



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

February 14, 2023

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 Wayne K. Keefer, and Commissioner Randall E. Wagner.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Wagner reported attending the 90th Annual Smithburg Volunteer Fire Company banquet.

Commissioner Keefer congratulated the new Mayor of Hagerstown, Tekesha Martinez, on her appointment and recognized the historic moment.

Commissioner Cline congratulated new Mayor Tekesha Martinez and wished her the best. Commissioner Cline again thanked the organizers of the State of the County presentation. He attended the 90th Annual Smithburg Volunteer Fire Company banquet.

Commissioner Harvey congratulated Mayor Martinez and noted an upcoming lunch meeting to discuss the City and ways to better improve communications. Commissioner Harvey noted that it was Black History Month and gave a brief overview of his thoughts on the importance of teaching the history of black Americans in the country.

Commissioner Barr thanked his fellow colleagues for their support and thoughts of kindness during a recent medical procedure. Commissioner Barr congratulated Mayor Martinez and reported attending a Gate Keepers meeting together which led to a productive conversation regarding working together moving forward. Commissioner Barr shared various upcoming events with the Board. He advised the Board that a request was recently received from Landon Grove, Ft. Ritchie Museum Director, who advised that an application had been made for Federal funding for the renovation of the 30,000 square foot building by Lake Royer, which is blighted. The building is on the Maryland Historic Trust Easement, which adds an additional layer of complexity. Mr. Grove requested a letter of support be provided by the Board to support the application for funding. The Commissioners reached a consensus to support sending the letter.

STAFF COMMENTS

John Martirano, County Administrator, reported receiving communication from the Town of Sharpsburg which is in the process of applying for a grant from the Maryland Heritage Area Authority. The source of funding is designed to assist and encourage the preservation of historical, archeological, natural, and cultural resources, and support economic development through Heritage tourism. The Town of Sharpsburg has applied for the grant to fund the rehabilitation of Big Spring, which was

recently acquired by the Town and needs improvements. The Town has requested a letter of support from the Board to accompany their application. The Commissioners reached a consensus to support sending the letter. County Administrator Martirano reported that the Capital Improvement Plan (CIP) was being presented at the end of the day's agenda and advised that from now through May the budget would be presented and reviewed. He thanked all staff involved in putting together the budget. Mr. Martirano closed by reminding the Board that there would be no meeting the following week due to the President's Day holiday.

Kirk Downey, County Attorney, reported that Senator Corderman's office had requested a letters of support from the Board in regards to two bills that the Senator has introduced. The first bill is SB-533, a Bill that would repeal the authority for Washington County and municipalities in Washington County to impose an admissions and amusements tax. The County currently imposes such a tax, and the annual revenues are approximately \$400,000.00. Commissioner Harvey and Commissioner Keefer shared concerns over removing the authority to impose the tax. The Commissioners requested that it remain up to the County or municipalities to decide whether or not to collect such a tax. The Commissioners reached a consensus to send a letter opposing the bill but also directed staff to work on eliminating the Admissions and Amusements Tax in Washington County as adopted locally. Commissioner Wagner, seconded by Commissioner Keefer, moved to send the letter of opposition to SB-533, as presented, with emphasis that the County will accomplish the same goal as the intent of the Bill, but at a local level. The motion passed unanimously.

Mr. Downey reported that Senator Corderman has also requested a letter of support for SB-616 which concerns motor vehicles, modified exhaust systems, and noise abatement devices. The Bill is to authorize a police officer who observes a motor vehicle being operated with a modified exhaust system or noise abatement device that causes the motor vehicle to exceed a certain noise level in violation of law to stop the vehicle. In such circumstances, the bill requires the officer to issue a violation. The Commissioners shared similar concerns regarding the extra layer of work such a law would add to officers' duties, who must now be tasked with determining what exhaust sound level is acceptable and what is a violation.

Commissioner Harvey, seconded by Commissioner Wagner, moved to oppose sending a letter of opposition to SB-616, as presented. The motion passed unanimously.

CITIZEN PARTICIPATION

There were no citizens present who wished to participate.

STATE OF THE CIRCUIT COURT REPORT

Honorable Brett R. Wilson, Administrative Judge, and Kristin Grossnickle, Court Administrator, Washington County Circuit Court, presented the State of the Washington County Circuit Court report.

FY23 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S GENERAL FUND BUDGET

Jeffrey Proulx, Chief Operative Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools, presented a request to approve requested adjustments to the Board of Education's FY2023 General Fund Budget. The Annotated Code of Maryland requires local school systems to periodically re-forecast their financial needs and make necessary changes to their budgets. The Board of Education's Finance Committee reviewed the proposed adjustments at their meeting on

January 30, 2023, and recommended them for approval by the Board of Education (BOE). The BOE approved the requested changes at their February 7, 2023, meeting.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the requested adjustments as presented. The motion passed unanimously.

BLACK HISTORY MONTH

Fred Chavis, President, Washington County NAACP 7030, presented a request for funding for two Black History Month events, the Food Drop/Speaking event and the trip to the African American Museum in Washington, D.C. through the Bridges Program.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the request for funding in the amount of \$5,000.00 as presented. The motion passed unanimously.

PROGRESS ON THE DOLEMAN BLACK HERITAGE MUSEUM FUTURE HOME PROJECT

Doleman Black Heritage Museum Project Director Alesia Parson and Wendi Perry, Curator, presented an update on the progress of the Doleman Black Heritage Museum future home project.

PRESENTATION OF PROCLAMATION FOR BLACK HISTORY MONTH

The Board of County Commissioners presented Fred Chavis, President, Washington County NAACP 7030, Alecia Parson, Project Director, and Wendi Perri, Curator, Doleman Black Heritage Museum, with a Proclamation for Black History Month.

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

Linda Spence, Business Specialist, Foreign Trade Zone #255 Administrator, Department of Business Development, presented the request to approve proposed changes to the Zone Schedule, including a reduction in administrative fees for Foreign Trade Zone (FTZ) #255 to be more consistent with those across the country, and to adopt a resolution to reorganize Foreign Trade Zone #255 from a Traditional Site Framework to an Alternative Site Framework.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the proposed changes as presented and adopt a resolution reorganizing FTZ #255 from a Traditional Site Framework to an Alternative Site Framework. The motion passed unanimously.

**Commissioner Derek Harvey left the meeting at 10:43 a.m. and returned at 10:45 a.m.*

PRESENTATION OF THE 2024-2033 CAPITAL BUDGET – DRAFT ONE

Michelle Gordon, Chief Financial Officer, and Kelcee Mace, Deputy Director of Budget and Finance, presented draft one of the 2024-2033 Capital Budget.

**Commissioner John F. Barr left the meeting at 10:53 a.m. and returned at 10:55 a.m.*

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to convene in closed at 11:43 a.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;

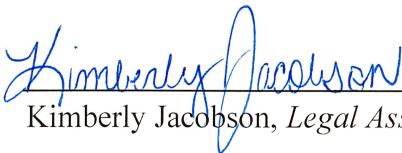
to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation; to discuss public security, if the public body determines that public discussion would constitute a risk to the public, or to public security, including: (i) the development of fire and police services and staff; and (ii) the development and implementation of emergency plans; to conduct or discuss an investigative proceeding on actual or possible criminal conduct; and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Section 3-305(b) (1), (7), (8), (10), (12), and (13) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners received an update on an ongoing litigation matter and discussed certain personnel matters and procedures, security procedures, a personnel vacancy, the provision of emergency medical services in certain situations, and an ongoing investigative proceeding and recovery therefrom.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, Wayne K. Keefer, and Randall E. Wagner. Also present at various times, were: John M. Martirano, County Administrator; Kirk C. Downey, County Attorney; Michelle Priebe, Executive Administrative Assistant; D. Bruce Poole, Esq.; Matt Breeding, Treasurer; Kendall Desaulniers, Deputy County Attorney/Interim Human Resources Director; Machel Dwyer, Recruiter, Human Resources; R. David Hays, Director, David Chisholm, Deputy Director, Emergency Services; Dale Fishack, President, WCVFRA; Michelle Gordon, Chief Financial Officer, Budget and Finance; Tom Brown, Director, Emergency Management; Zachary Kieffer, Assistant County Attorney; and Kathy Poole.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Keefer, moved to adjourn at 2:07 p.m. The motion passed unanimously.



Kimberly Jacobson, *Legal Assistant*