



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

Open Session Minutes

March 19, 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 8:04 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 Wagner, moved to approve the minutes of March 5, 2019. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to convene in closed session at 8:05 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 the acquisition of real property for a public purpose and matters directly related thereto; to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b)(1), (3), (4), (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 a board over which the Commissioners have appointing authority; discussed the filling of certain personnel vacancies with specific individuals; considered the potential removal or resignation of a specific employee; consulted with counsel to receive legal advice concerning a collective bargaining matter; considered the possible acquisition of real property for the long-term placement of a public agency; and provided specific direction to staff concerning a legal matter. The Commissioners gave staff certain direction regarding each of the items discussed.

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; Kimberly D. Jacobson, Legal Secretary; Kirk C. Downey, County Attorney; Kendall McPeak, Deputy County Attorney; and at various times Deb Peyton, Director, and Debra Condo, Deputy Director, Health and Human Services; Susan Buchanan, Director,

Community Grant Management; Ashley Holloway, Director, Plan Review and Permitting; Susan Small, Director, Business Development; Ed Plank, Director, Highways; Todd Moser, Real Property Administrator; Scott Hobbs, Director, Engineering; Kaye Robucci, Director, Board of Elections; Barry Jackson, Deputy Director II, Board of Elections; Andrew Eshleman, Director, Public Works; and, Eric Paltell, Esquire, Kollman and Saucier, P.A.

RECONVENE IN OPEN SESSION

The Commissioners reconvened in open session at 10:10 a.m.

REPORTS FROM COUNTY STAFF

County Administrator

Rob Slocum presented the “34th Annual Home Show Most Interactive Presenter” award to Katie Rathvon, Brittany Higgins, Stephen Goodrich, Alex Reed, and Rich Eichelberger who represented Washington County at the Homebuilders Association of Washington County Home Show. Mr. Slocum praised their efforts.

Health and Human Services Position Recommendations

Deb Peyton, Director, requested that Tonia Davis be transferred to the Business Development Department from the Permitting Department; that Brandi Hambleton be hired to the full-time position of Emergency Communication Specialist Trainee position in the Division of Emergency Services; and that Travis Howes be transferred to the position of Equipment Operator II, Eastern Section, Highways Department. The Commissioners concurred with the recommendations as presented.

County Attorney

Kirk C. Downey, County Attorney, presented for approval and adoption Amendment #3 to the Memorandum of Understanding between the Board of County Commissioners for Washington County, Maryland, and Maryland Public Employees Council 67 AFL-CIO and its local 2677 AFL-CIO. The amendment pertains to updated membership provisions and membership dues payroll deductions as a result of the *Janus* decision.

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to approve Amendment #3 to the Collective Bargaining Agreement as presented. The motion passed unanimously.

CITIZENS’ PARTICIPATION

John Krowka, 21130 Roys Lane, Boonsboro, Maryland, requested an update from the Commissioners regarding the ethics and diversity policies.

Charles Wagaman, Jr., 13533 Halifax Drive, Hagerstown, Maryland, discussed the Cascade Town Center and expressed concerns over the terms of the Master Developer Agreement.

SECOND QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATIONS FISCAL YEAR 2019 GENERAL FUND BUDGET

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools, presented for approval, the second quarter adjustments to the Board of Education’s (BOE) Fiscal Year 2019 (FY19) General Fund Budget. Mr. Proulx provided an update as requested by the Commissioners at their prior meeting.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve the second quarter adjustments to the Washington County Board of Education's FY19 general fund budget as presented. The motion passed unanimously.

DELIBERATION / CONSENSUS DECISION ON APPLICATION FOR ZONING MAP AMENDMENT RZ-18-003, P OVERLOOK LLLP

Jill Baker, Deputy Director, Planning and Zoning, brought forth Zoning Map Amendment Application RZ-18-003 from applicant P Overlook LLLP for consideration and discussion by the Commissioners. The request is to rezone the property from Rural Village with nine (9) lot residential density restriction to Rural Village without a residential density restriction.

Kirk C. Downey, County Attorney, advised the Commissioners of the required considerations when considering approval or denial of a rezoning request.

The Commissioners discussed the specifics of the rezoning request. Commissioner Meinelschmidt suggested that there was no mistake made in the original decision and that there has been material change in the population of the neighborhood. He noted that increasing the density from nine (9) homes to twenty-five (25) homes would create concerns regarding increased traffic and increased demand on fire and rescue services. The Planning Commission's recommended denial was also noted. The Commissioners concurred with the considerations raised.

The Commissioners reached a consensus to deny the requested rezoning. A Decision with findings of fact will be prepared for consideration and adoption by the Commissioners.

CENSUS 2020 COMPLETE COUNT COMMITTEE

Ms. Baker, joined by Kathy Maher, Director, City of Hagerstown Planning and Code Enforcement, requested approval for Washington County to participate with the City of Hagerstown in the establishment of a unified Complete Count Committee for Census 2020. Ms. Baker explained the process and purpose of the Census and shared that as a result of this proposed committee, there may be some limited fiscal impacts for outreach materials.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the participation with the City of Hagerstown as outlined. The motion passed unanimously.

STATE HOMELAND SECURITY GRANT PROGRAM – APPROVAL TO SUBMIT GRANT APPLICATION AND ACCEPT AWARDED FUNDING

Allison Hartshorn, Grant Manager, Community Grant Management; Charles Brown, Deputy Director, and Oley Griffith, Emergency Management Specialist, Department of Emergency Services, requested approval to submit a \$153,800 State Homeland Security grant application to the Maryland Emergency Management Agency and accept all awarded funding. The grant would pay a partial salary for the Emergency Management Specialist, a part time position within the Washington County Sheriff's Office for Incident Management Team coordination, the cost of the Washington County Citizen Notification Program, and other costs that include training, equipment, public outreach and response capabilities. The performance period for this federal grant is September 1, 2019 through August 1, 2021. There is no match requirement to accept the award funding; however, the County is required to ensure that at least 25% of the grant funds are dedicated toward law enforcement related tasks or equipment.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the submission of a \$153,800 State Homeland Security grant application, to accept the funding if awarded, and to execute all required documentation necessary to accept said funding. The motion passed unanimously.

FISCAL YEAR 2020 ANNUAL TRANSIT GRANT APPLICATION – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Ms. Hartshorn, and Kevin Cerrone, Transit Director, requested authorization to file an application for a grant under the Federal Transit Act for Federal and State operational and capital grant funding through the Annual Transportation Improvement Plan. Grant funds are used to operate the Section 5307 Public Transportation Program - Fixed Route Transit, the American Disability Act Complementary Paratransit Program, the Job Opportunity Bus Shuttle program, the Statewide Special Transportation Assistance Program (SSTAP), also known as the Ride Assist Voucher Program and Capital Assistance Program (CAP). The local match requirement associated with the FY20 application is \$726,020 for the 5307 Operating Grant (General Funds), and \$144,840 for the 5307 Capital Grant (General Funds).

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the resolution authorizing the filing of the application for a grant under the Federal Transit Act and approve the execution of the grant agreement upon receipt, subject to review and the approval by the County Attorney's Office. The motion passed unanimously.

(Resolution No. RS-2019-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

RECESS

The Commissioners recessed at 11:15 am to attend the Annual Hagerstown Community College Board of Trustees FY20 Budget Presentation and Lunch.

RECONVENE

The Commissioners reconvened at 2:00 pm.

COUNTY COMMISSIONERS REPORTS AND COMMENTS

Commissioner Baker discussed the recent meeting of the Parks and Recreation Board and the three presentations made by the City of Hagerstown, the Town of Hancock, and the Town of Boonsboro. Mr. Baker thanked everyone at Hagerstown Community College for their warm welcome and expressed appreciation for their vision towards the future.

Commissioner Keefer distributed an Ethics Reform Committee Proposal to the Commissioners. He requested the matter be placed on an upcoming agenda as soon as possible for further discussion.

Commissioner Wagner shared concerns received from the community regarding transparency within operations of County government. He announced that Black Rock will be celebrating their 30th Anniversary from April 15—22, 2016.

Commissioner Meinelschmidt thanked Commissioner Keefer for raising the matter of ethics and diversity. He advised that he would be meeting with Citizens Above Partisanship next week to discuss the matter further. He offered congratulations to the Parks and Recreation Department for the successful St. Patrick's Day run. He also discussed attending the Destination Imagination competition held at Williamsport High School and commended all the students who participated.

Commissioner Cline commended County resident and firefighter Michael Nokes for going beyond the call of duty in a recent fire rescue in Montgomery County.

INTENT TO CONVEY REAL PROPERTY

Todd Moser, Real Property Administrator, Engineering; and Sydney Machat, Broker, requested the adoption of an ordinance declaring property located at 13529 Spriggs Street, Hagerstown (Spriggs); 11804 Partridge Trail, Hagerstown (Partridge); and 330 West Main Street, Sharpsburg (Main), as surplus property and to approve the conveyance of same, and to authorize the execution of the necessary documentation to finalize the conveyance. Mr. Moser provided information regarding the offers on the properties as follows: Spriggs – \$70,000 from Tyler Castle; Partridge – \$189,000 from Thomas and Carolyn Brewer; and Main – \$97,000 from Matthew Barnhardt.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to adopt an ordinance declaring the properties as presented as surplus properties and to convey the same and authorize the execution of the necessary documentation to finalize the conveyance. The motion passed unanimously.

(Ordinance Nos. ORD-2019-02, 2019-03, and 2019-04 are recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

CONVEYANCE OF LAND TO COUNTY

Mr. Moser, and Mark Bradshaw, Deputy Director, Environmental Management; and Ed Schreiber, Frederick Seibert and Associates, requested approval of a fee simple property conveyance of real property from CHIEF to Washington County. Mr. Moser explained that CHIEF has proposed the conveyance of 0.41 acres off Governor Lane Boulevard at no cost to the County. He added that the strip of land between Hagerstown Canteen Service, Inc. and I-81 extends between the County's pump station and I-81. CHIEF has agreed to dedicate the land between Hagerstown Canteen Service and I-81 to Hagerstown Canteen and the land between the pump station and I-81, with the ingress/egress parcel, to the County at no cost.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the conveyance of property from CHIEF to Washington County as presented. The motion passed unanimously.

PROFESSIONAL BOULEVARD BRIDGE

Scott Hobbs, Director, Engineering and Greg Snook, President, CHIEF, requested consensus to proceed with the Professional Boulevard / Bridge project (Project) as planned in the Capital Improvement Plan (CIP) budget. Mr. Hobbs explained that the Project has been identified in the CIP since FY13, with phase one of the Project being fully funded in FY19. Additionally, the Secretary of Transportation provided a \$1,120,000 grant for design of the Project. Mr. Hobbs

shared that staff is working to finalize the design, which includes County and City work for phase two, to include a Memorandum of Understanding for infrastructure responsibilities as related to the proposed annexation. Mr. Hobbs stated that the estimated total cost for the phase one / bridge and phase two project is \$13,000,000, which includes \$8,000,000 for the bridge. To date, approximately, \$1,400,000 has been spent on planning, design, and right-of-way costs associated with the Project. The City of Hagerstown also has Professional Court improvements listed in their CIP, and the estimated cost for their portion of the work is \$2,500,000. The total investment in Yale Drive was approximately \$9,000,000, and the estimated cost to complete Professional Boulevard between Yale Drive and Rosewood Village is approximately \$2,000,000 as identified in the CIP (FY24-25). The County has received \$2,820,275 in federal ARC grants for Yale Drive and anticipates receiving an additional \$1,000,000 ARC grant and \$1,200,000 in state aid for Professional Boulevard Phase 2 work. The Hagerstown-Washington County Industrial Foundation, Inc. (CHIEF) has donated land for the project and provided design, utilities, stormwater pond maintenance (10 years), and a portion of the earthwork at Yale Drive as part of their contribution. The road will provide access to approximately 150 acres of land targeted for office, research, and technology development and anticipates creating hundreds of jobs.

The Commissioners discussed the Project. Commissioner Baker proposed that the City take the project moving forward, since they will own the bridge once completed. Commissioner Keefer requested that a County Commissioner be allowed to serve as an ex-officio member on the CHIEF Board.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to proceed with the Professional Boulevard / Bridge Project as presented. The motion passed with Commissioner Wagner, Meinelschmidt, and Cline voting "Aye" and Commissioner Baker and Keefer voting "NO".

PRESENTATION OF THE 2020-2029 CAPITAL BUDGET – DRAFT 2

Sara Greaves, Chief Financial Officer, brought forth draft two of the 2020-2029 Capital Budget for the Boards review. She outlined the various portions of the budget where changes occurred for a total of \$20 million in overall budget cuts.

HIGHWAY DEPARTMENT ORGANIZATION PLAN

Mr. Eshleman, joined by Ed Plank, Director of Highways, requested that the Board approve organizational adjustments within the Highway Department. He explained that the proposed plan will support a new Director and elevate existing Highway personnel to promote operational efficiencies within the department. The Highway Director position is currently advertised and seeking a candidate with strong technical, leadership, interpersonal, and organizational skills. The Highway Department Director manages an \$11.1 million operations and \$1+ million capital budget, eighty-seven (87) full time employees that maintain County roads, stormwater facilities, sidewalks, signs and pavement markings, provide fleet services, manage inmate crews, and responds to emergency road conditions on a 24 hour/7-day per week basis. Currently, there is no other overtime exempt deputy director or supervisor of operations position to assist with managing the Department and no one from an organizational perspective who is assigned responsibility for highway operations in the absence of the Director. The next most senior operations supervisors are Grade 13 highway section or work crew managers. The management

of the Highway Department operations and budget requires centralized asset management coordination to identify and realize efficiencies.

Mr. Eshleman stated that a proposed phased plan will hire a new Highway Director from an internal/external applicant pool and then elevate a Grade 13 work crew supervisor from an internal applicant pool to a Grade 16 Supervisor of Operations position. Another current Highway Department employee would be elevated through an internal application process to fill the Grade 13 position. Following completion of the personnel adjustments, internal position transfers will be investigated, and staffing flexed as needed to ensure all essential crew roles are filled. Following the adjustments, the total number of full time Highway Department employees will remain at the present level of eighty-eight (88).

The overall personnel adjustments are intended to capitalize on operational efficiencies across the department. In addition to seeking operational efficiencies and savings, the adjustments are anticipated to produce varied wage savings relative to current budgets depending on the qualifications and experience of the individuals hired for the Highway Director and Supervisor of Operations positions. Wage savings will be realized due to hiring personnel at a lower step than current employees in the same position.

The Commissioners discussed the plan as presented and reached a consensus to delay a decision for one week to allow more time to consider the request.

CASCADE TOWN CENTRE

Susan Small, Director, Business Development; and Mr. Eshleman, brought forth the matter of selling the remaining 528 acres at the Cascade Town Centre, and discussed a starting price of \$3,500,000, in accordance with the Master Developer Agreement.

Mr. Eshleman explained that upon recent instruction received by the Commissioners, staff has recommended a sale price for the disposition of the remaining 528 acres of Cascade Town Centre Property. He shared that in accordance with the Master Developer Agreement, including the 11-point review process through JG Business Link International (JGBLI), offers will be presented to the Commissioners for approval. Mr. Eshleman added that the proceeds from the sale of the property will be added to the general fund.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the listing price of \$3,500,000 as presented. The motion passed unanimously.

WASHINGTON COUNTY STRATEGIC PLANNING MEETINGS

Rob Slocum, County Administrator, brought forth information for the Commissioners regarding the development of a strategic plan for an effective, efficient and transparent organization over the next four (4) years. Mr. Slocum explained that senior staff and the Commissioners attended meetings in February, facilitated by Patrick Jinks, President and Leadership/Strategy coach of the Jinks Perspective. Mr. Slocum explained the five (5) strategic imperatives which were identified as a result, which are:

1. Align our investment in public education with our shared pursuit of excellence and student success, in accordance with Maryland legislative guidelines.
2. Develop collaborative strategies to retain and cultivate our economic development

investments to grow the tax base in Washington County.

3. Reduce the burden on our volunteer-based emergency life safety services to continue providing critical services to Washington County citizens and businesses.
4. Become more strategic and proactive in communicating our value proposition, our intentions, and our results to our citizens.
5. Foster cross-sector, community engagement for collectively addressing the opioid crisis, which is currently placing significant strain on resources throughout our five (5) Service Lines.

Mr. Slocum shared that the total cost for the Jinks Perspective will be approximately \$16,300.

RESOLUTION CHANGING RESIDENT AGENT

Due to the absence of the County Clerk, this item was postponed for consideration at the Commissioner's next meeting.

FIVE YEAR GENERAL FUND PROJECTION

Ms. Greaves and Mr. Slocum provided information to the Board regarding a five (5) year general fund projection and other information as it relates to the FY20 budget priorities and funding mechanisms. Ms. Greaves also provided information concerning current county tax rates, both real estate and income tax, and a comparison of those rates with nearby jurisdictions.

Commissioner Baker left the meeting at 4:40 p.m.

Ms. Greaves requested a motion to approve the Budget Adjustment Form to redirect apparatus funding to assist with the FY2019 deficit.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the budget request as presented. The motion passed unanimously (4-0, Commissioner Baker was absent.)

COUNTY STAFF (continued)

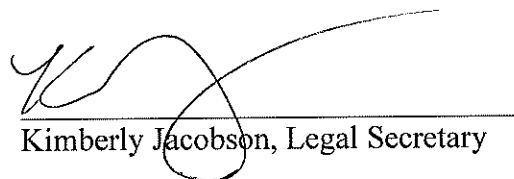
County Clerk – Appointment / Reappointment to Boards and Commissions:

Animal Control Authority of Washington County

Commissioner Keefer, seconded by Commissioner Wagner, moved to appoint Daniel Mackley to serve a first, full three (3) year term as a member at large, from March 1, 2019 through February 28, 2022 on the Animal Control Authority. This is not a paid board. The motion passed unanimously. (4-0, Commissioner Baker was absent.)

ADJOURNMENT

Commissioner Keefer, seconded by Commissioner Wagner, moved to adjourn at 5:13 p.m. The motion passed unanimously. (4-0, Commissioner Baker was absent.)



Kimberly Jacobson, Legal Secretary