

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

February 27, 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 10:09 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 – FEBRUARY 13, 2018

Commissioner Keefer, seconded by Barr, moved to approve the minutes of February 13, 2018. The motion passed with Commissioners Keefer, Barr, Myers and Baker voting “AYE” and Commissioner Cline voting “ABSTAIN” due to being absent from the open session meeting.

COMMISSIONERS’ REPORTS AND COMMENTS

Commissioner Myers expressed his sympathy for the untimely passing last week of Sheriff’s Department Deputy Christopher Howard.

Commissioner Keefer asked for a consensus among the Commissioners to release more information to the public regarding two investigative reports paid for by the County in 2017. Commissioner Baker commented that, as President, he could not second any motion but was in favor of the release of more information to the public.

Commissioner Keefer moved to release more information to the public that staff could develop, and the Commissioners agree to, regarding findings of the two investigative reports. The motion died for the lack of a second.

Commissioner Barr reported testifying last week in Annapolis regarding certain bills as Past President of the Maryland Association of Counties (MACo).

Commissioner Cline announced that his niece, Mikayla Cline, a senior at Williamsport High School, won the 2018A Indoor Girls Shot Put gold medal. He also noted that his brother, Mike Cline, was commissioned as a minister for the Capital Area Disciples of Christ for the Boonsboro First Christian Church.

Commissioner Baker reported attending the Little Heroes event at the Hagerstown Community College ARCC sponsored by the County’s Recreation and Fitness Department. He also presented medals to the winning teams for the Girls’ Youth

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Volleyball League. Mr. Baker attended the Social Services Board meeting and commented that requests for assistance have recently decreased. The organization will be sponsoring an April 21st "Dancing through the Decades" fundraiser. President Baker discussed two legislative bills being proposed, SB1220 and SB888, that concern contract negotiations for teachers. He noted that these bills could affect County teacher union bargaining and commented that he may request a letter in opposition to the bills from the Commissioners at some point in the future. Commissioner Baker also stated that he favored transparency in government regarding Commissioner Keefer's earlier motion to release more information to the public about two investigations.

REPORTS FROM COUNTY STAFF

Emergency Services – State Homeland Security Grant Application

Charlie Summers, Assistant Director, and Charles Brown, Professional Services Administrator, Emergency Services, appeared before the Commissioners to seek approval to submit a grant application to the Maryland Emergency Management Agency for \$29,548 and accept the funding as awarded. The grant will be used to purchase active assailant response equipment for emergency responders. It requires no County match and no funding request is expected in the future.

Commissioner Barr, seconded by Myers, moved to approve the submittal of a grant application to the Maryland Emergency Management Agency for \$29,548 and accept the funding as awarded. The motion passed unanimously.

Engineering – Historic Bridge Replacement

Scott Hobbs, Director, Engineering, distributed a letter for consideration to be forwarded to the State Highway Administration regarding repair options for the Maryland Route 68 bridge over Beaver Creek. Citizens and preservation groups have rallied against the full replacement of the historic bridge. The Commissioners discussed the matter.

Commissioner Barr, seconded by Keefer, moved to approve staff sending the letter to the State Highway Administration as presented. The motion passed unanimously.

County Attorney – Support for Legislative Items

Deputy County Attorney Kirk C. Downey stated that Delegate Neil Parrott has requested a letter of support from the Commissioners regarding House Bill 1477/Senate Bill 886, "Maryland Medical Assistance Program – Work and Community Engagement Requirements – Waiver," which will create a pilot program in Washington County for Able Bodied Adults Without Dependents to meet a work/volunteer requirement to receive benefits.

Commissioner Myers, seconded by Barr, moved to send a letter of support to the delegation regarding House Bill 1477/Senate Bill 886 as presented. The motion passed unanimously.

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Mr. Downey also discussed support from the Commissioners in the form of a letter regarding Senate Bill 989, introduced by Senator George Edwards, that proposes an economic development tax credit that changes the definition of what it means to be a Tier 1 county. The legislation is geared toward companies planning to locate in the community and concerns unemployment and household income benchmarks to make them more competitive across the State.

Commissioner Barr, seconded by Cline, moved to send a letter of support to the delegation for Senate Bill 989 as presented. The motion passed unanimously.

Chief Operations Officer – Support for National Road Museum

Jim Hovis, Chief Operations Officer, indicated that Dan Spedden, Director, Convention and Visitor's Bureau, has requested Commissioner support for House Bill 290/Senate Bill 713, introduced by Senator Andrew Serafini. The bill authorizes the State to make a loan to the National Road Heritage Foundation, Inc. in a principal amount not to exceed \$100,000 with proceeds to be used toward the establishment of the National Road Museum in Boonsboro.

Commissioner Barr, seconded by Keefer, moved to provide a letter of support for House Bill 290/Senate Bill 713 as presented. The motion passed unanimously.

Mr. Hovis also requested approval for \$1,550 of Hotel Tax Fund funding to the James Shaull Wagon Train Foundation, Inc. for the 29th National Pike Festival & Wagon Train event to be held May 18–20, 2018. The funds include up to \$1,404 for Washington County Sheriff's Department overtime and \$151.50 for postage and County mail room printing for the event.

Commissioner Barr, seconded by Cline, moved to approve \$1,550 of Hotel Tax Fund funding to the James Shaull Wagon Train Foundation, Inc. for the 29th National Pike Festival & Wagon Train event as presented. The motion passed unanimously.

County Administrator – Brooke's House Fees Waiver

County Administrator Rob Slocum reported on a previous request approved by the County Commissioners to support Brooke's House, a center for adult females fighting substance abuse, by waiving County permit and sewer connection fees, valued at that time to be under \$10,000. Mr. Slocum has since learned that the fees to be waived are actually valued at \$39,165 due to the project using more than one EDU (equivalent dwelling unit). The Commissioners discussed their desire to support Brooke's House at the increased amount with funds taken from the Commissioners Contingency Fund to reimburse the Water and Sewer Enterprise Fund.

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Commissioner Cline, seconded by Keefer, moved to approve \$39,165 to be taken from the Commissioners' Contingency Fund representing the waiver of permit and sewer connection fees for Brooke's House. The motion passed unanimously.

Mr. Slocum commented that he enjoyed attending the Saturday morning "Mathletes" competition where Springfield, Boonsboro, E. Russell Hicks and Western Heights Middle Schools ended up in the top seventeen qualifiers and will be moving into the State competition. He plans to invite the organizers and competitors of the competition to be recognized at a future meeting of the Commissioners. He also noted upcoming meetings of the County Commissioners.

County Clerk – Appointments to Boards and Commissions

Plumbing and Mechanical Board

Commissioner Barr, seconded by Myers, moved to appoint Benjamin Ebersole as the Master Plumber representative on the Plumbing and Mechanical Board to serve a first, three-year term through February 28, 2021. The motion passed unanimously.

Antietam Battlefield Advisory Committee

Commissioner Keefer, seconded by Myers, moved to appoint George Anikis and Michael Wasiljov to serve first, three-year terms through February 28, 2021 on the Antietam Battlefield Advisory Committee. The motion passed unanimously.

CITIZENS' PARTICIPATION

County resident and State Trooper Gary Baker, representing the Maryland Troopers Lodge 88, discussed House Bill 979 approved by the General Assembly that granted authority for counties to provide property tax credits to all public safety officers. As of now, the County has taken no formal action. Deputy County Attorney Kirk C. Downey discussed details of the enabling legislation that allows local governing bodies to grant a real property tax credit in an amount up to \$2,500 for a public safety officer's dwelling. The Commissioners advised that they would consult the delegation and MACo regarding the matter and request staff to determine the fiscal impact to the County.

Don Muffley, Old Forge Road, discussed the year-round operation of speed cameras in school zones even when schools are not in session. Sheriff Doug Mullendore was in the audience and responded that the cameras are in operation Monday-Friday from 6:00 a.m.–8:00 p.m.

YOUTH MERITORIOUS AWARD – FEBRUARY 2018

The Commissioners presented a certificate of merit to Daniel Kelbaugh of the Job Development Program who was selected by the Washington County Office of Community Grant Management (OCGM) to receive the February 2018 Youth Meritorious Award. The award recognizes scholastic achievement, leadership qualities, community service performed or other positive contributions to a student's school or community. Daniel

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received a Washington County lapel pin from the Commissioners and a \$100 Staples gift card from the OCGM. The Commissioners commended Daniel for his achievements and his family for their support.

CHARACTER COUNTS! FUNDING REQUEST

Susan Buchanan, Director, Office of Grant Management, and Carolyn Brooks, Director, Character Counts! Washington County, Maryland, presented a request for \$3,000 funding for direct expenses associated with the year-end Character Counts! Student Recognition Luncheon. Ms. Brooks discussed the recognition luncheon and stated that the County Commissioners had provided funding in the past for the event that recognizes and celebrates students and their families for demonstrating the six pillars of Character Counts!

Commissioner Myers, seconded by Barr, moved to approve \$3,000 in funding for direct expenses associated with the year-end Character Counts! Student Recognition Luncheon to be taken from the General Fund Contingency account. The motion passed unanimously.

AWARD OF CHILLER REPLACEMENT FOR THE WASHINGTON COUNTY HEALTH DEPARTMENT (CONVENING AS A BOARD OF HEALTH)

Commissioner Barr, seconded by Cline, moved to convene as the Board of Health at 11:02 a.m. The motion passed unanimously.

Earl Stoner, Health Officer, and Dan Triplett, Administrator, Washington County Health Department, presented a proposal to award the contract for Chiller Replacement (PUR-2017-04) to ASN-General Contracting, Inc. for \$144,800. The contract concerns the removal of an existing Trane chiller and its replacement with a chiller specified in documents provided by Bushey Feight Morin Architects and consulting engineer CJL Engineering. Three bids were submitted and ASN-General Contracting, Inc. was the lowest, responsive, responsible bidder. Commissioner Barr questioned the disparity between the bids received. Mr. Triplett described discussions with the architect and engineering firm regarding the bids received and both were both satisfied with the recommended bidder.

Commissioner Barr, seconded by Myers, moved to award the contract for Chiller Replacement to the lowest responsive, responsible bidder, ASN-General Contracting, Inc. for \$144,800 as presented. The motion passed unanimously.

Commissioner Barr, seconded by Myers, moved to reconvene in regular session as the Board of County Commissioners of Washington County at 11:06 a.m. The motion passed unanimously.

DISCUSSION/DECISION OF APPLICATION FOR MAP AMENDMENT RZ-17-004

Stephen Goodrich, Director, Planning and Zoning, brought forward Map Amendment application RZ-17-004 from Applicant Bluegrass Commercial LLC and Michael W. and Kelli S. Scott for consideration and discussion by the Commissioners. The application

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concerns the request to change the zoning classification on three parcels totaling 7.15 acres from Rural Village to Rural Business. Two of the three parcels are located along the northwest side of Maryland Route 60 (Leitersburg Pike) and the third is located at the intersection of the Leitersburg Pike and Leiter's Mill Road, adjacent to the others. The Planning Commission held a public informational meeting on September 18, 2017 and recommended approval of the application, noting in its opinion that the change in zoning would meet the Rural Business rezoning criteria stated in the Zoning Ordinance and the applicant's statement that it is intended for all three parcels to be used for office space for the existing New Direction Utilities business also owned by the applicants and located on adjacent parcels or for general unrelated office space if the rezoning is approved. The Commissioners held a public hearing regarding the request on January 9, 2018 and took no action following that hearing.

The Commissioners discussed the matter. Commissioner Baker asked Mr. Goodrich to discuss the citizen comments received regarding the matter. He stated that one comment concerned increased traffic and/or accidents but the citizen was not opposed to the amendment. A second comment concerned the appearance of the proposed business and how it would affect the general appearance of the Village of Leitersburg. Mr. Goodrich stated that traffic concerns would be addressed through a traffic study conducted after the submittal of site plan. Mr. Downey indicated that the Planning Commission would address screening and buffering as part of any site approval.

The Commissioners reached a consensus to approve the map amendment and directed staff to prepare a Decision and Findings of Fact to be presented to them for consideration and vote during a future meeting.

DISCUSSION/DECISION OF APPLICATION FOR MAP AMENDMENT

RZ-17-003

Commissioner Cline requested to postpone the discussion/decision of RZ-17-003 so that the Ethics Commission can issue an advisory opinion regarding campaign contributions received by Commissioner Cline. The Commissioners reached a consensus to postpone the matter as requested.

PRESENTATION OF DRAFT 1 OF THE 2019-2028 CAPITAL IMPROVEMENT BUDGET

Sara Greaves, Chief Financial Officer, Kim Edlund, Director, and Kelcee Mace, Accountant, Budget and Finance, presented a first look at the County's proposed Capital Improvement Project (CIP) Plan budget for 2019-2028 that includes \$46,957,000 for Fiscal Year 2019. Ms. Greaves stated that the General Fund Operating Budget requests, before any cuts, total \$233.3 million while projected revenue is \$228.6 million, leaving a \$5 million shortfall. Challenges for the General Fund include a \$2.3 million budget request from the Board of Education, \$4.8 million from public safety and an increase of \$1.5 million in annual contributions for pension costs. She advised that four revenue sources make up 96% of the budget; 50% is derived from real estate taxes, 37% from income taxes,

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6.2% from personal property taxes and 8% from recordation taxes. Every penny of real estate taxes represents approximately \$1.2 million in revenue. The CIP Committee will be reviewing requests the next week to try to lower the funding gap.

Ms. Greaves indicated that a debt affordability analysis currently suggests the County can afford to issue approximately \$15 million in debt. Borrowing for this ten-year CIP Plan is assumed at \$12 million. Rob Slocum noted that four bills being proposed today in Annapolis call for the return of additional highway user revenue to counties to assist with roadway construction and maintenance costs. The Commissioners discussed their frustration over the years with the non-return of such funding even though it has been requested or favored by Maryland counties. Mr. Slocum offered to draft a letter from the Commissioners to the State requesting the restoration of the funding. Commissioner Barr requested that the letter state Washington County has lowered its budget due to the loss of highway user revenue. The Commissioners reached a consensus to direct staff to prepare such a letter to include the statement requested by Commissioner Barr. Ms. Greaves and staff presented an overview of CIP requests in the draft budget.

RECESS

The Commissioners recessed at 11:53 a.m. and relocated to Room 2100.

JOINT LUNCH MEETING WITH THE ECONOMIC DEVELOPMENT COMMISSION

The County Commissioners met at 12:15 p.m. with members of the Economic Development Commission (EDC) to discuss economic development in Washington County. Gary Bockrath, EDC Vice Chair, reported the board's concerns with State regulations for septic systems and their effect on home sales as reported by local realtors. He noted a recent presentation to the EDC by Earl Stoner, Health Officer, Washington County Health Department. Mr. Bockrath stated that EDC members are recommending that the County's Advisory Commission to the Board of Health be reconstituted with new members and its bylaws updated.

Mr. Bockrath compared three common models for economic development, of which Washington County uses an advisory model. He suggested that it may be improved by a critical self-evaluation including input from the State's economic development office and the County Commissioners. Mr. Bockrath also stated that the EDC board recommends the review of the current EDC Ordinance to see if it can be more effective. Kim Edlund and Sara Greaves provided the County's quarterly report and fiscal and economic update. Ms. Greaves indicated that housing prices are slowly but steadily increasing. The Commissioners thanked EDC members for their suggestions and work done to assist economic development efforts in the County.

