



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

April 9, 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 9:02 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Randall E. Wagner and Commissioner Wayne K. Keefer.

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of March 26, 2024. The motion passed unanimously.

#### **COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Keefer commented on the passing and contributions of Jane Hershey. He visited Bester Elementary School and read a book "Yertle the Turtle" to the students. Commissioner Keefer commented on the articles in an old Morning Herald Mail newspaper from January 25, 2007.

Commissioner Wagner attended the Ceremony at the Vietnam Veterans Day Monument on Walnut Street. He thanked the citizens for attending the meeting today.

Commissioner Harvey visited the Sharpsburg Museum. He commented on today's hearings regarding truck stops and convenience stores, and the impact of truck traffic and safety issues.

Commissioner Cline welcomed everyone to today's meeting. He attended the Ceremony at the Vietnam Veteran's Day Monument. Commissioner Cline commented on the loss of Jane Hershey, the loss of B. Marie Bowers, the loss of the lives of Williamsport's Benjamin Burger, Ryan Myers and Nick Adenhardt in three separate tragic accidents on April 9, 2009, and the loss of 14 Williamsport students who lost their lives in a bus accident in Rockville, Maryland on April 11, 1935. He shared that Debra Carbaugh Robinson wrote the book "The Rockville Tragedy". Commissioner Cline attended the Andrew Serafini Tribute at Hagerstown Community College and Commissioner Cline thanked Mr. Serafini for those contributions to the Community. He attended the Sharpsburg Museum on Friday and Saturday nights. He attended the Eagle Scout Ceremony for Zachary Stanfield, the Boonsboro Community Garden grand opening and the 34<sup>th</sup> Child Welfare Workshop. Commissioner Cline sent his condolences to employee Randy Kretzer and former employee Rich Eichelberger on the loss of their mothers.

Commissioner Barr commented on Easter and the importance of family during times of loss. He shared the unexpected closure of local shelters, and that there will be a community stakeholder meeting to address the needs in the community. He attended the fundraising ceremony to honor former Senator and Delegate Andrew Serafini and thanked Mr. Serafini for his and his family's service to the

community. On Saturday he attended the Maryland Symphony Orchestra and recognized Maestro Elizabeth Shultz for 25 years of conducting. Commissioner Barr shared upcoming events.

### **STAFF COMMENTS**

Brian Albert, Sheriff, and Carly Hose, Public Information Officer, Washington County Sheriff's Office presented the launch of the new Sheriff's Smartphone App and shared a video of the App. The App is free and can be downloaded from the App Store.

Dawn Marcus, County Clerk, presented the request to approve the appointment of Allenia Washington to serve a first, full, three (3) year term, from April 1, 2024, through March 31, 2027, on the Diversity and Inclusion Committee. This is not a paid board.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the appointment of Allenia Washington as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the request to approve the appointment of Brent Feight to serve a first, full three (3) year term, from April 1, 2024, through March 31, 2027, on the Board of Zoning and Appeals. This is a paid board.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointment of Brent Feight as presented. The motion passed unanimously.

Michelle Gordon, County Administrator, thanked Highways Supervisor Doug Levine and Highways Staff for their dedication keeping the roads safe during the recent heavy rains. She thanked the Public Relations Department for producing and sharing the informational videos, safety tips and employee hirings on their website. Ms. Gordon was present at the Airport when Airport Staff, Division of Emergency Services, our Deputies and other law enforcement officers ensured the area was secure for the landing of Airforce One at HGR for the President and White House Staff. She attended the Radio Control Board meeting regarding the status of the P25 Radio rollouts. All 1,005 radios have been received and are expected to rollout this spring starting with the Sheriff's Department. We also expect to rollout the radios to our DES staff, fire and EMS staff and volunteers over the summer. Ms. Gordon made a change to today's agenda, pulling the last item from the agenda to get additional advice from legal staff and will bring it back on another agenda. She shared upcoming events.

Kelcee Mace, Chief Financial Officer, presented that our financial advisors have identified a refunding opportunity for our 2013 and 2014 Public Improvement Bonds which could realize a 4% savings in debt service of approximately \$571,000.00. This would pay off the old bond, we currently have about 10 years remaining on the old bond; and, we would claim a new bond which would be for 20 years. The refunding can be pulled up to the day of the sale.

The Commissioners reached a consensus (5-0) to support the refunding opportunity.

Ms. Mace provided an update to the public to make them aware of a change to the budget hearing which has been rescheduled to May 14, 2024. This date conflicts with the public's need to vote during the primary election also on May 14, 2024. The date of the public hearing was changed to May 15, 2024, at 6PM later in today's meeting by Michelle Gordon, County Administrator. The meeting will be held at the Public Safety Training Center, 18350 Public Safety Place, Hagerstown, MD.

**CITIZEN PARTICIPATION**

Dave Williams, Smithsburg, commented on the tax discussions from the prior meeting and county needs. He commented on education and other needs, funding for those needs, disparity grant funding and income tax revenue losses.

