

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

October 10, 2017

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 2:05 p.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 – SEPTEMBER 26, 2017

Commissioner Keefer, seconded by Myers, moved to approve the minutes of September 26, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Barr reported attending the ribbon cutting for the E.M. Tobias Family Center for mental health managed by Potomac Case Management.

Commissioner Baker commented that he attended a meeting of the Clear Spring Mayor and Town Council where Sheriff Doug Mullendore presented the Strategic Highway Safety Plan to be reviewed and approved by all municipalities.

REPORTS FROM COUNTY STAFF

County Administrator

County Administrator Rob Slocum commented that, at the County's request, the State Highway Administration has synchronized traffic lights from the Lowe's entrance to Virginia Avenue at Halfway Boulevard. The timing change will save time and fuel for motorists. He also read a note from a local business thanking Kathleen Lange for excellent service received in the Permitting Department.

CITIZENS' PARTICIPATION

Chip Wood, advocate for the Civil War Rail Trail, discussed the matter. He requested that the Commissioners send a letter to Secretary Mark Felton of the Department of Natural Resources asking him to address the uncertainties of legal ownership of property along the proposed trail.

Mary Baykan, Director, Washington County Free Library commented on the lack of a uniformed police officer in the downtown library due to staff shortages at the City of Hagerstown Department of Police. She requested that the County and City work together to fill this need.

October 10, 2017

Page 2

BID AWARD – BULK ROAD SALT

Rick Curry, Buyer, Purchasing, and Ed Plank, Director, Highway Department, recommended award of the contract for the purchase/delivery of Bulk Road Salt (PUR-1361) to the responsible, responsive bidder, Cargill, Inc. of North Olmsted, Ohio, that submitted the lowest price of \$62.38 per ton. The salt would be purchased on an as-needed basis for snow and ice control on County-maintained roads. Mr. Curry indicated that the County uses an average of 20,000 tons of road salt annually. There is no guaranteed minimum/maximum quantity of bulk road salt to be purchased under this contract. Funds are budgeted in various accounts for the product.

Commissioner Barr, seconded by Myers, moved to award the contract for the purchase/delivery of Bulk Road Salt to the responsible, responsive bidder, Cargill, Inc. of North Olmsted, Ohio, that submitted the lowest price of \$62.38 per ton. The motion passed unanimously.

INTENT TO CONVEY REAL PROPERTY TO HOPEWELL LANDING, LLC

Susan Small, Real Property Administrator, Engineering, requested approval to declare certain real property consisting of 430 ± linear feet (8,552 square feet) of the former Hopewell Road roadbed as surplus, approve the conveyance of the same and authorize the execution of the necessary documentation to finalize the conveyance. Ms. Small stated that Hopewell Landing, LLC has requested the abandoned parcel as it intends to develop two parcels of land located on the west side of the abandoned Hopewell Road. An Adequate Public Facilities Ordinance (APFO) agreement is in place that requires the developer to contribute \$300,000 toward infrastructure and road improvements as part of this project.

Commissioner Myers, seconded by Cline, moved to declare real property consisting of 430 ± linear feet (8,552 square feet) of the former Hopewell Road roadbed as surplus, approve the conveyance of the same and authorize the execution of the necessary documentation to finalize the conveyance. The motion passed unanimously. (Ordinance No. ORD-2017-15 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

ROHRERSVILLE RURITAN CLUB REQUEST TO RELEASE CONDITIONS

Susan Small brought forth the request from the Rohrersville Ruritan Club that certain conditions and reversionary provisions be released in the deed concerning property at 20123 Rohrersville School Road formerly transferred by the County to the club. Ms. Small indicated that the property is subject to five conditions that could result in the title to the property reverting automatically to the County. The club recently expressed interest in making improvements to the property and borrowing funds to do so. The lender will not loan funds if the conditions and reversionary provisions remain in the deed. If approved, the County would record a release in the Land Records for Washington County, Maryland, thereby terminating the conditions and releasing and relinquishing any reverter provision contained in the deed. The Commissioners briefly discussed the matter.

October 10, 2017

Page 3

Commissioner Barr, seconded by Cline, moved to approve the release of the conditions and reversionary provisions in the deed from the Board of County Commissioners of Washington County to the Rohrersville Ruritan Club, Inc. for property located at 20123 Rohrersville School Road and to authorize the execution of the necessary documentation. The motion passed unanimously.

