



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

February 13, 2024

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 John F. Barr called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 11:02 a.m. with the following members present: Vice President Jeffrey A. Cline, Commissioner Randall E. Wagner, Commissioner Derek Harvey and Commissioner Wayne K. Keefer.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the minutes of February 6, 2024. The motion passed 4-0.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Harvey thanked the road crews and recognized county staff. He acknowledged Kirk Downey on his last meeting as County Attorney. Commissioner Harvey met with the Commission on Aging and the Historical Advisory Committee who will be presenting the John Frye Awards in May 2024. He attended the Human Resources meeting regarding county retirement options.

Commissioner Wagner recognized Kirk Downey, thanking him for his advice and input during the meetings. He thanked the staff out working during the snow this morning. Commissioner Wagner commented on the directional sign on Professional Boulevard, thanking Doug Levine in the Highways Department. He congratulated the Kansas City Chiefs on their win.

Commissioner Cline commented on the House on Jonathan Street Documentary. He attended the 4-H FFA Spring Swine Show event. Commissioner Cline shared the Battleview Market will be holding its 30th year anniversary event and Wilson's Store will be transferring ownership to Penny Host owner of Sweetsies Treats. He commented on the passing of Pastor Dan Fraley, Chaplain of Washington County Volunteer Fire Association and Junior Moats a longtime volunteer of the Hancock Volunteer Fire Company. He wished Kirk Downey the best and thanked all of county staff who are working to make the roads safe.

Commissioner Barr thanked county staff and thanked everyone for the well wishes after the loss of family members. He commented on Kirk Downey's investiture and his resignation effective February 16, 2024, at noon, congratulating and thanking him for his years of service. President Barr commented on future plans to honor Mickey Myers. He attended the State of the State in Annapolis and the luncheon at the Governor's house afterwards. Commissioner Barr missed the annual meeting for Weed Control and apologized to Lane Heimer. He attended the 50th anniversary of the fire at the Maryland Theater event recognizing firefighters John Hirsch, Dave Hildebrand, Kingsley Poole and Ron Horn and he attended the Tablescapes Fundraiser at the Museum of Fine Arts. President Barr attended the United Democratic Party Meeting and discussed plans to reorganize the Diversity and Inclusion Committee. He commented on the Diversity and Inclusion meeting last night wishing them well as the

new appointees come on board. President Barr shared there will be a showing of the Three Rivers Video this Sunday at the Maryland Theater regarding the house on Jonathan Street. He shared receipt of complaints regarding the graffiti at High Rock Overlook and the C & O Canal. The Recreation and Parks Department and the National Park service are working on the issue.

STAFF COMMENTS

Chip Rose, Director of Human Resources and Greg Cartrette presented the recommendation to approve advertising for the Deputy Code Official, Permits and Inspections, at a Grade 16, with an overlap of training.

Commissioner Wagner, seconded by Commissioner Cline moved to approve advertising for the Deputy Code Official as presented by staff. The motion passed 4-0.

Chip Rose, Director of Human Resources presented the recommendation for approval to advertise for a new Permits Inspections Specialists at a Grade 11, the position is being renamed from vacant Building Inspector One position which will be eliminated, there is no change to the salary.

Commissioner Wagner, seconded by Commissioner Cline moved to approve to advertise for a new Permits Inspections Specialists as presented by staff. The motion passed 4-0.

Chip Rose, Director of Human Resources presented the recommendation for approval to bring fire plan reviews and inspections under the Department of Permits and Inspections and hire an inhouse Fire Code Official.

Commissioner Wagner, seconded by Commissioner Cline moved to approve the hire the Fire Code Official as presented by staff. The motion passed 4-0.

Commissioner discussion regarding the time to have the position in house.

Mr. Cartrette expects it to be about one year to obtain the necessary certifications.

Chip Rose, Director of Human Resources presented the recommendation to hire Amber Colbert as a Staff Accountant at a Grade 14, Step 1 \$62,920.00 annually, effective February 17, 2024.

Commissioner Wagner, seconded by Commissioner Cline moved to approve the hire Amber Colbert as presented by staff. The motion passed 4-0.

Michelle Gordon, County Administrator attended the MACo and Washington County Delegation meetings, commenting on budget shortfalls for Hagerstown Community College due to Maryland State budget cuts. She presented a request for a letter of support regarding Senate Bill 1078 and HB 1378 to be sent by the Commissioners to Delegate Wivell.

Commissioner Cline, seconded by Commissioner Harvey moved to approve the letter of support as presented by staff. The motion passed 4-0.

Ms. Gordon requested a consensus for a budget increase request from the Community Organization Funding Committee for Grant applications to 1.2 million dollars, final projects are approved by the commissioners.

Commissioner discussion regarding a one-time increase or yearly funding for new programs, funding on staff salaries, and request for a spreadsheet with a breakdown of how the funding is used.

Commissioner Cline, seconded by Commissioner Harvey moved to approve one-time budget increase as presented by staff. The motion passed 4-0.

Ms. Gordon attended the annual Weed Control Meeting. She commented on the winter weather thanking the highways department and public safety staff for keeping the citizens safe and reminded everyone to be safe while driving today. She commented the next meeting will be Tuesday, February 27, 2024, with an evening meeting at Funkstown Town Hall.

Kirk Downey, County Attorney, thanked the Commissioners for the opportunity to serve the County for many years and thanked County Staff sharing his appreciation for all.

CITIZEN PARTICIPATION

None.

PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT RZ-23-008

President Barr convened a Public Hearing at 11:32 a.m. to obtain public comment on the application for rezoning. The Commissioners may take action to approve or deny the requests or wait until a later date to deliberate.

Dawn Marcus, County Clerk administered the Oath of Testimony.

Travis Allen, Senior Planner, Department of Planning and Zoning, presented the proposed text amendment. Application is being made to rezone two properties totaling .74 acres along South Artizan Street, just outside the Town of Williamsport and near the I-81 interchange, from the current Highway Interchange (HI) classification to Residential Transition (RT). The applicant Williamsport Storage Bins, Inc. seeks a map amendment for two properties located at or adjacent to 429 South Artizan Street. The factors to be considered in a request for a map amendment are listed in Article 27.3 of the Washington County Zoning Ordinance. This item was presented to the Washington County Planning Commission at a Public Information Meeting held during their regular meeting on January 8, 2024. The members unanimously recommended for approval of the proposed map amendment at this same meeting. Thus far, no public comments have been received, either in favor or opposed to the proposed rezoning. He shared a slide presentation.

Fred Frederick, Engineer, Hagerstown, Maryland presented the Applicant's case sharing a slide presentation discussing the lots that were included in original HI zoning located near a residential neighborhood which were separate properties from the large Snook property tract.

The Public Hearing was opened for public comment: There was no public comment.

The Public Hearing was closed at 11:51 a.m.

The Public Hearing was opened for Commissioner comments: There were no Commissioner comments.

The Commissioner's reached a consensus (4-0) to approve the application for Zoning Text Amendment RZ-23-008.

Kirk Downey, County Attorney presented they will prepare the necessary paperwork and bring back for formal adoption in the near future.

PRESENTATION OF THE 2025-2034 CAPITAL BUDGET – DRAFT 1

Kelcee Mace, Chief Financial Officer; Zane Garrett, Deputy Director, Budget and Finance provided Discussion of Draft 1 of the FY2025-2034 Capital Budget. A Ten-Year Capital Improvement Plan is developed each fiscal year and includes scheduling and financing of future community facilities such as public buildings, roads, bridges, parks, water and sewer projects, and educational facilities. The plan is flexible and covers ten years with the first year being the Capital Improvement Budget. Funds for each project are allocated from Federal, State, and local sources. FY2025 Capital Budget of \$73,743,000.00. She shared a Power Point presentation, provided the CIP Ten Year Detail Report and the budget adjustment form. They noted a typographical error to the CIP Draft One Report, Bridges and Drainage (page 12) should be Ten Year Total increased to \$600,000.00 no \$556,000.00.

Commissioner discussion regarding the following:

CIP Draft on Education: decision making level for the new middle/high schools, the make-up of CIP Committee, the original submissions requested to CIP committee, question regarding is the submission by the school board based on the idea the state will provide money for new construction but will not provide assistance for modernization/expansion of current facilities.

Michelle Gordon, County Administrator requested Ms. Mace forward the question to Jeff Proulx, WCPS.

*CIP Draft on HCC: regarding the functions of the wellness center.
Ms. Gordon shared the details of the project.*

CIP Draft on Libraries has been pushed out to FY2026.

*CIP Draft Road Improvement: discussion regarding pavement maintenance and sufficiency to maintain the standards of adequate road maintenance for the citizens, deficit to meet the guidelines, concerns of the cost increase due to delays and a request for further discussion regarding this issue.
Scott Hobbs, Director Engineering shared information on the roads and processes and projected a need for 8 to 10 million dollars per year for adequate road maintenance.*

Ms. Mace presented the recommendation to approve the CIP Solid Waste Budget Adjustment request, attached to the agenda to release the \$500,000.00 in bonds budgeted in FY2024 to FY2025.

Commissioner Wagner, seconded by Commissioner Cline, moved approve to the Budget Adjustment for the Solid Waste Bond Transfer as presented by staff. The motion passed 4-0.

Ms. Mace completed her presentation of Draft 1 of FY2025 the CIP Plan thanking staff, the CIP Committee and Zane Garrett for their hard work on the plan.

The Commissioners thanked staff for the presentation and requested clarification of the general fund reserves at the end of eight years.

Ms. Mace shared reserves amounts and recommends keeping the 20 million dollars in reserves. Tab 21 in the binder provides information on the capital reserves.

Ms. Gordon supports keeping a balance of 20 million dollars in reserves.

PROCLAMATION FOR BLACK HISTORY MONTH

Board of County Commissioners presented a Proclamation for Black History Month to Taj Smith, President, and Pastor Les McIntosh, Vice President, Washington County NAACP. Ms. Smith commented they are honored to accept the proclamation and quoted Marcus Garvey. She hopes that continued shared knowledge will help to educate the community. Yesterday the NAACP celebrated 115 years. She requested the County Commissioners fully fund the schools. Pastor McIntosh thanked the Commissioners for acknowledgment and commented on the focus on education and the event at Impact Ministries on Old National Pike on February 25, 2024, at 5:30 pm.

Commissioner Harvey left the room at 12:40 p.m. and returned at 12:41 p.m.

CONTRACT AWARD (PUR-1652) STRATEGIC BUSINESS AND ECONOMIC DEVELOPMENT PLAN STUDY

Rick Curry, Director, Purchasing; Jonothan Horowitz, Director, Business and Economic Development presented the recommendation to award the contract for the Strategic Business and Economic Development Study be awarded to the responsive, responsible proposer, RKG Associates, Inc., of Alexander, VA who submitted Total Lump Sum Fee price proposal of \$99,100.00 and, as required, contingent upon the company/entity being in good standing and authorized and registered to do business in the State of Maryland with the Maryland Department of Assessments and Taxation and remaining so throughout the term of the contract.

Commissioner discussion regarding the timeframe, grant funding, and the deliverables of a memorandum, water and infrastructure focus and the use of governance models.

Commissioner Wagner, seconded by Commissioner Cline, moved to award the contract for the Strategic Business and Economic Development Study be awarded to the responsive, responsible proposer, RKG Associates, Inc., for the Total Lump Sum Fee price proposal of \$99,100.00 as presented by staff. The motion passed 4-0.

CONTRACT AWARD (PUR-1481 TASK ORDER 20) – MARTIN LUTHER KING BUILDING COMMUNITY RECREATION CENTER RENOVATION

Andrew Eshleman, Director, Public Works presented the recommendation to award the contract for the Martin Luther King Building Community Recreation Center Renovation to the lowest responsible, responsive bidder, L.S. Grim Consulting Engineers, LLC of Hagerstown, MD who submitted the total lump sum bid in the amount of \$239,981.53.

Commissioner Wagner, seconded by Commissioner Cline, moved to award the contract for the Martin Luther King Building Community Recreation Center Renovation to the lowest responsible, responsive bidder, L.S. Grim Consulting Engineers, LLC in the amount of \$239,981.53 as presented by staff. The motion passed 4-0.

FY25 MARYLAND'S OFFICE OF OVERDOSE RESPONSE COMPETITIVE GRANT PROGRAM-APPROVAL TO SUBMIT APPLICATION AND ACCEPT FUNDING AWARDED

Meaghan Willis, Program Director, Day Reporting Center; Nicole Phillips, Senior Grant Manager, Grant Management presented the recommendation to approve the submission of the FY25 Maryland's Office of Overdose Response Competitive Grant Program application in the amount of \$207,907.00 and accept funding as awarded. The Washington County Sheriff's Office is submitting a grant application requesting \$207,907.00 from Maryland's Office of Overdose Response Competitive Grant

Program. The funding will be utilized by the Washington County Day Reporting Center (DRC) to implement a re-entry workshop for the recently incarcerated.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the submission of the FY25 Maryland's Office of Overdose Response Competitive Grant Program application in the amount of \$207,907.00 and accept funding as awarded as presented by staff. The motion passed 4-0.

FY25 SCHOOL BASED HEALTH CENTER GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Richard Lesh, Grant Manager, Grant Management presented the recommendation to move to approve the submission of the grant application for the FY25 School Based Health Center Grant Program to the Maryland State Department of Health in the amount of \$271,150.00 and accept awarded funding. There are two School Based Health Centers in Washington County which are located at South Hagerstown High School and Western Heights Middle School. The Centers provide exams, prescriptions, nutritional assessments, orders lab work and assists in the management of chronic conditions such as asthma and diabetes. Meritus Health is the clinical provider contracted to provide these services. Funding in the amount of \$12,524.00 is included in the award for County administrative support.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the submission of the grant application for the FY25 School Based Health Center Grant Program to the Maryland State Department of Health in the amount of \$271,150.00 and accept awarded funding as presented by staff. The motion passed 4-0.

PROPOSED 2021 CODE ADOPTION

Greg Cartrette, Director/Code Official, Permits and Inspections; Frank Quillen, Deputy Code Official, Permits and Inspections presented the recommendation to move forward with a public hearing for the proposed adoption of the 2021 Maryland Building Performance Standards, the 2021 Existing Building Code, trade codes, local amendments thereto and related ordinance and resolution. The proposed amendments have been drafted for the Board's consideration, public notice, and implementation. The amendments are like prior amendments. The fee schedule is proposed to remain unchanged at this time. He presented there is a state code change, and the ordinance will adopt the state code and provided his timeline of adoption of the codes.

Commissioner discussion regarding the deletion of special construction for swimming pools, expected controversy at the public hearing and our comparison with adoption of neighboring counties.

Commissioner consensus was unanimous to move forward with a public hearing for the proposed adoption of the 2021 Maryland Building Performance Standards, the 2021 Existing Building Code, trade codes, local amendments thereto and related ordinance and resolution as presented by staff.

ENFORCEMENT OF THE CURRENT ADOPTED BUILDING CODE IN RELATION TO RESIDENTIAL CONSTRUCTION DOCUMENTS

Greg Cartrette Director/Code Official Director of Permits and Inspections presented the request to approve to enforce the current building code as it pertains to residential construction documents. The current practice is to be as flexible as possible with contractors and homeowners in allowing plans to be submitted for new construction, additions and alterations of residential construction that do not contain the proper information to do a thorough plan review. This practice requires the building plans examiners to become a design professional and decipher what the applicant is proposing which leads to longer plan review times. It also affects the inspectors as they are having to question what it is they are inspecting. He recommends putting a policy in place that keeps u in line with other counties but

gives better quality of plans for the plans examiner. The policy requires if it is a single-family home, 2000 feet or less above grade level they would not require sign sealed plans but would need to meet the requirements they are asking for which it has to be drawn to scale. Outside of that it would require signed and sealed plans. The details are outlined in the memorandum attached to the agenda.

Commissioner discussion regarding the requirements for 2000 square feet or less.

Clarification requested as the need for a consensus or a motion.

Commissioner Wagner, seconded by Commissioner Harvey, moved approve to enforce the current building code as it pertains to residential construction documents as presented by staff. The motion passed 4-0.

APPROVAL OF ZONING MAP AMENDMENT RZ-23-006

Rosalinda Pascual, Assistant County Attorney presented the request to approve to amend the current zoning of the property located at 19815 Reidtown Road, Hagerstown, from Rural Village to Rural Village with a Rural Business Overlay. The Planning Commission recommended in favor of the proposed map amendment on December 4, 2023, with the condition that the property not be subdivided. The public hearing for the proposed rezoning request was held on January 30, 2024. A consensus of approval was reached by the Board of County Commissioners on January 30, 2024. This matter is on the agenda for decision by the Board of County Commissioners in the form of proposed Findings of Fact and Conclusions of Law as prepared by the County Attorney's Office for review, approval, and adoption by the Commissioners.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the map amendment for the property located at 19815 Reidtown Road as recommended by staff. The motion passed 4-0.

Ordinance No. ORD-2024-04 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are in the County Commissioners' Office.

REQUEST FOR CONCURRENCE/ APPROVAL OF AIRPORT'S RECOMMENDED CHANGES TO AIRPORT FIRE DEPARTMENT LOGO/ BRANDING

Neil Doran, Director, Hagerstown Regional Airport; Danny Shirley, Airport Rescue & Firefighting Manager, Hagerstown Regional Airport presented the recommendation to accept and approve the Airport's recommended Airport Fire Department Logo/Branding update.

Commissioner Wagner, seconded by Commissioner Cline, moved to accept and approve the Airport Fire Department Logo Branding as presented by staff. The motion passed 4-0.

CLOSED SESSION

Commissioner Harvey, seconded by Commissioner Wagner, moved to convene in closed at 1:05 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 consult with counsel to obtain legal advice on a legal matter.

In closed session, the Commissioners discussed appointments to the boards and commissions, position recommendations, a personnel matter, a budget matter, business updates and a legal matter.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Randall E. Wagner, Derek Harvey and Wayne K. Keefer. Also present was Dawn Marcus, County Clerk; Kirk C. Downey, County Attorney; Michelle Gordon, County Administrator; Zachary J. Kieffer, Assistant County Attorney; Also present at various times were; Chriss Boggs, Rural Preservation Administrator, Planning and Zoning; Kelly Fisher, Operations Manager, Emergency Communications; Chip Rose, Director, Human Resources; Kelcee Mace, Chief Financial Officer; Jonathan Horowitz, Director, Business and Economic Development; Machel Dwyer, Business Leader, Business and Economic Development; William Wantz, Attorney for Developer; and Jason Divilbiss, Attorney.

RECONVENE IN OPEN SESSION

Commissioner Harvey, seconded by Commissioner Wagner, moved to reconvene in open session at 3:18 p.m. The motion passed 3-0. Commissioners Wayne K. Keefer and Jeffrey A. Cline were absent.

SECOND STAFF COMMENTS

Chip Rose, Director of Human Resources presented the recommendation to approve the hire of the Administrative Assistant, Emergency Communications 911 Center and allow for a three-month training overlap.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the hire of the Administrative Assistant, Emergency Communications as presented. The motion passed 3-0.

Chip Rose, Director of Human Resources presented the recommendation to approve the single step increase for Bandi Naugle, Buyer, Purchasing as she has received both her Bachelor's Degree and CPPO Certification, to a Grade 9, Step 14 to be effective February 14, 2024.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the single step increase for Bandi Naugle as presented. The motion passed 3-0.

Dawn Marcus, County Clerk, presented the recommendation to approve the appointment of Bryan Forsythe to serve a first, full three-year term, from March 1, 2024, through February 28, 2027, on behalf of the Washington County Agricultural Reconciliation Board.


Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the appointment of Bryan Forsythe as presented. The motion passed 3-0.

Dawn Marcus, County Clerk, presented the recommendation to approve the appointment of Stephen Miller to serve a first, full three-year term, from January 1, 2024, through December 31, 2026, and Les Curry to serve a first, full three-year term, from February 1, 2024, through January 31, 2027, on behalf of the Black Rock Golf Course Board.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve the appointments of Stephen Miller and Les Curry as presented. The motion passed 3-0.

ADJOURNMENT

Commissioner Harvey, seconded by Commissioner Wagner, moved to adjourn at 3:21 p.m. The motion passed 3-0.


Dawn L. Marcus, County Clerk