**PUBLIC HEARING – ANIMAL CONTROL ORDINANCE PROPOSED REVISIONS**

President Barr convened a Public Hearing at 9:36 a.m. to obtain public comment for proposed revisions to the Animal Control Ordinance.

Zachary J. Kieffer, County Attorney; Colin Berry, Executive Director, Humane Society of Washington County, presented the request to establish a consensus to approve updates and revisions to the Washington County, Maryland Animal Control Ordinance. At the request of the Humane Society, the County Attorney's Office worked with Colin Berry and Crystal Mowery to produce the proposed revisions. While many of the redlines are stylistic and grammatical, the main substantive changes are found in Section 49 Rabies-Management of Cat Population: Additional Acts allowing for a process termed "Trap Neuter-Return". Other substantive changes include adding defined terms which are necessary to clarify certain prohibited acts set forth in Section 44 of the Ordinance. The County Attorney's Office has determined that the Humane Society's requested changes fall under the permitted inclusions for an animal control ordinance as set forth in Section 13-132 of the Local Government Article of the Maryland Code.

The Public Hearing was opened for public comment:

Mark Perman, Rabbi, Congregation B'nai, Hagerstown, commented on being cat caregivers and feeding community cats in Maugansville. He shared his support of the proposed revisions to the Animal Control Ordinance.

Crystal Mowery, formerly of the Humane Society, shared her support for the proposed revisions to the Animal Control Ordinance and discussed the effectiveness of the spaying and neutering of the cat population.

Christina Negrete, Hagerstown, commented on being a resident of the County and a shelter volunteer. She shared her support of the proposed revisions to the Animal Control Ordinances and discussed the Trap, Neuter, Return program. She recommended a community coalition to assist with the cats.

Desiree Telesco, Hagerstown, takes care of a colony of cats located off of the Dual Highway and discussed citations that she has received while caring for cats that others have dumped. She discussed the importance of educating people regarding cat care.

Mary Ann Keyser, Hagerstown, discussed reducing the community cat population in the neighborhoods through humane methods such as Trap, Neuter and Return program. She shared her support of the program and urged the Commissioners to pass the proposed revisions to the Ordinance.

Michelle Gordon, County Administrator, shared that we have received three (3) letters or emails of support.

Commissioner Wagner discussed Trap, Neuter and Release program and commended Ms. Berry for striving to be a no kill shelter. He questioned why Ms. Telesco would get a citation as a community cat caretaker.

Ms. Berry responded by defining a community caretaker in the Ordinance. Ms. Berry added that a community caretaker would not be classified as an owner and would no longer receive a citation.

Commissioner Keefer questioned if the proposed revisions would require an increase to budgetary needs.

Ms. Berry shared there was not request for a budget increase as a result of the proposed revisions.

The Public Hearing was closed at 10:04 a.m.

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

Commissioner Wagner, seconded by Commissioner Cline, moved to adopt the Proposed Revisions to the Ordinance as presented. The motion passed unanimously.

**PUBLIC HEARING – APPLICATION FOR ZONING TEXT AMENDMENT RZ-23-001**

President Barr convened a Public Hearing at 10:05 a.m. to obtain public comment for on the application for zoning Text Amendment RZ-23-001.

Dawn Marcus, County Clerk, Administered the Oath of Testimony.

Jill Baker, Director, Planning and Zoning, presented that the Commissioners may take a consensus vote on whether to approve or deny the requested text amendment changes now or wait until a later date to deliberate. Application has been made by the Planning Commission of Washington County to amend several sections of the Zoning Ordinance that will change the definition of a convenience store, provide districts in which said use shall be permitted, and to provide options for tractor trailer / heavy duty truck parking at these types of facilities. This text amendment was heard as part of a public hearing held by the Board of County Commissioners (BoCC) on August 22, 2023. As part of that hearing the Commissioners had several questions relating to the potential location of convenience stores, specifically questioning whether they should be permitted in the BL and BG districts, whether the definition was clear in our intent, and how to mitigate impacts to neighboring residential properties.

After the hearing in August 2023, the case was remanded back to the Planning Commission to review the BoCC concerns. The Planning Commission reviewed and discussed the concerns brought up by the BoCC at a regular meeting held on September 11, 2023. It was the consensus of the Planning Commission that they had done their due diligence in the drafting of the amendments and did not see a need to make any additional changes. To acknowledge the BoCC concerns, Staff has drafted additional changes to the proposed amendment that may be used in deliberation of today's request. The purpose of this public hearing is to take comment from the public on the additional changes being proposed for the text amendment.

According to the National association of Convenience Stores (NACS) there are approximately 150,174 convenience stores operating in the US as of January 2023. After several years of stores closing due to the restrictions of COVID-19, C-Stores are again increasing in number. The necessity and demand for this industry is illustrated in its title, convenience. The size of convenience stores has changed significantly over the last decade. According to the National Association of Convenience Stores (NACS), traditional C-stores averaged between 2,500-3,000 square feet in size. They provided very basic necessities to the traveling public including fueling stations, restrooms, household items, and

some pre-packaged food item. Currently, the average size of a new C-Store is averaging about 5,000-6,000 square feet. The reason for the larger sized stores primarily results from new service models where food made fresh options and in-store dining areas are offered. The increase in C-Store sizes can likely also be attributed to the overall increase of population and vehicular traffic across the country.

