



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 27, 2019

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:03 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the minutes of August 13, 2019. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to convene in closed session at 8:04 a.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Sections 3-305(b) (1), (4), and (7), of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of specific individuals to local advisory committees over which the Commissioners have appointing authority and discussed specific employment recommendations with staff. Also, the Commissioners received information regarding the proposals for business organizations to locate, expand, or remain in the State. Additionally, the Commissioners received legal advice concerning property rights and interests on contractual matters involving real estate and gave staff direction regarding these matters. The Commissioners also discussed and received legal advice/information on the status of a pending legal claim.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney; Kendall McPeak, Deputy County Attorney; Andrew Bright, Assistant County Attorney, and at various times, Susan Small, Director of Business Development; Ashley Holloway, Director of Plan Review and Permitting; Deb Condo, Deputy Director of Human Resources; John Pennesi, Deputy Director, Public Works, Parks & Facilities; Todd Moser, Real Property Administrator; Scott Hobbs, Director of Engineering; Dan Divito, Director, Environmental Management; and Oliver Terver, Plant Manager; Mike Noll, Environmental and Public Affairs Manager, John Favazza, and Jill Benoit, Regional Manager, with Holcim Management.

RECONVENE IN OPEN SESSION

Commissioner Keefer, seconded by Commissioner Wagner, moved to reconvene in open session at 9:56 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners provided a brief insight into events attended and support provided throughout Washington County community.

Commissioner Keefer recognized members of the County team, Dave Hays, Director of EMS, and Brittany Higgins, Public Relations, for a very informative presentation during MACo. Additionally, he requested an item be added to an upcoming agenda regarding redline zoning appeal process for citizens.

Commissioner Meinelschmidt requested an agenda item regarding solar and potential ordinances to include Les Knapp from the Maryland Association of Counties (MACo).

Commissioner Wagner asked for an approximate dollar amount that the County has saved relative to the recent reorganization and the "freeze" on certain positions, as well as the effectiveness of not filling certain positions.

President Cline asked staff to recognize upcoming Parks and Facilities retiree, Earl Pereschuk.

REPORTS FROM COUNTY STAFF

Human Resources

Deb Condo requested approval of an upgrade for Christopher Boggs, Land Preservation Planner, from a grade 12 to a grade 13, within the Division of Planning and Zoning, retroactive to July 16, 2019.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve as presented. The motion passed unanimously.

Ms. Condo requested approval to promote Rebecca Calimer to the position of Chief of Plan Review, Division of Plan Review & Permitting, grade 16, step 1.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the promotion as presented. The motion passed unanimously.

The Commissioners reached a consensus to promote Michael Nelson to the position of Maintenance Lead Worker, grade 9, step 11.

Division of Emergency Services

Dave Chisholm provided the Board with an update on the financial status of the Smithsburg Volunteer EMS. Jonathan Hart provided the Board with an update on the status of the SAFER grant, as well as the candidate search process, as outlined in the grant.

Division of Engineering

Todd Moser, Real Property Administrator, and Mark Bradshaw, Deputy Director of Environmental Management, requested that the Board place a 21.34-acre parcel on Pennersville Road into an on-site forest conservation mitigation bank.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the request as presented. The motion passed unanimously.

County Clerk – Boards and Commissions

Washington County Community Health Advisory Commission

Krista Hart, County Clerk, recommended the appointment of Jennifer Foltz to serve a first full three-year term from September 1, 2019 through August 31, 2022.

Washington County Disabilities Advisory Committee

Ms. Hart recommended the appointment of Sarah Thorton to serve a first full three-year term from September 1, 2019 through August 31, 2022.

CITIZENS' PARTICIPATION

None

PROPERTY ACQUISITION FOR WIDENING OF EASTERN BOULEVARD

Mr. Moser, and Scott Hobbs, Director of Engineering, recommended approval of option agreements for partial property acquisitions including fee simple and/or easements for 1118 Klick Way; 521, 531, 905, 907, 909, and 913 Antietam Drive, and to approve an ordinance approving said purchases and to authorize the execution of the necessary documentation to finalize the acquisitions for the widening of Eastern Boulevard project. Mr. Moser briefed the Board on each property to include the following details:

1118 Klick Way (Commercial)	2,012 sq. ft. fee simple acquisition 4,895 sq. ft. temporary construction easement 1,155 sq. ft. perpetual drainage easement	\$26,600
521 Antietam Drive	978 sq. ft. temporary construction easement	\$150
531 Antietam Drive	1,195 sq. ft. fee simple acquisition 1,206 sq. ft. temporary construction easement	\$1,300
905, 907, 909, and 913 Antietam Drive	1,041 sq. ft. temporary construction easement 349 sq. ft. perpetual drainage easement	\$700

Mr. Moser shared that the total amount of \$28,750 is budgeted in the Capital Improvement Project for Eastern Boulevard Widening.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the option agreements for partial property acquisitions as presented, and to approve an ordinance authorizing said purchases, and execution of the necessary documentation. The motion passed unanimously.

CLAGGETT'S MILL – DISSOLUTION OF APFO (ADEQUATE PUBLIC FACILITIES ORDINANCE) AGREEMENT

Kirk Downy, County Attorney, presented the request of Jason Wiley, Manager of Claggett's Mill, LC, to dissolve and rescind the Claggett's Mill APFO Agreement dated April 25, 2007. Mr. Downey explained that, under the APFO agreement, Claggett's Mill is required to pay \$22,000 per lot to mitigate school capacity issues; however, without the agreement, the contribution required from Claggett's Mill would be \$2,891.46 per lot.

Steve Cvijanovich, Senior Project Manager, Fox and Associates, shared that there are 48 lots platted. Section II of the development would add an additional 100 lots with a total of 148 lots on the south side of Poffenberger Road. (101 lots would be affected by the APFO, which includes the 100 lots unplotted plus one lot of the 48 platted which is not developed.)

Commissioners reached a consensus that further information is needed relative to school capacity. No motion was made pending the Board's receipt of additional information as requested and presented at a future meeting.

EXPRESS APPROVAL: FUNKSTOWN PROPOSED ANNEXATION

Steve Goodrich, Director, Planning and Zoning, requested express approval be granted to the Town of Funkstown to allow development on annexed property in conformance with the Funkstown Town Residential zoning on 111.19 acres. Mr. Goodrich provided the Board with information regarding each property owner under the request, to include current zoning.

Commissioner Wagner, seconded by Commissioner Keefer, moved to grant the express approval to the Town of Funkstown as presented. The motion passed unanimously.

PUBLIC HEARING: REQUESTS BY ORGANIZATIONS TO BE ADDED TO THE LIST OF NONPROFIT ORGANIZATIONS TO WHICH THE BOARD OF COUNTY COMMISSIONERS MAY CONTRIBUTE FUNDS, PURSUANT TO §1-108 OF THE CODE OF THE PUBLIC LOCAL LAWS OF WASHINGTON COUNTY, MD

President Cline convened a public hearing at 11:12 a.m. to obtain public comment regarding requests by various Washington County nonprofit organizations to which the Board of County Commissioners may contribute funds, pursuant to §1-108 List. Mr. Downey presented the letters of request received from:

- Maryland Crime Victims' Resource Center
- Brooke's House
- Rise Up Hagerstown
- Conococheague Little League
- American Red Cross – Western Maryland Chapter
- Leitersburg Ruritan Club, Inc.

Mr. Downey explained that approval by the Board for the nonprofit organizations to be added to the §1-108 list does not assure that the organizations will receive funding from the County. That decision is made separately as a part of the Community Organization Funding process and ultimately the County's budgetary process.

The hearing was opened for public comment. Johann Wehrle, representing MD Crime Victims' Resource Center, made a brief presentation to the Commissioners. The public hearing was closed at 11:19 a.m. The meeting was opened for questions from the Commissioners, and there were none.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve a resolution adding the six (6) organizations to the §1-108 List as presented. The motion passed unanimously.

(Resolution No. RS-2019-16 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

SOLID WASTE SUPERVISOR CONSOLIDATION PLAN

Dan Divito, Director of Environmental Management, and Dave Mason, Deputy Director of Solid Waste, recommended approval of a consolidation plan for the Department of Solid Waste, to include a new position of Superintendent of Landfill and Recycling Operations (Grade 15, non-exempt) which would be a combination of Anthony Drury's position as current Recycling/Operations Coordinator position and a vacant Assistant Solid Waste Director position. Additionally, Mr. Divito shared that, in order to maintain internal equity within the Division, he has requested to change the status of the other Superintendents to non-exempt. Mr. Divito also requested to fill a new part time position of Customer Service Representative (Grade 11).

The Commissioners discussed the request and reached a consensus to make no decision and instructed staff to bring the matter forward at a future meeting for further consideration.

APPROVAL OF THE BY-LAWS FOR THE COMMUNITY ORGANIZATION FUNDING COMMITTEE

Susan Buchanan, Director, Office of Grant Management, and Krista Hart, County Clerk, requested approval of by-laws, as amended, for the Community Organization Funding Committee. Ms. Buchanan discussed the proposed changes with the Board, to include changing the member term from a two (2) year term to a four (4) year term so that it runs consecutively with the Commissioners' terms.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the by-laws for the Community Organization Funding Committee as presented. The motion passed unanimously.

HAGERSTOWN URBAN IMPROVEMENT PROJECT GRANT AGREEMENT AND AMENDED SUB-RECIPIENT AGREEMENTS REVIEW AND APPROVAL

Ms. Buchanan recommended approval of sub-recipient agreements for execution to the Urban Improvement Project (UIP) partners for consideration and formal approval by their respective Boards, and to allow for non-substantive modifications to the sub-recipient agreements with the concurrence of the County Attorney; and upon execution of all three sub-recipient agreements, approve the execution of the Fiscal Year 2019 Capital Projects Grant Agreement between the State of Maryland, and the County.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the execution of the Fiscal Year 2019 Capital Projects Grant Agreement between the State of MD and the County. The motion passed unanimously.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the sub-recipient agreements for execution to the UIP partners for consideration and formal approval by their respective Boards, and to allow for non-substantive modifications to the sub-recipient agreements with the concurrence of the County Attorney. The motion passed unanimously.

COMMUNITY ORGANIZATION FUNDING – SERVICE PRIORITY AREAS FOR FISCAL YEAR 2021 (FY21)

Ms. Buchanan presented the proposed service priority areas developed by the Community Organization Funding Committee (COFC) in preparation for the FY21 application process. Ms. Buchanan indicated that \$774,000 is available for disbursement subject to any adjustments that may be made during the budget year. The COFC developed the following six (6) service priority areas for consideration by the County Commissioners: Arts and Culture (14%), Domestic Violence (39.6%), Families and Children (33%), Recreation (3.5%), Seniors (8.7%), and Other (1.2%). Ms. Buchanan stated that the COFC retains the latitude to move 10% from one category to another. The Commissioners discussed the process involved in the disbursement of funds.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the request as presented. Motion withdrawn by Commissioner Wagner.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the request as presented with a revised available percentage of 20% of approved amounts which can be moved between service priority areas by the COFC annually. The motion passed 4-1 (Commissioner Cline voted “NAY”)

PROPOSED PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR SOLAR HAGERSTOWN, LLC

Justin Fike, Principal for Aperture Power, requested approval for a PILOT Agreement with Solar Hagerstown, LLC. Mr. Fike described the project as a 10MWac solar project called Solar Hagerstown in Washington County, which will utilize approximately 70 acres of land adjacent to the Holcim Cement Plant and is proposed to sell electricity to Holcim under a long-term power purchase agreement. Mr. Fike shared that the proposed annual payment would be \$6,000 per MWac of installed capacity, beginning the year that the Project’s business personal property is subject to County tax, and would continue through the initial 35-year term of the ground lease with the landowner.

Commissioner Wagner moved to approve with amendment to include a change to \$6,500 per MWac of installed capacity for 25 years. The motion failed for lack of a second. (Commissioner Meinelschmidt recused himself from the matter due to professional regulations.)

