

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

May 22, 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 9:06 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 – MAY 15, 2018

Commissioner Barr, seconded by Keefer, moved to approve the minutes of May 15, 2018. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Barr, seconded by Myers, moved to convene in closed session at 9:06 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 consult with staff, consultants, or other individuals about pending or potential litigation; to consult with counsel to obtain legal advice on a legal matter; and to consider the acquisition of real property for a public purpose and matters directly related thereto, in accordance with Section 3-305(b) (1), (3), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of a specific individual to an advisory council over which the Commissioners have appointing authority; discussed a personnel vacancy and related issues with staff; discussed an ongoing personnel matter and related issues with staff and counsel, and received advice/information on certain matters, including potential litigation.

During closed session, the Commissioners provided direction regarding the filling of a certain vacancy on an advisory council including the further discussion and presentation for approval of an individual during a future open session meeting; provided instruction to staff relating to an employee vacancy and related issues; provided guidance to staff on a specific personnel matter; and provided general guidance to staff relating to a potential legal issue.

May 22, 2018

Page 2

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; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney, and at various times Jim Hovis, Chief Operations Officer; R. David Hays, Director, Emergency Services; Stephanie Stone, Director, and Debra Peyton, Deputy Director, Health and Human Services; Sara Greaves, Chief Financial Officer, Budget and Finance; Scott Hobbs, Director, and Andrew Eshleman, Structural Engineer, Engineering; and Susan Small, Business Leader, Business Development.

RECONVENE IN OPEN SESSION

Commissioner Cline, seconded by Keefer, moved to reconvene in open session at 10:45 a.m. The motion passed unanimously.

CITIZENS' PARTICIPATION

There were no citizens present that wished to participate.

WASHINGTON GOES PURPLE SUBSTANCE ABUSE AWARENESS PROGRAM

Sheriff Doug Mullendore and Emily Keller, Council Member, City of Hagerstown, and Vicki Sterling, Washington County Health Department Counseling Services, described "Washington Goes Purple", a substance awareness abuse program to educate youth and citizens about the dangers of prescription pills. Sheriff Mullendore described the program that has been used successfully in Talbot County and is an alliance between community partners such as the Health Department, local governments, Chamber of Commerce, Rotary clubs, police, fire, and emergency services. Emily Keller discussed the promotion of lower level pain medications for athletes. The Sheriff requested a County donation of \$3,600 to be used for signage on County Commuter buses, which the Commissioners took under advisement. All donations toward the program are tax deductible and may be made through the Community Foundation of Washington County. The program's kickoff will be August 31, 2018.

BOYS AND GIRLS CLUB YOUTH OF THE YEAR AWARD

The Commissioners presented a certificate of recognition to Matthew Hernandez-Rockwell, an eighteen year old graduating junior at Clear Spring High School. Matthew's local story began after his father was deported and Matthew and his eight siblings were placed into a foster care program. He moved to Washington County and joined the Boys and Girls Club where he learned many things including how to read. The Boys and Girls Club has been honoring the nation's most inspiring teens for seventy years and Matthew is now one of them. He will be competing next month in the regional competition in New York and attending Hagerstown Community College in the fall. The Commissioners congratulated Matthew for his accomplishments and wished him well.

May 22, 2018

Page 3

PUBLIC HEARING – APPLICATION FOR ZONING CHANGE (RZ-18-001)

President Baker convened a public hearing at 11:02 a.m. to obtain public comment regarding the application (RZ-18-001) from Thomas Bennett & Hunter, Inc. for a zoning change from Highway Interchange (HI) to Industrial General (IG) on a 19.37 acre parcel located on the east side of Hopewell Road, north of Halfway Boulevard. 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.

Travis Allen, Comprehensive Planner, Planning and Zoning, described the property stating that it is owned by the Hagerstown-Washington County Industrial Foundation (CHIEF) and located in the Urban Growth Area. It received a Flex designation on the County's Comprehensive Plan Land Use Map and is currently vacant. The applicant has claimed that a mistake in zoning was made when the Highway Interchange designation was assigned during the Comprehensive Rezoning of the Urban Growth Area approved in 2012. The Planning Commission held a public information and comment meeting on March 5, 2018 and on April 2, 2018, approved a recommendation in favor of the application, accepting the applicant's evidence of a mistake.

Attorney Jason Divelbiss, 11125 Bemisderfer Road, Greencastle, Pennsylvania, presented the Applicant's case for RZ-18-001. Mr. Divelbiss indicated that the property is located within the Hopewell Valley area that is targeted for economic development on the County's Comprehensive Plan. He entered into the record a map of the Hopewell Valley area denoting HI and IG zoned business locations (Applicant's Exhibit #1).

The public hearing was opened for public comment and none was offered. The hearing was opened for questions from the Commissioners and there were none.

The public hearing was closed at 11:18 a.m. The Commissioners briefly discussed the matter and reached a consensus to approve the zoning change. Staff was directed to prepare a Decision and Findings of Fact to be presented to them for consideration and vote during a future meeting.

REPORTS FROM COUNTY STAFF

Emergency Services – May 15 Flooding Event

Sheriff Doug Mullendore, Scott Hobbs, Director of Engineering, Rich Eichelberger, Director of Construction, and Dave Hays, Director of Emergency Services, discussed efforts to assist residents and repair infrastructure in southern Washington County since the May 15 flooding event. An Executive Order was signed by President Baker on May 16 declaring a State of Emergency, which will support any assistance received from governmental agencies. Mr. Hays recognized County staff and agencies that have been assisting with the recovery efforts. He advised that a public information meeting will be held Thursday, May 24 at 7:00 p.m. at the Burnside Church of God, 3904 Mills Road, Sharpsburg. Staff will also be conducting a door to door campaign to inform citizens of the meeting. Mr. Hays indicated that a Community Recovery Center operated by the

May 22, 2018

Page 4

Department of Emergency Services is being opened May 23 at 11:00 a.m. at the Potomac Valley Fire Station to help coordinate the relief efforts. In addition, Sheriff Mullendore advised that three deputies have been assigned to patrol the area on a 24/7 basis. Rich Eichelberger reported several flooded basements in the area but no major structural damage to homes. He referred to an email and website address set up for citizens to communicate concerns and see the latest information on road closings/openings.

Purchasing – Extension of Food Services Contract

Rick Curry, Purchasing Director, requested a second extension of the contract for Food Services at the Washington County Detention Center (PUR-1375) through June 30, 2018. The contract is being re-bid and additional time is needed to finalize the contract information.

Commissioner Barr, seconded by Myers, moved to approve an additional extension of the contract for Food Services at the Washington County Detention Center through June 30, 2018 as presented. The motion passed unanimously.

County Attorney - RZ-17-010 and CP-17-001

Deputy County Attorney Kirk C. Downey brought forth for consideration the request from the Washington County Department of Planning and Zoning for a zoning change from Planned Industrial to Agricultural (Rural) for five parcels along Dusty Lane, and CP-17-001, a Comprehensive Plan/Urban Growth Area (UGA) boundary adjustment relating to the said five parcels along Dusty Lane. The Commissioners held a public hearing on May 1, 2018 and reached a consensus to approve the map amendment and boundary adjustment at that time.

Commissioner Barr, seconded by Myers, moved to approve the zoning change and boundary adjustment for RZ-17-010 and CP-17-001, and to adopt a Resolution and Ordinance, and Decision (with findings of fact) in support of the approval. The motion passed unanimously. (Ordinance No. ORD-2018-12 and Resolution No. RS-2018-08 are recorded among the Acts, Ordinances and Resolutions of Washington County and the originals are in the County Commissioners' Office.)

County Attorney - Legislative Initiative for Disabled Veterans

Kirk C. Downey advised that, at the Commissioners' request, legislation was passed this session giving Washington County the authority to expand a County real property tax credit to a greater number of disabled veterans. The current ordinance allows such a credit for veterans who are at least 50% disabled. The new legislation removes the 50% threshold and provides a credit for any disabled veteran at any amount of disability in an amount proportionate to the veterans' disability percentage. The Washington County, Maryland Disabled Veterans' Real Property Tax Credit Ordinance is proposed for amendment to include the enhanced eligibility criteria.

May 22, 2018

Page 5

Commissioner Keefer, seconded by Cline, moved to approve an Ordinance Restating, with Amendment, the “Washington County, Maryland Disabled Veterans’ Real Property Tax Credit Ordinance”. The motion passed unanimously. (Ordinance No. ORD-2018-13 is recorded among the Acts, Ordinances and Resolutions of Washington County and the original is in the County Commissioners’ Office.)

County Clerk – Appointments to Boards/Commissions

Emergency Services Advisory Council

Commissioner Barr, seconded by Keefer, moved to appoint Brooke Grossman as a citizen at large representative to the Emergency Services Advisory Council to a first, three-year term through May 31, 2021. The motion passed unanimously.

SENATOR AMOSS FUNDING ALLOCATION – FISCAL YEAR 2018

Tom Brown, Emergency Management Specialist, Emergency Services, presented the recommendation for distribution of the Senator William H. Amoss Fire, Rescue and Ambulance Fund subsidy allotted to counties by the State of Maryland for disbursement to fire and rescue companies. The funds may be used toward capital expenses such as firefighting apparatus and a spending report is submitted to the County each year from companies receiving such funds. Mr. Brown indicated that the Fiscal Year 2018 allocation of \$339,691 is proposed to be distributed as follows: \$13,065.03 each to the twenty fire companies (including \$78,390.40 divided between the six Hagerstown Fire Departments), and \$13,065.03 each (\$70,394.18) divided between the six ambulance companies operating in the County.

Commissioner Barr, seconded by Myers, moved to approve the recommended distribution of the Fiscal Year 2018 Senator William H. Amoss Fire, Rescue & Ambulance Fund subsidy of \$339,691 as discussed and outlined in the attachment to the Agenda Report Form. The motion passed unanimously.

FISCAL YEAR 2019 SENIOR CITIZEN ACTIVITIES CENTER OPERATING FUND GRANT APPLICATION

Stephanie Lapole, Grant Manager, Grant Management, and Amy Olack, Director, Commission on Aging, requested approval to submit a \$40,449 grant application for the Senior Citizens Activities Center Operating Fund to the Maryland Department of Aging and to accept all award funding. In addition, The Commission on Aging is also seeking \$29,160 of competitive grant funds to create an innovative Senior Activities Center program called Cycling for Seniors. This program would create a new dedicated cycling room at the center.

Commissioner Barr, seconded by Myers, moved to approve the submission of a \$40,449 grant application for the Senior Citizens Activities Center Operating Fund to the Maryland Department of Aging and to accept all award funding as presented. The motion passed unanimously.

INTERGOVERNMENTAL COOPERATIVE PURCHASE OF ONE STREET SWEEPER

Rick Curry, Purchasing Director, and Dave Mason, Deputy Director, Solid Waste, recommended authorization by Resolution an Intergovernmental Cooperative Purchase relating to the purchase of one Street Sweeper for \$308,784 from Schwarze Industries, Inc. of Huntsville, Alabama, and to use another jurisdiction's contract awarded by the National Joint Powers Alliance. Street sweeping is an initiative that is part of an effort to reduce the trash and debris that makes its way into the County's waterways and to meet a federally mandated water quality improvement goal to aid with compliance goals of the new National Pollutant Discharge Elimination System. Mr. Curry discussed the intergovernmental cooperative purchase process that permits the County to use another governmental 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.

County Administrator Rob Slocum indicated that the purchase of this vehicle is mandated to obtain credits for the Clean County Initiative program. Commissioner Barr asked if the services of the current street sweeping service will be utilized and Mr. Mason answered affirmatively. The new machine is not intended to replace the service but to add to it. The Commissioners discussed details of the program.

Commissioner Barr, seconded by Cline, moved to authorize by resolution the Washington County Highway Department to purchase one Street Sweeper for \$308,784 from Schwarze Industries, Inc. of Huntsville, Alabama, and to use another jurisdiction's contract awarded by the National Joint Powers Alliance. The motion passed unanimously. (Resolution No. RS-2018-09 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

PROPOSED ESTABLISHMENT AND MODIFICATION OF CERTAIN LANDFILL RATES FOR FISCAL YEAR 2019

Sara Greaves, Chief Financial Officer, Budget and Finance, and Dave Mason initiated a discussion of the proposed modification of certain landfill rates for Fiscal Year 2019. The Commissioners held a public hearing on April 24, 2018 regarding the proposed rates. The change in fees is one facet of the overall proposal to address the projected department budget shortfall. The proposed rates more closely reflect the current and projected cost of landfill and recycling operations and are comparable with landfill user rates at other facilities in the local region. The last rate increase occurred in 2012.

The Commissioners discussed the matter. Commissioner Keefer stated that he was hesitant to move forward with the increased rates due to the possible repayment of \$250,000 County loan for a waste to energy project that has not yet been established. That amount could be applied to reduce or eliminate an increase in landfill fees. Commissioner Cline asked whether post-closure funds for closing landfill cells could be used to prevent an increase in fees. Ms. Greaves indicated that those funds are dedicated for that purpose and that the FY 19 budget is balanced with the fee increases. She expressed concern that the

May 22, 2018

Page 7

County's excellent bond ratings would suffer if dedicated funds were diverted to landfill operations. Ms. Slocum added that if the new rates are not approved, a proposed equipment operator position at the landfill would have to be removed in an effort to balance the FY 19 budget. Mr. Mason advised that services may have to be cut to make up the \$430,000 difference in revenue that the proposed fee increases are expected to generate.

Commissioner Keefer suggested waiting two months to discuss any rate increases.

Commissioner Myers estimated that of the 40,000 households in the County, only 7,000 are holders of landfill permits. He recommended approval of the increases due to the rising costs to operate the landfill. Commissioner Cline stated that he would not agree to any increase in landfill fees. Commissioner Baker proposed a reduced percentage increase in landfill fees but the Commissioners did not reach a consensus on that proposal. The Commissioners directed staff to obtain more information on the waste to energy loan and decided to return later for further discussion of the matter.

PROPOSED MODIFICATION OF WATER AND SEWER RATES FOR FISCAL YEAR 2019

Sara Greaves and Dan DiVito, Deputy Director, Water Quality, requested the adoption of the proposed water and sewer rate schedule for Fiscal Year 2019. The average residential customer would see a 3.5% increase or \$5.60 per quarter for sewer services and a 3.5% increase or \$6.00 per quarter for water services. Ms. Greaves stated that the fund is an enterprise fund that is self-supporting. Mr. DiVito discussed the rate model for the department that is based on this requirement. The County Commissioners held a public hearing on April 24 where no comments were received from citizens.

The Commissioners discussed the proposal and their desire to see a time when yearly increases to citizens are not necessary. Mr. DiVito commented on the increased regulatory requirements and cost of equipment for providing the services.

Commissioner Myers, seconded by Barr, moved to adopt by resolution the water and sewer rate increases for Fiscal Year 2019 as presented. The motion passed with Commissioners Myers, Barr and Baker voting "AYE" and Commissioners Cline and Keefer "NO". (Resolution RS-2018-10 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

RECESS

The Commissioners recessed at 12:35 p.m.

AFTERNOON SESSION

The Commissioners reconvened at 2:06 p.m. in Room 1113, 100 West Washington Street, Hagerstown, with the following members present: Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

May 22, 2018

Page 8

**PROPOSED ESTABLISHMENT AND MODIFIATION OF LANDFILL RATES
FOR FISCAL YEAR 2019 (continued)**

Dave Mason discussed the status of the \$250,000 loan to Green Kinetics Gateway, LLC (GKG). He estimated that the establishment of a new waste to energy facility is at least two years away. Ms. Greaves emphasized that County reserve funds should not be used to subsidize operational costs due to State and federal laws that require closed portions of landfills to be covered and maintained for up to thirty years after their closure.

Commissioner Myers commented on the relatively small increases being proposed and stated that they should be approved now rather than later. He also commented that reserve funds come from citizens' taxes. General funds and user fees support the operation of the landfill. Commissioner Keefer preferred to wait two months before considering increases. Commissioner Baker proposed to reduce the fee increases by half, and if the loan is repaid, to apply it to the fees.

Ms. Greaves discussed the work done by staff to review the budget and reduce costs wherever possible. She stated that reserve funds are at the lowest point and that cash reserves have been used up. She indicated that the 25% holdback amount may not be sustained in the coming year. Commissioner Cline commented that if fees are raised, citizens may be discouraged from using the landfill.

Commissioner Myers, seconded by Barr, moved to approve the landfill rate increases as proposed. The motion failed with Commissioners Myers and Barr voting "AYE" and Commissioners Keefer, Cline and Baker "NO".


Ms. Greaves stated that since the FY 19 budget will not be approved today, staff will have to reduce the Solid Waste budget and likely eliminate a planned position. Commissioner Keefer suggested reducing the position for a few months while waiting to see about the \$250,000 loan repayment. County Administrator Slocum stated that staff would work on options to address the issues and reduce the budget.

ADJOURNMENT

Commissioner Myers, seconded by Keefer, moved to adjourn the meeting at 2:27 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk