



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

**December 3, 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 8:31 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 Meinelschmidt, seconded by Commissioner Wagner, moved to approve the minutes of November 19, 2019. The motion passed 4-1 (Commissioner Keefer abstained).

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

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to convene in closed session at 8:32 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 counsel to obtain legal advice on a legal matter; and to comply with a specific constitutional, statutory, or judicially imposed requirement that presents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b)(1), (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, as well as employment assignment of personnel with staff. The Commissioners also discussed and received legal advice/information on certain matters and pending legal action; to include matters protected by the attorney-client privilege and/or the work-product doctrine, and to receive legal advice on said 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, Interim County Administrator / County Attorney; Krista L. Hart, County Clerk; Kendall Desaulniers, Deputy County Attorney, and at various times Sara Greaves, CFO; Rachel Brown, Human Resources; Jill Baker, Planning and Zoning; Allison Hartshorn, Office of Grant Management; Ashley Holloway, Plan Review and Permitting; and Bruce Poole, Esquire.

#### **RECONVENE IN OPEN SESSION**

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

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

Vice-President Baker shared his care and concern for the Slocum family during the holiday season.

Commissioner Keefer echoed Commissioner Baker's comments. Additionally, he and Amy Olack (Senior Center) shared a positive story of a life-saving event involving staff members at the Senior Center and presented said staff with Certificates of Recognition.

Commissioner Meinelschmidt shared an update on the Medicare reimbursement bill.

Commissioner Meinelschmidt shared an update on the Coverage and Reimbursement for Emergency Medical Service Care Delivery services as proposed in the Senate Bill.

Commissioner Wagner discussed fencing for upper parking lot for 100 West Washington Street employees for safety purposes. He also discussed streamlining the hiring process, and shared that the Interim County Administrator is currently reviewing the procedures to ensure the vacancies are filled in a timely manner.

President Cline shared that the Rural Heritage Museum will host a Christmas Open House on Saturday and Sunday. Additionally, he congratulated Andrea Wyand on her retirement from the Sheriff's Office and thanked her for the 40+ years of service given to Washington County.

## **REPORTS FROM COUNTY STAFF**

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

#### **Washington County Local Management Board**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to appoint Kay Hoffman to serve an unfulfilled term from December 1, 2019 through August 31, 2020; and to appoint Tim Harrison to serve an unfulfilled term from December 1, 2019 through July 31, 2021, each as Community Representatives; this is NOT a paid board. The motion passed unanimously.

### **Division of Emergency Services**

Dave Hays, Director, thanked Krista Hart, County Clerk, for preparing and delivering a full meal to the employees of the 911 Center who were working on Thanksgiving Day.

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

#### **Deputy Director of Operations, Department of Water Quality, Utility Administration**

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the advertisement of this position (Grade 17, Step 1, \$69,534). This position is vacant due to the promotion of Jeremy Mose to Director, Division of Environmental Management. The motion passed unanimously.

#### **Chief of Laboratory Testing, Department of Water Quality**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the advertisement of this position (Grade 15, Step 1, \$59,634). The position will be vacant upon the retirement of Sherry Alidoosti. The motion passed unanimously.

## **CITIZENS' PARTICIPATION**

Steven McDonough, 16906 Pickwick Lane, Hagerstown, Brenda Jones, 17021 Burwood Court, Hagerstown, and Roger Vincent, 16845 Longfellow Court, Hagerstown, shared their dissatisfaction with the Automobile Trailer Camp Tax and asked that the Board repeal said tax.

James Devine, P.O. Box 2217, Hagerstown, discussed solar projects, politics and the Community Action Council.

## **CITY/COUNTY FIRE, RESCUE AND EMS AUTOMATIC/MUTUAL AID MEMORANDUM OF UNDERSTANDING**

Mr. Hays, and Steve Lohr, Fire Chief, City of Hagerstown, recommended the adoption of the Fire, Rescue, and EMS Automatic/Mutual Aid Memorandum of Understanding (MOU) as presented between the City of Hagerstown (City) and the Washington County Board of County Commissioners (BCC).

Mr. Hays explained that Resolution RS2014-17 established that the BCC serves as the Authority Having Jurisdiction (AHJ) over all matters involving fire, rescue and EMS in Washington County, MD. Additionally, the City, being a sovereign municipality has provided within its charter the obligation and

responsibility to provide fire protection to its Citizens within the corporate limits of the City boundaries. In doing so, the City is recognized as the AHJ for fire protection services within the City. The City employs a career Fire Chief and subsequent career staff to guarantee a specified level of service within the City boundary. He shared that the MOU would formalize fire, rescue, and EMS services in each jurisdiction for which it serves as the AHJ.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the Fire, Rescue, and EMS Automatic/Mutual Aid MOU with the City of Hagerstown as presented. The motion passed unanimously.

**RELIEF WITHOUT PREJUDICE FROM CONTRACT AWARD / BID AWARD (PUR1431)  
FIRE SERVICE PERFORMANCE TESTING/INSPECTION OF FIRE HOSES, FIRE PUMPS,  
GROUND LADDERS**

Rick Curry, Director, Purchasing, and Jonathan Hart, Assistant Director, Emergency Services, recommended to relieve FireOne Inc., Drexel Hill, Pennsylvania (PA), from contract award, Option No. 2, Group A (Fire Pump Testing), and Group B (Hose Testing) made July 30, 2019, without prejudice, and to award to the next responsive, responsible bidder with the lowest Total Sum Bid to Waterways of Southwest PA, LLC of Bethel Park, PA, in the amount of \$60,985 for Option No. 2, Group's A and B. Mr. Curry explained that after notice of award was provided to FireOne for Option 2A and 2B, the Purchasing Department received a call from the company's owner stating that they would not be registering with Maryland Department of Assessments and Taxation, which a status of good standing is a requirement within the Invitation to Bid for doing business with Washington County. Since this requirement has not been fulfilled, FireOne is considered non-responsive.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the recommendation to relieve without prejudice, FireOne Inc., of contract PUR1431; and to award same contract to the next responsive bidder, Waterways of Southwest PA, LLC in the amount of \$60,985 for Option No. 2A, and 2B as presented. The motion passed unanimously.

**BID AWARD (PUR1442) PAVING REPAIR AT THE WASHINGTON COUNTY SHERIFF'S  
DEPARTMENT AND DETENTION CENTER**

Mr. Curry, and Terry Hill, Senior Systems Mechanic, Sheriff's Department, recommended award of contract (PUR1442) for paving repair at the Washington County Sheriff's Department and the Detention Center to the responsible, responsive bidder, Craig Paving, Inc. of Hagerstown, MD, for the Total Sum Price of \$118,484. Mr. Curry explained that the project will consist of repaving and overlaying 10,863.49 square yards of asphalt and restriping the parking lot at 500 Western Maryland Parkway, Hagerstown.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve the award of PUR1442 to Craig Paving, Inc., in the amount of \$118,484 as presented. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0025)**

Mr. Curry, and Danny Hixon, Operations Supervisor, Parks and Facilities, recommended authorizing by resolution the Parks and Facilities Department to purchase playground equipment in the amount of \$179,714 from Miracle Recreation Company, Monett, Missouri, and to utilize another jurisdiction's contract (#030117-LTS) that was awarded by Sourcewell. Mr. Hixon stated that the equipment would include (2) deck play structures, four (4) bay and a swing for tots, and a play structure consisting of fitness equipment and climbers for ages 5-12 years, at Regional Park. Mr. Curry shared that the funds are budgeted in the department's Capital Improvement Plan (CIP) (REC037). Project funding source is 90% Open Space (POS) monies with a 10% local match.

*Vice-President Baker left the meeting at 11:03 a.m.*

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to authorize by resolution the Intergovernmental Cooperative Purchase (INTG-19-0025) relating to the purchase of playground equipment from Miracle Recreation Company, Monett, MO, in the amount of \$179,714 as presented. The motion passed 4-0 (Commissioner Baker was absent).

(Resolution No. RS-2019-28 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

*Vice-President Baker returned to the meeting at 11:06 a.m.*

**CHANGE ORDER REQUEST: REPAIR OF AIRPORT FIRE FIGHTING VEHICLE**

Mr. Curry, and Garrison Plessinger, Director, Hagerstown Regional Airport, requested approval of a change order to Emergency Specialist Vehicle, Inc., Hagerstown, Maryland in the amount of \$42,246.44. Mr. Curry explained that the scope of work for previously approved repairs of the 1999 Oshkosh Fire Fighting Vehicle in the amount of \$59,371 had been written with the knowledge that some repair would be undetermined until some items had been dismantled/disassembled. Funds are budgeted in the department's CIP account of EQP031.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the change order to Emergency Specialist Vehicle, Inc. in the amount of \$42,246.44. The motion passed unanimously.

**PUBLIC HEARING: REPEAL, ENACTMENT, AND ADOPTION**

President Cline convened a public hearing at 11:07 a.m. to obtain public comment regarding the proposed repeal, enactment and adoption of building/trade codes, and local amendments. Rich Eichelberger, Director/Code Official, Construction; Frank Quillen, Deputy Code Official, Construction; and Ashley Holloway, Director, Plan Review and Permitting, discussed the code adoption required by Maryland law that includes the Maryland Building Performance Standards, (i.e., the International Building Code, the International Residential Code, and the International Energy Conservation Code, 2015 Editions) and related trade codes, all with local amendments for Washington County. Local amendments allow for some modification to the new codes for consistency and coordination with customers and external agencies. The proposal includes the following:

- An Ordinance to Repeal the 2015 Maryland Building Performance Standards, with Local Amendments for Washington County, MD, and Enact the 2018 Maryland Building Performance Standards as Adopted by the State of Maryland (COMAR 09.12.51) with Modifications, and Subject to Local Amendments for Washington County, Maryland;
- An Ordinance to Repeal the 2015 International Existing Building Code with Local Amendments and Enact the 2018 International Existing Building Code, with Local Amendments;
- An Ordinance to Repeal the 2015 International Plumbing Code with Local Amendments and Enact the International Plumbing Code, 2018 Edition with Local Amendments;
- An Ordinance to Repeal the 2015 International Mechanical Code with Local Amendments and Enact the 2018 International Mechanical Code with Local Amendments;
- An Ordinance to Repeal the 2015 International Fuel Gas Code with Local Amendments and Enact the 2018 International Fuel Gas Code with Local Amendments;
- An Ordinance to Repeal the 2014 National Electrical Code with Local Amendments and Enact the 2017 National Electrical Code with Local Amendments;
- An Ordinance to amend "An Ordinance to Adopt the 2006 ICC Electrical Code-Administrative Provisions, First Printing, with Local Amendments for Washington County, Maryland and Repeal ORD-2015-33; and
- An Ordinance to Adopt Fee Schedules Providing for the Collection of Fees for All Building/Trade Work Performed in Washington County, Maryland; and

- A Resolution Adopting Fee Schedule for Civil Citations and Repealing Resolution No. RS-2015-23.

The hearing was opened for public comment and no individuals offered comments.

The hearing was opened for questions/comments by the Commissioners. Commissioner Keefer asked for confirmation that the proposed amendments are required by the State of Maryland. Mr. Eichelberger stated that the County must meet or exceed the requirements by the State of Maryland. Commissioner Baker asked how often the codes are reviewed; three (3) years per Mr. Eichelberger.

The Public Hearing was closed at 11:13 a.m.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to adopt the 2018 Building/Trade Codes, effective January 1, 2020, with implementation on March 1, 2020, and to repeal the 2015 Building/Trade Codes, and the associated ordinances and resolution as presented. The motion passed unanimously.

(Resolution No. RS-2019-29 and Ordinance No's. ORD-2019-25, 26, 27, 28, 29, 30, 31, 32 are located in the County Commissioners' Office.)

**EXPENDITURE OF ACCRUED PAYMENT-IN-LIEU OF FUNDS IN ACCORDANCE WITH THE FOREST CONSERVATION ACT**

Jill Baker, Director, Planning and Zoning, and Elmer Weibley, District Manager, Soil Conservation District (WCSCD), recommended approval of the use of payment-in-lieu (PIL) funds for the acquisition and implementation of easements related to forest conservation for William and Heidi Bumpers et. al., James Osen and Ann Aldrich, C.R. Semler, LLC, and Gary and Brenda Beachley (Shanktown Road Tract) as outlined in the Memorandum of Understanding (MOU) with the WCSCD. Ms. Baker shared that all work completed under this task will be funded through the various developers as mitigation fees.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the use of PIL funds for the acquisition and implementation of easements as presented. The motion passed unanimously.

*The Commissioners recessed at 11:22 a.m. and returned to the meeting at 11:30 a.m.*

**PUBLIC HEARING: APPLICATION FOR ZONING MAP AMENDMENT RZ-19-004**

President Cline convened a public hearing at 11:30 a.m. to obtain public comment regarding the application received from JPK Properties, LLC for Map Amendment RZ-19-004 to the Washington County Zoning Amendment. The application concerns a request to apply a Rural Business Floating zone to 2.86 acres (Tax Map 0067, Parcel 0363) of land located on the southside of Breathedsville Road. Commissioner Cline reviewed the procedures for the public hearing and Krista Hart, County Clerk, administered the oath to those who planned to give testimony in the matter.

Ms. Baker presented the staff report and analysis on behalf of the Washington County Department of Planning and Zoning. Based on information provided by the applicant, and further analysis by staff, it has been determined that adequate evidence has been submitted to meet the various criteria that would support the application for an RB Floating Zone to the subject area. The RB District overlay will allow Jared Keplinger, owner, to establish an office for his excavating business, Keplinger's Excavating, Inc. with an accessory storage building for excavating and farm equipment, as a permitted use in the RB District.

The Washington County Planning Commission considered the application during a Public Information Meeting held during its regular meeting on September 9, 2019. The item was again brought to the Planning Commission for recommendation on October 7, 2019 where the members unanimously recommended approval of the proposed map amendment.



Attorney Zachary Kieffer, 19405 Emerald Square, Suite 2100, Hagerstown, presented the Applicant's case for JPK Properties, LLC. Mr. Kieffer presented the procedural history relating to the Property and the Equipment under the control of the business. He entered Applicant's Exhibits A, and B into the official record, which consisted of support letters from adjoining neighbors to include Michael and Tracy Blair, Donald and Lisa Remsburg, Vada Stiles, and David Kauffman.

The hearing was opened for public comment and no individuals offered comments.

The hearing was opened for questions/comments by the Commissioners. Commissioner Baker inquired into the number of adjoining properties affected. Commissioner Wagner asked for confirmation of the Planning Commission's approval.

The Public Hearing was closed at 11:45 a.m.

Commissioner Keefer, seconded by Commissioner Baker, moved to approve the request and authorized the County Attorney's Office to prepare the required documentation for formal approval at a future meeting.

### **WASHINGTON COUNTY MOBILE HOME PARK REVENUE TAX**

Sara Greaves, CFO, Todd Hershey, Treasurer, and Kirk Downey, County Attorney, presented information as it applies to the Mobile Home Park Tax, to include information from previous discussion. Ms. Greaves discussed two options of change for consideration to include Option 1 – reduce the tax to 7.5%, showing a fiscal impact of approximately \$300,000 in revenue loss annually; Option 2 – keep the tax at 15% but cap at no more than \$25 per month, showing a fiscal impact of approximately \$318,000 in revenue loss annually. Mr. Hershey discussed available property tax credits for tenants with low income. Additionally, he discussed potential property contracts / lease agreements between the tenants and mobile park owners., noting that it would be at the park owner's discretion to lower the fees.

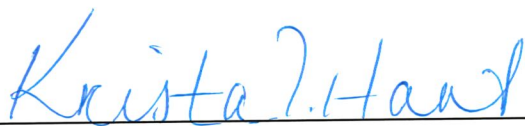
Commissioner Keefer suggested changing the rates according to a single-wide mobile home versus a double-wide mobile home.

Commissioner Meinelschmidt recommended that the mobile homes be assessed as real property, so all are charged evenly and advised that the matter should be presented to the Delegation during the General Assembly session in Annapolis.

The Commissioners reached a consensus to authorize staff to pursue the assessment approach as a legislative item, and draft an Ordinance repealing the present Ordinance and showing charges based on mobile home or lot size, on rental amounts, or at a flat rate per lot. Staff was instructed to return in two (2) weeks with changes review. If acceptable, the proposed Ordinance will be scheduled for a public hearing thereafter.

### **ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to adjourn at 12:18 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*