

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

March 6, 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 10:06 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.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Keefer reported attending the State of the City presentation this morning with several Commissioners and staff.

Commissioner Barr commented on legislative activities in Annapolis as a member of the Legislation Committee for the Maryland Association of Counties.

**REPORTS FROM COUNTY STAFF**

**Public Relations and Community Affairs**

Danielle Crabb, Director, Public Relations and Community Affairs, introduced new Public Relations Coordinator Brittany Higgins.

**County Administrator**

County Administrator Rob Slocum discussed an email received by the Highway Department from a citizen expressing appreciation for a job well done to clean up trees and debris from the South County area. The citizen commented that such preventive maintenance helps to avoid power outages during bad weather.

Ms. Slocum stated that legislation may soon be passed to return some Highway User funding to counties, which would positively affect the County's budget. He also commented on this morning's State of the City presentation.

**County Clerk – Appointments to Boards and Commissions**

**Social Services Board**

Commissioner Barr, seconded by Myers, moved to appoint Kathy Powderly to serve an unfulfilled term through June 30, 2020 on the Board of Social Services. The motion passed unanimously.

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Area Agency on Aging Advisory Council

Commissioner Cline, seconded by Barr, moved to appoint Brenda Gordon to serve a first full, three-year term through January 31, 2021 on the Area Agency on Aging Advisory Council. The motion passed unanimously.

Tri-County Council for Western Maryland Revolving Loan Fund

Commissioner Cline, seconded by Myers, moved to appoint Lucas Cade to fulfill an unfulfilled term on the Tri-County Council as the industry representative for the Western Maryland Revolving Loan Fund through December 4, 2018. The motion passed unanimously.

**CITIZENS' PARTICIPATION**

Washington County resident Barbara Hovermill commented that she was attending today's meeting with her fellow County neighbors. She thanked the Commissioners for their work.

**URBAN IMPROVEMENT PROJECT - SCHOLARSHIP PROPOSAL FOR UNIVERSITY SYSTEM OF MARYLAND-HAGERSTOWN**

Mark Halsey, Executive Director, University System of Maryland-Hagerstown (USMH); Howard "Blackie" Bowen, Chair, Ewing Oil and Chair of the USMH Campaign Committee; and James Holzapfel, Managing Director, Holzapfel Investment Group and Vice Chair of the USMH Campaign Committee, requested financial support for a named scholarship fund through USMH for local residents in the new Advanced Practice Programs for Physician Assistants and Nurse Practitioners. Mr. Bowen discussed the need for additional physician assistants and nurse practitioners in the County and requested support of its Health Sciences Center, broadly speaking, a part of the Urban Improvement Project (UIP), including physical renovations to the Walnut Street Clinic and scholarships to local residents admitted into the graduate programs. He stated that USMH is committing more than \$2 million and working toward raising \$1 million in scholarships. \$620,000 is needed to complete the community's phase of the project. A contribution of \$250,000 is requested of the County Commissioners and the support comes with naming opportunities for rooms or scholarships. Mr. Holzapfel indicated that the project will contribute to the revitalization of downtown Hagerstown through increased access to health care, spending by students and staff, and the rental of housing units to students. Another goal is providing educational opportunities and having local students hired for these high-paying jobs.

The Commissioners discussed the project in conjunction with the UIP project; that it is not a direct part but would improve downtown Hagerstown. Commissioner Baker supported providing funds for scholarships over a period of time. Mr. Halsey commented that many pledges have been designated over the next few years. Staff will research the proposal and the Commissioners will discuss it during a future meeting.

**DISCUSSION OF DRAFT 2 OF THE 2019-2028 CAPITAL IMPROVEMENT BUDGET AND OPERATING BUDGET**

Sara Greaves, Chief Financial Officer, and Kim Edlund, Director, Budget and Finance, discussed Draft 2 of the 2019-2028 Capital Improvement Project (CIP) Budget and the

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status of the Operating Budget. Commissioner Cline requested the amount of pay-go funds (cash used from the General Fund) contained in the budget. Ms. Greaves indicated that \$5.6 million is included in the Fiscal Year 2019 CIP budget. She advised that the County must maintain 17% cash reserves in the General Fund. Commissioner Baker requested to be provided the amount of larger project savings the past five years.

Ms. Greaves indicated that staff is continuing to work on balancing the Operating Budget that last week had a \$5 million gap between requests and revenue. Staff reviewed requests from 19 funds representing over 150 departments and approximately 2,000 accounts. After review, the shortfall was closed to approximately \$1.2 million. Staff will continue to work on bringing forth a balanced budget to the Commissioners on March 20.

#### **DECISION FOR TEXT AMENDMENT RZ-16-005**

Steve Goodrich, Director, and Jill Baker, Chief Planner, Planning and Zoning, initiated a discussion of Text Amendment Application RZ-16-005 to the Washington County Zoning Ordinance (Ordinance) from the Department of Planning and Zoning for consideration by the County Commissioners. The text amendment concerns the proposal to amend several sections of the Ordinance by updating, correcting and clarifying language pertaining to various aspects of zoning regulation including mobile home replacements and accessory building setbacks. Mr. Goodrich reminded the Commissioners that the proposed amendments relating to convenience stores have been removed from the text presented and proposed for adoption. Staff will return in the future to address convenience stores after a thorough analysis of the issues.

Commissioner Myers commented that a citizen's perception of a convenience store is that it will be made a greater thing than it was first intended. He stated that when the PILOT project was approved in the 1990s, it was termed a travel plaza, but has become one of the biggest truck stops in the area. He suggested that the definitions of convenience stores, travel plazas and truck stops need to be thoroughly looked into to be more definitive. Commissioner Keefer suggested reviewing adjacent jurisdictions during the review. Mr. Goodrich stated that it is a routine method followed by Planning and Zoning. Commissioner Baker requested the definition of a car wash. Mr. Goodrich indicated that it is difficult to define every term, and when there is no specific definition in the Ordinance, staff uses the generally accepted definition found in a dictionary.

The Commissioners discussed the proposed text amendments. Commissioner Baker commented that he did not agree with the new setbacks proposed that relate to the replacement of mobile homes and also the regulations proposed for accessory buildings in front of homes. Jill Baker offered to break down each proposed amendment for discussion, as follows:

- 1) Alcohol manufacturing land uses including breweries, wineries and distilleries – the Commissioners agreed to table the discussion.
- 2) Delineation of different levels of use intensity for Mineral Extractive Operations – definitions have been added at the County level to obtain zoning certification.

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- 3) Clarification of uses related to automotive sales, service – setting forth more clearly difference between service stations and automotive repair/bodywork businesses.
- 4) Accessory uses permitted in front yard setbacks – must comply with front yard setbacks to avoid sight distance and future right of way problems. Side and back setbacks remain the same.
- 5) Solar Energy Generating Systems – correction of an erroneous citation.
- 6) Inclusion of car washes as listed uses in the Ordinance - was previously treated as included under auto care facilities, now will have its own delineation.
- 7) Definition and building setbacks for manufactured/mobile homes and replacements- due to differing types of mobile homes, replacements may be placed in the exact same spot but must stay within minimum building setbacks as required when building a stick built or modular home. The Commissioners requested a change that the setback be the same as the current building.
- 8) Classification of sewerage pumping stations as essential utilities – are to be handled as an essential utility.
- 9) Clean up issue to delete the intensity column of the chart for rural area uses - amended the rural business section of the ordinance since it is null and void and should be removed.

The Commissioners further discussed the proposed text amendments. Steve Goodrich recommended that the proposed text amendments be withdrawn and resubmitted at a later date as separate text amendments due to various issues raised by the Commissioners. The Commissioners reached a consensus to withdraw RZ-16-005 and to have staff resubmit new amendments after further review and analysis.

**LEITERSBURG RURITAN CLUB, INC. – REQUEST TO RELEASE  
CONDITIONS AND REVERSIONARY PROVISION IN DEED**

Susan Small, Real Property Administrator, Engineering, discussed a request from the Leitersburg Ruritan Club that certain conditions and reversionary provisions be released in the deed concerning property at 21427 Leiter Street, Hagerstown, formerly transferred by the County to the club. The property is subject to four conditions that could, upon the happening of any, result in the title to the property reverting automatically to the County. The club has expressed an interest in making improvements to the property and its lender will not loan funds to the club if the conditions and reversionary provision remain in place. If approved, the County would record a release in the Land Records for Washington County, Maryland, thereby terminating the conditions and releasing and relinquishing all reverter provisions contained in the deed.

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 Leitersburg Ruritan Club, Inc. for property located at 21427 Leiter Street, Hagerstown, and to authorize the execution by the County of all necessary documentation. The motion passed unanimously.

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**BID AWARD – LABORATORY SERVICES FOR WATER/WASTEWATER TESTING FOR THE DEPARTMENT OF WATER QUALITY**

Brandi Naugle, Buyer, Purchasing, and Sherry Alidoosti, Chief of Laboratory Testing, Water Quality, recommended award of the bid for Laboratory Services for Water/Wastewater Testing for the Department of Water Quality (PUR-1374) to the responsible, responsive bidder, ALS Group USA Corporation, d/b/a ALS Environmental of Middletown, Pennsylvania, who submitted the lowest (annual) Total Bid Sum of \$47,997.50. The scope of services to be provided by the contractor includes picking up, preserving and transporting samples from Water Quality's laboratory twice per week. This requirements contract is used on an as-needed basis and guarantees no minimum or maximum number of units of services.

Commissioner Keefer, seconded by Cline, moved to award the contract for Laboratory Services for Water/Wastewater Testing for the Department of Water Quality to the responsible, responsive bidder, ALS Group USA Corporation, d/b/a ALS Environmental of Middletown, Pennsylvania, who submitted the lowest (annual) Total Bid Sum of \$47,997.50 as presented. The motion passed unanimously.

**RECESS**

The Commissioners recessed at 11:35 a.m. and toured the Southern Boulevard Capital Improvement Project near the Town of Funkstown.

**AFTERNOON SESSION**

The Commissioners reconvened at 1:00 p.m. with the following members present: Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy Myers, Jr.

**CONVENE IN CLOSED SESSION**

Commissioner Barr, seconded by Keefer, moved to convene in closed session at 1:00 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 consult with staff, consultants or other individuals about pending or potential litigation; to consult with counsel to obtain legal advice on a legal matter; 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), (4), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

(Commissioner Myers left the meeting at 3:15 p.m.)

In closed session, the Commissioners discussed a specific personnel matter with staff; discussed certain vacancies and the potential appointment of specific individuals to a local commission over which the Commissioners have appointing authority; discussed potential

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litigation and related issues with staff and outside independent counsel; and discussed proposals/economic development initiatives from/relating to several business entities desiring to locate, expand, or remain in the County/State.

During closed session, the Commissioners provided staff with direction regarding a specific personnel issue; provided instruction regarding the filling of certain commission vacancies including the further discussion and presentation for approval of said individuals during a future open session meeting, requested staff review and analyze the potential litigation/firms and bring the matter back to the Commissioners at a future meeting for further discussion and consideration; and provided guidance to staff regarding a proposal by a business entity hoping to remain/expand in the County/State.

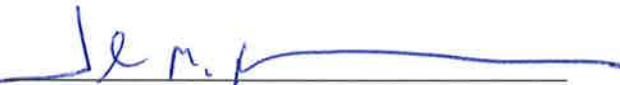
Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, and Wayne K. Keefer. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; and at various times Commissioner LeRoy E. Myers, Jr.; Jim Hovis, Chief Operations Officer; Kirk C. Downey, Deputy County Attorney; Kendall McPeak, Assistant County Attorney; Stephanie Stone, Director, Health and Human Services; Kassie Lewis, Director, Business Development; Roxana Pierce, D. Bruce Poole and A. J. Serafini.

**ADJOURNMENT**


The closed session meeting adjourned 3:36 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk