

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

Open Session Minutes

November 27, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner John F. 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 9:08 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, 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

November 13, 2018

Commissioner Myers, seconded by Commissioner Barr, moved to approve the minutes of November 13, 2018. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Barr, seconded by Commissioner Myers, moved to convene in closed session at 9:09 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 protect the privacy or reputation of individuals concerning a matter not related to public business; 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, in accordance with Section 3-305(b)(1), (2), (4), (7), (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed certain appointments and the filling of certain personnel positions and discussed other employment matters concerning certain specific employees over which the Board has jurisdiction. The Commissioners provided direction regarding the appointment of an individual and the filling of certain job vacancies. The Commissioners also discussed a matter implicating the privacy or reputation of certain individuals. Furthermore, the Commissioners discussed matters concerning the development of emergency services and received information about the potential location or expansion of certain business entities in the State and County. The Commissioners received legal advice on a variety of matters. The Commissioners also provided staff with certain directions concerning the topics discussed.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer, and LeRoy E. Myers Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, Interim County Attorney; Kendall

A. McPeak, Assistant County Attorney; and at various times, Jim Hovis, Chief Operations Officer; Deb Peyton, Director, Health and Human Services; Dan DiVito, Director, Division of Environmental Management; Dave Hays, Director, Emergency Services; Susan Small, Director, Business Development; Rick Rock, Executive Director, Washington County Mental Health; David Chisholm, Assistant Director of Emergency Services; Rick Blair, Treasurer, Washington County Volunteer Fire and Rescue Association; and Stephen Barnhart, Chief, Hancock Rescue Squad, Inc.

RECONVENE IN OPEN SESSION

Commissioner Cline, seconded by Commissioner Myers, moved to reconvene in open session at 10:48 a.m. The motion passed unanimously.

Commissioners recessed at 10:49 a.m. and returned to the meeting at 10:56 a.m.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners Cline, Keefer, and Baker extended their appreciation for outgoing Commissioners Barr and Myers. They each, individually, thanked Commissioner Myers and Commissioner Barr for their service to Washington County.

Commissioner Myers expressed his appreciation to staff members and fellow Commissioners for their support. Additionally, Commissioner Myers thanked his wife Nicole, for her support during his time in office.

Commissioner Barr thanked the citizens for their support over the past twelve (12) years. Commissioner Barr also thanked the staff at MACo for allowing him to be a part of their organization, and he thanked Washington County staff for their professionalism.

President Baker recognized former Commissioner Ron Bowers for attending the Board of County Commissioners meeting.

All Commissioners wished Commissioners elect Meinelschmidt and Wagner good luck on their upcoming swearing-in and term of office.

REPORTS FROM COUNTY STAFF

Chief Operations Officer

Jim Hovis thanked Commissioner Myers and Commissioner Barr for their support and service to Washington County.

County Administrator

Rob Slocum thanked Commissioner Barr and Commissioner Myers for their service. He also honored David Sexton, a former Emergency Communications Operator who recently passed away.

County Clerk – Appointment / Reappointment to Boards and Commissions:

Washington County Mental Health Authority

Commissioner Cline, seconded by Commissioner Barr, moved to appoint Anthony Ryan to serve a first, three (3) year term as Consumer Representative, from January 1, 2019 through December 31, 2021. The motion passed unanimously.

CITIZENS' PARTICIPATION

None

DIAKON REFUNDING (CONDUIT DEBT)

Sara Greaves, Chief Financial Officer, Budget and Finance, requested consensus to move forward with the refunding process of the 2014C Note for Diakon Lutheran Social Ministries. Ms. Greaves explained that on April 29, 2014, the County issued its \$18,798,000 County Commissioners of Washington County Revenue Note, Series C of 2014 (2014C Note), and loaned the proceeds to Diakon Lutheran Social Ministries (Diakon); with interest rates rising, Diakon is looking to refund the debt with fixed rate bonds. Ms. Greaves stated that proceeds of the 2014C Note were used to finance, reimburse, or refinance costs of capital improvements undertaken by Diakon at two (2) facilities: Diakon Lutheran Senior Living, at 1183 Luther Drive, Hagerstown, Maryland; and Diakon Lutheran Senior Living, at 19800 Tranquility Circle, Hagerstown, Maryland.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the refunding process of the 2014C Note for Diakon Lutheran Social Ministries as presented. The motion passed unanimously.

APPROVAL TO TERMINATE COOPERATIVE AGREEMENT AND APPROVAL TO CHANGE FUNDING

Stephanie Lapole, Senior Grant Manager, Office of Grant Management, and Eric Seifarth, Rural Preservation Administrator, Planning and Zoning, recommended approval to terminate the Cooperative Agreement with the National Resource Conservation Service (NRCS) and to approve the change of funding source from NRCS to the Department of Natural Resources (DNR). Mr. Seifarth stated that on October 6, 2015, the Board approved the acceptance of the award for the Agricultural Conservation Easement Program (ACEP) funding in the amount of \$760,000, with a 50/50 match requirement associated with the grant and Rural Legacy funding had been approved to be utilized as the required match. Ms. Lapole stated that the County has been awarded \$2,388,000 for Fiscal Year 2019 in Rural Legacy funding, funds for the two (2) projects will be drawn from that award.

Commissioner Myers, seconded by Commissioner Cline, moved to approve the termination of the Cooperative Agreement with the National Resource Conservation Service and to approve the change of funding source as presented. The motion passed unanimously.

HAGERSTOWN EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION – APROVAL TO ACCEPT AWARDED FUNDING

Stephanie Lapole, Senior Grant Manager, Office of Grant Management; Jill Baker, Deputy Director, Planning and Zoning; and Mat Mullenax, Director, Metropolitan Planning Organization, requested approval to accept the award from the West Virginia Department of Transportation in the amount of \$150,000 as part of the collaborative efforts for a marketing study for the MARC transit line in West Virginia; there is no match requirement for the project.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the acceptance of funding from the West Virginia Department of Transportation in the amount of \$150,000 as presented. The motion passed unanimously.

PROCLAMATION – JANET LUNG

Commissioner Barr presented Ms. Janet Lung with a resolution of appreciation for her many years of service with the Breast Cancer Awareness support organization. Ms. Lung has served as Community Liaison and Executive Director for fifteen (15) years. The Commissioners thanked her for her service.

**CONSTRUCTION BID AWARD – COLONEL HENRY K DOUGLAS DRIVE
EXTENDED**

Scott Hobbs, P.E., Director of Engineering, presented a request to conditionally award the Colonel Henry K Douglas Drive contract to the lowest responsive, responsible bidder, David H. Martin Excavating, Inc. of Chambersburg, Pennsylvania in the amount of \$2,739,113.30. Conditional award is based on receiving concurrence in award from the Maryland State Highway Administration (SHA) / Federal Highway Administration (FHWA). This is a 300-consecutive calendar day contract and the project is tentatively scheduled to start in mid-January 2019.

This is a budgeted Capital Improvement Plan project (RDI067). Total expenses in the construction phase of the project are estimated at \$2,989,113.30, including \$2,739,113.30 for the proposed bid award, \$150,000 for inspection/testing services, and \$100,000 for construction contingency. This is an Appalachian Regional Commission federal aid project and the County will receive a \$2,000,000 grant for this project.

Commissioner Myers, seconded by Commissioner Barr, moved to conditionally award the Colonel Henry K Douglas Drive Extended contract to the lowest responsive, responsible bidder, David H. Martin Excavating, Inc. of Chambersburg, Pennsylvania, in the amount of \$2,739,113.30 as presented. The motion passed unanimously.

**SOLE SOURCE PROCUREMENT (PUR-1045): THREE (3) PORTABLE TRANSPORT
VENTILATORS FOR THE DIVISION OF EMERGENCY SERVICES**

Rick Curry, Director, Purchasing, and David Chisholm, Assistant Director, Emergency Management, presented the recommendation to award a Sole Source Procurement for three (3) Portable Transport Ventilator units for use by Division of Emergency Services (DES) to CareFusion 203, Inc., Yorba Linda, California, in the amount of \$17,061 per unit (approximate shipping cost of \$110) for a total cost of \$51,293. The Code of the Public Local Laws of Washington County allows for sole source procurement when: (1) only one source exists that meets the County's requirements, and (2) the compatibility of equipment, accessories or replacement parts is the paramount consideration. Currently, there is one (1) Revel unit in use in the County; to introduce a different type of unit would require that Advance Life Support (ALS) personnel be trained on multiple units, which could lead to confusion and poor patient outcome.

Commissioner Barr, seconded by Commissioner Myers, moved to authorize the Sole Source Procurement for three (3) Portable Transport Ventilator units to CareFusion 203, LLC, of Yorba Linda, California in the total amount of \$51,293 as presented. The motion passed unanimously.

APPLICATION FOR ZONING MAP AMENDMENT RZ-18-004, PERRY AND MELISSA BRAZIL

Jill Baker, Deputy Director, Planning and Zoning, brought forward Zoning Map Amendment application RZ-17-003 from Applicant Perry and Melissa Brazil for consideration and discussion by the Commissioners. The subject property consists of three (3) acres located at 11200 Wolfsville Road, Smithsburg, Maryland; the application concerns a request for a partial termination of the Rural Business Floating Zone. With the removal of the floating zone from the three (3) acres, the underlying zoning of Environmental Conservation would be reactivated as the governing zoning district; the Rural Business Floating Zone would continue to be applied to the remaining 4.47 acres of the parcel.

Ms. Baker explained that regulations regarding the application and removal of floating zone districts are different. Amendments to Euclidean-zoned properties require the applicant to prove that there has been a change in the character of the neighborhood since the last comprehensive rezoning or that there was a mistake in the zoning of the property. In this case, the Rural Business Floating Zone removal is governed by Article 5E of the Zoning Ordinance; which states that the floating zone may be removed completely or partially by the Commissioners after Planning Commission review and consideration (a public hearing is not required). This request has been reviewed and recommended for approval by the Washington County Planning Commission at the regular meeting on November 5, 2018.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the partial termination of the Rural Business Floating Zone from three (3) acres at 11200 Wolfsville Road, Smithsburg, Maryland, and to adopt an ordinance approving the termination as presented. The motion passed unanimously.

(Ordinance No. ORD-2018-33 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

ADJOURNMENT

Commissioner Myers, seconded by Commissioner Barr, moved to adjourn at 11:57 p.m. The motion passed unanimously.

A reception was held in Suite 1115 for outgoing Commissioners John Barr and LeRoy Myers, Jr.


Krista L. Hart, County Clerk