RECESS

The Commissioners recessed at 12:52 p.m. and returned to Room 1113 to continue their regular meeting.

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**JOINT MEETING WITH WASHINGTON COUNTY BOARD OF EDUCATION
PRESENTATION OF THE PROPOSED FISCAL YEAR 2019 CAPITAL
IMPROVEMENT BUDGET FOR WASHINGTON COUNTY PUBLIC SCHOOLS**

Board of Education (BOE) President Melissa Williams, Vice President Stan Stouffer, and members Michael Guessford, Pieter Bickford, Linda Murray, Jacqueline Fisher and Wayne Ridenour met with the County Commissioners at 1:26 p.m. to present the proposed Fiscal Year 2019 Capital Improvement Plan (CIP) for Washington County Public Schools, which was approved by the BOE on September 12, 2017 and revised December 5, 2017. The total annual funding request is \$21,488,909 with a State request of \$12,946,455 and local request of \$8,542,455. The annual variance in funding is \$9,976,474.

Dr. Boyd Michael, Superintendent, and Washington County Public Schools (WCPS) staff, presented the BOE's FY 2019-FY 2029 CIP budget request of \$236,378,000 (\$141,411,000 of the State of Maryland and \$94,967,000 of Washington County Government). Dr. Michael discussed the replacement schedule for schools noting that they are typically planned to last about fifty years. At current funding levels, the replacement of all facilities is well behind that time frame. Several major proposed school projects over the next ten years include the replacement of Sharpsburg Elementary, the downtown Hagerstown project, and modernization projects at Western Heights Middle School. Springfield Middle is scheduled for only partial funding for improvements and no funding is allocated for Hickory Elementary, Fountaindale Elementary or portable classrooms.

The Commissioners discussed the information presented including the cost analysis of using metal pitched roofs that last longer than shingle roofs. Dr. Michael discussed older school buildings, their maintenance plans/requirements and the need to deal with some repairs as they arise.

The joint bodies briefly discussed the unfortunate trend of school shootings in the United States, the arming of teachers and additional security measures that have been added to established schools and to new school designs.

CONVENE IN CLOSED SESSION

Commissioner Keefer, seconded by Cline, moved to convene in closed session at 2:01 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; and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State; in accordance with Section 3-305(b) (1) and (4) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

(Commissioner Myers left the meeting at 2:21 p.m. and Commissioner Cline left the meeting at 4:13 p.m.)

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In closed session, the Commissioners discussed economic development initiatives in the County and provided staff with direction concerning same. They discussed certain personnel matters and gave staff direction concerning those matters. Moreover, they discussed personnel vacancies and directed staff to take certain actions to fill those vacancies. They also discussed certain vacancies on certain County Boards and Commissions and directed staff to take certain actions in regards thereto.

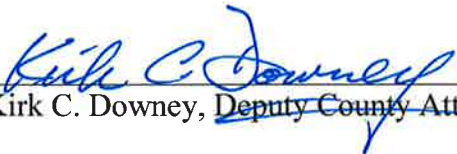
Present during closed session were Commissioners Terry L. Baker, John F. Barr and Wayne K. Keefer. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; and Kirk C. Downey, Deputy County Attorney; and at various times Commissioner Jeffrey A. Cline; Amy Olack, Director, Commission on Aging; Debra Peyton, Deputy Director, Health and Human Services; Kendall McPeak, Assistant County Attorney; Wonro Lee, CEO, Gunseon Lee, Chairman, and Junehee Lee, CFO, JG Business Link International (JGBLI); Jim Sterling, Director, Public Works; Jim Hovis, Chief Operations Officer; Sheriff Doug Mullendore and Corporal Randy Wilkinson, Sheriff's Department; Kassie Lewis, Director, Business Development, and representatives of a company looking to expand or remain in the State.

ADJOURNMENT

Commissioner Keefer, seconded by Barr, moved to adjourn at 4:54p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



Kirk C. Downey, Deputy County Attorney



Vicki C. Lumm, County Clerk