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BOARD OF COUNTY COMMISSIONERS
July 30, 2019
OPEN SESSION AGENDA

- 08:00 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President Jeffrey A. Cline*
APPROVAL OF MINUTES – July 16, 2019
- 08:05 A.M. CLOSED SESSION
(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 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)
- 10:00 A.M. RECONVENE IN OPEN SESSION
- 10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 A.M. REPORTS FROM COUNTY STAFF
- 10:25 A.M. CITIZENS PARTICIPATION
- 10:30 A.M. HARBAUGH RURAL LEGACY PROGRAM (RLP) EASEMENT – *Chris Boggs, Land Preservation Planner, Department of Planning and Zoning*
- 10:40 A.M. CONTRACT AWARD (PUR-1424) – ORACLE FUSION CONSULTANT SERVICES REQUIREMENTS CONTRACT – INFORMATION SYSTEMS (IS) DEPARTMENT – *Rick Curry, CPPO, Director, Purchasing Department, Sara Greaves, Chief Financial Officer and Ron Whitt, Director, Division of Information System*
- 10:45 A.M. CONTRACT AWARD (PUR-1430) – SCHOOL BASED MENTAL HEALTH SERVICES – *Rick Curry, CPPO, Director, Purchasing Department and Allison Hartshorn, Grant Manager, Office of Grant Management*
- 10:50 A.M. BID AWARD (PUR-1431) – FIRE SERVICE PERFORMANCE TESTING / INSPECTION OF FIRE HOSES, FIRE PUMPS, AND GROUND LADDERS – *Brandi Naugle, CPPB, Buyer, Purchasing Department and John Hart, Assistant Director, Fire Operations / Special Operations, Division of Emergency Services*

- 11:00 A.M. PUBLIC HEARING – APPLICATION FOR ZONING TEXT AMENDMENT RZ-19-003
MINERAL EXTRACTION – *Travis Allen, Comprehensive Planner, Department of Planning
and Zoning*
- 11:15 A.M. COUNTY SOLAR FACILITIES ESTOPPEL CERTIFICATES AND LEASE
AMENDMENTS – *Andrew Eshleman, P.E., Director, Public Works*
- 11:30 A.M. BUDGET ADJUSTMENT – *Sara Greaves, Chief Financial Officer*
- 11:40 A.M. ACCOUNTING AND AUDIT OF FUNDS TO INDEPENDENT COMPANIES – *R. David
Hays, Director, Division of Emergency Services, Sar Greaves, Chief Financial Officer*
- 12:00 P.M. ADJOURNMENT



Agenda Report Form

Open Session Item

SUBJECT: Harbaugh Rural Legacy Program (RLP) Easement

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Chris Boggs, Land Preservation Planner, Department of Planning and Zoning

RECOMMENDED MOTION: Move to approve the Robert H. Harbaugh, Jr. and Doris L. Harbaugh RLP Easement project, in the amount of \$143,595.00 for 47.865 easement acres, paid for 100% by the Maryland Department of Natural Resources, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase.

REPORT-IN-BRIEF: The Harbaugh property is located at 19917 Millbrook Rd., Keedysville. The Rural Legacy Easement will serve to permanently preserve a valuable scenic, environmental, agricultural and historic property in the County. The beef farm contains about 30 acres of crop land, 12 acres of pasture and 5 acres of woodland. The Harbaugh property lies in a part of Washington County which was heavily trafficked during the Battles of South Mountain and Antietam, where both Union and Confederate troops passed through on the approaches and retreats from the Battle of Antietam.

The farm is in an area of the County close to thousands of acres of preserved farmland near Antietam Battlefield and will serve to add to the current block of protected lands. Four (4) development rights will be extinguished with this easement. Since 1998, Washington County has been awarded more than \$22 million to purchase Rural Legacy easements on more than 7,000 acres near Antietam Battlefield in the Rural Legacy Area. RLP is a sister program to the Maryland Agricultural Land Preservation Program (MALPP) and includes the protection of environmental and historic features in addition to agricultural parameters. RLP uses an easement valuation system (points) to establish easement value rather than appraisals used by MALPP.

DISCUSSION: For FY 2019, Washington County was awarded RLP grants totaling \$2,301,545. The Harbaugh RLP Easement uses part those funds. Easement applicants were previously ranked based on four main categories: the number of development rights available, the quality of the land/land management (agricultural component), natural resources (environmental), and the historic value.

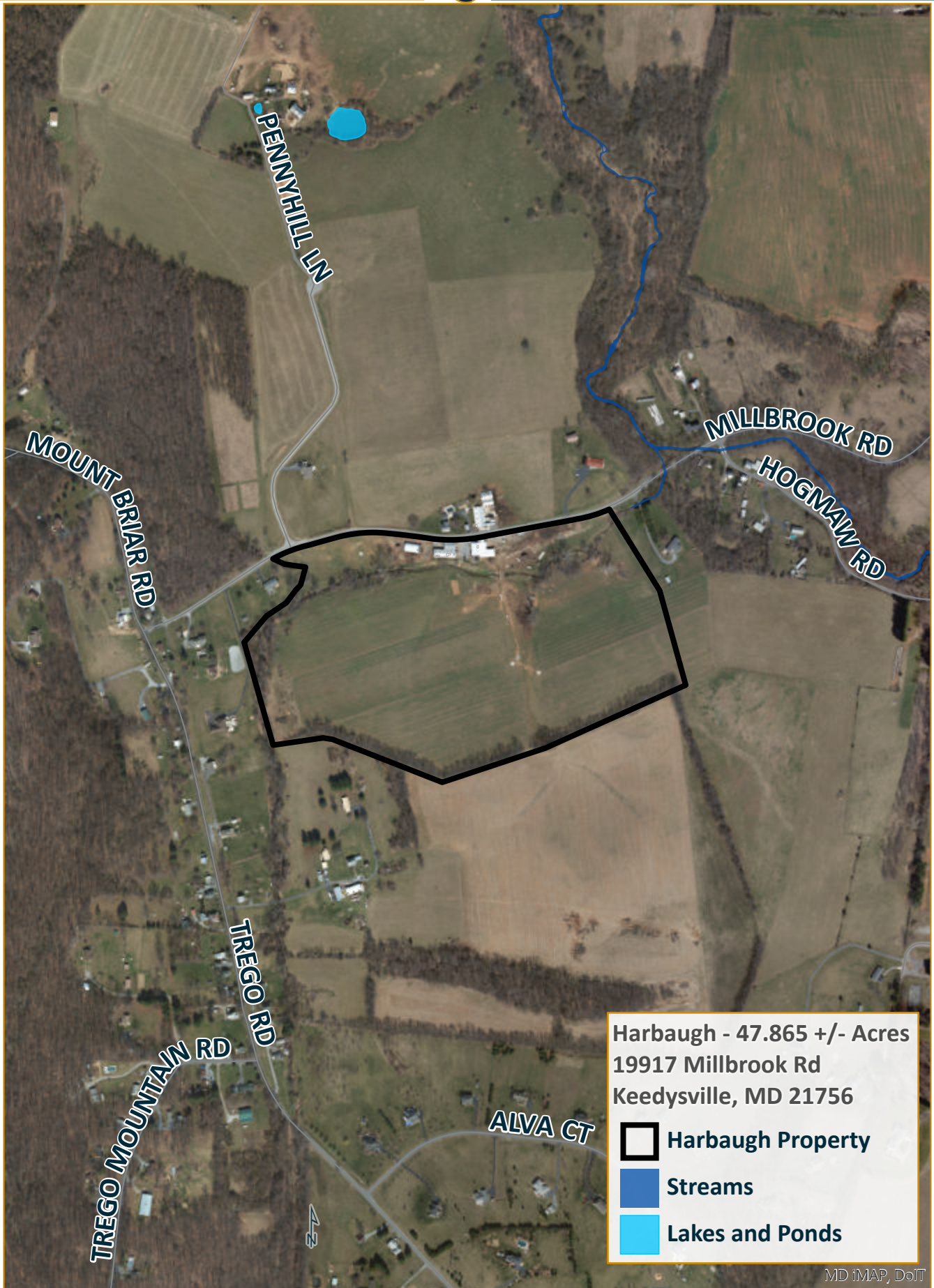
FISCAL IMPACT: RLP funds are 100% State dollars, mainly from DNR Open Space funds. In addition to the easement funds, we receive up to 3% of the easement value for administrative costs, a mandatory 1.5% for compliance/monitoring costs, and funds to cover all of our legal/settlement costs.

CONCURRENCES: Both the State RLP Board and the State Department of Natural Resources (DNR) staff have approved and support our program. A final money allocation will be approved by the State Board of Public Works.




ALTERNATIVES: If Washington County rejects State funds for RLP, the funds will be allocated to other counties in Maryland.