APPROVAL OF FINAL DESIGN - URBAN EDUCATIONAL COMPLEX BOARD OF EDUCATION COMPONENT

Scott Hobbs, Director, Engineering and Chairman of the Advisory School Design Review Committee (ASDR), discussed the final design for the Urban Educational Complex–Board of Education component as recommended by the ASDR. The project is currently in the bidding process with a condition that the construction contract not be awarded until receiving design approval from the County Commissioners and Board of Education. Mr. Hobbs described the design-build project being coordinated with the Bowman Development Corporation involving the removal of the existing building and construction of a new four-story building located between the existing Barbara Ingram School for the Arts (BISFA) and the Maryland Theatre. The facility has been designed to provide connectivity with the existing BISFA building, the Maryland Theatre and a proposed pedestrian bridge that will lead to educational spaces shared with the University System of Maryland-Hagerstown. The project will commence in fall/winter 2017 and work is anticipated to be completed and ready for students in 2019. The total budget is \$19,248,000. The Commissioners discussed the matter with Mr. Hobbs.

Commissioner Cline, seconded by Myers, moved to approve final design for the Urban Educational Complex–Board of Education component as recommended by the Advisory School Design Review Committee. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Barr, moved to convene in closed session at 2:33 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 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, and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b)(1), (3), (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 reappointment of a specific individual to a local advisory commission over which the Commissioners have appointment authority; discussed the potential appointment of several specific individuals to a local advisory committee over which the Commissioners have appointment authority,

October 10, 2017

Page 4

discussed specific issues relating to the potential acquisition of real property for a public purpose; and considered issues relating to proposals by a several business entities hoping to locate, expand or remain in the County/State.

During closed session, the Commissioners agreed to further discuss and present for approval the individual being considered for reappointment to a local advisory commission during this evening's open session meeting; agreed to further discuss and present for approval the individuals being considered for appointment to a local advisory committee during this evening's open session meeting; provided direction to staff as to the potential acquisition of real property for a public purpose and the related project; and provided specific direction to staff regarding proposals by several business entities hoping to locate/expand in the County/State.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, LeRoy E. Myers, Jr. and Wayne K. Keefer. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney, and at various times; Jim Sterling, Director, Public Works; Phil Ridenour, Director, Hagerstown Regional Airport; Leslie Hart, Agriculture Marketing Specialist, Business Development; Susan Buchanan, Senior Grant Manager, Community Grant Management; Scott Hobbs, Director and Brennan Garrett, Senior Architectural Project Manager, Engineering; Stephanie Stone, Director, Health and Human Services; Debra Murray, Chief Financial Officer and Sara Greaves, Deputy Director, Budget and Finance.

RECONVENE IN OPEN SESSION

Commissioner Keefer, seconded by Barr, moved to reconvene in open session at 3:19 p.m. The motion passed unanimously.

RECESS

The County Commissioners recessed at 3:19 p.m. Commissioner Myers left the meeting at 3:19 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, Room 1113. President Terry L. Baker called the meeting to order at 4:03 p.m. with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr and Wayne K. Keefer. Mayor Robert E. Bruchey, II and City Council members Lewis Metzner, Emily Keller and Paul Corderman were present as was Valerie Means, City Administrator.

GREATER HAGERSTOWN COMMITTEE AND TOWN COUNCIL WITH MARYLAND THEATRE

Jessica Green, Executive Director, and Benito Vattelana, Board of Directors President, Maryland Theatre, presented plans for \$13 million of improvements to the Maryland

October 10, 2017

Page 5

Theatre including over \$11 million for construction. Demolition of the vacant building at 13-17 South Potomac located between the theatre and the Barbara Ingram School for the Arts must occur first. The theatre plans to remain open during the renovations. Jessica Green advised that a \$6 million gap in funding must be secured before construction begins in approximately July 2018. A fundraising firm has been hired and community support is most important. Ms. Green requested that the City and County together forward-fund half of the amount needed, or a total of \$3 million, over the next 3-5 years perhaps via a grant so that construction may stay on schedule.

WCH AERONAUTICS, INC.

Paul Dhillon of WCH Aeronautics, located in the Hagerstown Community College incubator, discussed his company that uses “unmanned aerial vehicles.” He proposed to design and test a drone response system in the City and County for emergency responders. The use of drones could improve safety and cost efficiencies since multiple emergency vehicles and responders may not need to respond to an incident with the aid of an aerial view provided by drones. Mr. Dhillon stated that there would be no cost to the City or County to participate in the program since being able to design and test such system would give his company the ability to market it to other clients. Several attendees expressed enthusiasm for the proposal and their desire to meet and further discuss the request.

RECESS

The County Commissioners recessed at 4:42 p.m.

EVENING MEETING – TOWN OF SMITHSBURG

The evening session of the regular meeting of Board of County Commissioners of Washington County, Maryland, was held at Smithsburg Town Hall, 21 West Water Street, Smithsburg.

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 evening meeting of the Board of County Commissioners of Washington County, Maryland, to order at 7:00 p.m. with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr and Wayne K. Keefer. Commissioner LeRoy E. Myers, Jr. was absent.

CERTIFICATE OF APPRECIATION

Commissioner Wayne Keefer presented a certificate of appreciation to Smithsburg Market owners John and Bonnie Renard for operating the family-owned business in the town for many years and providing jobs to local citizens.

October 10, 2017

Page 6

MAYOR AND COUNCIL COMMENTS

Mayor Mildred "Mickey" Myers introduced Town council members Jack Wenthe, Craig McCleaf, Rich Hetherington, Donald Souders, and Cassandra Weaver. Town Manager Debra Smith, Police Chief George Knight and contracted Town Planner Jill Baker were also in attendance. President Baker recognized Delegate William Wivell who was in the audience.

REPORTS FROM COUNTY STAFF

County Administrator

County Administrator Rob Slocum reported on chip seal issues in the town from last year and stated that a new contractor would be repairing those affected roads.

County Clerk – Appointments to Boards/Commissions

Hagerstown Regional Airport Advisory Commission

Commissioner Barr, seconded by Cline, moved to reappoint Michael Hough to serve a third, three-year term through September 30, 2020 on the Hagerstown Regional Airport Advisory Commission. The motion passed unanimously. (4-0, Commissioner Myers was absent.)

Agricultural Marketing Advisory Committee

Commissioner Barr, seconded by Keefer, moved to reappoint James Matheny to serve a second, three-year term retroactive to August 1, 2017 through July 31, 2020; and to appoint Jill Hudson to serve a first, full three-year term from October 1, 2017 through September 30, 2020 on the Agricultural Marketing Advisory Committee. The motion passed unanimously. (4-0, Commissioner Myers was absent.)

CITIZENS PARTICIPATION

Many citizens were present to discuss the proposed Cloverly Hill Development and the developer's request for annexation into the Town of Smithsburg. Those speaking against the proposal and/or development included: Douglas Leas, Kristin Murphy, Lee Zahm, Joe Lane, David Green, Sharon Belair, Eddie Brown, John Noon, John Dinterman, Brian Young, Daniel Carrera, Judith Ferro, Nancy Anderson, Dale Fishack, Evan Price, Karen Gantz and Jeff Fox.

Bonnie Renard, local business owner, commented on the positive aspects of development including more customers for town businesses and an increased tax base. Town manager Debra Smith described the annexation process and asked residents to keep an open mind. Council Member Rich Hetherington commented that the town can never stay exactly the same and additional revenue streams are needed.

Jason Divelbiss, Divelbiss and Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, attorney for developer Daniel Cross advised that the property is already in the County's Comprehensive Plan Town Growth Area, currently zoned RT (Residential Transition). The issue is the annexation of the property into the Town of Smithsburg, not whether it should

October 10, 2017

Page 7

be developed. Mr. Divelbiss addressed the concerns expressed by attendees and statements raised in a flyer distributed in the town including the cost of sewer upgrades, alleged tax exemption for ten years, the maximum development allowed, school over-capacity issues and traffic impact. Mr. Divelbiss and Mr. Cross offered to hold a separate meeting with residents to address questions regarding the development and the annexation process.

Julie Pippel, Director, Water Quality, discussed State-mandated upgrades to the Smithsburg Wastewater Treatment Plant that have been in the County's CIP since 2007. The project is in the design phase and should be completed in 2020-21.

Jill Baker indicated that the subject property was rezoned in 2016 as part of the Comprehensive Town Growth Area rezoning. She discussed the express approval process regarding annexation.

ADJOURNMENT

Commissioner Barr, seconded by Keefer, moved to adjourn at 8:14 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk