

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

January 16, 2018

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 10:08 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.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Baker thanked the Town of Hancock for its veteran involvement.

REPORTS FROM COUNTY STAFF

County Attorney – RZ-17-009

Kirk Downey, Deputy County Attorney, requested the Commissioners adopt the prepared Decision and Findings of Fact by Ordinance to implement their previous consensus to approve the requested rezoning in Rezoning Case No. RZ-17-009.

Commissioner Barr, seconded by Commissioner Myers, moved to adopt the Ordinance as presented. The motion passed unanimously. (Ordinance No. ORD-2018-01 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

County Attorney – Conveyance of 12408 Learning Lane

Mr. Downey requested the Commissioners adopt an ordinance declaring certain real property (12408 Learning Lane, Hagerstown, the former Conococheague School) as surplus property and approve the conveyance of the property to the prospective purchaser.

Commissioner Barr, seconded by Commissioner Myers, moved to adopt the Ordinance to declare the property as surplus property and convey the property to the prospective purchaser. The motion passed unanimously. (Ordinance No. ORD-2018-02 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

County Administrator

County Administrator Rob Slocum informed the Commissioners that there will be no meeting on January 23. Mr. Slocum thanked the Emergency Services Department, Jim Hovis, Chief Operations Officer, and Public Relations and Marketing Department for their efforts regarding the safety and security of citizens during the recent ice event. He also

encouraged citizens to stay off the ice. Mr. Slocum advised that there would be an evening meeting of the Commissioners tonight in Funkstown; any cancellations due to inclement weather will be made per County policy.

CITIZENS' PARTICIPATION

Gary Rohrer of 19818 Marsha Court, Boonsboro, and Tom Clemens, P.O. Box 193, Keedysville, presented information on the Keedysville Road Bridge over the Antietam Creek. Mr. Rohrer displayed before and after photos of the cleanup. Both individuals thanked County staff and the Commissioners for their efforts with the cleanup.

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-18-001) ON-VEHICLE VIDEO SURVEILLANCE SYSTEM

Brandi Naugle, Buyer, Purchasing Department, and Kevin Cerrone, Director of Transit, requested authorization by Resolution for the Intergovernmental Cooperative Purchase relating to the purchase and installation of twenty-two (22) On-Vehicle Video Surveillance Systems from IVS, Inc., dba Angle Trax, of Dothan, Alabama, at a cost of \$83,579.54 and to utilize another jurisdiction's contract (RFP No. 17-137) that was awarded by Harford County Department of Procurement of Bel Air, Maryland. Funds are budgeted in the WCT Capital Improvement Plan (CIP) account (EQP046) in the amount of \$160,000.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the purchase and installation of twenty-two (22) On-Vehicle Video Surveillance Systems from IVS Inc., dba Angle Trax, in the amount of \$83,579.54 and to utilize another jurisdiction's contract (RFP No. 17-137) awarded by Harford County Department of Procurement of Bel Air, Maryland. The motion passed unanimously. (Resolution No. RS-2018-01 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

CONTRACT AWARD – WEB SITE DESIGN, DEVELOPMENT AND BUILD SERVICES

Rick Curry, Director of Purchasing, Danielle Crabb, Director, and Lauren Pogue, Marketing Specialist, Public Relations, requested approval to award the contract for providing Web Site Design, Development, and Build Services (PUR-1369) and for all other related work to the responsive, responsible firm of Ignition 72, Inc. of Baltimore, Maryland for the total sum value of \$97,800.

The Request for Proposal document was advertised locally and on the County's website, as well as the "eMaryland Marketplace" website, and twenty-three (23) proposals were received for the subject services. Qualifications and Experience/Technical Proposals of four (4) firms were considered to be responsive. The fiscal impact of this award will be from the Capital Improvement Plan account number 30-10310-COM029.

Commissioner Myers, seconded by Commissioner Keefer, moved to award the contract for Web Site Design, Development and Build Services to the lowest responsive bidder, Ignition 72, Inc. of Baltimore, Maryland, for the total sum value of \$97,800. The motion passed unanimously.

PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT RZ-17-005

President Baker convened a public hearing at 10:30 a.m. to obtain public comment regarding the application from BSM Big Pool, LLC (Contract Purchaser) and Richard and Rhonda Mummert (owner) for Map Amendment RZ-17-005 to the Washington County Zoning Ordinance (Ordinance). The subject property consists of two parcels: 11412 Tedrick Drive (+/- 9.73 acres “Mummert Parcel”) and 11079 Big Pool Road (+/- 5.15 acres “AC&T Parcel”). The application concerns the request to classify a +/- 2.24 acre portion of the Property with the RB District (Rural Business) floating zone. Commissioner Baker reviewed the procedures for the public hearing and President Baker administered the oath to those who planned to give testimony in the matter.

(Commissioner Barr left the meeting at 10:41 A.M. and returned at 12:07 P.M.)

Jill Baker, Senior Planner, Planning and Zoning, stated that the application has met the required criteria for an RB zone. The Washington County Planning Commission considered the application during its regular meeting held on October 2, 2017, and recommended approval of the Map Amendment RZ-17-005. The Planning Commission took into consideration the supporting documentation, the Staff Report and Analysis, and the verbal comments of interested parties during the public rezoning information meeting. No additional citizen comments have been received since the Planning Commission recommended approval of the request.

Attorney Jason Divelbiss, Divelbiss and Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, presented the Applicant’s case for BSM Big Pool, LLC (owned by the Fulton family) and Richard and Rhonda Mummert, the property owners. Attorney Divelbiss indicated that the adjacent AC&T property has been in operation as a gas station since 1968 at this location; the current AC&T site is zoned as RB – Rural Business overlay (Applicant’s Exhibit Number 1, a revised site plan, was entered into the record).

Attorney Divelbiss stated that the intent and purpose is to replace the existing building with a new mixed use building to include a restaurant, convenience store and gas canopies. (Convenience store floor plan - Applicants Exhibit Number 2 was entered into the record.) Attorney Divelbiss confirmed that this will not be a truck stop as there are no proposed overnight or long term truck parking and no shower facilities. A comparison chart comparing the proposed use of property at AC&T in Big Pool versus truck stop uses elsewhere in the County was submitted into the record. (Applicant’s Exhibits Number 3 and Number 4 were entered into the record).

The public hearing was opened for public comment and four individuals offered comments.

John Willis, 11003 Big Pool Road, Big Pool, commented against the proposal. He addressed the negative effects from trucks and parking on the property and ramp.

Mike and Cindy Tedrick, 11423 Ernstville Road, Big Pool, presented testimony with Attorney William Wantz, 123 West Washington Street, Hagerstown, and commented against the proposal. They testified that the proposed expansion use was incompatible with

existing residential uses in the vicinity and identified the negative effects that could accompany intensification of the use. They expressed concerns about increased traffic, pollution, noise, and other adverse effects.

Mr. Wantz offered legal argument in opposition to the rezoning request. (Opponent's Exhibit Number 1 was entered into the record.) Mr. Wantz objected to the Applicant's Exhibit Number 1 as submitted as it is not the original document submitted to the Planning Commission.

Attorney Jason Divelbiss presented rebuttal on behalf of the Applicant. He noted that the existing use predates the construction of the Tedricks' home. (Applicant's Exhibit Number 5 was entered into the record.) Attorney Divelbiss stated that the proposed rezoning area does not abut against their property.

Justin Dody, Frederick, Seibert and Associates, elaborated on the existing and proposed vegetative screening and noise buffering. He also noted that the lighting plan will fall under new lighting regulations, which may improve conditions in the neighborhood.

The public hearing was closed at 11:37 a.m.

The hearing was opened for questions from the Commissioners. Commissioner Myers stated that without the zoning change, AC&T could build a new facility but would not be able to incorporate the overflow parking.

President Baker asked about the size of fueling opportunities in comparison with Love's Truck Stop and the Pilot Truck Stop. Ms. Baker directed him to the Applicant's Exhibits Number 3 and 4 for comparison of the properties; Pilot Truck Stop has 8-10 fueling stations with Love's Truck Stop having approximately 8-12 fueling stations. The expanded AC&T station proposes 4 fueling stations.

The Commissioners took no action at this time regarding the map amendment and agreed to discuss the matter at a future meeting.

CONSENSUS DISCUSSION FOR TEXT AMENDMENT – RZ-17-007

Jill Baker, Chief Planner, Department of Planning and Zoning, presented an application to amend portions of the Washington County Zoning Ordinance included in Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10 and 28A. She explained that the purpose of the amendments is to correct, clarify, and add new language related to boarding facilities, tourist homes, boarding and rooming houses, bed and breakfasts, country inns, and banquet/event facilities (as related to the Urban areas in Washington County).

Commissioner Cline, seconded by Commissioner Keefer, moved to approve the amendments as previously presented; and to amend the portions of the Washington County Zoning Ordinance included in Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A as presented. The motion passed 4-0 (Commissioner Barr absent). (Ordinance No. ORD-2018-03 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

RECESS

The Commissioners recessed at 11:52 A.M. and returned at 12:05 P.M.

(Commissioner Barr returned to the meeting at 12:07 P.M.)

MARYLAND THEATRE REQUEST

Rob Slocum, County Administrator, summarized a request dated December 17, 2017 from the Maryland Theatre (MDT) regarding the proposed expansion and renovation of the Theatre. The Theatre's Board of Directors asked: (1) the City of Hagerstown and the County to grant \$3 million "allocated between the City and County as you deem necessary", (2) the County forward fund \$5 million committed to MDT from the Governor's funding in the form of a Capital Projects Grant Agreement; and (3) the County "work in collaboration with the local banks to each fund 50% of the private pledges raised by the MDT," currently projected to be \$2 million. (Private pledges are being collected over a five-year period.) The County has a long-standing commitment of \$4.5 million dedicated to the Urban Improvement Project (UIP), \$500,000 of which has been obligated to the MDT Expansion design. The City of Hagerstown also has contributed \$500,000 to the MDT Expansion design. The remaining obligation, \$4 million is committed under the UIP Memorandum of Understanding (MOU) to the Board of Education (BOE). The BOE has received additional state funding and has planned for a fifth story to the Barbara Ingram School for the Arts building since the MOU was signed.

Mr. Slocum requested that approval be granted to provide the MDT with remaining funds, if any, of the \$4 million, but not to exceed \$2 million. He also requested approval to commit to the forward-funding of the \$5 million as requested. Mr. Slocum requested that the County Commissioners deny the request for participation in the funding of private campaign contributions, as the County is not prepared to participate as proposed, and any advanced funds would not be secured.

Commissioner Myers, seconded by Commissioner Barr, moved to approve contributing the remaining funds of the \$4 million, if any, not to exceed \$2 million to the MDT, as well as to forward-fund the \$5 million committed to MDT from the Governor's funding. The request for participation in the funding of private campaign contributions was denied. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Keefer, moved to convene in closed session at 12:23 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; 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; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Sections 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 certain vacancies on a County board or commission over which the Commissioners have appointing authority and discussed certain vacancies in County personnel positions. They directed staff to undertake certain steps in regards to the filling of the vacancies. Furthermore, the Commissioners discussed a personnel matter involving a specific employee, received legal advice concerning same, and directed staff to undertake certain actions in regard thereto. They also discussed the potential for certain businesses to locate or remain in the State.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, Executive Assistant; Kirk C. Downey, Deputy County Attorney; and at various times, Stephanie Stone, Director, Health and Human Services; Jim Sterling, Director, Public Works; Phil Ridenour, Director of Hagerstown Regional Airport; Debbie Peyton, Deputy Director, Health and Human Services; Gun Seon Lee, Chairman, JG Group; Wonro Lee, CEO, JG Business Link International, and Joe Lee, President, Washington Realty Management.

RECESS

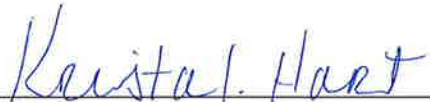
Commissioner Barr, seconded by Commissioner Cline, moved to adjourn at 2:10 P.M. The motion passed unanimously.



Robert J. Slocum, County Administrator



Kirk C. Downey, Deputy County Attorney



Krista L. Hart, Executive Assistant