



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

January 14, 2020

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 8:51 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 Wagner, seconded by Commissioner Meinelschmidt, moved to approve the minutes of January 7, 2020. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 8:52 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; and to comply with a 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), 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 services board over which the Commissioners have appointing authority; discussed the employment and assignment of personnel and the filling of certain vacancies, as well as terms of employment of certain personnel over whom the Board has jurisdiction and provided staff with direction over prescribed procedure of said matters. Additionally, the Commissioners discussed the proposal for business organizations to locate, expand, or remain in the State and County and received legal advice concerning contractual matters involving the same; the Commissioners provided direction to Counsel with respect to those matters.

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 Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk; Kendall Desaulniers, Deputy County Attorney, and at various times Andrew Bright, Assistant County Attorney; Rachel Brown, Director, Human Resources; Andrew Eshleman, Director, Public Works; Ashley Holloway, Director, Plan Review and Permitting; and Jeremy Mose, Director, Environmental Management.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 9:54 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Vice-President Baker discussed the Fort Ritchie property and requested information regarding purchase negotiations.

Commissioner Keefer shared that he would like to review the Ethics Ordinance and asked for a consensus to gather recommendations for potential updates. The Commissioners discussed the matter and reached a consensus to discuss the subject at a later date.

Commissioner Wagner shared his appreciation for those involved in the Leadership of Washington County presentation. Additionally, he shared his thoughts regarding the requested Ethics review, adding that there were very well qualified members on the committee.

Commissioner Meinelschmidt shared that the Rural County Coalition will have a meeting to discuss Fire and Rescue staffing issues throughout Maryland.

President Cline shared information on several events throughout Washington County in which he attended. He also shared his thoughts on the Ethics review, adding that the former Ad Hoc Ethics Committee members were well qualified to make the decisions made.

CITIZENS' PARTICIPATION

John Seburn, President, Hagerstown Aviation Museum, and Michael Langer presented information regarding the new Hagerstown Aviation Museum and event center.

George Souders, 20931 Leitersburg Pike, Hagerstown, and Scott Horning, 11522 Orange Blossom Court, Smithsburg, requested a waiver of excise tax for the Leitersburg Community Center in the amount of \$12,000. President Cline suggested that the matter be brought forth as an agenda item for additional discussion. Commissioner Keefer asked Ms. Greaves to provide the balance in the Contingency Fund.

REPORTS FROM COUNTY STAFF

Mr. Downey thanked staff who had been involved with the Leadership of Washington County.

Budget and Finance

Sara Greaves, CFO, provided the Board with an update regarding the fund balance of the Fort Ritchie property, adding that as of January 7, 2020, the fund balance was \$525,000; and the total amount of non-sufficient checks for a one-year period for the Landfill fees (January 1, 2019 through December 31, 2019 \$3,823, of which \$2,627 were subsequently collected and paid, \$1,195.65 either outstanding or written off), as previously requested.

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

Washington County Public Golf Corporation (Black Rock Golf)

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to appoint Richard Block to serve an unfulfilled term through December 31, 2020; this is NOT a paid board. The motion passed unanimously.

Animal Control Authority of Washington County

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to appoint Edward Wurmb to serve a first three-year term from December 1, 2019 through November 30, 2022 as the Veterinary & Agricultural Community Representative; to appoint Ashley Schweinhart to serve an unfulfilled term through September 30, 2020 as an Alternate Member; and to reappoint Travis Poole to serve a third, three-year term from December 1, 2019 through November 30, 2022 as a member of the legal profession, on Animal Control Authority. Additionally, to provide an exception to the two-term requirement. The motion passed unanimously.

CITIZEN COMMENTS (continued)

Tim Gargana -11114 Lincoln Avenue, Hagerstown, discussed Volunteer Fire and Rescue staffing issues and fire tax.

CONTRACT AWARD (PUR1450) – AVIATION ENGINEERING SERVICES FOR THE HAGERSTOWN REGIONAL AIRPORT

Rick Curry, Director, Purchasing, and Garrison Plessinger, Director, Hagerstown Regional Airport, recommended the award of the contract for on-call Aviation Engineering Services at the Hagerstown Regional Airport to Airport Design Consultants, Inc. (ADCI) of Ellicott City, Maryland (MD), in association with Bushey Feight Morin Architects, Hagerstown, MD; CJL Engineering, Johnstown, PA; AECOM Technical Services, Hunt Valley, MD; Hillis-Carnes Engineering Associates, Inc., Williamsport, MD; Fox & Associates, Inc., Hagerstown, MD; Arora Engineers, Philadelphia, PA; and Matonak & Associates Structural Engineers, Hagerstown, MD, with the contract Agreement being contingent upon FAA approval. Mr. Curry explained that the services to be performed shall include but not limited to aviation planning services, architectural/engineering services, airport development projects, and incidental services. Additionally, in accordance with FAA/MAA regulations, selection of an aviation engineering consultant is not to be based on price proposals but rather only on consultants' qualifications and experience.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the award of contract PUR1450 to Airport Design Consultants, Inc. of Ellicott City, MD as presented. The motion passed unanimously.

VALLEY MALL SUBDIVISION

Mark Bradshaw, Deputy Director, Environmental Management; and Steve Cvijanovich, Fox Engineering, requested exception from a departmental policy within the Division of Environmental Management which requires each lot to be independently connected to the County's sewer system. Mr. Bradshaw shared that at the location of the Valley Mall (Mall), Hagerstown, MD, the former Sears and Sears Automotive are a separate parcel from the Mall. The former Sears Automotive has been renovated and is now occupied by BJ's Brew House, Verizon Retail Store, and Sleep Number. The owner of this parcel is exploring the possibility of subdividing the parcel into two (2) lots with BJ's Brew House, Verizon, and Sleep Number being a separate lot and the former Sears anchor store being on its own lot. The owners of the Mall, PR Valley, are the current owners of the former Sears parcel in addition to the large main Mall parcel.

The proposed subdivision will not comply with the Department's policy because sewage will discharge into the mall's privately-owned and maintained sewer prior to connecting to the County's sewer. This current sewer configuration is as it was constructed during the initial Mall development in 1972.

The Commissioners reached a consensus to provide the exception to the department policy for the potential subdivision of the two (2) lots as noted above. The motion passed unanimously.

BUDGET ADJUSTMENT – ELECTION BOARD FACILITY

Ms. Greaves, and Andrew Eshleman, Director, Public Works, recommended approval of a budget adjustment in the amount of \$39,000 for the newly acquired Board of Elections facility. Ms. Greaves stated that by approval of this request, a budget would be established for operating expenditures for the building, which would aid in tracking and paying for said expenditures. Funds would be transferred from a savings in the Workers Compensation Fund for Fire and Rescue Association.

Commissioner Keefer requested that Ms. Greaves seek an additional funding source; Commissioner Meinelschmidt concurred. Ms. Greaves shared that the Debt Service Fund could be utilized rather than the Fire and EMS Workers Compensation Fund.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the budget adjustment in the amount of \$39,000 with funds from the Debt Service Fund. The motion passed unanimously.

FORMAL APPROVAL AND RATIFICATION OF ZONING MAP AMENDMENT RZ-19-004 (JPK PROPERTIES, LLC)

Andrew Bright, Assistant County Attorney, brought forth Zoning Map Amendment RZ-19-004 from applicant JPK Properties, LLC for formal approval and to adopt an ordinance approving the zoning map amendment request. Mr. Bright stated that the zoning map amendment request had been approved by the Board on December 3, 2019, and at that time, the Board instructed the County Attorney's office to prepare the required decision.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to formally approve Zoning Map Amendment RZ-19-004 and to adopt an ordinance approving the request. The motion passed unanimously.

(Ordinance No. ORD-2019-33 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

PUBLIC SAFETY DISCUSSION

Dave Hays, Director, Division of Emergency Services; Dale Fishack, President, Washington County Volunteer Fire and Rescue Association (WCVFRA); Kingsley Poole, Co-Chair, Emergency Services Advisory Council (ESAC); and Richard Hopkins, Member, ESAC, requested authorization for implementation of the regional staffing plan as previously presented. He added that the fiscal impact of said plan would be:

- FY20 (fire) \$ 444,934.00, (EMS) \$ 694,357.37 (**\$1,139,291.30 annually**)
- FY21 (fire) \$ 861,200.00, (EMS) \$1,994,365.28 (**\$2,855,565.20 annually**)
- FY22 (fire) \$1,194,045.50, (EMS) \$2,037,349.40 (**\$3,231,394.90 annually**)
- FY23 (fire) \$2,125,356.00, (EMS) \$2,081,408.10 (**\$4,206,764.10 annually**)
- FY24 (fire) \$2,978,919.00, (EMS) \$2,126,568.30 (**\$5,105,487.30 annually**)

Mr. Fishack shared concerns of the various EMS departments regarding said plan, adding that the WCVFRA is not opposed to the plan but does have concern with regard to the EMS.

The Commissioners expressed concern with locations outlined in Mr. Hays plan. Mr. Hays explained that conversation can continue regarding the strategic plan with the Commissioners and/or the four (4) individual companies if necessary.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the hiring of 36 firefighters, as outlined in the regional model, in the Safer grant to include coverage in Hancock and South County, ensuring that a paramedic remains in Rohrsersville. The motion passed 4-0-1 (Commissioner Baker abstained).

RECONVENE IN CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to convene in closed session at 11:51 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, 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 the filling of certain personnel vacancy with specific individuals; and they discussed the employment and assignment of personnel with staff.

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 Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk; Rachel Brown, Director, Human Resources; and at various times specific interviewees for a vacant position to be filled by the Commissioners.

RECONVENE IN OPEN SESSION

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to reconvene in open session at 3:32 p.m. The motion passed unanimously.

RECESS

The Commissioners recessed until the evening meeting at 3:32 p.m.

EVENING MEETING WITH THE TOWN OF FUNKSTOWN

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 convened the evening meeting of the Board of County Commissioners of Washington County, Maryland, at 6:00 p.m. at 30 East Baltimore Street, Funkstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present was Kirk Downey, Interim County Administrator/County Attorney; and Krista Hart, County Clerk.

TOWN OF FUNKSTOWN LEADERS' REPORTS AND COMMENTS

Paul Crampton, Jr., Mayor of Funkstown, welcomed the Commissioners and thanked everyone for attending the evening meeting.

Council members shared their appreciation to the Commissioners for providing assistance from the Hotel Rental Tax funding for the Old Tyme Christmas Event.

COMMISSIONERS' REPORTS AND COMMENTS

The Commissioners collectively thanked the Mayor and Council for hosting the Board of County Commissioners evening meeting.

REPORTS FROM COUNTY STAFF

Staff members in attendance were asked to introduce themselves. In attendance was Scott Hobbs, Rich Eichelberger, Susan Small, Rachel Brown, Josh O'Neal, Ashley Holloway, Tom Brown, Dave Hays, Sara Greaves, Jill Baker, Andrew Eshleman, and Jeremy Mose.

Mr. Holloway spoke on the upcoming Outreach Meeting; Mr. Eichelberger spoke on the recently approved Building Codes and upcoming Public Information Meeting; Mr. Hays spoke on the recently approved Regional Staffing Plan and Incentives for Fire and EMS.

Health and Human Services

Deputy Director of Operations, Environmental Management, Water Quality

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the promotion of Davina Yutzy to this position, Grade 17, Step 11, \$89,024. This position is vacant due to the promotion of Jeremy Mose. The motion passed unanimously.

Chief of Laboratory Testing, Environmental Management, Water Quality

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the promotion of Rebecca Orndorff to this position (Grade 15, Step 5, \$65,811). This position is vacant due to retirement of Sharareh Alidoosti. The motion passed unanimously.

Director, Information Systems

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the promotion of Joshua O'Neal to this position, Grade 19, Step 6, \$91,790. This position will be vacant upon the retirement of Ron Whitt. The motion passed unanimously. The Commissioners congratulated Mr. O'Neal and thanked his family for attending and supporting Washington County.

CITIZENS PARTICIPATION

None

Mayor Crampton recognized Terry Feiser as being appointed to the Planning and Zoning position for the Town of Funkstown. Additionally, he shared that the Prison Work Program provides a benefit to the town; additionally, he looks forward to Phase 2 of the Southern Boulevard project.

ADJOURNMENT

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to adjourn the evening meeting at 6:26 p.m.



Krista L. Hart, *County Clerk*