ATTACHMENTS: Aerial Map, Location Map, Ordinance

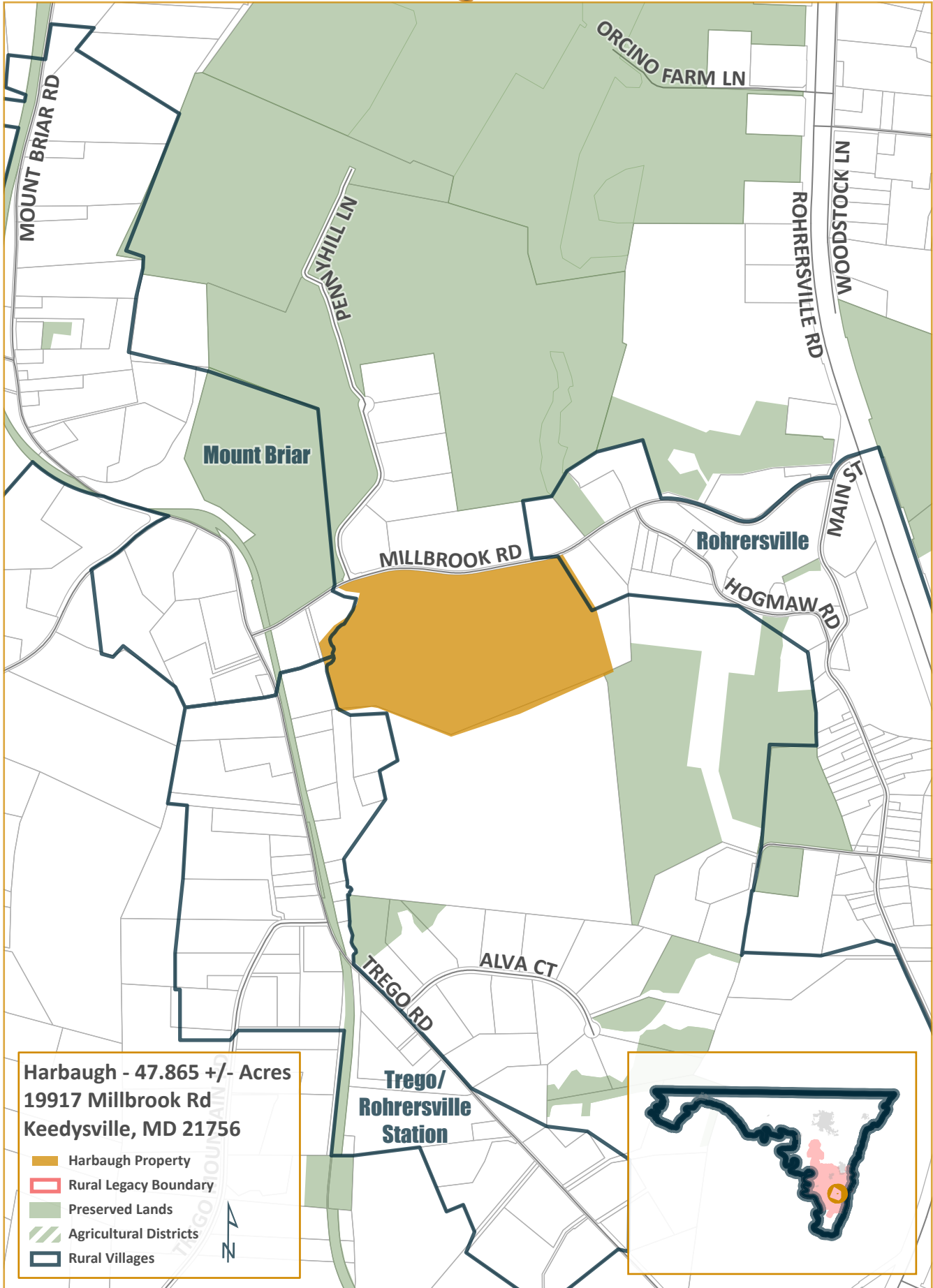
AUDIO/VISUAL NEEDS: N/A



Harbaugh - 47.865 +/- Acres
19917 Millbrook Rd
Keedysville, MD 21756

-  Harbaugh Property
-  Streams
-  Lakes and Ponds





**AN ORDINANCE TO APPROVE THE PURCHASE OF A CONSERVATION
EASEMENT UNDER THE MARYLAND RURAL LEGACY PROGRAM
(Re: Harbaugh RLP Easement)**

RECITALS

1. The Maryland Rural Legacy Program (“RLP”) provides the funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry and environmental protection through cooperative efforts among State and local governments.

2. Protection is provided through the acquisition of easements and fee estates from willing landowners and the supporting activities of Rural Legacy Sponsors and local, State, and federal governments.

3. For FY 2019, Washington County (the "County") was awarded a RLP grant totaling \$2,301,545.00 (the "RLP Funds").

4. Robert H. Harbaugh, Jr., and Doris Louise Harbaugh, life tenant, (collectively, the “Property Owner”) are the fee simple owners of real property consisting of 47.865 acres, more or less, (the “Property”) in Washington County, Maryland. The Property is more particularly described on Exhibit A attached hereto.

5. The County has agreed to pay the sum of approximately One Hundred Forty-Three Thousand Five Hundred Ninety-Five Dollars (\$143,595.00), which is a portion of the RLP Funds, to the Property Owner for a Deed of Conservation Easement on the Property (the “Harbaugh RLP Easement”).

THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the purchase of a conservation easement on the Property be approved and that the President of the Board and the County Clerk be and are hereby authorized and directed to execute and attest, respectively, all such documents for and on behalf of the County relating to the purchase of the Harbaugh RLP Easement.

ADOPTED this ____ day of _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Krista L. Hart, Clerk

BY: _____
Jeffrey A. Cline, President

Approved as to legal sufficiency:

Kendall A. McPeak
Deputy County Attorney

Mail to:

Office of the County Attorney
100 W. Washington St., Suite 1101
Hagerstown, MD 21740

EXHIBIT A
DESCRIPTION OF EASEMENT PROPERTY

ALL that tract or parcel of land, and all the rights, ways, privileges and appurtenances thereunto belonging on in anywise appertaining, situate along the South side of Millbrook Road, and along the East side of the Baltimore and Ohio Railroad near Trego, in Election District No. 8, Washington County, Maryland, and being more particularly described by metes and bounds according to a survey and description prepared by Joseph H. Seibert, County Surveyor, in Hagerstown, Maryland, on November 20, 1969, as follows:

BEGINNING at a post standing at or near the beginning of Parcel No. 2 of the Deed from Frank B. Mullendore and Wife to Lloyd T. Mullendore and Aileen Grace Mullendore, his wife, dated August 8, 1953 and recorded in Liber 277, Folio 351 among the Land Records of Washington County, Maryland, and running thence with the lines of said Parcel as established by existing fence lines South 2 degrees 51 minutes East 559.9 feet to a post; thence South 64 degrees 49 minutes West 656.2 feet to a post; thence South 71 degrees 12 minutes West 799.45 feet to a post; thence North 68 degrees 09 minutes West 646.7 feet to a post; thence South 77 degrees 49 minutes West 249.5 feet to a post; thence North 16 degrees 00 minutes West 490.5 feet to a post; thence leaving the lines of said Parcel and running so as to exclude the parcel of land retained by Lloyd T. E. Mullendore and Wife North 41 degrees 12 minutes East 172.23 feet to a tree stump; thence North 55 degrees 00 minutes East 117.5 feet to a tree stump; thence North 40 degrees 12 minutes East 111.9 feet to a post; thence North 15 degrees 44 minutes East 87.5 feet to a marked tree; thence North 45 degrees 04 minutes West 16.76 feet to a post; thence North 86 degrees 39 minutes West 88.0 feet to a metal post; thence North 62 degrees 43 minutes West 104.9 feet into the Millbrook Road; thence along or near the center thereof South 56 degrees 42 minutes West 238.1 feet to a point; thence leaving the lands retained and continuing along the Millbrook Road South 59 degrees 01 minutes West 325.8 feet to the East marginal line of the right of way of the Baltimore and Ohio Railroad; thence binding on said right of way North 12 degrees 36 minutes West 399.7 feet to a point; thence by a curve to the left having a radius of 632.6 feet for a distance of 658.59 feet, the chord being North 42 degrees 25 minutes 30 seconds West 629.26 feet to a point; thence leaving said right of way and running North 20 degrees 20 minutes West 400.2 feet to a point; thence North 15 degrees 49 minutes East 747.45 feet to a post; thence South 70 degrees 09 minutes East 882.73 feet to a post; thence South 4 degrees 14 minutes East 1320 feet to a post; thence North 74 degrees 42 minutes East 441.5 feet to a point; thence North 6 degrees 42 minutes West 340.0 feet to a post; thence North 81 degrees 29 minutes East 1255.33 feet to a post; thence South 39 degrees 13 minutes East 426.7 feet to a post; and South 40 degrees 28 minutes East 446.1 feet to the point of beginning; containing 97.9 acres of land, more or less.

SUBJECT TO AND TOGETHER WITH a Reciprocal Deed of Easement by and among Robert H. Harbaugh and Doris Louise Harbaugh, his wife, and Joseph Lyndell Clipp and Fonda

Kay Clipp, his wife, and Merl L. Clipp and Ivy M. Clipp, his wife, and Joseph Edgar Clipp and Vivian M. Clipp, his wife, and Farmers & Merchants Bank of Hagerstown, and Omer T. Kaylor and William C. Wantz, Trustees, dated August 18, 1986 and recorded in Liber 818, Folio 576 among the aforesaid Land Records.

SUBJECT TO AND TOGETHER WITH a Utility Easement and Maintenance Agreement by and between Robert H. Harbaugh and Doris L. Harbaugh and John B. Frocke and Beckie L. Ray, dated August 31, 2001 and recorded in Liber 1701, Folio 768 among the aforesaid Land Records.

SAVING AND EXCEPTING THEREFROM all of the following out-conveyances:

[1] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to the Board of County Commissioners of Washington County, Maryland, by Deed dated July 7, 1981 and recorded in Liber 718, Folio 977, and confirmed by Confirmatory Deed dated March 11, 1985 and recorded in Liber 780, Folio 594 among the aforesaid Land Records, containing 30.27 acres of land, more or less;

[2] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Jr. and Lisa L. Harbaugh, his wife, by Deed dated July 14, 1987 and recorded in Liber 851, Folio 866 among the aforesaid Land Records, containing 3.371 acres, more or less;

[3] All that lot or parcel of land conveyed from Robert H. Harbaugh and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Doris Louise Harbaugh, Bernard Thomas Brashears, Jr. and Judy M. Brashears, by Deed dated June 10, 1997 and recorded in Liber 1343, Folio 1033 among the aforesaid Land Records containing 10.34 acres, more or less; and

[4] All that lot or parcel of land conveyed from Doris Louise Harbaugh, life tenant, and Robert H. Harbaugh, Jr., remainderman, to Doris Louise Harbaugh, by Deed dated May 20, 2015 and recorded in Liber 4972, Folio 438 among the aforesaid Land Records, containing 3.25 acres, more or less; AND

FURTHER SAVING AND EXCEPTING THEREFROM that parcel of land containing 2.799 acres, more or less, shown and designated as "Parcel A" on the Plat entitled "SIMPLIFIED PLAT OF A SUBDIVISION OF LAND FOR ROBERT H. AND DORIS L. HARBAUGH" recorded at Plat Folio 3756 among the Plat Records of Washington County, Maryland.

BEING part of the property which was conveyed from Robert H. Harbaugh (deceased) and Doris Louise Harbaugh, his wife, to Robert H. Harbaugh, Jr., with a life estate reserved unto the said Doris Louise Harbaugh, by Deed dated December 13, 2011 and recorded in Liber 4211, Folio 383 among the Land Records of Washington County, Maryland; AND BEING part of the property described in the Confirmatory Deed from Doris Louise Harbaugh [Widow] to Robert H.

Harbaugh, Jr., with a life estate reserved unto the said Doris Louise Harbaugh, dated May 20, 2015 and recorded in Liber 4972, Folio 432 among the aforesaid Land Records.

PER the above recited acreage, the excepted Parcel A, and the State Department of Assessment and Taxation records, the herein described property contains *approximately* 47.865 acres of land, more or less.



Agenda Report Form

Open Session Item

SUBJECT: Contract Award (PUR-1424) Oracle Fusion Consultant Services requirements Contract - Information Systems (IS) Department

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Rick Curry, CPPO, Director, Purchasing Department, Sara Greaves, CFO, Budget & Finance Department and Ron Whitt, Director, Division of Information System

RECOMMENDED MOTION: Move to award a “*primary*” requirements contract for Oracle Fusion Consultant Services for use by Budget & Finance, Human Resources and Information Systems (IS) Department to the responsive, responsible proposal with the lowest price proposal at the specified unit cost and estimated hours (no minimum or maximum guaranteed); and, as permitted in the Request for Proposal (RFP), a “*stand-by list*” of consultants at their specified unit costs and estimated hours (no minimum or maximum guaranteed).

REPORT-IN-BRIEF: The services under this contract consist of providing experienced public sector consultant services to assist Washington County functional and technical staff with planning, prioritization, and implementation of new or existing functionality, budgeting, financials, purchasing, transactional business intelligence, project financials, self-service procurement, human capital management base, payroll and time/labor on an as-needed basis. The duration of the contract shall be for a period of two (2) years, with an option by the County to renew for up to three (3) additional one (1) year periods. This is a requirements contract; therefore, services will be utilized on an as-needed basis at the respective hourly unit prices for each discipline with no guarantee of a maximum or minimum number of hours.

Project assignments will be issued in two (2) distinct manners through this contract. Assignments with a fee less than or equal to \$50,000 will be awarded to the designated responsive-responsible Consultant with the lowest price proposal. Assignments with fees anticipated to exceed \$50,000 will have a defined scope of work specified and distributed to those consultants deemed most qualified and offered to all consultants on the stand-by list. All consultants then will submit a proposal to complete the work defined. The consultants with the lowest cost proposal will then be given the assignment. The County has limited the stand-by list to a maximum of three (3) firms, one (1) of which is the designated responsive-responsible Consultant with the lowest overall price proposal. Assignment value will be determined when the Consultant applies the necessary man-hours and his standard rates to the individual assignment. The assignment will be given to the Consultant which requires the lowest fee.

In order to determine which proposal offered the overall lowest cost to the County for this recommended contract award; each proposer submitted hourly rates for various employee classifications or positions. The lowest cost proposal was determined by applying the quoted rates to

a position matrix that identified an approximate number of hours by position the County may possibly utilize over the next five (five) years.

Notice of the RFP was advertised on the County's web site with access to downloading the RFP and on the State's "eMaryland Marketplace" web site, and in the local newspaper. The document was accessed on-line eighty-seven (87) times and fifteen (15) firms were represented at the pre-proposal conference. Five (5) firms responded with proposals. After evaluation of the remaining Qualifications & Experience submittals, three (3) firms were considered responsive and their Price Proposals were opened and evaluated (see attached Price Proposal Tabulation Sheet).

The Coordinating Committee was comprised of the following members: Chief Financial Officer (Committee Chairman Designee), Director of Purchasing, the Information Systems Director, Director of Budget and Finance, the Information Systems Deputy Director – Software Support & Training, Human & Health Deputy Director, Accounting Supervisor, Software Support Analyst and Deputy Director of Budget & Finance.

DISCUSSION: N/A

FISCAL IMPACT: Funding for all selected projects or tasks would be funded by the Capital Improvement Project (CIP) account COM019. The FY'20 COM019 budget amount is \$119,000.00.

CONCURRENCES: As recommended by the Coordinating Committee

ALTERNATIVES: N/A

ATTACHMENTS: N/A

AUDIO/VISUAL NEEDS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Contract Award (PUR-1430) – School Based Mental Health Services

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Rick Curry, CPPO, Director of Purchasing and Allison Hartshorn, Grant Manager, Office of Grant Management

RECOMMENDED MOTION: Move to award a contract for the provision of School Based Mental Health Services to the responsive, responsible proposer, for Option A and Option B, contingent upon funding being provided by the Governor’s Office for Children for Option A and approval of funding in the FY’20 County Budget for Option B, and upon approval of each Option by the Local Management Board.

REPORT-IN-BRIEF: The purpose of the service to be provided is to fulfill the requirements of the County’s Community Partnership Agreement with the Governor’s Office for Children (GOC) for fiscal year 2020. For further details of the services, please refer to the attached excerpt of the *Scope of Work* and *Population Served* from the Request for Proposal (RFP) document.

The BLHSI proposes to provide three sessions per student for the school year for a referring issue. The number of students will depend on how many require three sessions; if all need three (3) sessions, BLHSI anticipates providing 2,400 sessions, based on three (3) sessions per student, which would allow BLHSI to see approximately 800 students.

The contract will begin on August 1, 2019 and end June 30, 2020 with an option by the OGM to renew the awarded Contractor for up to one (1) consecutive one-year periods through fiscal year 2021 if funding is provided.

The Coordinating Committee was comprised of the following members: County’s Director of Purchasing (Chairman Designee), OGM Director, OGM Grant Manager, LMB Board Chairperson or designee and LMB Community Planning and Review Committee Chairperson or designee. The Request for Proposal (RFP) was advertised in the local newspaper, on the State’s “e-Maryland Marketplace” web site, and on the County’s web site. The RFP document was accessed from the web site by thirty-one (31) firms/individuals. One (1) provider was represented at the pre-proposal conference. One (1) proposal was received, the recommended provider’s Q&E/Technical Proposal was determined to be responsive and its Price Proposal was opened and evaluated. The budget and budget narrative with each budget line item identified is attached for the firm recommended for the contract.

DISCUSSION: N/A

FISCAL IMPACT: The OGM anticipates receiving \$211,560.00 in state funding from the Governor’s Office for Children (GOC) in fiscal year 2020 for the provision of School Based

Mental Health Services and an additional \$120,000.00 in local funding has been requested in the County's FY'20 budget.

CONCURRENCES: Coordinating Committee as outlined above

ALTERNATIVES: N/A

ATTACHMENTS: "Scope of Work" and "Population Served" excerpt from the Request for Proposal

AUDIO/VISUAL NEEDS: N/A

SCOPE OF WORK

The mental health needs of Washington County youth are a great concern to many mental health professionals and organizations. Suicide is listed as the third leading cause of death between ages 15-24. Several issues impacting youth's mental health include family history of suicide, family violence, family history of mental disorder, substance abuse, physical or sexual abuse, bullying, neglect, families below poverty level, firearms in homes, incarceration of family members, crime rate, teen pregnancy/births, exposure to suicidal behavior of others, such as family members, peers, or media figures. These issues are impacting the lives of Washington County youth making it difficult for them to do well in school when trying to manage these issues on their own. The overall goal of the School Based Mental Health Services program is to address mental health needs of students attending Washington County Public Schools.

Respondent may apply to both or only one of the two options (Option A or Option B) for which they are eligible. The County reserves the right to award either Option A or Option B or both.

Option A – Services will be provided at Western Heights Middle School and South Hagerstown High School and four (4) additional schools which will be determined by agreement between the service provider and Washington County Public Schools with the approval of the Local Management Board (LMB).

Option B - In addition to the six (6) schools included in Option A, funding is being sought to provide services at an additional four (4) schools, bringing the total number of schools served under Option A and B to ten (10) schools, which will be determined by agreement between the service provider and Washington County Public Schools with approval of the LMB.

1. School Based Mental Health Services is a program that will provide services that are expected to be short term and consist of crisis management, screening, short term therapeutic assistance and/or referral for additional services as determined necessary. This RFP requests that a Clinician be onsite a minimum of seven (7) hours per week at each school. In addition to the time allotted for the Clinician, an additional one (1) hour per week per school shall be allotted for administrative time spent coordinating/collaborating services with the Health and Wellness Center staff or School staff, for a total of eight (8) hours of services. Services will only be provided while school is in session. The provider may limit number of visits by a patient in order to accommodate all students demonstrating a need for services. The provider will provide the greatest number of service hours possible for the amount of funding available.

Clinical services will be provided concurrent with the Washington County Public School calendar year. The grant will allow for one (1) week pre-school year for administrative start time and will allow one (1) week post-school year for administrative close-out time.

2. Services will be provided at no cost to the students. However, third-party billing for off-site services shall be permitted and will be a private transaction between the patient/parent/guardian and the service provider.
3. Staff providing clinical services shall possess a Licensed Clinical Social Worker certification or greater. Experience and/or certifications pertaining to children and adolescent mental health are preferred.
4. A Memorandum of Understanding (MOU) between the service provider and Washington County Public Schools (WCPS) is required to be executed prior to the start of services. The Contractor shall obtain all necessary malpractice and liability insurances in the amounts required by WCPS and Washington County Government.
5. The Contractor shall accept referrals for services from (including but not limited to): student self-referrals, WCPS staff, School Based Health Center (SBHC) staff, outside mental healthcare providers, and parents and/or guardians. The Contractor will be responsible for the generation, maintenance and retention of medical records resulting from the services provided in accordance with HIPPA and FERPA regulations. The Contractor shall coordinate the record retention provisions with WCPS staff to ensure compliance with WCPS policies.
6. All Clinicians shall comply with criminal records background checks standards and shall affirm in writing that these checks have been conducted and the clinicians are not disqualified from performing child or adolescent care. Standards of consent for services must be obtained by the Contractor prior to the services being rendered. The standard of consent must be consistent with Local, State, and Federal Regulations. The Contractor shall communicate and cooperate with WCPS staff, OGM staff and SBHC staff in a matter that is consistent with professional standards. All standard LMB, WCPS, OGM and GOC contract conditions and reporting standards shall be adhered to as a condition of this grant award.
7. Performance measures will be provided as part of an Evaluation Contract which will be determined by the OGM Grant Manager in concurrence with the Local Management Board (LMB). Performance measures shall detail program data measures for the program. Collection of program data is the responsibility of the selected Contractor. Data measures can vary and maybe revised each fiscal year by the OGM in consultation with the Contractor with the concurrence of the LMB.

A. Parameters of the Award of Funds

1. The contract services resulting from the award of funds for School Based Mental Health Services will begin on August 1, 2019 and end June 30, 2020 with an option by the OGM to renew the awarded Contractor for up to one (1) consecutive one-year period through fiscal year 2021. The maximum award to be expected for FY 2020 Option A is \$211,560. The maximum award to be expected for FY 2020 Option B is \$120,000. The County reserves the right to award either Option A or Option B or both.
2. Renewal of this contract is at the discretion of the OGM acting on behalf of the BCC and is contingent upon the following: (1) the continual award of funds from the Governor's Office for Children (GOC), (2) the continual award of funds from the Washington County Board of Commissioners, (3) the performance of the contractor and (4) the goals/outcomes desired from GOC, OGM, LMB and WCPS.

POPULATION SERVED

The School Based Mental Health Services program is specifically targeted toward meeting the needs of youth with behavioral/mental health conditions. The target populations for the program are youth attending Washington County Public Schools.



Agenda Report Form

Open Session Item

SUBJECT: Bid Award (PUR-1431) – Fire Service Performance Testing / Inspection of Fire Hoses, Fire Pumps, and Ground Ladders

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Brandi Naugle, CPPB, Buyer, Purchasing Department and John Hart, Assistant Director – Fire Operations/Special Operations, Division of Emergency Services

RECOMMENDED MOTION: Move to award the contract for Fire Service Performance Testing / Inspection of Fire Hoses, Fire Pumps, and Ground Ladders to the responsive, responsible bidders, FireOne Inc. of Drexel Hill, PA for Option No. 2, Group A for the total sum price of \$15,125.00 and Group B for a total sum price of \$43,100.00 and to award Waterways of Southwest PA, LLC. of Bethel Park, PA for Option 2, Group C for a total sum price of \$5,724.00.

REPORT-IN-BRIEF: On June 3, 2019 the County issued an Invitation to Bid (ITB) for the subject services. The bid was advertised in the local newspaper, listed on the State's *eMaryland Marketplace* website and on the County's website. The contract period is for a one (1) year period tentatively commencing August 1, 2019, with an option by the County to renew for up to two (2) additional consecutive one (1) year periods with the first term ending July 31, 2020. Four (4) persons/companies registered and downloaded the bid document on-line. Two (2) bids were received as indicated on the bid tabulation matrix.

These services will provide testing of apparatus mounted fire pumps (engines, tankers, and, quints) in accordance with current NFPA 1911 standards. The bidder will be responsible for conducting fire pump testing for sixteen (16) fire companies/departments with fifty-five (55) pieces of apparatus. The contractor will provide testing of various diameters of fire hose, in accordance with current NFPA 1962 standards. The awarded contractor will be responsible for conducting fire pump testing for fifteen (15) fire companies. The contractor will provide testing of various sized, fire service, ground ladders. These tests will be conducted in accordance with current NFPA 1932 standards. The awarded contractor will be responsible for conducting ground ladder testing for seventeen (17) fire companies.

DISCUSSION: N/A

FISCAL IMPACT: Funds are budgeted in the department's account 515270-10-11525 for these services.

CONCURRENCES: Division Director of Emergency Services

ALTERNATIVES: Do not award the testing of the equipment.

ATTACHMENTS: Bid Tabulation Matrix

AUDIO/VISUAL NEEDS: N/A

PUR 1431

Fire Service Performance Testing / Inspection
of Fire Hoses, Fire Pumps, and Ground Ladders

| OPTION NO. 1 (Award for All Services): | | | | FireOne, Inc. Drexel Hill, PA | | Waterways of Southwest PA, LLC. Bethel Park, PA | |
|--|---|------------------------|-----------------|--|--------------------|--|--------------------|
| Item No. | Description | Unit of Measure | Quantity | Unit Price/Each | Total Price | Unit Price/Each | Total Price |
| 1 | Fire Pump Testing | EA | 55 | \$275.00 | \$15,125.00 | NO BID | NO BID |
| 2 | Hose Testing – Diameter 1-1/2 – 2” | LF | 73,000 | \$0.20 | \$14,600.00 | NO BID | NO BID |
| 3 | Hose Testing – Diameter 2-1/2 – 3” | LF | 41,000 | \$0.22 | \$9,020.00 | NO BID | NO BID |
| 4 | Hose Testing – Diameter 4 – 5” | LF | 77,000 | \$0.24 | \$18,480.00 | NO BID | NO BID |
| 5 | Hose Testin - Hard Suction | Ea | 100 | \$10.00 | \$1,000.00 | NO BID | NO BID |
| 6 | Ground Ladder Testing – 10’ Folding (Attic) | EA | 52 | \$20.00 | \$1,040.00 | NO BID | NO BID |
| 7 | Straight Ladders Testing (12’ – 20’) | EA | 68 | \$30.00 | \$2,040.00 | NO BID | NO BID |
| 8 | Extension Ladders Testing (16’ – 28’) | EA | 57 | \$40.00 | \$2,280.00 | NO BID | NO BID |
| 9 | Extension Ladders (30’ – 45’) | EA | 24 | \$45.00 | \$1,080.00 | NO BID | NO BID |
| TOTAL SUM BID PRICE <i>(for Item Nos. 1 through 9)</i> | | | | \$64,665.00 | | NO BID | |
| OPTION NO. 2 (Individual Awards for Each Service): | | | | FireOne, Inc. Drexel Hill, PA | | Waterways of Southwest PA, LLC. Bethel Park, PA | |
| Item No. | Description | Unit of Measure | Quantity | Unit Price/Each | Total Price | Unit Price/Each | Total Price |
| Group A 1 | Fire Pump Testing | EA | 55 | \$275.00 | \$15,125.00 | \$325.00 | \$17,875.00 |
| TOTAL SUM BID PRICE FOR GROUP A | | | | \$15,125.00 | | \$17,875.00 | |

PUR 1431
Fire Service Performance Testing / Inspection
of Fire Hoses, Fire Pumps, and Ground Ladders

| | | | | | | | |
|--|---|----|--------|-------------|-------------|-------------|-------------|
| Group B 2 | Hose Testing – Diameter 1-1/2 – 2” | LF | 73,000 | \$0.20 | \$14,600.00 | \$0.21 | \$15,330.00 |
| Group B 3 | Hose Testing – Diameter 2-1/2 – 3” | LF | 41,000 | \$0.22 | \$9,020.00 | \$0.21 | \$8,610.00 |
| Group B 4 | Hose Testing – Diameter 4 – 5” | LF | 77,000 | \$0.24 | \$18,480.00 | \$0.21 | \$16,170.00 |
| Group B 5 | Hose Testing - Hard Suction | EA | 100 | \$10.00 | \$1,000.00 | \$30.00 | \$3,000.00 |
| TOTAL SUM BID PRICE FOR GROUP B | | | | \$43,100.00 | | \$43,110.00 | |
| Group C 6 | Ground Ladder Testing – 10’ Folding (Attic) | EA | 52 | \$20.00 | \$1,040.00 | \$15.00 | \$780.00 |
| Group C 7 | Straight Ladders Testing (12’ – 20’) | EA | 68 | \$30.00 | \$2,040.00 | \$24.00 | \$1,632.00 |
| Group C 8 | Extension Ladders Testing (16’ – 28’) | EA | 57 | \$40.00 | \$2,280.00 | \$36.00 | \$2,052.00 |
| Group C 9 | Extension Ladders (30’ – 45’) | EA | 24 | \$45.00 | \$1,080.00 | \$52.50 | \$1,260.00 |
| TOTAL SUM BID PRICE FOR GROUP C | | | | \$6,440.00 | | \$5,724.00 | |

REMARKS:

FireOne, Inc

Ground Ladder testing includes heat sensor replacement and safety label replacement as needed at no additional cost. Halyards can be replaced for \$25.00 per extension ladder.

Waterway's of Southwest PA, LLC

If heat sensors need replaced cost is \$1.00 per sensor. If warning labels need replaced or missing cost is \$10.00 per set. If any repairs are needed cost will be discussed with department.



Agenda Report Form

Open Session Item

SUBJECT: PUBLIC HEARING: Application for Zoning Text Amendment RZ-19-003, Mineral Extraction Operations

PRESENTATION DATE: July 29, 2019

PRESENTATION BY: Travis Allen, Comprehensive Planner, Department of Planning and Zoning

RECOMMENDED MOTION: No motion is needed at this time. The purpose of this public hearing is to take public comment on the rezoning application.

REPORT-IN-BRIEF: Application is being made to amend text in several sections of the Zoning Ordinance pertaining to the regulation of mineral extraction activities throughout the County. This language already exists in some sections of the Ordinance, but it was unintentionally omitted from other corresponding Articles in prior text amendments.

DISCUSSION: The proposed amendments would restore classifications of mineral extraction based upon their size and intensity to relevant Ordinance sections where it was previously omitted, particularly after the 2005 Rural Area Rezoning. These classifications, described as Low, Moderate or High Volume Operations, would also be added to the corresponding individual Zoning Districts where they are already currently permitted by the Zoning Ordinance and to the Table of Land Uses that covers the rural area of Washington County. The intent is to bring the treatment of this land use in line with State regulations without materially changing where it is and is not already permitted presently.

This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on April 9, 2019. It was then brought back for recommendation at the May 6, 2019 meeting, where the members unanimously recommended for the approval of the proposed amendments.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: N/A

ATTACHMENTS: Staff Report and Analysis
Proposed Text Amendments
Planning Commission Recommendation
Planning Commission Minutes

AUDIO/VISUAL NEEDS: none



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

RZ-19-002

March 5, 2019

WASHINGTON COUNTY ZONING ORDINANCE

STAFF REPORT AND ANALYSIS

ARTICLES 3, 4.14, 11, 12, 13, 14, 21A, 21B, 21C

Proposal: Application is being made to amend text in several sections of the Zoning Ordinance pertaining to the regulation of mineral extraction activities.

Staff Report Summary: It is every jurisdictions goal to provide a clearly defined ordinance that limits inconsistencies and interpretation. The purpose of this text amendment is to add language to various sections of the Zoning Ordinance that regulate the treatment of mineral resource extraction as a land use throughout the County. This language already exists in some sections of the Ordinance, but was unintentionally omitted from other corresponding Articles in prior text amendments.

Analysis:

The proposed amendment seeks to resolve an oversight in the regulation of mineral extractive operations throughout the County, particularly in the rural areas. Prior to the Rural Area Rezoning in 2005, mineral extractive operations were categorized in terms of their size and intensity. The classifications were defined as low, moderate, and high volume operations.

Low Volume Operations are defined as those *"in which the land area disturbed by mineral extraction is one acre or less and no temporary or permanent structures are involved."*

Moderate Volume Operations are those *"in which the land area devoted to mineral extraction and mineral processing is five acres or less and greater than one acre."*

High Volume Operations are those *"in which the land area devoted to mineral extractive operations is greater than five acres."*

When the Rural Area rezoning was adopted, the definitions of each classification remained in Article 28A. The zoning districts in which they were permitted also remained in descriptive form in Section 4.14. The uses were not, however, explicitly included in either the Table of Land Use Regulations (Article 3.3), or in the corresponding individual zoning districts where they allowed. Mineral extraction was specifically mentioned in the body of the Zoning Ordinance only as a permitted use the Industrial Mineral (IM) floating zone, and as a special exception in the Industrial General (IG) district after 2005.

Recent changes in Maryland Department of the Environment definition and licensing of smaller extractive operations has prompted the County to review its current handling of these uses in the Zoning Ordinance. **Article 15-807 of the Annotated Code of Maryland exempts surface mining**

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operations from needing a license if the affected land area is one acre or less. By the inclusion of these uses in the Table of Land Use Regulations for the Rural Area and their insertion as principal permitted uses into the individual commercial or industrial zoning districts where they are already allowed by Article 4.14, clarity can be provided for County permitting and State regulation of this type of land use.

Low volume mineral extraction is already allowed in all districts except RT, RS, RU, RM and RV under Section 4.14. Under the proposed amendment, low volume mineral extraction would be added to the A(R), EC, P, RB and IM districts in the Table of Land Uses for the Rural Area. Low volume mineral extraction would also be added as a principal permitted use in the BL, BG, IR, IG, ORT, ORI and ERT zoning districts. A grading plan shall be submitted to the County for approval containing the information required in Section 15.3A-H, showing the existing and proposed surface contours and provide for the property's revegetation.

Moderate volume operations are currently allowed under Article 4.14 as special exception uses in the A(R), EC, P and IG districts. The amendment would notate moderate volume mineral extraction a special exception in Table of Land Uses for these four districts. The text of the IG zoning district already permits moderate volume mineral extraction as a special exception. A grading plan meeting the same requirements as those outlined above for low volume operations shall be submitted to the County for approval. Moderate volume operations are also subject to the requirements of Sections 15.4, 15.5 and 25.6.

High volume operations will continue to be permitted only with the application of an IM overlay district whose standards are outlined in Article 15. New IM districts cannot be established within the adopted urban growth area, town growth areas or rural villages according to existing language in Article 15.

All volume classifications would be subject the performance standards in Section 4.12.

Staff Recommendation:

Based upon feedback from the general public and past regulatory history of this type of land use in the County, Staff recommends approval of these amendments. These changes will provide more consistent implementation of our land use policies and regulations pertaining to mineral extraction throughout the County, particularly in the Rural Area. From a constituent's perspective, owners of small mineral extraction operations will have less concern that they will be subject to State mining regulation in the course of pursuing this permitted land use. These owners will also be reassured that the application of an IM overlay zone; one which is intended only for high volume operations, is not a prerequisite to engage in low to moderate volume mineral extraction on their property.

Respectfully submitted,

Travis Allen
Comprehensive Planner

RZ-19-002
 PROPOSED TEXT AMENDMENTS FOR PUBLIC HEARING
 CLEAN-UP AMENDMENTS

(1) ARTICLE 3 – DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES) is amended as follows:

Section 3.3 (1) Table of Land Use Regulations

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village RB-Rural Business IM-Industrial Mineral

Table No. 3.3(1)
 TABLE OF LAND USE REGULATIONS
 (RURAL AREA USES)

| LAND USES | A(R) | EC | P | RV | RB | IM |
|--|---------------|---------------|---------------|--------------|--------------|--------------|
| L. Mining | | | | | | |
| Mineral extraction, mineral processing, mineral related uses, and mineral based manufacturing | N | N | N | N | N | P |
| Mineral extractive operations, Low volume; subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval. | P | P | P | N | P | N |
| Mineral extractive operations, Moderate volume; subject to the performance standards in Section 4.12 and the requirements of Sections 15.4, 15.5 and 25.6. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval. | SE | SE | SE | N | P | N |
| Mineral extractive operations, High volume; subject to the performance standards in Section 4.12 and regulations in Article 15. | N | N | N | N | N | P |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

(2) ARTICLE 4 – GENERAL PROVISIONS is amended as follows:

Section 4.14 Mineral Extraction

Low volume mineral extraction, as defined in Article 28A, shall be permitted in all districts except the RT, RS, RU, RM and RV districts. ~~Zoning approval for low volume operations shall not require the submission of grading plans and erosion and sediment control plans. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.~~

Moderate volume mineral extraction, as defined in Article 28A, shall be permitted in the RB. The use is also provided for in the A(R), EC, P and IG Districts as a special exception. The use is subject to the performance standards in Section 4.12 and the requirements of Sections 15.4, 15.5 and 25.6. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

High volume mineral extraction, as defined in Article 28A, may be permitted only in the "IM" District. The expansion of an existing high volume mineral extraction operation in an IG District shall be subject to the requirements of Sections 15.4 and 15.5. The use is subject to the performance standards in Section 4.12 and regulations in Article 15.

(3) ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT is amended as follows:

Section 11.1 Principal Permitted Uses

- (l) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(4) ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT is amended as follows:

Section 12.1 Principle Permitted Uses

- (a) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(5) ARTICLE 13 "IR" INDUSTRIAL, RESTRICTED DISTRICT is amended as follows:

Section 13.1 Principle Permitted Uses

- (i) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(6) ARTICLE 14 "IG" INDUSTRIAL, GENERAL DISTRICT is amended as follows:

Section 14.1 Principle Permitted Uses

- (i) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

~~(b) Moderate volume mineral extraction, mineral processing, mineral related uses and mineral-based manufacturing, as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5 and 25.6. Mineral processing shall be for minerals mined on the site. The Board of Appeals shall consider the effects of these mineral extraction and related uses on the public roadways in the area and may impose additional restrictions according to the guidelines contained at Section 15.3 (f-h)~~

(b) Moderate volume mineral extraction as defined in Article 28A. The use is subject to the performance standards in Section 4.12 and the requirements of Sections 15.4, 15.5 and 25.6. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(7) ARTICLE 21A “ORT” OFFICE, RESEARCH AND TECHNOLOGY DISTRICT is amended as follows:

Section 21A.1 Principle Permitted Uses

(q) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(8) ARTICLE 21B “ORI” OFFICE, RESEARCH AND INDUSTRY is amended as follows:

Section 21B.1 Principle Permitted Uses

(b) The following uses are also permitted in the “ORI” District:

4. Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.

(9) ARTICLE 21C “ERT” EDUCATION, RESEARCH AND TECHNOLOGY is amended as follows:

Section 21C.1 Principle Permitted Uses

(f) Low volume mineral extraction operations as defined in Article 28A. The use is subject to the performance standards in Section 4.12. A grading plan containing the information required in section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the County for approval.



Washington County

M A R Y L A N D

DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

June 6, 2019

RZ-19-002

**APPLICATION FOR TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION**

Articles: 3, 4, 11, 12, 13, 14, 21A, 21B, 21C

RECOMMENDATION

On April 9, 2019, the Planning Commission held a public rezoning information meeting to consider text amendments to Articles 3, 4, 11, 12, 13, 14, 21A, 21B, and 21C of the Washington County Zoning Ordinance to correct, clarify and add new language related to mineral extraction operations. A staff summary of the purpose and effects of the proposed amendments was presented to the Planning Commission and opportunity was provided for public comment. No verbal or written comments were received for this case. The Washington County Planning Commission took action at its regular meeting held on Monday, May 6, 2019 to recommend approval of Text Amendment RZ-19-002 to the Board of County Commissioners.

Copies of the application and the Staff Report and Analysis by the Department of Planning & Zoning, approved minutes of the April 9, 2019 public information meeting, and approved minutes of the May 6, 2019 regular meeting are attached.

Respectfully submitted,

Stephen T. Goodrich, Director
Washington County Department of
Planning & Zoning

JLB/STG/dse

Attachments

cc: Kirk Downey
file

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
April 1, 2019**

The Washington County Planning Commission held its regular monthly meeting on Monday, April 1, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Andrew Bowen, Denny Reeder, Robert Goetz, Jr., David Kline and Ex-Officio Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Stephen Goodrich, Director; Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Cody Shaw, Chief of Plan Review; and Lisa Kelly, Senior Planner.

CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

PUBLIC INFORMATION MEETING

RZ-19-001 – Text Amendment – Alcohol Manufacturing Facilities

Staff Presentation

Ms. Baker presented a text amendment application to amend several sections of the Washington County Zoning Ordinance to address uses associated with alcohol manufacturing facilities. Recent State legislation has expanded the types of manufacturing licenses for alcohol manufacturing which includes: limited commercial wineries, limited commercial breweries [micro-breweries], pub-breweries and limited commercial distilleries. The proposed amendments seek to incorporate these new license types into the local Ordinance to help support and grow the local economic development opportunities in the County. Included in the proposed amendments:

- Adding definitions for limited commercial breweries [micro-breweries] and pub-breweries;
- inclusion of limited commercial breweries and pub-breweries as a special exception use in the BL (Business Local) district; as a permitted use in the BG (Business General) (thereby also permitted in the Planned Business (PB) and Highway Interchange (HI) zoning districts) and Rural Business (RB) districts;
- Deletion of commercial breweries as a special exception in the AR (Agricultural, Rural), EC (Environmental Conservation), P (Preservation) and RV (Rural Village) districts and replacing it with inclusion of limited commercial breweries as a special exception use in these zoning districts;
- Deletion of commercial breweries as a permitted use in the RB district and replace with limited commercial breweries as a permitted use in the RB district

The State also added a new manufacturing license for distillery operations. The proposed text amendment includes:

- Adding a new definition for the limited commercial distillery;
- Adding a new definition of commercial distillery to better clarify the difference between uses;
- Adding a new definition for farm distillery;
- Inclusion of limited commercial distilleries as a special exception use in the BL district; as a permitted use in the BG (thereby also permitted in the PB and HI districts) and RB districts; and as a special exception use in the AR, EC, P and RV districts;
- Inclusion of farm distillery as a permitted use in the A(R), EC, P and RV districts.

The State has approved manufacturing licenses for winery operations since the County amended its ordinance in 2012. The proposed amendments include the following:

- Adding a new definition for a limited commercial distillery
- Adding a new definition of commercial distillery to clarify the difference between uses;
- Deleting commercial wineries as a special exception use in the AR, EC, P and RV districts and replacing it with limited commercial wineries as a special exception use in the AR, EC, P and RV districts
- Deleting commercial wineries as a permitted use in the RB district and replacing it with limited commercial wineries as a permitted use in the RB district;
- Inclusion of limited commercial wineries as a special exception use in the BL district; as a permitted use in BG (thereby also permitted in the PB and HI districts) districts

Citizen Comments

- Jason Divelbiss, 11125 Bemisderfer Road, Greencastle, PA 17225 – Mr. Divelbiss expressed his opinion that the use of the word “manufacturing” eludes to a larger scale operation. He believes that the term “alcohol production facility” is a more universal term and more appropriate for the scale of most of the operations in the County. Mr. Divelbiss expressed his opinion that the regulations should be the same for all alcoholic production facilities. He suggested regulating the facilities in two ways: 1) as alcohol production facilities in general, or 2) as a farm-based alcohol production facility with one unified definition for both facilities regardless of the beverage generated. His definition of the alcohol production facility is “a production facility that manufactures an alcoholic beverage pursuant to a State issued manufacturing license” and the farm based alcohol production facility could be defined as “an alcohol production facility located on a parcel of land that has an agricultural use assessment”. Mr. Divelbiss noted there is a specific requirement in the farm based facilities that a minimum of two acres of ag product be produced on the land to be used in the manufacturing process. He believes this could limit the facility due to one of the following issues: the State regulations change; the facility outgrows the agricultural production capacity of the land upon which it is located or seasonal or unexpected damage to the agricultural products. This requirement would ignore the potential cost-effectiveness of purchasing the raw materials to use in the manufacturing process. He believes there is a real risk in trying to regulate these facilities within the zoning context and having it be inconsistent with how the uses are regulated at the State licensing level. Mr. Divelbiss believes these facilities could be a real economic benefit to the County and that they should be allowed wherever appropriate. He believes these facilities should be a permitted use in the IR district and allowed by special exception in residential districts. He also believes they could be accessory components for restaurants, taverns, liquor stores or other food type establishments.

Discussion: Mr. Reeder asked how much alcohol can be produced before it is considered a commercial facility. Ms. Baker stated that the State regulates these issues through its manufacturing licenses. She briefly discussed ways the County is trying to link its regulations with those of the State.

Mr. Bowen expressed his opinion that the Commission should focus on where the proposed facilities would be appropriate and not so much on the manufacturing issues. Mr. Goetz concurred with this comment.

There was a brief discussion regarding the 2-acre minimum requirement for growing the ag product on the land to be used in the manufacturing process. Ms. Baker explained that this requirement was discussed with winery owners, farm winery associations, the County’s ag support specialist, and staff from the County’s Business Development department when amendments for farm wineries were adopted in 2012. This requirement shows a commitment by farm owners that they intend to be a farm-based business and not a commercial business.

RZ-19-002 – Text Amendment – Mineral Extraction

Mr. Allen presented a text amendment application to amend several sections of the Washington County Zoning Ordinance pertaining to the regulation of mineral extraction activities. The proposed language was unintentionally omitted in prior text amendments particularly after the 2005 rural area rezoning. The proposed amendments do not promote an expansion of this type of land use across the County. Prior to the 2005 Rural Area rezoning, there were three classifications for mineral extraction:

- Low Volume Operations – defined as an operation that the land area disturbed is less than one acre
- Moderate Volume Operation – defined as an operation between one and five acres and can include mineral processing facilities
- High Volume Operation – defined as an operation greater than five acres and where an Industrial Mineral overlay is required to engage in that type of land use.

Proposed amendments include:

- Inclusion of the three classifications in the Table of Land Use Regulations (Article 3.3) and in the corresponding zoning districts where they are allowed
- The definitions for each classification would be updated as proposed in Article 4.14
- Low volume mineral extraction would be added to the A(R), EC, P, RB and IM districts in the Table of Land Uses for the Rural Area. It would also be added as a principal permitted use in the BL, BG, IR, IG, ORT, ORI and ERT zoning districts. A grading plan would be required showing the existing and proposed surface contours and provide for the property’s revegetation.
- Moderate volume mineral operations would be added as a special exception in the Table of Land Uses for the A(R), EC, P and IG districts. Moderate volume mineral extraction is already allowed

as a special exception in the IG District, but the text would be replaced as proposed. A grading plan meeting the same requirements as those for low volume operations will be required for approval. Moderate volume operations are also subject to the requirements of Sections 15.4, 15.5 and 25.6 of the Zoning Ordinance.

- High volume operations will continue to be permitted only with the application of the IM overlay. New IM districts cannot be established within the adopted urban growth area, town growth areas or rural villages.
- All volume classifications will be subject to the performance standards in Section 4.12.

The public information meeting concluded at 7:45 p.m.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Bowen made a motion to approve the minutes of the March 4, 2019 meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

SUBDIVISIONS

Cascade Community Center – Lot 1 [S-19-006]

Mr. Shaw presented for review and approval a preliminary/final plat for Lot 1 of the Cascade Community Center located at 14421 Lake Royer Drive. The property is 3.77 acres and is currently zoned SED (Special Economic Development). At the February 4, 2019 meeting, the Planning Commission approved a modification request to create a lot without public road frontage. The property contains the existing community center. The purpose of this plat is to create a standalone parcel for the property.

Motion and Vote: Mr. Reeder made a motion to grant staff the authority to approve the preliminary/final plat after all agency approvals have been received. The motion was seconded by Mr. Goetz and unanimously approved.

SITE PLANS

Taco Bell [SP-18-024]

Ms. Kelly presented for review and approval a site plan for Taco Bell to be located along the east side of Sharpsburg Pike. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct a 2,430 square foot restaurant with drive-thru. One access will connect the site from an interior street built by the land developer. A right-in only from the Sharpsburg Pike will aid customers in accessing the site. The site will be served by public water and public sewer. Hours of operation will be 7:00 a.m. to 2:00 a.m., 7 days per week. There will be an average of 6-7 employees per shift. There will be two deliveries per week when the restaurant is closed. Required parking is 32 spaces; 44 spaces will be provided. There will be a pylon sign located adjacent to Sharpsburg Pike and building mounted signs. Lighting will be pole and building mounted. Landscaping will include a variety of trees, shrubs and ground cover which will be in the front and rear of the building, throughout the parking lot and around the perimeter of the parking and drive-thru areas. Forest Conservation Ordinance requirements were addressed when the preliminary plat for the Shops at Sharpsburg Pike was approved; a payment-in-lieu was paid in the amount of \$94,163.11. Approvals are pending from the City of Hagerstown Water Department and the Health Department. All other agency approvals have been received.

Motion and Vote: Mr. Goetz made a motion to grant staff the authority to approve the site plan pending receipt of all agency approvals. The motion was seconded by Mr. Kline and unanimously approved.

Mennonite School [SP-19-006]

Ms. Kelly presented for review and approval a site plan for a proposed private school to be located at 17003 Sakech Lane. The property is currently zoned A(R) – Agricultural Rural. The owners are proposing to construct a 20,428 square foot school on a 15 acre parcel. The proposed building height is 20 feet. This will be a private school for grades K-12 with a maximum capacity of 150 students. The new school will replace the existing school currently located at Huyetts Crossroads. One access will be off of the Cearfoss Pike. A decel lane is proposed for the north side of the access. Public water and individual septic will serve the school. Hours of operation will be Monday through Friday, 7:00 a.m. to 5:00 p.m. There will be 10 employees. Required parking is 30 spaces and 70 spaces will be provided. There will be one delivery per week. Lighting will be building mounted and pole mounted throughout the parking lot. A proposed loading

zone will be located in front of the school. This will provide an area for both fire trucks and access for cars, if needed. Signage will be building mounted. Landscaping will be provided around the school, in the parking lot and in the bio-retention pond. Forestation requirements will be met by retaining existing forest off-site on lands of Andrew Michael. The Planning Commission reviewed the plans for a Forest Bank for Mr. Michael at its March 4th meeting.

Motion and Vote: Mr. Bowen made a motion to allow Forest Conservation requirements to be met using the Forest Bank for Andrew Michael, pending approval of the forest bank by the Board of County Commissioners. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

Motion and Vote: Mr. Bowen made a motion to grant staff the authority to approve the site plan pending all agency approvals and approval of the forest bank for Andrew Michael. The motion was seconded by Mr. Kline and unanimously approved with Commissioner Wagner abstaining from the vote.

FOREST CONSERVATION

Sam and Cassandra Billotti [FP-19-006; S-18-038]

Mr. Allen presented for review and approval a request to utilize off-site retention to meet remaining forest conservation requirements for a proposed three lot family subdivision located at 14515 Round House Farm Lane. The property is currently zoned A(R) – Agricultural Rural. The off-site retention would be at Kirk Woods Park in Hancock. Off-site retention is one of the least preferred options for forest mitigation and requires the developer to do 2:1 mitigation to satisfy the acreage requirements. A justification letter was submitted by the applicant.

Motion and Vote: Mr. Kline made a motion to approve the request for off-site retention to meet forest conservation requirements for Sam and Cassandra Billotti. The motion was second by Mr. Reeder and unanimously approved.

OTHER BUSINESS

Rosewood Commons Shared Parking Request

Mr. Shaw presented a shared parking request for Rosewood Commons within the Rosewood Village PUD. Rosewood Commons was approved as part of the Rosewood Phase IIA project and was described as “retail and office space” with minimum requirements for parking based on retail uses at 5.5 spaces per 1,000 square feet of gross floor area (122 required parking spaces) with 125 spaces provided including 5 handicapped spaces. Over the years, the occupancy has changed from mainly retail to food service establishments. Currently there are 7 restaurants, 2 retail businesses, both of which occupy two tenant spaces, and 5 vacant units. According to the applicant, there is 11,102 square feet of restaurant space which requires 1 space per 75 square feet of gross floor area which equates to 148 parking spaces. This well exceeds the number of spaces currently existing at the shopping center. Until the parking issue has been resolved, the applicant has been advised that no new building permit applications or zoning certifications will be processed.

The current food service establishments need 148 parking spaces and the retail needs 77 parking spaces for a total of 225 parking spaces. There are currently 125 parking spaces; leaving 100 spaces needed. The applicant provided a sketch showing the proposed shared parking spaces that would be utilized by the employees throughout the Rosewood PUD. The applicant noted that the restaurants have varying hours of operation and are not all open at the same time.

Discussion and Comments: It was noted that the proposed shared parking areas would be located in some of the residential lots; however, according to the applicant this will not affect the parking of residents. Commission members expressed many concerns including the following: 1) would residents have enough parking; 2) safety of employees walking from the parking areas to work; 3) parking for the next tenant that wants to lease space in the Commons; 4) negative effects on the current businesses; 5) negative effect on the property owner because available space is sitting empty.

Planning Commission members tabled this discussion until additional information can be obtained from the owner including: how does this impact the remainder of the PUD; the size of existing businesses and evaluation of operating hours; and will the vacant spaces be leased to more food services or retail business and how will the future parking problem be solved. Members were encouraged to drive by the areas at different times throughout the day.

Update of Staff Approvals

Mr. Holloway presented the following update for March: Land Development - 4 standard grading plans; 4 site plans, 4 forest stand delineations, 2 road adequacy plans, 6 storm water concept plans, 1 traffic study, 1 preliminary consultation, 1 preliminary/final plat, and 2 red-line revisions; Permits – 15 grading permits, 13 utility permits, 12 entrance permits and 2 non-residential new construction permits.

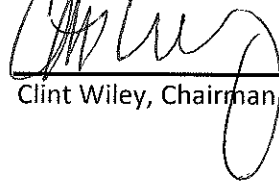
-ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, May 6, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,



Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
May 6, 2019**

The Washington County Planning Commission held its regular monthly meeting on Monday, May 6, 2019 at 7:00 p.m. at the Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Commission members present at the meeting were: Clint Wiley, Denny Reeder, Robert Goetz, Jr., David Kline, Jeremiah Weddle, and Ex-Officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Deputy Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Ashley Holloway, Director; Cody Shaw, Chief of Plan Review; and Lisa Kelly, Senior Planner.

CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

OLD BUSINESS

RZ-19-001 – Text Amendment – Alcohol Manufacturing Facilities

During the April 1, 2019 public information meeting, Ms. Baker presented a text amendment application to amend several sections of the Washington County Zoning Ordinance to address uses associated with alcohol manufacturing facilities. Public comments from the April 1st meeting as well as comments received via e-mail were distributed to the Commission members.

Discussion and Comments: Mr. Wiley reminded Commission members that Mr. Bowen, during the previous meeting, expressed his concerns with regard to the location of alcohol manufacturing facilities especially in residential areas. Mr. Kline stated that he likes the idea of simplifying an agricultural based alcohol manufacturing facility and he agrees that these facilities should not be located in residential neighborhoods. Ms. Baker explained that the proposed amendments would allow these facilities as a special exception use in the rural areas of the County with the exception of the farm breweries, wineries and distilleries which would be a principal permitted use. A pub brewery would not be permitted in the rural areas but would be considered a rural business because a pub brewery must be associated with a restaurant which is permitted in a rural business district. Staff is proposing to link the County's Ordinance with State Code because there are definitions that are unique to alcohol manufacturing facilities.

There was a brief discussion with regard to manufacturing alcohol for private consumption or for public consumption. Public safety is of utmost concern to staff as well as Commission members. Members also discussed at what point the business becomes commercialized versus an agricultural element for a small business. Ms. Baker explained this is the reason for the minimum requirement of 2 acres of product grown on the property to be used in the manufacturing of the specific product.

Mr. Goetz expressed his opinion that regardless of the type of business being conducted, requirements for the establishment of these types of businesses should be the same.

Mr. Weddle expressed his opinion that there should be some setback regulations for planting grapes on land adjacent to other agricultural activities.

Consensus: Members agreed that if the public is coming to the property regardless of the type of retail based business (i.e. tasting room, ice cream shop, etc.) the same requirements should be required including a site plan for the facilities. It was decided that the current text amendment application should be withdrawn at this time and a new application submitted to include recommendations made by Commission members. As part of the new application, members will consider setback requirements for planting grapes along property lines next to other agricultural uses. However, Mr. Goetz expressed his concern that there may be consequences in the future to such a requirement.

RZ-19-002 – Text Amendment – Mineral Extraction

During the April 1, 2019 public information meeting, Mr. Allen presented a text amendment application to amend several sections of the Washington County Zoning Ordinance pertaining to the regulation of mineral extraction activities. No public comments have been received regarding these amendments.

Motion and Vote: Mr. Reeder made a motion to recommend approval of the proposed text amendments to the Board of County Commissioners. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

Rosewood Commons Shared Parking Request

During the April 1, 2019 regular meeting, Mr. Shaw presented a shared parking request for Rosewood Commons within the Rosewood Village PUD. The developer has provided additional information in response to questions from the Commission last month. The maximum projected parking requirement is 243 spaces with 121 spaces being shared parking with the Rosewood PUD. The Rosewood PUD has a total of 736 parking spaces provided; the maximum parking required is 702 spaces. Therefore, there would be 34 extra spaces provided above the minimum requirement. Mr. Shaw noted that a redline revision to the site plan would be required to show the updated parking request, if approved.

Discussion and Comments: There was a brief discussion with regard to the vacant store fronts at Rosewood Commons and parking for these businesses in the future. It was noted that the shared parking areas away from the businesses are to be used by employees, not patrons.

Mr. Kline expressed his concern that there are no designated crosswalks when using the shared parking lot across the road from Rosewood Commons.

Motion and Vote: Mr. Reeder made a motion to approve the shared parking request. The motion was seconded by Mr. Goetz and unanimously approved.

-NEW BUSINESS

MINUTES

Motion and Vote: Mr. Kline made a motion to approve the minutes of the April 1, 2019 meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Mr. Goetz left the meeting at 7:45 p.m.

SUBDIVISIONS

Perini Industrial Land LLC [S-19-003]

Mr. Shaw presented for review and approval a preliminary/final plat for Lot 3 of Perini Industrial Land LLC located along the west side of Crayton Boulevard. The property is 10.18 acres in size and is currently zoned HI (Highway Interchange) with an AP/HW (Airport/Hazardous Wildlife Attractant Management) overlay. This plat is the result of an associated grading plan for Vista Business Park – Perini Avenue Extension, which will be connected to Crayton Boulevard thereby creating a subdivision. All agency approvals have been received with the exception of Plan Review Land Use, City of Hagerstown Sewer Department and Washington County Health Department.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the plat pending receipt of all agency approvals. The motion was seconded by Mr. Weddle and unanimously approved.

SITE PLANS

Project Snowman [SP-19-012]

Mr. Shaw presented for review and approval a site plan for a proposed manufacturing warehouse located at 100 Tandy Drive. The property is 20.5 acres in size and is currently zoned IG – Industrial General. The functional description of the site is for the manufacturing of roofing membranes and polyisocyanurate insulation materials and storage/distribution of roofing materials. The hours of operation will be 24 hours per day, 7 days per week. Total required parking spaces is 40; 126 spaces will be provided. The site will be served by public water and public sewer from the City of Hagerstown. Storm water management will be handled via underground treatment facilities and a regional pond facility. The developer is requesting the use of the payment-in-lieu to meet Forest Conservation requirements. All agency approvals have been received with the exception of the Health Department and Soil Conservation District.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan pending receipt of all agency approvals. The motion was seconded by Mr. Weddle and unanimously approved.

Hub City Vineyards [SP-19-009]

Ms. Kelly presented for review and approval a site plan for Hub City Vineyard Church at the current site of the Church of the Holy Trinity located along the south side of Oak Ridge Drive. The property is currently zoned RU – Residential Urban. Hub City Vineyard is proposing to construct a 13,007 square foot addition to the existing 14,600 square foot Church of the Holy Trinity. Both congregations will use the enlarged church for services. Hub City Vineyard will also run a child daycare facility during the week. The church offices are currently located in a separate building behind the church, which will remain as an office for both churches. An existing child play area and pavilion will remain. The site will have two entrances – one from Glenside Avenue and an exit only onto Oak Ridge Drive. Public water and public sewer will serve the site. Church services will be held on Sunday mornings. The child daycare facility will be open Monday thru Friday from 6:00 a.m. to 6:00 p.m. Parking required is 152 spaces; 164 spaces will be provided. A screened dumpster will provide for solid waste. Site lighting will be building mounted and pole mounted in the parking lot. Site signage will be building mounted. The owners are proposing to use the payment-in-lieu option in the amount of \$5,096.52 to meet Forest Conservation Ordinance requirements. Landscaping will be located around the church and throughout the parking lot. Storm water management will be provided via a bio-retention pond.

Ms. Kelly noted that when turning left onto Halfway Boulevard there is an embankment which will be graded slightly to help improve sight distance. Upgrades to the intersection by the developer will be completed at the access permitting stage.

Motion and Vote: Mr. Kline made a motion to grant staff the authority to approve the site plan pending receipt of all agency approvals and to approve the payment-in-lieu fee to meet forest conservation requirements. The motion was seconded by Mr. Reeder and unanimously approved.

FOREST CONSERVATION

Bowman Truck Terminal [FP-19-007; GP-18-008]

Mr. Allen presented for review and approval a request to utilize off-site retention to satisfy the .87 acre planting requirement for the grading of three lots adjacent to the existing truck terminal at 10038 Governor Lane Boulevard. The developer is proposing off-site forest retention on a 75.38 acre parcel owned by Mr. Bowman (the developer). Because off-site retention is a less preferred option for mitigation as described in the County's Forest Conservation Ordinance, 1.74 acres of off-site mitigation is required.

Motion and Vote: Mr. Reeder made a motion to approve the off-site retention request as presented. The motion was seconded by Mr. Kline and unanimously approved.

Fountainhead Properties Management [FP-19-009]

Mr. Allen presented for review and approval a request to move a disturbed portion of an existing forest conservation easement at 13716 Crayton Boulevard off-site into the Andrew Michael forest mitigation bank recently established near Cearfoss. The applicant is requesting to modify the existing forest easement and forest conservation plans previously recorded for the site and to move a small portion of the easement off-site into the forest bank. The property was encumbered by an easement as part of various development projects in the early 2000s. The easement has been temporarily and permanently disturbed by adjacent land uses that have made replanting all existing acreage onsite unrealistic. The proposed plan seeks to restore the disturbed acreage both through onsite replanting and offsite retention in the Andrew Michael Forest Bank.

Motion and Vote: Mr. Reeder made a motion to approve the request as presented. The motion was seconded by Mr. Weddle and unanimously approved.

OTHER BUSINESS

Update of Staff Approvals

Mr. Holloway presented the following update for April: Land Development – 3 public works agreements; 2 site plans, 1 forest conservation plan, 1 storm water management concept plan, 1 traffic study, 1 ordinance modification, 1 subdivision plat, 6 inspection and maintenance agreements; Permits – 8 grading permits, 3 residential addition/alteration permits, 9 entrance permits and 2 non-residential new construction permits.

-ADJOURNMENT

Mr. Weddle made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Mr. Kline and so ordered by the Chairman.

-UPCOMING MEETINGS

1. Monday, June 3, 2019, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 W. Washington Street, Room 2000, Hagerstown, MD 21740

Respectfully submitted,

Clint Wiley, Chairman



Agenda Report Form

Open Session Item

SUBJECT: County Solar Facilities Estoppel Certificates and Lease Amendments

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Andrew Eshleman, P.E., Director, Public Works

RECOMMENDED MOTION: Move to approve the execution of Estoppel Certificates and Lease Amendments in connection with existing Solar Facility Site Leases and existing Power Purchase Agreements for the facilities identified as Creek, Resh S1, Rubble 1, and Rubble 2.

REPORT-IN-BRIEF: The County has four Solar Facilities Site Lease Agreements and four corresponding Power Purchase Agreements (“Agreements”) with Spear Point Energy, LLC (“Spear Point”), for the above-identified facilities. Spear Point has notified the County that it is selling and transferring its interests in the solar facilities. Spear Point has requested the County’s execution of Estoppel Certificates and Lease Amendments to facilitate the sale and transfer of Spear Point’s interests under the Agreements to Spear Point’s successor in interest, Clara Cressingham LLC.

DISCUSSION: Spear Point is in compliance with the terms and conditions of its Agreements with the County and has requested the County’s execution of the Estoppel Certificates and Lease Amendments in accordance with applicable provisions of the Agreements to sell and transfer its rights to the four solar facilities and to adjust the boundary drawings of the leased premises to reflect as-built conditions. These transfers will not affect the terms and conditions of the original Agreements which will be binding upon Spear Point’s successor in interest.

FISCAL IMPACT: N/A

CONCURRENCES: County Attorney’s Office

ALTERNATIVES: N/A

ATTACHMENTS: Support of Amendment of Lease, Preliminary Draft Land Title Survey

AUDIO/VISUAL NEEDS: N/A



SPEAR POINT ENERGY

July 16, 2018

Washington County Board of Commissioners
Jeffrey Cline, President
Terry Baker, Vice-President
Wayne Keefer, Commissioner
Cort Meinelschmidt, Commissioner
Randall Wagner, Commissioner

Re: Support of Amendment of Lease

Dear Board of Commissioners:

Spear Point Energy in its capacity as Managing Member of WCMD Spear Point Solar I, II & IV is asking for your formal support in amending the current leases between us relating to the solar electric generating facilities at several of the County properties. The adjustments being requested will result in fewer acres being leased under the same commercial terms to the County.

These amendments became necessary after it was discovered that several fence lines surrounding the solar facilities were installed outside of the current lease area. It is our belief, and one that we hope the County will share, that it is better to leave the fence lines as installed than to move them to prevent disturbing soil stabilization efforts made after the generating facilities were installed.

Attached to this letter are exhibits which illustrate the current lease area, the location of the fence lines and finally the proposed lease area.

We very much appreciate your consideration.

Sincerely,

Spear Point Energy LLC
Scott Delaney, Executive Vice President of Operation

Encl:

- Exhibit 1 - Rubble 2 Site - Proposed vs Current Lease Area
- Exhibit 2 - Rubble 1 Site - Proposed vs Current Lease Area
- Exhibit 3 - Creek Site - Proposed vs Current Lease Area



Open Session Item

SUBJECT: Budget Adjustment

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: Sara Greaves, Chief Financial Officer

RECOMMENDATION: To approve the budget adjustment to use OPEB funds budgeted in FY2020 as additional pension contribution.

REPORT-IN-BRIEF: Throughout the FY2020 budget discussion, funds budgeted for Other Post- Employment Benefits (OPEB) were discussed to be used as an additional pension contribution. Approval is required to expense funds accordingly.

DISCUSSION: For a variety of reasons, the OPEB Trust is well funded and does not require a contribution in FY2020. As discussed throughout the budget cycle, funds were budgeted in the FY2020 OPEB account for the purpose of making an additional payment towards the Pension Trust in order to increase the funding level of the plan.

Payments made to Pension, OPEB, and LOSAP are made early in each fiscal year.

For clarity and approval, a request is being made to approve the budget adjustment herein, so that the additional payment can be made.

FISCAL IMPACT: \$1,221,000

CONCURRENCES: N/A

ALTERNATIVES: Do not make the additional payment

ATTACHMENTS: Budget Adjustment

AUDIO/VISUAL NEEDS: None



Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance Digitally signed by Kelcee Mace Date: 2019.07.08 11:28:14 -04'00'

Preparer, if applicable Digitally signed by Sonja Hoover Date: 2019.07.08 10:28:23 -04'00'

Department Head Authorization

Division Director / Elected Official Authorization Digitally signed by Sara Greaves Date: 2019.07.08 11:22:34 -04'00'

Budget & Finance Director Approval Digitally signed by Kimberly Edlund Date: 2019.07.08 11:44:09 -04'00'

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

| Expenditure / Account Number | Fund Number | Department Number | Project Number | Grant Number | Activity Code | Department and Account Description | Increase (Decrease) + / - |
|------------------------------|-------------|-------------------|----------------|--------------|---------------|------------------------------------|---------------------------|
| 500160 | 10 | 11200 | | | | OPEB | -565,000 |
| 500130 | 10 | 11200 | | | | Pension | 565,000 |
| 500160 | 20 | 20010 | | | | OPEB | -240,000 |
| 500130 | 20 | 20010 | | | | Pension | 240,000 |
| 500160 | 21 | 21010 | | | | OPEB | -60,000 |
| 500130 | 21 | 21010 | | | | Pension | 60,000 |
| 500160 | 23 | 23010 | | | | OPEB | -3,000 |
| 500130 | 23 | 23010 | | | | Pension | 3,000 |
| 500160 | 24 | 24010 | | | | OPEB | -9,000 |

Explain Budget Adjustment

Required Action by County Commissioners No Approval Required Approval Required Approval Date if Known



Open Session Item

SUBJECT: Accounting and Audit of Funds to Independent Companies

PRESENTATION DATE: July 30, 2019

PRESENTATION BY: R. David Hayes, Director, Division of Emergency Services and Sara Greaves, Chief Financial Officer

RECOMMENDATION: For informational purposes only.

REPORT-IN-BRIEF: A summary of Accounting and Auditing of County appropriations and independent volunteer fire and EMS companies.

DISCUSSION:

Accounting - The County has contracted with Smith, Elliott, Kearns, & Co. to review, account, and report on distributions made to Fire and EMS companies in accordance with County and State Policies on a reimbursement basis. Reimbursements will be made on a quarterly basis for expenditures incurred within that quarter. This method provides detailed accounting for distributions made to companies. This practice costs the county \$82,400 for FY2020

Smithsburg Scope with SEK – Smithsburg EMS contracted separately with Smith, Elliott, Kearns, & Co to do the following:

- Prepare financial statements for 6/30/2019
- Prepare Form 990
- Bookkeeping services

SEK is contracted to perform a compilation, which takes information from the company's reports and uses that to create financial statements and the 990. They did not contract to verify the accuracy or completeness of the information, nor did they contract to verify company policies and procedures were applied consistently. They were contracted for the above preparation of statements for \$6,000.

Smithsburg Audit – This audit will include examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The audit will include obtaining an understanding of the Organization and its environment, including internal control, enough to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Organization, or to acts by management or employees acting on behalf of the Organization.

The audit will also evaluate the organizations compliance with department of labor regulations as they pertain to payroll of emergency services workers, including compensation of overtime and compensatory time payments.

The audit will include a review of 401K contributions from 2019 and a determination in whether or not those payments were made in compliance with policy and/or existing procedures. Estimated cost \$15,000 (to be determined).

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: None