

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

January 9, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:04 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

APPROVAL OF MINUTES – DECEMBER 19, 2017 AND DECEMBER 29, 2017

Commissioner Barr, seconded by Myers, moved to approve the minutes of December 19, 2017. The motion passed unanimously (3-0; Commissioners Cline and Keefer abstained).

Commissioner Barr, seconded by Myers, moved to approve the minutes of December 29, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer stated that he and Jim Hovis, Chief Operations Officer, met in Cascade with parents and staff from the Boys and Girls Club to discuss concerns for after school programs and a possible partnership with the YMCA.

Commissioner Barr wished the local Western Maryland Delegation safe travels to Annapolis on January 10 as the session opens at noon and for the next ninety days they will be travelling to and from Annapolis. He thanked them for their time and efforts. Beginning next Wednesday, the legislative committee at the Maryland Association of Counties (MACo) will begin to meet on a weekly basis.

REPORTS FROM COUNTY STAFF

County Attorney – Budget Adjustment

John Martirano recommended budget adjustment for the County Attorney's Office requesting an increase in the Contracted Services line item of \$100,000 (to be taken from the General Operations – Miscellaneous account) to pay for legal fees associated with various litigation/claims and for other potential legal expenses that may be incurred between now and June 30th. The original amount of this line item was \$30,000 and as of today there is a remaining balance of \$9,044. Currently, there are outstanding invoices totaling \$60,753.05 which results in a shortfall of \$51,709.05. This proposed budget adjustment would leave a balance of \$48,290.95 in the Contracted Services line item once outstanding invoices are paid, leaving funds available for future expenses incurred between today and June 30, 2018, should it be needed.

Commissioner Keefer, seconded by Commissioner Myers, moved to approve the budget adjustment in the amount of \$100,000 to the County Attorney's line item for Contracted Services to be taken from the General Operations – Miscellaneous account as presented. The motion passed unanimously.

County Administrator

County Administrator Rob Slocum requested that Jim Hovis provide the Commissioners an update on the Public Hearing – Ordinance authorizing the prepayment of County Real Property Tax which was adopted on December 29, 2017. Mr. Hovis stated that to date, the County Tax office has received forty-six prepayments, of which fewer than five have requested a refund.

County Administrator Slocum welcomed Danielle Crabb to County Government as Director of Public Relations. He updated the Board of County Commissioners on future evening meetings to include Funkstown on January 16, Williamsport on February 6, Boonsboro on March 13, and the State of the County address currently scheduled for April 3. The Board of County Commissioners schedule is posted online at www.washco-md.net.

County Employee Vacation Hours Carryover

Rob Slocum stated that in December 2017, close to 200 employees have more than 200 vacation hours remaining due to software upgrades in the Health and Human Services Department, Permitting Department and Budget and Finance as well as other projects. Per County policy, the carryover amount for vacation hours is capped at two hundred hours. Mr. Slocum requested the Board approve the carryover of a maximum of 240 vacation hours (forty additional hours) for any eligible employee this year only. Commissioner Cline asked if other departments allow this carryover. Mr. Slocum stated that occasionally yes, under certain circumstances, however, this one time increase in the maximum allowed carryover would be County-wide. Commissioner Cline asked the financial impact to the County. Mr. Slocum stated that this could be looked at as no cost to the county and more of a support to the employees who have given more than they are required to during the software upgrades. Commissioner Keefer supported it as a County-wide offer.

Commissioner Keefer, seconded by Commissioner Barr, moved to approve the one time approval for a maximum carryover of 240 vacation hours for all employees. The motion passed unanimously.

CITIZENS' PARTICIPATION

Ajay King, P.O. Box 81, Maugansville, representing the West End Baptist Chapel, discussed the intentions of the Chapel for the Winter Street Elementary and stated that if its offer is accepted, the Chapel would be able to host programs to include providing meals and shelter for the homeless, indoor soccer, volleyball and basketball for the community.

Brandy Pence, chapel member of West End Baptist Chapel and Director/Care Supervisor at Lasting Change, 53 East North Avenue, Hagerstown, has witnessed the impact that the church has had on the community and residents who are battling the early stages of drug and alcohol addiction. She stated that it is her desire to be able to reach more clients and the Winter Street Elementary would provide space to do that.

Rick Boswell, P.O. Box 1776, Falling Waters, West Virginia, stated that he and the other three citizens have attended the Board of County Commissioners meeting to petition for West End Baptist Church to acquire the Winter Street Elementary School. He requested that the Board of County Commissioners give consideration to the Letter of Intent previously submitted.

Pastor Shane Wilt, 723 Marathon Drive, Hagerstown, would like the Board of County Commissioners to accept the Letter of Intent submitted for the purchase of Winter Street School by West End Baptist Chapel so that the chapel may continue to expand in serving the community and by furthering local connections. It hopes to partner with Fellowship of Christian Athletes in opening camps and activities in addition to providing a warm place of rest for homeless citizens.

Additional citizens' comments were delayed until later in the meeting due to a Public Hearing scheduled for 10:30 A.M.

PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT RZ-17-004

President Baker convened a public hearing at 10:30 a.m. to obtain public comment regarding the application from Bluegrass Commercial, LLC (Parcels 131 & 174) and Michael and Kelli Scott (Parcel 173), for Map Amendment RZ-17-004 to the Washington County Zoning Ordinance (Ordinance). The subject property consists of three parcels: 21314 Leitersburg Pike (+/- 2.94 acres "Parcel 1"), 21338 Leitersburg Pike (+/- .92 acres "Parcel 2") – each owned by Bluegrass Commercial, LLC, and 21385 Leiters Mill Road (+/-4.08 acres "Parcel 3") – owned by the Scotts. The application concerns the request to change the zoning classification from RV – Rural Village to RB – Rural Business floating zone. Commissioner Baker reviewed the procedures for the public hearing and County Executive Assistant Krista Hart administered the oath to those who planned to give testimony in the matter.

Steven Goodrich, Director, Planning and Zoning, explained that there are three parcels located in the application, identified by parcel numbers 131, 174 and 173, Property Map 26, currently zoned Rural Village. The three parcels are contiguous to a property currently owned by Bluegrass Commercial, LLC, which is currently zoned Rural Business, and the three parcels in the application border that parcel.

The Washington County Planning Commission considered the application during its regular meeting held October 3, 2017 and recommended approval of the Map Amendment RZ-17-004. The Planning Commission took into consideration the supporting documentation, the Staff Report and Analysis, and the verbal comments of interested parties during the public rezoning information meeting. No additional citizen comments have been received since the Planning Commission recommended approval on October 3.

Attorney Jason Divelbiss, Divelbiss and Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, presented the Applicant's case for Bluegrass Commercial, LLC and Michael and Kelli Scott.

The public hearing was opened for public comment and three individuals offered comments.

Donald Risser, 13460 Little Antietam Road, Hagerstown, commented against the proposal.

Herman Niedzielski, 21512 Leitersburg Smithsburg Road, Hagerstown, commented against the proposal.

Jason Divelbiss presented rebuttal on behalf of the Applicant. He addressed the issue of vehicles on site but stated this is an active site where New Direction operates its business. He further stated that it could be that the vehicles have not yet gone through the shop and issues such as screening can be dealt with during the site plan process. Mr. Divelbiss further addressed traffic issues and stated that additional traffic calming measures may be looked at during the site plan process.

The hearing was opened for questions from the Commissioners. Commissioner Baker asked if the vehicles located on the property are tagged or untagged. Attorney Divelbiss responded with uncertainty but stated that he thought most are part of the daily business and will be taken, at some point, into the shop for repair/maintenance.

The public hearing was closed at 10:56 a.m. The Commissioners took no action at this time regarding the map amendment and agreed to discuss the matter at a future meeting.

CITIZENS' PARTICIPATION (continued)

Holly Frazier, owner of My Favorite Place, 22527 Jefferson Blvd, Smithsburg, commented in favor of the express approval of Cloverly Hill Annexation so that she may expand her day care facility on the site.

Kevin Demmons, Chief of the Smithsburg EMS Department, 13514 Kretsinger Road, Smithsburg, commented in favor of the express approval of Cloverly Hill Annexation so that the EMS facility may be relocated to a new facility on land that will be donated by Daniel Cross.

Rich Hetherington, 131 Colton Court, Smithsburg, commented in favor of the express approval of Cloverly Hill Annexation.

Craig McCleaf, 64 South Main Street, Smithsburg, commented against express approval of Cloverly Hill Annexation.

Jason Divelbiss, counsel for Cloverly Hill, LLC, commented on the zoning requested by Daniel Cross and approved by the Town of Smithsburg. He stated that this action by the Town equals an endorsement of the Town zoning.

Steven Beaudoin, 1110 Potomac Avenue, Hagerstown, Executive Director of Maryland Symphony Orchestra (MSO), requested that the Board of County Commissioners approve forward funding for the Maryland Theatre Expansion project to keep the project moving forward. The MSO will be signing a lease agreement with the Maryland Theatre requiring

additional office space and will expand staff capacity. He further stated that this project will allow the MSO to serve more citizens and offer additional programs.

Neil Becker, 18047 Oak Ridge Drive, Hagerstown, stated there is concern with kindergarten readiness assessment scoring lower on students approaching kindergarten, not students attending after one year. He further stated there will be a public hearing next week relating to additional funding for the pre-kindergarten program that will hopefully boost learning opportunities to students. Mr. Becker requested budget approval for the Board of Education to fund more pre-kindergarten programs throughout Washington County.

EXPRESS APPROVAL – SMITHSBURG ANNEXATION OF CLOVERLY HILL, LLC

Stephen Goodrich, Director, Department of Planning and Zoning, brought forth the proposal to grant express approval to the Town of Smithsburg to allow development on the annexed Cloverly Hill, LLC property in conformance with the Town Residential and General Commercial zoning district in the acreage amounts and densities proposed which may be substantially different than the uses and densities that would be allowed under the current County zoning districts of Residential Transition and Business Local. The annexation has been formally approved by the Town of Smithsburg.

Commissioner Baker asked if the proposed new facility for the EMS Department would still be constructed under the current County zoning; Steve Goodrich stated he thought that it could. Commissioner Keefer inquired as to property taxes. Daniel Cross commented there he requested and the Town agreed to waive town real property taxes until the project has actually started; however, Cloverly Hill, LLC will be required to pay all County and State real property taxes.

Commissioner Myers, seconded by Barr, moved to grant the express approval to the Town of Smithsburg as presented. The motion passed with Commissioners Myers, Barr and Cline voting “AYE” and Commissioners Baker and Keefer “NO”.

THE MARYLAND THEATRE EXPANSION

Jessica Green and Benito Vattelana, representing the Maryland Theatre, requested that the Board of County Commissioners provide forward funding as it relates to the Maryland Theatre renovation/expansion project that is part of the larger Urban Improvement Project (UIP).

The Maryland Theatre requested that the Board of County Commissioners forward fund \$5 million, which is Governor Hogan’s pledge to the project, and also forward fund 50% of the private pledges received by the Theatre for this project. In addition to the forward funding requests, the Maryland Theatre also requested that the County agree to provide an additional \$1.5 million towards the Theatre expansion project. The Theatre has also requested \$1.5 million from the City of Hagerstown.

Commissioner Myers suggested structuring the \$1.5 million as a loan in order to keep the Maryland Theatre expansion project moving as there appears to be a February 1, 2018 deadline date for moving this project forward this year. In addition, he further suggested

that the County agree to forward fund the \$5 million State money until such funds are received from the State.

Commissioner Baker stated that he would consider a loan, but had some concerns about forward funding due to the potential risk that the money may not actually come from the State and he has a duty to protect the citizens of the County. Commissioner Baker suggested that the representatives of the Maryland Theatre meet with County staff to discuss further details and additional options. Commissioner Keefer stated that he supports the project and he could agree with a possible loan/grant. Commissioner Barr stated that he is in support of the forward-funding and the grant, and requested that the other Commissioners make a decision on this request today.

Commissioner Cline stated that he fully supports the proposal as presented and would like to move forward today.

County Administrator Rob Slocum stated that the County could consider a low-interest or no-interest loan to the Maryland Theatre.

Commissioners requested that County staff meet with representatives of the Maryland Theatre to explore various options and that this request be brought back to the Commissioners at a future meeting.

STATE DEVELOPMENT PLAN MEETING WITH MD DEPARTMENT OF PLANNING

Steve Goodrich welcomed Wendi Peters, Special Secretary of Smart Growth, and Rob McCord, Acting Secretary, Maryland Department of Planning. Mr. Goodrich explained that this meeting is an opportunity for the Commissioners to provide feedback regarding the new State Development Plan - A Better Maryland. The Commissioners were invited to speak and provide comments on the new State Development Plan.

County Administrator Rob Slocum asked what the Maryland Department of Planning is seeking from the citizens/residents. The Planning Department is seeking comments on how the State can do better and what are some of the challenges faced in this area.

Commissioner Keefer mentioned the I-81 widening project and the required sewer upgrades for smaller towns and communities, as well as safety with drug/crime, all for consideration by the Maryland Department of Planning.

The Maryland Department of Planning has scheduled a meeting this evening at Hagerstown Community College in order to receive citizen comments and for direct discussion.

CONVENE IN CLOSED SESSION

Commissioner Barr, seconded by Keefer, moved to convene in closed session at 12:36 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel

matter that affects one or more specific individuals; to consider matters that concern the proposals for business or industrial organizations to locate, expand or remain in the State; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b) (1) (4) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.


In closed session, the Commissioners discussed issues relating to specific proposals by several business entities hoping to locate, expand or remain in the County/State, including the marketing of property owned by the County; discussed a specific personnel matter/recommendation; discussed legal issues relating specific provisions of Maryland law and an ongoing contractual matter with counsel and staff; and considered a number of specific County employee hiring recommendations.

During closed session, the Commissioners provided direction to staff regarding proposals concerning the potential location or expansion of several businesses in the County; gave direction to staff concerning the marketing of certain real estate owned by the County; provided specific instructions to staff regarding an ongoing personnel matter; and provided specific direction to staff regarding several hiring/employment recommendations.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, Executive Assistant; John Martirano, County Attorney; and at various times Stephanie Stone, Director, Health and Human Services; Jim Sterling, Director, Public Works; Phil Ridenour, Director of Hagerstown Airport; Sheriff Mullendore; Susan Small, Real Property Administrator; Scott Hobbs, Director of Engineering, Jody Bell, Realtor, Re/Max Achievers; Sara Greaves, Deputy Director, and Kim Edlund, Director, Budget and Finance; David Hays, Director of Emergency Management; and Jim Hovis, Chief Operations Officer.

ADJOURNMENT

Commissioner Barr, seconded by Keefer, moved to adjourn at 2:34 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John Martirano, County Attorney



Krista L. Hart, Executive Assistant