EMEGENCY MEDICAL SERVICES (EMS) SPECIAL PROCEDURES AND AUDITING SERVICES

Dave Hays, Director, EMS, and Kim Edlund, Director of Budget and Finance, brought forth a draft Request for Proposals (RFP) for special procedures and auditing services of the various volunteer fire and EMS organizations. Mr. Hays shared that Option 1 for the RFP would entail an audit based on a set of agreed upon procedures and Option 2 would include a financial statement audit.

The Commissioners reached a consensus to move forward with the RFP, and to obtain pricing for both options as presented.

CITY / COUNTY MEMORANDUM OF UNDERSTANDING BRIEF

Mr. Hays, and Chief Lohr, City of Hagerstown, presented for consideration a DRAFT Automatic/Mutual Aid Memorandum of Understanding (MOU) which would identify each elected body's responsibility and stated commitment relative to providing the citizens of Washington County with timely and effective emergency services.

RECESS

The meeting recessed at 12:40 p.m. and resumed at 2:04 p.m.

JOINT MEETING WITH THE CITY OF HAGERSTOWN MAYOR AND COUNCIL

A joint meeting of Board of County Commissioners of Washington County, Maryland and the City of Hagerstown Mayor and Council was held at 100 West Washington Street, Suite 1113, Hagerstown. In attendance were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. In attendance for the City of Hagerstown were Mayor Robert E. Bruchey, II, and City Council members Kristin Aleshire, Austin Heffernan, Emily Keller, and Shelley McIntire (Councilman Lewis Metzner was absent). Also in attendance were City Administrator Scott Nicewarner, and City Clerk Donna Spickler.

Mayor Bruchey opened the meeting by thanking the Commissioners for hosting the joint meeting.

The agenda as proposed by the City of Hagerstown included:

TAX SALE PROPERTIES

Jonathan Kerns, Community Development Manager, and Paul Fulk, Code Administration, presented information regarding several vacant properties which remain unsold during tax sales and discussed a proposed solution, modeled after Dorchester County's Tax Sale Property Repurpose Program.

The Commissioners discussed options for implementing a pilot program to work with the City of Hagerstown to reduce the number of vacant properties in the City of Hagerstown. Staff will continue to discuss the matter and return at a later date with a more-definite proposal.

ANNUAL PAYMENT FOR CONSOLIDATED COMMUNICATIONS CENTER

Dave Hays, Director of EMS, discussed an annual payment of \$400,000 from the City of Hagerstown to Washington County for the consolidated communications center, which includes two (2) City of Hagerstown Police Department staff members. Agreement was reached that there has been no found document or contract which stipulates the terms requiring the \$400,000 payment; Commissioners and Town Council members reached a consensus that further discussion at a staff level will need to be held relative to a resolution prior to bringing the matter forth for Commissioner/Council review.

AUTOMATIC AND MUTUAL AID FIREFIGHTING, RESCUE, AND EMS AGREEMENT

Chief Steve Lohr and Director Hays discussed a DRAFT Automatic/Mutual Aid Memorandum of Understanding (MOU) with the City of Hagerstown, which would identify each elected body's responsibility and stated commitment relative to providing the citizens of Washington County with timely and effective emergency services.

Council Member Emily Keller asked that tax differential and funding, relative to EMS and Fire, be discussed at a future meeting.

MEDIUM-RANGE GROWTH AREA (MRGA) AND ECONOMIC DEVELOPMENT

GOALS

City Administrator Scott Nicewarner introduced the matter and asked that Kathy Maher, Planning Director, provide additional information.

Ms. Maher and Steve Goodrich, Director of Washington County Planning and Zoning, provided the Town Council and Commissioners with information relative to the wastewater exemption requests which have been submitted for properties beyond the MGRA. Mr. Goodrich discussed areas as covered by the MGRA and areas as covered by the County's Urban Growth Area, sharing that joint discussion is underway with the City of Hagerstown in attempts to find a resolution for those parcels.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn at 3:40 p.m. The motion passed unanimously.



Krista L. Hart, *County Clerk*

