types of uses are included in the requested zone and whether individuals had the opportunity to comment further a later date.

Attorney Kieffer presented a rebuttal on behalf of the Applicant regarding the email received from Dean and Cynthia Boggs. He stated that the subject property is not located in a flood plain.

The matter was opened for questions from the Commissioners. Commissioner Baker questioned when the property was purchased and was informed it was June 2006. Commissioner Keefer asked about any traffic concerns and what enhancements could be made to improve traffic problems. Attorney Kieffer stated that a traffic study would be involved in any future proposal for the site and that his client would be bound by that analysis.

The public hearing was closed at 2:39 p.m. The Commissioners took no action on the rezoning request but reached a consensus to approve the requested rezoning request. Staff will prepare the required documentation and present it to the Commissioners for further consideration and formal approval at a future meeting.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE – PERSONAL
PROTECTIVE EQUIPMENT FOR THE DIVISION OF EMERGENCY SERVICES**

Karen Luther, Purchasing Director, Sam Anderson, Emergency Planner, and Jonathan Hart, Director of Fire Services, recommended authorization by Resolution the Intergovernmental Cooperative Purchase relating to the purchase of seventy-nine sets of Personal Protective Equipment (PPE), coats and pants, for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, Maryland, at contracted unit prices totaling \$156,680.70 based on the contract awarded by the State of New Jersey (Solicitation #12-X-22281; New Jersey Contract A80947) and to approve Budget Adjustments of \$149,180 from account 584040-10-93130 to account 599999-10-11525 (Fire Operations) and \$46,900 from account 515280-10-93130 to 599999-10-11520 (EMS Operations).

Ms. Luther discussed the intergovernmental cooperative purchase process that permits the County to use another entity's contract to eliminate Washington County's bid process and obtain overall better pricing due to economies of scale offered by the existing contract. A determination to allow or to participate in an intergovernmental cooperative purchasing arrangement is by a resolution indicating the cost benefits and efficiencies to the County. She further indicated that the proposal must be approved now so the equipment may be ordered and paid for before the end of Fiscal Year 2017. The budget adjustment request also includes funds to purchase other equipment as noted.

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The Commissioners discussed the proposal with Johnathan Hart who indicated the current equipment was past its ten year service life. However, the older gear would be used for a reserve pool if a firefighter's gear is damaged. Seventy of the seventy-nine sets of gear will be for volunteer fire and rescue companies. The first priority is to provide gear to firefighters who work multiple fire companies because they may currently have a set for each company.

Commissioner Myers, seconded by Keefer, moved to approve by resolution the Intergovernmental Cooperative Purchase relating to the purchase of seventy-nine sets of Personal Protective Equipment (PPE), coats and pants, for the Division of Emergency Services from Witmer Public Safety Group, Inc. of Williamsport, Maryland, at contracted unit prices totaling \$156,680.70 based on the contract awarded by the State of New Jersey, along with the associated budget adjustments. The motion passed unanimously.

(Resolution No. RS-2017-07 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

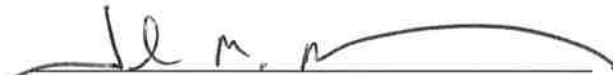
CITIZENS' PARTICIPATION

No citizens attending the meeting wished to participate.

Commissioner Myers, seconded by Keefer, moved to adjourn at 2:50 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk