



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

October 22, 2019

#### **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

A moment of silence was observed, 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 8:05 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**

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the minutes of October 15, 2019. The motion passed unanimously.

#### **CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 8:06 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 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 consult with staff, consultants, or other individuals about pending or potential litigation; and to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b)(1), (4), (7), (8), and (13) 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 specific individuals to a local advisory committee and a local board over which the Commissioners have appointing authority. They also discussed specific employment requests and recommendations and gave staff further direction regarding specific individuals and positions pertaining to said requests and recommendations. The Commissioners received information regarding proposals for business organizations to locate, expand, or remain in the State. Also, the Commissioners discussed and received legal advice/information on certain matters protected by the attorney-client privilege and the attorney-work product doctrine, including pending litigation, other pending legal matters, and potential litigation.

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; Andrew Bright, Assistant County Attorney, and at various times Robert J. Slocum, County Administrator; Deb Condo, Deputy Director, Human Resources; Ashley Holloway, Director, Plan Review and Permitting; Dan DiVito, Director, Environmental Management; Susan Small, Director, Business Development; Rachel Brown, Director, Human Resources; Garrison Plessinger, Director, Hagerstown Regional Airport; and John Pennesi, Deputy Director, Parks and Facilities.

### **RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Keefer, moved to reconvene in open session at 9:56 a.m. The motion passed unanimously.

### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioners provided a brief insight into events attended and support provided throughout Washington County community.

Commissioner Keefer discussed an offer from Mrs. Hershey for a tour of Rosehill Manor, Williamsport, and asked that staff proceed with scheduling. He added that the Historical Advisory Committee will be coming before the Board to provide an update. Additionally, Commissioner Keefer shared that he was contacted by Judith Byron, citizen of the Cearfoss community, regarding an upcoming Public Service Commission (PSC) hearing concerning the proposed solar project planned for her neighborhood. Ms. Byron has requested that the Commissioners submit a letter of support for a postponement of said hearing, which may allow time for the County's Planning Commission to provide recommendations on solar projects and the placement, and secondly, that the Commissioners become a part of the PSC hearings regarding any proposed solar projects in Washington County.

Commissioner Wagner welcomed the students in attendance for Student Government Day. He also congratulated Washington Chicken for being recognized as Comptroller Franchot's Facebook Best Chicken Sandwich.

Commissioner Meinelschmidt shared that he would like to have the County Ordinance set prior to the Public Hearing of the PSC.

President Cline shared that Ray Gladhill passed away, adding that Mr. Gladhill was a 30-year County highway employee who retired in 2009. Additionally, President Cline discussed the October 11, 2019 letter from Bruce Bereano offering to represent the Commissioners as their government relations consultant and lobbyist in Annapolis during the upcoming 2020 session of the General Assembly, at the proposed fee of \$10,000. Commissioners Baker and Keefer shared their support for the local lobbying coalition group.

Vice-President Baker inquired as to the procedure for processing of daily Commissioner mail.

### **REPORTS FROM COUNTY STAFF**

#### **Human Resource Personnel Requests; Rachel Brown, Director of Human Resources**

##### *Structural Engineer, Division of Engineering*

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the advertisement of this position (Grade 15, Step 1, \$59,634). This position is vacant due to the resignation of John Van Riper on September 27, 2019. The motion passed unanimously.

#### **Division of Plan Review and Permitting**

Ashley Holloway, Director, presented information regarding a reorganization within his office and two positions created as a result. He shared that the position of Planner (Grade 12, Step 1), and the position of Permit and Zoning Coordinator (Grade 12, Step 1) would be a combination of other vacant positions.

#### **Administration Office**

Machelle Dwyer, Administrative Support Specialist, introduced the students participating in Student Government Day.

Commissioner Meinelschmidt shared that no response to the request for support of a postponement of the PSC hearing had been given.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to submit a letter of request for the postponement of the Public Service Commission hearing regarding the proposed solar facility in Cearfoss. The motion passed unanimously.

**Appointment / Reappointment to Boards and Commissions; Krista Hart, County Clerk**

**Washington County Environmental Management Advisory Committee**

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to re-appoint Rebecca Beecroft and Dennis Cumbie to each serve a first full, three (3) year term from October 1, 2019 through September 30, 2022; this is not a paid board. The motion passed unanimously.

**Washington County Electrical Board of Examiners and Supervisors**

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to re-appoint Daniel Sterling to serve a second, two (2) year term as the Member-at-Large, from November 1, 2019 through October 31, 2021; this is a paid board. The motion passed unanimously.

**CITIZENS' PARTICIPATION**

Roger Vincent, 16845 Longfellow Court, Hagerstown, requested that the mobile home tax be abolished.

Steven McDonough, 16906 Pickwick Lane, Hagerstown, asked the Commissioners for an update on the status of the mobile home tax review. Commissioner Meinelschmidt shared that the Commissioners have taken the matter under review and will provide an update at a future meeting.

**PRESENTATION OF PROCLAMATION RECOGNIZING MARY BAYKAN**

Commissioner Cline presented a proclamation to Mary Baykan in recognition of her twenty-five (25) years of service as Library Director for the Washington County Free Library.

**PRESENTATION OF PROCLAMATION RECOGNIZING OCTOBER 20-26<sup>TH</sup> AS ECONOMIC DEVELOPMENT WEEK**

Commissioner Wagner presented a proclamation to Susan Small and Department of Business Development staff members in celebration of Economic Development Week.

**REQUEST TO ABANDON SANITARY EASEMENT**

Todd Moser, Real Property Administrator, Engineering, and Mark Bradshaw, Deputy Director, Environmental Management, Water Quality, requested the abandonment of sewer easement located at 16144 Elliott Parkway, Williamsport, Maryland, at the request of Maryland Paper.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the request to abandon the sewer easement as presented. The motion passed unanimously.

**SUBDIVISION OF FORT RITCHIE COMMUNITY CENTER**

Mr. Moser, and Andrew Eshleman, Director of Public Works, recommended approval of the subdivision of Fort Ritchie Community Center. Mr. Moser explained that the subdivision would include the Community Center building and 3.766 acres +/- at Fort Ritchie.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the subdivision of the Fort Ritchie Community Center as presented. The motion passed unanimously.

**WASHINGTON COUNTY COMMUNITY COALITION REQUEST FOR SUPPORT**

Paul Frey, President of the Washington County Chamber of Commerce, and Jim Kercheval, Executive Director of the Greater Hagerstown Committee (GHC), presented a request for a \$10,000 contribution from the County Commissioners toward the Community Lobbying Coalition (Coalition). Coalition partners include the Convention Center and Visitors Bureau, GHC, City of Hagerstown, Washington County Free Library, Washington County Public Schools, Chamber of Commerce and Hagerstown/Washington County Industrial Foundation, Inc. (CHIEF), whose purpose is to advocate for local and State initiatives during the 2020 General Assembly session by hiring a lobbyist for representation in Annapolis.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve a \$10,000 contribution to the Washington County Community Coalition as presented. The motion passed unanimously.

**BID AWARD (PUR-1443) BULK DELIVERY OF ROAD SALT**

Brandi Naugle, Buyer, Purchasing, and Zane Rowe, Deputy Director, Highways, recommended award of the contract for the purchase/delivery of Bulk Road Salt (PUR1443) to the responsible, responsive bidder, Morton Salt, Inc. of Chicago, Illinois, at the lowest bid price of \$61.80 per ton. The salt would be purchased on an as-needed basis to be used on County maintained roads for snow and ice control. Ms. Naugle indicated that the County uses an average of fifteen thousand (15,000) tons of road salt annually. The contract period would tentatively begin on October 1, 2019 and end April 30, 2020, and the County guarantees neither a minimum/maximum quantity of bulk road salt to be purchased under this contract. Ms. Naugle added that this recommendation would be for the County's requirements only; the City of Hagerstown shall make its award independently from the County. Funds are budgeted in various accounts for the product.

Commissioner Baker, seconded by Commissioner Keefer, moved to award the contract for the purchase/delivery of Bulk Road Salt to the responsible, responsive bidder, Morton Salt, Inc. of Chicago, IL, at the lowest price submitted of \$61.80 per ton. The motion passed unanimously.

**ALLEGIANT DE-ICING/ANTI-ICING AGREEMENT**

Kirk Downey, County Attorney, and Garrison Plessinger, Director, Hagerstown Regional Airport, recommended approval of the annual De-Icing / Anti-Icing Airport Services Agreement to Allegiant Airlines, at a rate of \$120 per event plus materials; estimated revenue for this season is \$7,000.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the annual agreement with Allegiant Airlines for the De-Icing / Anti-Icing services at \$120 per event plus materials. The motion passed unanimously.

**PASSENGER TERMINAL EXPANSION – APPROVAL TO ACCEPT AWARDED FUNDING**

Mr. Plessinger and Allison Hartshorn, Grant Manager, Office of Grant Management, recommended acceptance of the awarded funding from the Federal Aviation Administration in the amount of \$1,000,000 which will be used to reimburse Washington County for the purchase of two properties at 14231, and 14235 Oak Springs Road, and the professional services for TopFlight Airpark Runway Visibility Zone, Grove Farm Demolition, the DBE Plan Update and the construction phase services associated with the Terminal Building Expansion. Ms. Hartshorn shared that there is a 5% match association with this grant, in the amount of \$55,556 which is approved in the Airport's Capital Project budgets LAN018 and BLD082.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to accept the awarded funding from Federal Aviation Administration, in the amount of \$1,000,000 as presented. The motion passed unanimously.

### **COMMUNITY ORGANIZATION FUNDING – CAPITAL EXPENSES**

Susan Buchanan, Director, Office of Grant Management, presented information pertaining to a request to expand the Community Organization Funding Grant eligibility to allow the funding of capital projects or assets. Ms. Buchanan stated that currently, the guidelines consider those requests as ineligible. Capital assets include land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, and all other tangible and intangible assets that are used in operations and have initial useful lives extending beyond a two-year reporting period.

Commissioners discussed the options and changes as presented, to include potential requests for capital projects or assets.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the request to allow the funding of capital projects or assets in the Community Organization Funding guidelines as requested. The motion failed (2-3, President Cline, Vice-President Baker, and Commissioner Wagner voted “NAY”).

Ms. Buchanan was asked to bring the matter forward for further discussion to permit additional review time.

### **PROPOSED AMENDMENTS TO THE WASHINGTON COUNTY ZONING ORDINANCE TO INCLUDE AIR BNB TYPE LODGING**

Ashley Holloway, Director of Plan Review and Permitting, and Jill Baker, Deputy Director of Planning and Zoning, briefed the Commissioners on proposed amendments to the Washington County Zoning Ordinance to include Airbnb type lodging to residential buildings. Mr. Holloway shared that the County would not have purview over zoning requirements in the local municipalities. The Commissioners discussed adjustments to the ordinance as presented and instructed staff to move the matter forward for additional discussion.

### **CONTRACT AWARD (PUR1439) INVESTMENT GRADE ENERGY AUDITS**

Rick Curry, Director, Purchasing, and Scott Hobbs, Director, Engineering, recommended award of the Investment Grade Energy Audits (PUR1439) to the responsive, responsible proposer, Schneider Electric, Hagerstown, Maryland, for zero dollars.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to award contract PUR1439 to Schneider Electric, at zero dollars, as presented. The motion failed (2-3, President Cline, Vice-President Baker, and Commissioner Keefer voted “NAY”).

### **CONVENE IN CLOSED SESSION**

Commissioner Baker, seconded by Commissioner Keefer, moved to convene in closed session at 11:46 a.m. to consult with counsel to obtain legal advice on a legal matter and to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b)(7) and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed and received legal advice/information on a pending legal matter protected by the attorney-client privilege and the attorney-work product doctrine, including potential litigation.



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 Andrew Bright, Assistant County Attorney.


*The Commissioners recessed at 11:46 a.m. and returned to closed session at 12:48 p.m.*

**RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 12:57 p.m. The motion passed unanimously.

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to adjourn at 12:57 p.m. The motion passed unanimously.

A handwritten signature in blue ink that reads "Krista L. Hart". The signature is written in a cursive style and is positioned above a solid horizontal line.

Krista L. Hart, *County Clerk*