Acknowledging these new trends in the size and function of C-store operations, the Planning Commission finds that the current definition of a convenience store in the Zoning Ordinance is outdated and overly restrictive. Furthermore, the Planning Commission finds that there is a significant demand and corresponding need to allow for limited truck parking for C-Store uses. Increases in population, traffic, and freight demands have created an increased demand for expedient freight and goods movement that has proportionally impacted the amount of truck traffic nationwide.

The Public Hearing was opened for public comment:

Joe Lane, Smithsburg shared his non-support of the truck stop in Williamsport and discussed prior lawsuits involving Bowman Development.

Jason Divelbiss, Esquire, Greencastle, is here on behalf of his clients, the Fulton family, who own the AC&T stores in Washington County. He and his client are in support of the proposed text amendments which are needed to clarify the definition of convenience stores and to limit the parking allowed at the convenience stores. He shared a copy of and reviewed suggested edits he would recommend to the text amendments.

Bob Harsh, Williamsport, requested the Commissioners reject the proposed text amendments before them today. He commented on deaths that have occurred in the area and traffic concerns.

Jonathan Kays, Fairplay, commented on the definition of the truck stop, poor location of the truck stop at Exit 1. He discussed his concerns with the text amendment changes and his concerns with the process of the Board of Zoning Appeals. He suggested building truck parking into the warehouse areas.

Paul Miner, Williamsport, shared that he is against the proposed text amendments and commented on the dangers of the intersection in the Falling Waters (Exit 1) area.

Alan Donaldson, Williamsport, shared his concerns regarding eliminating the special exception regarding truck stops; and, he stated that public safety should be the number one concern. He shared his concerns regarding the Planning Commission making decisions and stated that decisions should be made by the elected officials. He shared that he is against the proposed text amendments.

Michelle Rosenfeld, Esquire, Rockville, MD, requested the Commissioners vote against the proposed text amendments. She shared her concerns with the size of the convenience stores, safety concerns, fatality rates with tractor trailer accidents and commented on the correspondence sent to the Commissioners in non-support of the text amendments. She requested that the Commissioners not adopt Text Amendment RZ-23-001 in any form.

Ron Brais, Williamsport, shared a document he created "Does Safety Matter?" and commented that his testimony is in that document. He urged the Commissioners to consider the safety aspects with any changes they make to truck stop or convenience store designations.

Michael Tedrick, Big Pool, shared pictures of his property with Commissioner Harvey and commented that the text amendments go against the policies of the county. He shared his health and safety concerns

and urged the Commissioners to vote against the text amendments. He discussed the effects of the truck stop near his home.

Barbara Hovermill, Williamsport, requested the Commissioners deny the proposed text amendments. She shared her concerns for safety around the diamond intersection and her environmental concerns regarding diesel fuel. She requested that any Commissioners who have received campaign contributions from Mr. Bowman recuse themselves from the decision.

Steve Tucker, Indian Springs, commented on not being able to access the store because it was blocked by trucks. He urged the Commissioners to vote no, against the text amendments. He shared his safety concerns, environmental concerns and concerns regarding constant idling of the trucks. He requested that any Commissioners who accepted money from Mr. Bowman during their campaign recuse themselves from the vote.

Robin Ferree, Sharpsburg resident and on behalf of his employer, Bowman Development, shared his support of the text amendments. He commented on the changes needed regarding convenience stores, highway interchange zoning, his support of the number of islands and space. He commented on the need for overnight truck parking and stated that traffic studies are completed, and improvements are done at the cost of the developers.

Bill Erskine, Esquire, Columbia, MD, on behalf of the Bowman Group, ratified the comments of Mr. Ferree. He commented on the overnight parking vagueness and suggested that prohibition not be required or should not be applied to the highway business interchanges. He commented on the number of parking spaces permitted in the highway interchanges district; and, he recommended 3.5 parking spaces per 1,000 square feet of building space in business local and 7 parking spaces per 1,000 square feet of building space in the highway interchange district.

Jimmy Black, Williamsport, commented on living across from the Bowman truck stop. He commented on the changes to wildlife, his concerns regarding safety issues, accidents that have occurred in front of his house, and concerns for school buses going through the intersection. He urged the Commissioners to vote against the text amendments.

Commissioner Wagner clarified that the Planning Commission does not make the decisions they advise the Commissioners on their opinion and direction. He clarified that the proposed text amendments do not eliminate the need for special exceptions for truck stops. He commented on truck stops being on the highway interchange and convenience stores in the rural business district. He suggested that the number of parking spaces not exceed 5 at convenience stores. He discussed concerns on traffic studies.

Commissioner Harvey requested information regarding the cumulative studies of the impact of I-81, the capacity of the off ramps, and the number of trucks to access the warehouses. He requested clarification regarding the need for parking spaces at the convenience stores; and, clarification on how a truck stop is different from a convenience store. He asked for clarification on the special exception zoning for truck stops. He addressed the questions regarding the convenience store and time allowed for a truck to stop at a convenience store outside of highway interchange zones.

Commissioner Keefer requested information on how many truck stops are looked at cumulatively including the Sharpsburg Pike location and who decides on the special exception rulings. He commented that defining truck stops is important and should not be confused with a convenience store. He shared letters that he received from the public; and, he thanked everyone who spoke in person and commented today. He discussed his safety concerns regarding trucks parking in the median and along



offramps. He discussed the possibility of mandating parking spaces for overnight trucks at warehouses. He asked about the five (5) minute idle law at the state level and questioned how do you enforce a law like that. He addressed the decisions on the special exception rulings are issued by the Board of Zoning Appeals and not by the elected officials.

Ms. Baker shared the State Highway Administration does look at the traffic studies cumulatively as well as the County Engineering Department. They (SHA and Engineering) review and determine what intersection improvements are needed. Each project is also looked at as a traffic study. There is a radius around the truck stops that is looked at. The traffic study done by the Hagerstown Eastern Panhandle Metropolitan Planning Organization is utilized for other traffic studies. She shared truck parking in the business zones shall be limited to a maximum of ten (10) parking spaces. Ms. Baker clarified that the Board of Zoning Appeals decides on special exception rulings and the Board of County Commissioners makes the initial decision regarding special exceptions in our Zoning Ordinances and Text Amendments. The Board of Zoning Appeals deliberates on the testimony given during special exception requests on whether the property fits that specific definition.

Jason Divelbiss, Esquire, responded regarding the establishment of a truck parking time frame for convenience store that the challenge would not be posting the time limits for a parking duration, and that the challenge would be monitoring it. He shared the text amendments are guidelines.

Michelle Gordon, County Administrator, commented if it has more than ten (10) parking spaces it would be considered a truck stop. She will request information regarding the traffic studies from the Engineering Department.

Commissioner Wagner left the meeting at 11:45 a.m. and returned at 11:48 a.m.

The Public Hearing was closed at 11:53 a.m.

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

The Commissioners reached a consensus to bring this back with suggested edits to include proposed parking space amounts for Rural Business a maximum of five (5) parking spaces and the Business Local (BL) and Business General (BG) should have a maximum of ten (10) spaces, a four (4) hour parking time limit outside of the Highway Interchange zone and no limit to overnight parking in the Highway Interchange zone. During the Commissioner dialog of the next public hearing, the Commissioners also reached a consensus to limit the size of the C-Store to a maximum of 7,000 square feet.

**PUBLIC HEARING – APPLICATION FOR ZONING TEXT AMENDMENT RZ-23-003**

President Barr convened a Public Hearing at 12:11 p.m. to obtain public comment for application for zoning Text Amendment RZ-23-003.

Dawn Marcus, County Clerk Administered the Oath of Testimony.

Commissioner Cline left the meeting at 12:12 p.m. and returned a 12:14 p.m.

Jill Baker, Director, Planning and Zoning presented the purpose of this public hearing is to take public comment on the rezoning application. The Commissioners may take a consensus vote on whether to approve or deny the request or wait until a later date to deliberate. Application has been made by

Washington County Planning Commission to amend several sections of the Zoning Ordinance to change the definition of a truck stop and to provide districts in which said use shall be permitted.

According to a grant application produced by the Maryland Department of Transportation (MDOT), the Maryland portion of Interstate 81(I-81) carries an average of 19,400 trucks per day while Interstate 70 (I-70) carries an average of 11,100 trucks per day. According to the report, I-81 alone carries approximately 10% of the gross domestic product of this country equating to about \$1.85 trillion making it one of the most critical freight corridors in the country. This amount of freight movement requires a substantial amount of logistical infrastructure to support the transfer and distribution of these materials. Washington County's location at the crossroads of Interstate 81 and Interstate 70 provides strategic logistical locations for truck stop facilities. Coupled with a significant amount of truck traffic on these interstates as well as federal regulations regarding limits on how long a truck driver may be on the road, this creates a high demand for truck stop facilities. This amendment was reviewed by the Planning Commission at a public information meeting held on June 5, 2023. At their August 7, 2023, regular meeting the Planning Commission voted unanimously to recommend approval of this text amendment.

The Public Hearing was opened for public comment:

Jason Divelbiss, Esquire, Greencastle, incorporated everything that he said and submitted from the first hearing into this hearing. He discussed traffic impact studies criteria and incorporating them through the Engineering Department

Michelle Rosenfeld, Esquire, Rockville, MD, would like to incorporate everything that she said from the first hearing. She commented on the truck idling and would ask that there be no more than five (5) minutes of idling incorporated. She requested a prohibition of a truck stop location within a quarter mile of the diamond interchange. She reiterated her safety concerns.

Robin Ferree, Sharpsburg resident and on behalf of his employer, Bowman Development, stated that what he previously said applies to this amendment and clarified that traffic studies are extensive, expensive and should be discussed with the Engineering Department. The improvements are done through the developer's funds not through the County budgets. There are strict requirements that must be met by the developers. He shared the difference in space required by truck stops and convenience stores.

Commissioner Keefer commented his questions and concerns with the previous item run parallel and added smaller sites, different zoning and coming into neighborhoods worry him.

The Public Hearing was closed at 12:26 p.m.

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

The Commissioners reached a consensus to make changes and to bring this back as an agenda item to include limiting the size of the convenience store to 7,000 square feet to the definition of convenience stores. The Commissioners asked Jill Baker to provide a bullet point of the list of changes prior to it coming back before the Commissioners.

Commissioner Wagner left the meeting at 12:29 a.m. and returned at 12:31 p.m.



**DONATE LIFE MONTH PROCLAMATION** Sonja Hoover, Programs Administrator, Emergency Services; Heidi Pullara, Family Services Coordinator, Infinite Legacy/Donate Life. Sonja Hoover shared her story regarding the loss of life for her son Quinn Hoover and donation of his organs at the time of his passing. Taylor Reid shared her story of the passing of her husband, Zach Reid, and donation of his organs at the time of his passing. Heidi Pullara shared that she has the honor of speaking with family during their tragic times, the need for organ donation, and the lives that organ donors can save. The Board of County Commissioner presented a proclamation to the group.

**FY24 BUDGET ADJUSTMENT**

Gina Cirincion, State's Attorney and Sarah Mollett-Gaumer presented the request for a motion to approve the budget adjustment to move \$243,000.00 from Computer/Software Equipment – State's Attorney account to the General Fund CIP Account for FY24.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the budget transfer presented. The motion passed unanimously.

**RECESS:**

Michelle Gordon, County Administrator noted the public budget hearing announced earlier needed to be changed to Wednesday, May 15, 2024, at 6:00 p.m. at the Public Training Center as the regular election primary vote is scheduled for May 14, 2024. There was a Commissioner consensus to change the date.

**FY25 GOLF COURSE BUDGET**

Ryan Crabtree, Golf Course Manager; Andrew Eshleman, Director, Public Works, presented for information purposes the Golf Course budget increased over FY24 by \$143,660.00 or 10.59%. The increase is mainly the result of the proposed step and COLA and salary scale realignment. Additional increase is due to the cost of chemicals and utilities. Decrease in restaurant operations is due to restaurant services being contracted out. The General Fund contribution to the Golf Course decreased by \$320,760.00 due to increased greens fees and cart budgets as well as use of \$158,820.00 of the golf course fund balance reserve. Information was shared regarding programs served and upcoming tournaments. The general fund reserve balance for the Golf Course is approximately \$867,000.00 now and requires a minimum 25% of the operating budget.

Commissioner Keefer requested a summary of the golf course fund, fund balance, the minimum amount required and a summary of withdrawals and additions over the past couple of years.

Mr. Eshleman will work with the Budget and Finance Department to obtain the information.

**FY2025 TRANSIT BUDGET**

Kevin Cerrone, Director, Transit; Andrew Eshleman, Director, Public Works. presented for informational purposes the Transit budget. He provided an introduction of budget presentations and highlights of the transit budget for the past 30 years. The transit budget has increased over FY24 by \$455,430.00 or 14.53%. The increase is mainly the result of the proposed step and COLA and salary scale alignment. Additional increases are due to the cost of gas and diesel fuels and utilities/insurance. The General Fund contribution to Transit decreased this year due to using fund balance to support operations instead of General Funds. Mr. Eshleman thanked Mr. Cerrone for his years of service and congratulated him on his upcoming retirement.

The Commissioners thanked Mr. Cerrone for his years of service.

### **FY2025 AIRPORT FUND BUDGET**

Neil Doran, Director, Hagerstown Regional Airport; Andrew Eshelman, Director, Public Works, presented for informational purposes the Airport budget increased over FY25 by \$620,300.00 or 20.04%. The increase is mainly the result of the change in salaries and benefits for employees, as well as an increase in the cost of supplies, material, equipment and building maintenance throughout the Airport. The increase in revenues is mainly the result of the increase in the number of flights and an increase in fees charged for implementation of additional security measures. The Airport fund is self-supported and does not require a general fund subsidy for FY25. Information was provided regarding upcoming projects at the airport and the future establishment of modest fees at the airport.

Michelle Gordon, County Administrator, shared the rate structure for revenues and fees is an increase of 4%.

Kelcee Mace, CFO, requested a consensus to take the proposed FY2025 Airport rates to public hearing.

The Commissioners reached a unanimous consensus (5-0) to take the FY2025 Airport rates to public hearing as requested by Ms. Mace.

### **PRESENTATION OF THE 2025-2034 CAPITAL BUDGET – DRAFT 2**

Kelcee Mace, Chief Financial Officer; Zane Garrett, Deputy Director, Budget and Finance, presented for information purposes discussion of Draft 2 of the FY2025-2034 Capital Budget. Draft 1 of the Capital Improvement Budget was presented on February 13, 2024. Based on feedback from both the County Commissioners and requestors, the following changes have been made: Reduced BOE Capital Maintenance in FY25 to remove BOE Contributions and rebalanced project costs and State dollars based on the decreased local share being provided; Replacement Middle/ High School 1 was pushed out beyond the ten (10) year plan; General Fund and bond funding in years 2031-2034 were reallocated to Replacement Elementary School 2, BOE Capital Maintenance, Building Systemics, Information Systems Replacement, PSTC Tactical Village, Patrol Vehicle Replacement, Canteen/Rehab Unit Replacement, Safety Officer Vehicles, Pavement Maintenance, and General Fund Contingency. Reallocation of funds allowed a reduction in the use of Capital Reserves in 2032 and reduction in BOE Contributions in 2029 & 2030. There has been no change in the amount of bond funding or General Fund contribution for any of the ten (10) years included in the plan. Fiscal Impact FY2025 Capital budget of \$65,785,000.00.

### **WIERER RURAL LEGACY PROGRAM (RLP) EASEMENT**

Chris Boggs, Rural Preservation Administrator, Planning and Zoning, presented the request to approve the Karlynn A. Wierer and Kristi A. Wierer-DuBois Rural Legacy Program (RLP) Easement project, in the amount of \$347,897.30 for 85.853 easement acres, paid for 100% by the Maryland Department of Natural Resources, and to adopt an ordinance approving the easement purchase and to authorize the execution of the necessary documentation to finalize the easement purchase.

Commissioner Harvey, seconded by Commissioner Keefer moved to approve the Karlynn A. Wierer and Kristi A. Wierer-DuBois RLP Easement project as presented. The motion passed unanimously.

Mr. Boggs shared the press release from yesterday there are currently 40,000 acres of permanently preserved land in Washington County.

**FOREIGN TRADE ZONE #255 – ZONE SCHEDULE CHANGES INCLUDING FEES AND REORGANIZATION OF STRUCTURE**

Linda Spence, Business Specialist, Business and Economic Development; Jonathan Horowitz, Director, Business and Economic Development, presented the request for a consensus to approve proposed changes to the Zone Schedule which include adding the Zone Administrator's contact information to the Cover Page, updates to the department name where applicable, and changing references from Traditional Site Framework to the Alternative Site Framework. FTZ #255 was established in 2002, the Board of County Commissioners of Washington County, MD, the Grantee, chose not to collect fees for activity inside the Foreign Trade Zone, subzones, or its sites. The Board of County Commissioners of Washington County, MD approved reorganization of Foreign Trade Zone #255 from a General-Purpose Traditional Site Framework to an Alternative Site Framework on February 14, 2023. Updated information such as change in structure and minor updates must be made to the Zone Schedule.

The Commissioners reached a unanimous consensus (5-0) to as approve the changes to #255 Foreign Trade Zone schedule and to update the information as presented.

**HAGERSTOWN/EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION (HEPMPO) BUDGET AMENDMENT REQUEST**

Matt Mullenax, Executive Director, HEPMPO; Jill Baker, Director, Planning and Zoning, presented the request to approve the budget amendment in the amount of \$110,000.00. Earlier this fiscal year a federal grant was awarded to the City of Hagerstown to complete a safety action plan in the amount of \$200,000.00 to streamline the completion of this study, the City of Hagerstown partnered with the HEPMPO to use the MPO's on call consultant to perform the work. As work is completed the consultant will invoice the MPO and in turn, the MPO will invoice the City of Hagerstown for reimbursement. No County funds will be used for this study. The work is expected to be completed over two (2) fiscal years (FY 2024 & 2025). The request to amend the budget in the amount of \$110,000.00 represents the estimated expenditure for FY 2024. The remainder will be included in the FY 2025 budget. This influx of funding via the City of Hagerstown in the amount of \$110,000.00 is requested to be included as revenue in the MPO's budget with expenditure included in the consulting services line item. There are no Washington County funds included within this request. The fiscal impact would be on the HEPMPO budget should this request not be granted.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the HEPMPO budget amendment as presented. The motion passed unanimously.

**CONSTRUCTION BID AWARD – STREAM RESTORATION AT SMITHSBURG HIGH SCHOOL**

Scott Hobbs, Director, Engineering, presented the request to award the Stream Restoration at Smithsburg High School to the lowest responsive, responsible bidder, Greenridge Contractors, Inc., of Hagerstown, Maryland in the amount of \$600,000.00 which included the base bid of \$570,000.00 plus the add alternate of \$30,000.00. This is a CIP budgeted Capital Improvement Plan project. Total expenses are estimated at \$630,000.00, including \$600,000.00 for the proposed bid award, \$10,000.00 for inspection/testing, and \$20,000.00 for construction contingency. Washington County Public Schools would cover the cost for the upgrade.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the request to award the Stream Restoration at Smithsburg High School to Greenridge Contractors, Inc. as presented. The motion passed unanimously.

**PROJECT AWARD UNDER ENGINEERING SERVICES CONTRACT (PUR-1421) – MINOR BRIDGE INSPECTIONS**

Scott Hobbs, Director, Engineering, presented the request to award the Minor Bridge Inspections project under the Engineering Services-Requirements Contract (PUR-1421) to the lowest responsive, responsible bidder, Brudis & Associates, Inc. in the amount of \$120,135.00. This is a budgeted Capital Improvement plan (CIP) project, Bridge Inspection and Inventory.

Commissioner discussion regarding the bid differential.

Commissioner Harvey, seconded by Commissioner Keefer, moved to award the Minor Bridge Inspections project under the Engineering Services-Requirements Contract (PUR-1421) to Brudis & Associates, Inc. as presented. The motion passed unanimously.

**STATE SURPLUS PROPERTY – ST. PAUL’S CHURCH ROAD**

Todd Moser, Real Property Administrator, Engineering presented the request to reach a consensus to decline acquisition of state surplus property. The State of Maryland has declared a property in Washington County to be surplus property. The property consisting of 0.688 acres is located along the west side of St. Paul’s Church Road, south of Pebble Lane, approximately 1 mile north of US-40 in Clear Spring. The adjoining property owner has requested to purchase the surplus property and the State intends to convey the property by sealed bid. The County is offered first right of refusal.

The Commissioner’s reached a unanimous consensus (5-0) to decline the acquisition of the state surplus property as presented.

**CONTRACT AWARD (PUR-1668) – INVESTMENT SERVICES FOR THE “DEFINED BENEFITS RETIREMENT PLAN FOR THE EMPLOYEES OF WASHINGTON COUNTY” AND THE “LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)” FOR THE WASHINGTON COUNTY EMERGENCY SERVICES**

Rick Curry, Director, Purchasing; Alton Fryer (the County’s Contracted Provider for Record-Keeping/Actuarial Services), Committee Facilitator presented the request to award the contract to the responsive, responsible proposer, Marquette Associates, Inc. of Chicago, IL with the lowest fee schedule as indicated in its proposal dated February 26, 2024 based on 10.5 basis points on assets of \$233.4 million for the annual lump sum contract price of \$245,070.00 totaling \$1,225,350.00 over five (5) years.

Commissioner Wagner, seconded by Commissioner Cline moved to award the contract to the Marquette Associates, Inc. as presented. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-24-0139) – PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR DIVISION OF EMERGENCY SERVICES**

Rick Curry, Director, Purchasing; R. David Hays, Director, Emergency Services, presented the request to authorize by Resolution, for the approval of the purchase of 26 sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services from Municipal Emergency Services of Rockville, MD at the contracted unit prices based on the contract awarded by the Fairfax County, VA contract (#4400010661)

- 13 Honeywell Morning Pride Coats (zipper closure) \$2,462.71 x 13= \$32,015.23
- 13 Honeywell Morning Pride Tailcoat \$1,625.64 x 13 = \$21,133.32 Totaling - \$53,148.55

Commissioner Keefer, seconded by Commissioner Wagner, moved to approve authorize by Resolution, the approval of the purchase of 26 sets of Personal Protective Equipment (PPE) (coats and pants) for the Division of Emergency Services from Municipal Emergency Services as presented. The motion passed unanimously.

**CONTRACT AWARD (PUR-1664) LANDFILL INSPECTION SERVICES REQUIREMENT CONTRACT**

Rick Curry, Director, Purchasing; Dave Mason, Deputy Director, Solid Waste, presented the request to award the contract for Landfill Inspection Services to the responsive, responsible proposer, BAI Group, LLC, of State College, PA (*incumbent*), with the lowest price proposal amount of \$355,700.00 based on the estimated annual quantities and unit costs contained in its proposal dated February 20, 2024, with inspectors utilized on an as-needed basis with no guarantee of minimum or maximum number of hours or testing procedures; and contingent upon approval of the Contract Agreement by the County Attorney's Office and to extend the current contract with BAI Group, LLC for sixty (60) consecutive calendar days to complete the Rubble Capping work that was awarded under PUR-1403 with the same terms and conditions. There was a request to extend the contract to (90) days.

Commissioner Harvey, seconded by Commissioner Wagner moved to award the contract for Landfill Inspection Services to BAI Group, LLC, as presented. The motion passed unanimously.

**CONTRACT RENEWAL (PUR-1544) – TRASH REMOVAL SERVICES AT COUNTY FACILITIES**

Brandi Naugle, Buyer, Purchasing; Danny Hixon, Deputy Director, Parks and Facilities, presented the request to renew the contract for Trash Removal Services at County Facilities with Republic Services of Hagerstown, MD, per the rates included in its letter dated March 26, 2024. Republic Services is requesting a 5.3% increase above the current rates for work performed for the subject services. This increase is based on CPI-Water/Serwer/Trash. On May 17, 2022, the Board originally awarded a contract for the subject services to Republic Services, in the total annual amount of \$67,698.60. The term of the contract is for a one (1) year period, that commenced on July 1, 2022, with an option by the County to renew for up to four (4) additional consecutive one (1) year periods thereafter. This is the second of four one (1) year optional renewals of the contract.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the request to renew the contract for Trash Removal Services at County Facilities with Republic Services as presented. The motion passed unanimously.

**BID AWARD (PUR-1678) TWO (2) 2024 OR NEWER FORD POLICE INTERCEPTORS UTILITY AWD VEHICLES FOR THE SHERIFF'S OFFICE**

Brandi Naugle, Buyer, Purchasing; Alan Matheny, Fleet Logistics and Commercial Vehicle Enforcement, Sheriff's Office, presented the request to award the procurement of Two (2) 2024 or Newer Ford Police Interceptors Utility AWD Vehicles for the Sheriff's Office to the lowest responsive, responsible bidder, RGH Automotive, LLC of New Holland, PA in the amount of \$44,596.00 each, for the total sum of \$89,192.00. Sheriff Albert recognized Brandi Naugle and the Purchasing Department for moving quickly and saving \$11,000.00 per vehicle.

Commissioner Wagner, seconded by Commissioner Harvey, moved to award the procurement of Two (2) 2024 or Newer Ford Police Interceptors Utility AWD Vehicles for the Sheriff's Office as presented. The motion passed unanimously.

Commissioner Keefer requested an update on the Sheriff Department Vehicle budget.

**SOLE SOURCE PROCUREMENT AWARD (PUR-1667) FOR HORIZON GOODWILL INDUSTRIES YOUTH HOMELESSNESS PROGRAM IN WASHINGTON COUNTY, MARYLAND**

Brandi Naugle, Buyer, Purchasing; Nicole Phillips, Senior Grant Manager, Grant Management, presented the request Motion to approve a Sole Source procurement to Horizon Goodwill Industries in the amount of \$50,000.00 for enhancements to existing services offered to homeless youth contingent upon approval of the funding award from the Governor's Office of Crime Prevention, Youth, and Victim Services and as approved by the Washington County Local Management Board at its meeting on Friday, January 19, 2024.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve a Sole Source procurement to Horizon Goodwill Industries in the amount of \$50,000.00 as presented. The motion passed unanimously.

**JAIL BASED MEDICATION ASSISTED TREATMENT (MAT) PROGRAM – APPROVAL TO SUBMIT APPLICATION AND ACCEPT FUNDING AS AWARDED**

Nicole Phillips, Senior Grant Manager, Grant Management; Meaghan Willis, Program Director, Day Reporting Center, presented the request to approve submission of application and accept funding as awarded for the Jail Based Medication Assisted Treatment Program. The Washington County Detention Center (WCDC) is requesting approval to submit an application to the Governor's Office for Crime Prevention, Youth, and Victim Services requesting \$399,851.00 in funding to support the Jail Based Medication Assisted Treatment (MAT) and accept any awarded funding.

Commissioner Wagner, seconded by Commissioner Harvey, moved to approve submission of application and accept funding as awarded for the Jail Based Medication Assisted Treatment Program as presented. The motion passed unanimously.

**PROCLAMATION FOR FAIR HOUSING MONTH**

Board of County Commissioners of Washington County presented a proclamation for Fair Housing Month to Timothy Fisher, CEO and Theresa Searcy, CCO of the Washington County Community Action Council, Inc., Nicole Phillips, Senior Grant Manager, Grant Management, presented information regarding the proclamation.

**POTENTIAL DISSOLUTION OF THE AGRICULTURAL MARKETING ADVISORY COMMITTEE**

Michelle Gordon, County Administrator, presented discussion regarding the continued need for the Agricultural Marketing Advisory Committee. The most recent version of the Agricultural Marketing Advisory Committee By-Laws occurred on March 25, 2008. The Committee has been established by the Board of County Commissioners of Washington County. Article 7: Amendments to Bylaws, identifies that the bylaws may be amended, repealed, modified or altered, in whole or in part, by a majority vote at any duly organized meeting of the Committee, subject to the approval of the Board of County Commissioners. The Committee has not held a meeting since 2020. The committee has had no active members since 2020; and all member terms were expired as of September 30, 2020. The Committee may be reconstituted at any time should the need arise in the future. Additionally, the County has one employee, the Business Development Specialist, Agriculture, Hospitality and Tourism dedicated to agricultural marketing.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the dissolution of the Agricultural Marketing Advisory Committee as presented. The motion passed unanimously.

**CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Cline, moved to convene in closed at 2:02 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. The motion passed unanimously.

In closed session, the Commissioners discussed boards and commissions, personnel matters, a business proposal and legal matters.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne Keefer and Randall E Wagner. Also, present was Dawn Marcus, County Clerk and Zachary J. Kieffer, County Attorney; Michelle Gordon, County Administrator; Also present at various times, were: Rosalinda Pascual, Assistant County Attorney; Aaron Weiss, Assistant County Attorney; Greg Cartrette, Director/Code Official, Permits and Inspections; Chip Rose, Director Human Resources; R. David Hays, Director, Emergency Services; and Joshua O'Neal, Chief Technical Officer, Information Technology.

**RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Harvey, moved to reconvene in open session at 2:38 p.m. The motion passed unanimously.

**ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Harvey, moved to adjourn at 2:38 p.m. The motion passed unanimously.

  
\_\_\_\_\_  
Dawn L. Marcus, *County Clerk*



