

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

October 31, 2017

**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 9:42 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 – OCTOBER 24, 2017**

Commissioner Keefer, seconded by Myers, moved to approve the minutes of October 24, 2017. The motion passed unanimously.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Cline reported attending the Eagle Scout Court of Honor for Benjamin W. Koepp.

Commissioner Myers thanked staff at the Highway Department for preparing the Mummers' Parade vehicle on their own time. He also congratulated Delegate Brett Wilson for being appointed a Circuit Court Judge.

Commissioner Baker thanked County staff for preparing the parade vehicle.

**REPORTS FROM COUNTY STAFF**

**Emergency Services – Community Volunteer Fire Company of District 12**

David Hays, Director, Emergency Services, reported that since the October 29, 2016 reinstatement of the Community Volunteer Fire Company of District 12 (formerly Fairplay Volunteer Fire Company), the company has gained membership and is able to provide full service to the Fairplay area. District 12 President Jeb Eckstine arrived later in the meeting and gave a full report.

**Community Grant Management – UIP Public Outreach Campaign**

Jim Hovis, Director, Community Grant Management, introduced Ryan Lampton, President, and Katie Stover, Marketing Executive, HighRock Studios, who presented information on a public outreach campaign regarding the Downtown Urban Improvement Project (UIP). Mr. Lampton described the campaign's goal to engage, inspire, envision and inform the community on the progress of the UIP. HighRock Studios plans to gain the public's attention through marketing materials, videos, photorealistic 3D art and a website.

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The project's total cost is \$126,375; HighRock Studios plans to donate \$25,375 toward the costs. The County is being asked to contribute \$10,000 in funding through its Hotel Rental Tax Funds. Other funding is anticipated to come from public and/or grant funding. The campaign is expected to generate interest in the UIP. The Commissioners discussed the proposal and the UIP private/public partnership.

Commissioner Barr, seconded by Myers, moved to provide \$10,000 from the County's Hotel Rental Tax Fund toward the Urban Improvement Public Relations and Outreach Campaign as presented. The motion passed unanimously.

#### **Report by the Community Volunteer Fire Company of District 12**

President Jeb Eckstine of the Community Volunteer Fire Company of District 12 (formerly Fairplay Volunteer Fire Company), discussed the status of the company. He reported that firefighting equipment and vehicles were being brought up to date. New and functional bylaws were enacted and an election was held. Mold abatement in the older portion of the firehouse has been addressed. The carnival grounds and banquet hall have been restored and several fundraising activities have been held. The extra land is listed for sale as required by conditions in the County's loan to the company. Mr. Eckstine reported that asbestos abatement will have to be performed in the old schoolhouse building before it can be torn down. The board is developing career staffing, though it still has volunteer problems as most companies are experiencing. The tanker truck is 37 years old and members are searching for grants to use towards a new one. A fundraising committee is doing a great job. Members also give back to the community through events such as a trick or treat night and assisting a terminally ill resident. The debt to the County now is approximately \$380,000. The company pays \$10,000 per quarter on the zero-interest loan. The Commissioners congratulated Mr. Eckstine and members for the work done to bring the company back into operation.

#### **County Administrator**

County Administrator Rob Slocum reported receiving a letter from Smithsburg Police Department Chief George Knight commending Highway Department Traffic Supervisor Doug Levine for assisting the town with traffic and road issues.

Commissioner Barr commented that a citizen presented an issue during last week's Commissioners' meeting held in Maugansville that was resolved the next day by County staff. He commended County employees for the work they do.

#### **CITIZENS' PARTICIPATION**

Jim Devine, P. O. Box 2217, Hagerstown, commented in favor of the use of speed cameras in County school zones which was recently approved by the County Commissioners. He also commented on the early morning dismissal of clients from the cold weather shelter.

**BID AWARD – SWIMMING POOL AND WATER/WASTEWATER TREATMENT CHEMICALS**

Brandi Naugle, Buyer, Purchasing, recommended award of the bids for Swimming Pool and Water/Wastewater Treatment Chemicals (PUR-1365) to the responsive, responsible bidders with the lowest bids. The following bid awards were recommended as specified: Item #12 – Sodium Hypochlorite (110 drums) to Univar USA, Inc. at the unit price of \$2.425/gal. (55 gal. drum); Item #14 – Caustic Soda (Sodium Hydroxide) (11,935 lbs.) to Univar USA, Inc. at the unit price of \$3.06/gal. (55 gal. drum); Item #15 - Ferrous Chloride Solution (14,000 bulk gals.) to Kemira Water Solutions, Inc. at the unit price of \$0.92/gal. (Gallon Bulk); Item #16A – Hydrofluosilic Acid (75 gals.) to Univar USA, Inc. at the unit price of \$12.90/gal. (15 gal. pail); Item #16B – Hydrofluosilic Acid (165 gals.) to Univar USA, Inc. at the unit price of \$6.53/gal. (55 gal. drum); Item #17 - DelPAC 2000 (144,000 lbs.) to USALCO Baltimore Plant at the unit price of \$0.11/lb. (Bulk Pounds); Item #19 - Sodium Hypochlorite (47 drums) to Univar USA, Inc. at the unit price of \$2.425/gal. (55 gal. drum); Item # 20 - Cyanuric Acid (100-200 lbs.) to Amato Industries, Inc./AMCHLOR at the unit price of \$1.58/lb. (Pound); Item #21 - Calcium Chloride (500-600 lbs.) to Amato Industries, Inc./AMCHLOR at the unit price of \$0.4312/lb. (Pound); Item #22 – Muriatic Acid (20-40 lbs.) to Amato Industries, Inc./AMCHLOR at the unit price of \$10/lb. (Pound); Item #24 – DelPAC 2020 (40 drums) to Univar USA, Inc. at the unit price of \$3.71/lb. (55-gallon drums); Item # 30 – Bacterial Enzymatic Powder (1,500 lbs.) to Maryland Company, Inc. at the unit price of 9.88/lb. (Pound); Item #33 – DelPAC 2000 (4-55 gal. drums) to Univar USA, Inc. at the unit price of \$4.53/gal. (55-gal. drum); Item # 34 – Liquid Aluminum Sulfate (8,000 gals.) to Univar USA, Inc. at the unit price of \$1.49/gal. (Gallon Bulk); and Item #35 - Micro C 2000 (48 – 240 gal. totes) to Univar USA, Inc. at the unit price of \$3.48/gal. (240 gal. tote). The contract term is for one year with no option for renewals, tentatively beginning December 1, 2017.

Commissioner Barr, seconded by Keefer, moved to award the bids for Swimming Pool and Water/Wastewater Treatment Chemicals to the responsive, responsible bidders with the lowest bids specified in the Commissioners' Meeting Agenda packet and listed above. The motion passed unanimously.

**CONTRACT AWARD – GASOLINE AND DIESEL FUEL DELIVERIES**

Brandi Naugle presented the recommendation to award the Gasoline and Diesel Fuel Deliveries contracts (PUR 1362) to the responsive, responsible bidders who submitted the lowest bids as follows:

Gasoline – Option I (multiple contract award): Tank Wagon Loads Total Bid - A, C & T Co., Inc. of Hagerstown, Maryland, at the unit price stated in its bid - \$127,440.59; and 2) Transport Loads Total Bid - Petroleum Traders Corp. of Fort Wayne, Indiana, at the unit price stated in its bid - \$647,470.

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Diesel: Option I (multiple contract award): Tank Wagon Loads Total Bid - A, C & T Co., Inc. of Hagerstown, Maryland, at the unit price stated in its bid - \$113,598.29; and IPC (USA), Inc. of Columbia, Maryland, Transport Loads Total Bid - \$1,121,972.61.

