



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

October 15, 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 to order at 8:01 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 Wagner, moved to approve the minutes of October 8, 2019. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Keefer, seconded by Commissioner Wagner, moved to convene in closed session at 8:02 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 discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of emergency plans; 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 Section 3-305(b)(1), (4), (7), (10), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed specific employment recommendations with staff and gave staff further direction regarding such recommendations. The Commissioners also provided direction to staff regarding the assignment of certain duties to certain individuals or positions given upcoming or existing vacancies due to reorganization, promotions, and retirements. The Commissioners discussed the provision of public security, including the development of fire and emergency medical services and staff, and received information regarding the proposals for business organizations to locate, expand, or remain in the State. Also, the Commissioners discussed a certain matter protected by the attorney-client privilege and received legal advice on that matter.

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 Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney, Kendall McPeak, Deputy County Attorney, and at various times Deb Condo, Deputy Director, Human Resources; Sara Greaves, CFO; Dave Hays, Director, Emergency Services; Ashley Holloway, Director, Plan Review and Permitting; and David Kline, Potomac Edison.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 9:49 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. All Commissioners voiced their gratitude to those involved in the Maryland Theatre Grand Opening.

Vice-President Baker shared his appreciation for the partnerships in the Maryland Theatre project.

Commissioner Keefer shared that he attended a ride-along with the Washington County Sheriff's Office and noted the excellent teamwork between all first responders. Additionally, he encouraged the community to tour the Beaver Creek School, owned by former Commissioner, John Barr.

Commissioner Wagner discussed the Mack/Volvo strike and shared his concern for those involved. Further, he shared that the Commissioners and staff are working diligently to find a resolution to the Fire and EMS staffing issues.

Commissioner Meinelschmidt shared that the Disabilities Advisory Committee held its first meeting and asked that the County display closed caption for the You Tube live feed Commissioner meetings.

President Cline discussed the Urban Improvement Project and what it means for Washington County.

REPORTS FROM COUNTY STAFF

Human Resource Personnel Requests; Deborah Condo, Deputy Director

Golf Manager, Black Rock Golf Course

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the promotion of Ryan Crabtree (Grade 14, Step 1, \$55,203). This position is vacant due to the retirement of Darrell Whittington. The motion passed unanimously.

Plan Review and Permitting

Ashley Holloway, Director, presented an excise tax waiver request for Brooke's House in the amount of \$750.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the excise tax waiver request in the amount of \$750. The motion passed unanimously.

Public Works

Andrew Eshleman, Director, introduced Ryan Crabtree as the new Golf Manager of Black Rock Golf Course. The Commissioners congratulated Mr. Crabtree on his promotion.

Hotel Rental Tax Award: Office of Grant Management

Susan Buchanan, Director, brought forth a recent award in the amount of \$10,000 to the Cumberland Valley Athletic Club for the cost of Washington County Sheriff's Office overtime pay for the 57th Annual JFK 50-Mile Ultramarathon Foot Race, scheduled for November 23, 2019.

Public Relations

Danielle Weaver, Director, shared that the closed captioning will be available for the next Commissioner meeting, at the request of Commissioner Meinelschmidt.

CITIZENS' PARTICIPATION

None

APPROVAL OF REVISED BY-LAWS FOR THE ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE

Dan DiVito, Director, Environmental Management, presented the request for approval of revised by-laws for the Environmental Management Advisory Committee. Mr. DiVito stated that the changes would address the topic of a quorum. Additionally, formatting changes have been made by the Clerk as a result of the process of creating uniformed by-laws throughout all Boards and Commissions.

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve the revision to the by-laws as presented. Commissioner Meinelschmidt asked that the by-laws specifically state that the quorum of three (3) is in relation to conducting regular business; any positions or statements or recommendations made by the Committee must be made by the majority of active members.

Commissioner Keefer amended his motion to include the verbiage requested by Commissioner Meinelschmidt; seconded by Commissioner Meinelschmidt. The motion passed unanimously.

QUITCLAIM TO H AND C PROPERTIES

Todd Moser, Real Property Administrator, Engineering, requested approval for land conveyance of 1,366 +/- square feet to H and C Properties, LLC and to approve the acceptance of a 68 +/- square foot easement and to affirm a previously accepted 4,454 +/- easement, Maugans Avenue, Hagerstown. Mr. Moser shared that the survey error occurred prior to 2005 and had been brought to the attention of County staff, adding that the error resulted in the County accepting a small portion of land beyond the limits of the original dedicated area for the Maugans Avenue road improvements project.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve the land conveyance of 1,366 +/- square feet to H and C Properties, LLC and to approve the acceptance of 68 +/- square foot easement and to affirm the previously accepted easement as presented. The motion passed unanimously.

COMMUNITY VOLUNTEER FIRE COMPANY, DISTRICT 12

Kingsley Poole, Co-Chair, Emergency Services Advisory Council (ESAC); Richard Hopkins, Co-Chair, ESAC; and Rob Moncrief, President, Washington County Volunteer Fire and Rescue Association, requested the removal of the 36-month Probationary Status Designation from the Community Volunteer Fire Company, which was implemented as a condition of re-instatement of service authority. Mr. Poole explained that in July 2012, the Commissioners voted to suspend the former Fairplay Volunteer Fire Company (FVF) from the provision of fire and emergency medical service delivery within Washington County. On October 11, 2016, the Commissioners voted to re-instate services to the FVF, provided several stipulations and requirements were agreed upon by the FVF and its membership. This stipulation required that all actions and functions of the newly organized fire department be closely monitored by the ESAC for 36-months, to include full financial and administrative oversight of the fire company during the probationary period. Mr. Poole explained that to date, the financial management is meeting, if not exceeding the expectations for a newly re-organized company.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the removal of the 36-month Probationary Status Designation from the Community Volunteer Fire Company as presented. The motion passed unanimously.

The Commissioners recessed at 10:34 a.m. and returned to the meeting at 10:54 a.m.

STAFF COMMENTS (continued)

County Administrator

Rob Slocum shared information on 59 vacant positions throughout Washington County at the request of Commissioner Wagner.

PUBLIC HEARING: WATER AND SEWERAGE PLAN AMENDMENT, TOWN OF SMITHSBURG WS-19-002

President Cline convened a public hearing at 11:01 a.m. to obtain public comment regarding the request for an amendment to the Water and Sewerage Plan from the Town of Smithsburg. The amendment requests enlargement of the sewer service area for the Smithsburg Wastewater Treatment Plan to include twelve (12) parcels of land that are located on the east side of the intersection of Maryland Routes 64 and 77. The Town has also requested that an S-1 service priority designation be assigned to all twelve (12) parcels. Commissioner Cline reviewed the procedures for the Public Hearing.

Steve Goodrich, Director, Planning and Zoning, presented the staff report and analysis on behalf of the Washington County Department of Planning and Zoning. He explained that an S-1 service priority designation is an indicator that parcels within it are "...currently served (by a public system) or where actual work is progressing or where a notice to proceed with a contract for this work has been let...". Of the subject parcels, three (3) are owned by developer Cloverly Hill, LLC. (29, 120, 262) and were annexed into the municipality of Smithsburg and received a mixture of General Commercial and Town Residential zoning. Parcel 262 is designated S-7, parcel 29 has a combination of priority designations S-5 and S-7, and parcel 120 is designated as S-5. These parcels are vacant except for farm buildings on parcel 262. Six parcels (121, 124, 214, 224, 305, and 350) have a priority designation of S-5; each parcel has a dwelling located on it and none are connected to the public sewer system. Three remaining parcels (83, 351, 195) have a service priority designation of S-7.

Mr. Goodrich provided additional details on the matter, adding that staff has recommended, and the Planning Commission supported, an alternate proposal to assign the S-3 designation to the Cloverly parcels and the S-5 for the remaining nine (9) parcels. This indicates the intention and desire to utilize the public utility at an undesignated time in the future. The designation can be updated administratively (without further amendment) when the service is existing. A Town representative and two (2) of the property owners indicated their support of this proposal during the Planning Commission's public information meeting. Mr. Goodrich shared that there has been one (1) additional public comment submitted from Mr. Eddie Brown, who shared his support.

The hearing was opened for public comment and two individuals offered comments:

Attorney Jason Divelbiss, 11125 Bemisderfer Road, Greencastle, Pennsylvania, on behalf of the owners of Cloverly Hill, LLC, shared support of the recommendation as presented by staff and the Planning Commission.

Doug Leather, 23036 Foxville Road, Smithsburg, shared his support for the recommendation presented by staff and the Planning Commission.

The Public Hearing was closed at 11:19 a.m.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the recommendation as submitted by the Planning Commission and staff. The motion passed

unanimously. (Resolution No. RS-2019-23 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

MINIMUM WAGE ANALYSIS

Sara Greaves, Chief Financial Officer, presented information for consideration to establish an approach for the fiscal year 2021 budget and future years as it pertains to the minimum wage legislation through FY2025. Ms. Greaves shared that options presented are in addition to the formerly approved merit increase for the five-year plan.

The Commissioners discussed the options as presented and requested that Ms. Greaves prepare an option which would fall between former options 3 and 4. Additionally, Commissioner Baker asked for an analysis of cost to increase all salaries by the amount of minimum wage increase. Ms. Greaves will gather the information and return to a future meeting for additional dialogue on the matter.

RECONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to convene in closed session at 11:39 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 a 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 Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, and at various times specific interviewees for a vacant position to be filled by the Commissioners.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reconvene in open session at 3:32 p.m. The motion passed unanimously (4-0, Commissioner Keefer was absent).

ADJOURNMENT

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to adjourn at 3:33 p.m. The motion passed unanimously (4-0, Commissioner Keefer was absent).



Krista L. Hart, *County Clerk*