Gasoline and Diesel: Option II (single contract award): Transport-Tank Wagon Loads Total Bid – A, C & T Co., Inc. of Hagerstown, Maryland, \$2,031,858,97.

Ms. Naugle stated that nine bids were received for this requirements contract that guarantees neither a maximum nor a minimum quantity of deliveries. The contract period tentatively begins December 1, 2017 and ends November 30, 2018. Contracts are for a one-year term with no option to renew.

Commissioner Myers, seconded by Keefer, moved to approve Option I for Gasoline Tank Wagon Loads and Transport Loads, Option I for Diesel Tank Wagon Loads and Transport Loads; and Option II for Gasoline and Diesel Transport-Tank Wagon Loads as specified in the Commissioners' Meeting Agenda packet and listed above. The motion passed unanimously.

#### **FIREFIGHTER STAFFING PLAN FOR WASHINGTON COUNTY**

David Hays, Director, Emergency Services, and James Sprecher, President, Washington County Volunteer Fire and Rescue Association (WCVFRA), discussed a firefighter staffing plan for Washington County volunteer companies. Mr. Hays was directed by the County Commissioners in May 2017 to draft a career Firefighter Staffing Plan (Plan) to augment the shortage of volunteer firefighters throughout Washington County. The action followed a presentation by the WCVFRA and Division of Emergency Services regarding critical volunteer staffing shortages. The Potomac Valley Volunteer Fire Company (Potomac Valley) had previously requested assistance to address staffing shortages. The Plan includes five phases of staffing support and is designed to anticipate future needs and provide a template for supplemental career firefighter staffing. There is no established implementation timeline for the Plan.

Phase I includes hiring eight full-time firefighters for the Special Operations Unit and providing funding for the use of existing part-time career firefighters that will work in volunteer fire stations in the County. Having full-time firefighters at the Special Operations Unit would free up part-time employees to supplement volunteer stations. The first goal with implementation of the staffing will be to work with Potomac Valley to provide staffing assistance. David Hays indicated that other volunteer companies are experiencing the same issues. Additional County firefighter staffing may be provided to other fire stations throughout the County as requested and available. Mr. Hays advised that emergency medical service staffing will also need to be addressed in the future. Phase I is expected to cost \$418,374 for the remainder of Fiscal Year 2018 and \$510,374 next fiscal year. The Division of Emergency Services would undergo some reorganization including

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moving the 9-1-1 Administrations Manager into the new position of Emergency Services Programs Manager, making a 9-1-1 Trainer an Emergency Management Specialist and moving an Emergency Management Specialist to a new position of Operations Manager, for a total cost of \$10,374.

Phase II would cost an additional \$3.93 million and would only be implemented if the system continues to show a need. Phases II, III, IV and V are a roadmap plan for now. Mr. Hays stated that the Plan shows the value that volunteer firefighters give the County every day. He commented that he and others do not believe this is the end of the volunteer system.

Commissioner Myers, seconded by Cline, moved to accept the Division of Emergency Services Strategic Firefighter Staffing Plan and Reorganization as drafted and submitted; to immediately implement Phase I as outlined, to implement the Division of Emergency Services' staff realignments and the execution of budget transfers as submitted by the Office of Budget and Finance. The motion passed unanimously.

#### **SOLE SOURCE CONTRACT AWARD – ELECTRONIC DOOR CONTROLS AND INTERCOM SYSTEM UPGRADE**

Rick Curry, Director, Purchasing, and Major Craig Rowe, Washington County Detention Center, presented the recommendation to award a Sole Source Procurement to upgrade electronic door controls and the intercom system at the Washington County Detention Center (PUR-1373) to Montgomery Technology Systems, LLC (MTS) of Greenville, Alabama, for \$89,750. The Code of the Public Local Laws of Washington County allows for sole source procurement (1) when only one source exists that meets the County's requirements and, (2) the compatibility of equipment, accessories or replacement parts is the paramount consideration. The upgrade will replace aging equipment and MTS will integrate some of the existing equipment. The County will be responsible for providing the network for the system operation.

Commissioner Barr, seconded by Keefer, moved to authorize the Sole Source Procurement to upgrade the electronic door controls and intercom system at the Washington County Detention Center to Montgomery Technology Systems, LLC (MTS) of Greenville, Alabama, for \$89,750 as presented. The motion passed unanimously.

#### **DISCUSSION OF TEXT AMENDMENT RZ-16-005**

Jill Baker, Chief Planner, Planning and Zoning, initiated a discussion of an application from the Washington County Department of Planning and Zoning for Text Amendment RZ-16-005 to the Washington County Zoning Ordinance (Ordinance) concerning the proposal to amend Article 3, Section 3.3 (1) Table of Land Use Regulations, Article 4, General Provisions – Section 4.10 Accessory Structures; Section 4.26 Solar Energy Generating Systems, Article 11, Business Local District, Section 11.1 Principle Permitted Uses, Article 12, Business General District, Section 12.1 Principle Permitted Uses, Article

14, Industrial General District, Section 14.1 Principle Permitted Uses, Article 22, Special Provisions, Division V, Section 22.54 Mobile Homes, and Article 28A, Definitions to the existing Article 16 – Mixed Use District. The Commissioners held a public hearing on February 28, 2017 regarding the application, at which time they directed staff to follow up on questions relating to the application. The application serves to amend several sections of the Zoning Ordinance by addressing updates, correcting and clarifying language, removing errors, ambiguous language and conflicts within the Zoning Ordinance as well as with other ordinances. The nine topics being contemplated are:

- A) Alcohol manufacturing land uses including breweries, wineries and distilleries;
- B) Delineation of different levels of use intensity for Mineral Extractive Operations;
- C) Clarification of uses related to automotive sales, service and repair;
- D) Accessory uses permitted in front yard setbacks;
- E) Administrative error correction to Section 4.26;
- F) Inclusion of car washes as listed uses in the Ordinance;
- G) Revised definition of convenience stores and allowance in other districts;
- H) Definition and building setbacks for manufactured/mobile homes and replacements; and
- I) Classification of sewerage pumping stations as essential utilities.

Ms. Baker stated that after the public hearing, three areas required additional research, 1) setbacks for accessory use structures, 2) the definition of convenience stores, and, 3) setbacks for manufactured or mobile homes.

The Commissioners discussed the further setbacks recommended for manufactured or mobile homes that relate to right of way and sight distance issues. Ms. Baker advised that staff researched the frequency of requests to replace mobile homes between 2007 and 2017 which totaled 121. Most requests were for mobile homes located in parks or subdivisions that are not affected under this section. The other 52 permits issued the last ten years have been on individual lots of record; none needed setback review as they were already in compliance. Commissioner Baker spoke against changing the setback requirement from 40 feet to 50 feet. Commissioner Myers suggested allowing a 10% change from the current location of the mobile home and the Commissioners reached a consensus to agree to that proposal.

The Commissioners discussed the proposal to change the definition of convenience stores. Ms. Baker stated that the Planning Commission recently reviewed the proposed amendments and raised some concerns that they would have a limited effect and may not adequately address the issue. Staff is requesting that this proposal be removed from consideration for now and be addressed in the future.

The Commissioners agreed to move forward with the proposals as discussed and to include a 10% change allowed when replacing a mobile or manufactured home. Staff will prepare the necessary documents to be presented at a future Commissioners' meeting.

**CONOCOCHEAQUE TREATMENT PLAN ENR UPGRADE**

Mark Bradshaw, Deputy Director, Environmental Management, introduced Nia Williams, a new environmental engineer at Environmental Management. Mr. Bradshaw presented a request to approve Change Order #3 to HRI Bridge Company, Inc. for \$76,058 regarding the Enhanced Nutrient Removal Project at the County's Conococheague Wastewater Treatment Plant. Mr. Bradshaw discussed the changes that pertain to, 1) an increased platform size around the centrifuge (\$7,335 plus one calendar day), 2) a change in new wage rates by \$1.25 per hour (\$6,165), 3) a new SCADA system that has virtually unlimited alarm points (\$2,230 plus two calendar days), 4) the extension of the centrifuge hoist beam (\$4,899 and one calendar day), 4) the installation of solid top grating over the re-aeration channel of the post anoxic tank (\$4,899 and one calendar day), 5) the installation of punched plank vented grating (\$4,942), 6) providing functioning oil pressure switches on the existing primary aerators (\$3,030 plus one calendar day), 7) non-working days due to bad weather (\$4,780 plus eight calendar days, 8) the addition of two additional structural supports to the BioMag mixer support steel (\$2,373 plus one calendar day, 9) a sump pump change from precast to cast in place (\$11,698), 10) the addition of a wall extension for the primary aerator (\$19,724 plus seven calendar days), 11) an increase in height of five slide gates (\$2,932 plus ten calendar days), and 12) the roofing contractor installing one additional 1 inch of insulation over the entire roof beyond what was called for in plans (\$5950).

The Commissioners and Rob Slocum discussed the proposal including having to comply with new wage rates issued within ten days of the bid opening. Mr. Slocum questioned the change order amount of \$4,780 for bad weather/no work days that typically are not included in such a contract. He suggested review of the contract regarding that issue and the Commissioners agreed. Mr. Bradshaw stated that he could reissue the change order and exclude that amount for now.

Commissioner Barr, seconded by Myers, moved to approve Change Order #3 to HRI Bridge Company, Inc. for \$71,278 (\$76,058 minus \$4,780), regarding the Enhanced Nutrient Removal Project at the County's Winebrenner Wastewater Treatment Plant. The motion passed unanimously.

**CHANGE ORDER - CAPACITY MANAGEMENT PROJECT AT SHOWALTER ROAD**

Mark Bradshaw requested Change Order #3 to C. William Hetzer, Inc. for \$102,788.95 regarding the Capacity Management Project at Showalter Road due to actual field quantities varying from the bid quantities due to site conditions and development plans being approved after the project was advertised for bid. Mr. Bradshaw indicated that the overruns were associated with increasing the length of certain casings and one 8 inch casing to avoid a fiberoptic line. He stated that there are adequate funds available and the project is still under budget with the change order.

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Commissioner Barr, seconded by Myers, moved to approve Change Order #3 to C. William Hetzer, Inc. for \$102,788.95 regarding the Capacity Management Project at Showalter Road as presented. The motion passed unanimously.

### **2017-2018 WASHINGTON COUNTY FARM OF THE YEAR AWARD**

Leslie Hart, Agricultural Marketing Specialist, Department of Business Development, and Dan Norris, President, Washington County Agricultural Marketing Advisory Committee, thanked the Commissioners for their support of agriculture in the County. Ms. Hart announced that the seventh generation Ernst Grain and Livestock Farm in Clear Spring is the recipient of the 2017-2018 Washington County Farm of the Year award. The Ernst family raises purebred sheep and swine as well as crops. Steve Ernst and family members Josh and Kimberly Ernst accepted a plaque of recognition and an outdoor sign to acknowledge the accomplishment. Leslie Hart stated that the Ernst family often volunteers to instruct and mentor students at Clear Spring High School. The Commissioners congratulated the Ernst family for the award.

### **REVISED AND UPDATED COUNTY POLICIES**

Stephanie Stone, Director, Health and Human Services, and Kendall McPeak, Assistant County Attorney, presented updated County policies that have been revised, reorganized and consolidated. Some of the updates pertain to County, State and federal regulations that have changed over time. Others involve issues related to the new Oracle Cloud software being implemented in the County. Ms. Stone briefly reviewed the policies with the Commissioners. She noted that three untitled policies will be discussed after the upcoming presentation of the Salary Study report. Several new policies cover topics such as insurance, confidentiality, and leave policies. New policies establishing a tobacco-free campus, including vaping, and guidelines for the appropriate use of social media are proposed. Another new policy prohibiting the use of cell phones during board meetings and proceedings before the Commissioners was discussed. Commissioner Myers objected to the policy due to taking cell phone pictures of participants and guests during the Commissioners' meetings. County Administrator Rob Slocum pointed out that he uses his cell phone to check the time as there is presently no clock in the Commissioners' meeting room. The Commissioners discussed the need to be reached during the meeting in the event of an emergency. Staff will review the policy and return to the November 7 meeting with suggested revisions in anticipation of a vote regarding the updated policies.

### **RECESS**

The Commissioners recessed at 11:55 a.m. (Commissioner Myers left the meeting at approximately 12:10 p.m.)

### **LUNCH MEETING WITH THE ECONOMIC DEVELOPMENT COMMISSION AND DEPARTMENT OF BUSINESS DEVELOPMENT**

Commissioners Baker, Cline, Barr and Keefer met at 12:16 p.m. with members of the Economic Development Commission (EDC) to discuss economic development in Washington County. Kim Edlund, Director; and Sara Greaves, Deputy Director, Budget



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and Finance, provided the County's quarterly report and fiscal and economic update. Julie Rohm, EDC Chair, reported that "business ambassadors" visited 35 companies last week and heard from many business owners regarding problems with workforce development and employee soft skills. Ms. Rohm stated that there are over 5,000 job openings in the area but employers are having trouble finding people with the proper skills. The group discussed the need for job counseling starting at the middle school level and perhaps a second technical school. EDC member Mike Fitzgerald suggested that Washington County market itself not just to businesses but also to workers that might find jobs here and appreciate the lower cost of living. He suggested using targeted marketing such as tracked postcards to promote the County's assets and job openings.

### **RECESS**

The Commissioners recessed at 1:26 p.m. and returned to Room 1113 to continue their regular meeting.

### **COMMISSIONERS COMMENTS (cont.)**

Commissioner Keefer asked if the County could support a Fahrney Keedy fundraiser on November 3 for expansion of its senior living community. He received an email requesting \$250 and above in financial support. The Commissioners discussed the request that is similar to several others they have received in the past. Rob Slocum stated that he would check with staff regarding potential funding for the request.

### **CONVENE IN CLOSED SESSION**

Commissioner Barr, seconded by Keefer, moved to convene in closed session at 1:42 p.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 a proposal for a business or industrial organization to locate, expand or remain in the State; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b)(1), (4) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously. (4-0, Commissioner Myers was absent.)

In closed session, the Commissioners discussed the potential appointment of a specific individual to a local board over which the Commissioners have appointment authority; discussed two County employee hiring recommendations with staff; discussed several personnel matters/recommendations and related staffing issues with staff; and considered issues relating to proposals by business entities hoping to locate, expand or remain in the County/State.

During closed session, the Commissioners agreed to further discuss and present for approval the individual being considered for appointment to a local board during a future open session meeting; requested that staff obtain additional information and documentation relating to proposals by business entities hoping to locate, expand, or remain in the

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State/County; provided direction to staff regarding two specific hiring/employment recommendations; requested additional information relating to specific personnel matters and related staffing issues; instructed staff to move forward with the process regarding various personnel and staffing issues including making a formal presentation to the Commissioners in a future open session meeting; and requested additional information relating to specific personnel issues.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr and Wayne K. Keefer. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; and at various times Stephanie Stone, Director, and Debra Peyton, Benefits Administrator, Health and Human Services; Susan Small, Real Property Administrator, and Scott Hobbs, Director, Engineering; Jodi Bell, ReMax Realtors; Ron Whitt, Director, Information Technologies; Rebecca Gander, Chief of Permitting, and Tim Lung, Director, Plan Review and Permitting.

**ADJOURNMENT**

The closed session meeting adjourned at 3:57 p.m.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk