



Board of County Commissioners of Washington County, Maryland

Open Session Minutes

August 22, 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 9:07 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, and Commissioner Randall E. Wagner.

Commissioner Wayne K. Keefer was absent.

APPROVAL OF MINUTES

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the minutes of August 8, 2023. The motion passed 3-0. Commissioner Barr abstained.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the minutes of August 14, 2023. The motion passed 4-0.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Cline attend an event by the Clear Spring Historical Society at the Plumb Grove Mansion with music provided by the Hancock Civil War Band, he attended Augustoberfest at the Ag Center and the Pittsburgh Institute of Aeronautics (PIA) Graduation at the Hagerstown Airport.

Commissioner Wagner attended the PIA Graduation at the airport and recognized the 11 graduates and the program. He attended the Women's Club meeting and commented on all that they do.

Commissioner Harvey attended Augustoberfest with his family. He attended the Fire Association Meeting and the Board of Elections meeting who will be having a public meeting next month to determine where the early voting site will be located. He commented on today's public hearing on convenience stores.

Commissioner Barr thanked his fellow Commissioners for covering visits in the Community the last two weeks. He attended the MACo conference in Ocean City and was honored for past accomplishments. There was a record turnout and recognized our staff, Public Relations and Business and Economic Development Departments, and the local brewed beer, fruit and pies they were serving at our booths. He thanked everyone for their efforts and hard work putting everything together. President Barr attended Governor Moore's inspiring speech on Saturday morning and he met with Calvin Ball president of MACo. He commented on upcoming events.

STAFF COMMENTS

Michelle Gordon, acting County Administrator attended the Greater Hagerstown Committee meeting last week. She attended the MACo summer conference and thanked the Board and recognized staff. Ms. Gordon commented on the upcoming tour from the Department of Housing and Community

Development. She met with Maryland State Department of Transportation Officials regarding County transportation priorities and thanked them for funding one hundred million dollars for the second phase of the I-81 widening project and emphasized the need for ten million dollars in funding for the final phase of the project and discuss other funding needs. She attended multiple sessions at MACo and recognized MACo officials will be present during next week's meeting.

John F. Barr, President Board of County Commissioners presented the recommendation to hire Michelle Gordon as the County Administrator, at a Grade 22 Step 22 with an annual salary of \$195,541.00 effective August 19, 2023.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the hire of Michelle Gordon as presented. The motion passed 4-0.

Commissioner comments included the interview process and Ms. Gordon's demonstration of her skills, executive decision making, responsiveness and ability to make things work well. She was recognized as being the first female County Administrator.

Michelle Gordon thanked the Commissioners for the opportunity to serve as the County Administrator and she is looking forward to serving the community.

CITIZEN PARTICIPATION

Carol Mowen, President of Washington County Teachers Association commented on the start of school and recognized staff, they are hiring for positions and commented on the need for funding. She recognized American Education Week November 13, 2023, through November 17, 2023, and invited the Commissioners to visit.

Stephanie Phillips, Falling Waters, West Virginia, commented on the challenges of Hagerstown, natural challenges, family assistance, tourism, and the handling of Covid and relocation to the area.

Dawn Nalley, Boonsboro, Washington County Women's Commission, tenured Nursing Professor at HCC recently chosen as faculty of the year at HCC Washington County. She discussed her volunteer services and her passion for championing young girls to become the best they can be. She discussed the Women's Club visit with Commissioner Wagner. The club has provided safer affordable housing for women for over one hundred years.

Laurie Chrzanowski, Williamsport, owner of the Stonehouse Urban Winery, Washington County Women's Commission listed her accomplishments, thanked the Commissioners, and recognized the Commission for Women's dedication to build a community. They will be at the City Park on September 12, 2023, at Remembrance in the Park.

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

President Barr convened a Public Hearing at 9:44 a.m. to obtain public comment on the application for Zoning Text Amendment RZ-23-001 a proposed text amendment to Articles 7, 8, 9, 10, 11, 12, 22 and 28A of the Zoning Ordinance for Washington County.

Jill Baker, Director, Planning and Zoning, presented the proposed text amendment. Application has been made to amend several sections of the Zoning Ordinance to change the definition of a convenience store, to 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. She noted several letters of opposition from the citizens.

The Public Hearing was opened for public comment:

Ron Brais, Falling Waters Road Williamsport, concerned about impact of intersection of MD 63/68. He is concerned about a convenience store/truck stop and the implication of safety. He discussed the revision regarding the rural business district, Article 28A, and the need to keep in the special exception rule. He provided a handout he created in 2017 "Does Safety Matter".

Robert Harsh, Falling Waters Road Williamsport, commented on the diamond interchange at I-81 and MD 68. He commented on I-95 and the pull off in the median for the fuel and food. He showed a newspaper headline and commented on the deaths at the intersection of MD 68 and Governor Lane Boulevard.

Ginger Griffith, Taylor Drive Williamsport, opposes the new definition of convenience stores, which includes tractor trailer parking and the implication to surrounding areas around convenience stores. She would be opposed to a storage area for trailers and a transfer station.

Fred Frederick, South Potomac Street and Engineer, supports the update of the definition of a convenience store. He compared the original definition to the newly proposed definition and provided examples and photographs for review.

Jason Divelbiss, Green Castle, local real estate attorney, supports the change of the definition. There is ambiguity regarding truck stop and convenience store, the proposed definitions provided a better definition. He discussed the need for a circulated pattern after ten parking spaces and explained the rural business district is an overlay zoning district. He recommends a limit of not more than ten parking spaces.

Paul Miner, Falling Waters Road, Williamsport MD opposes the amendment. He commented on the intersection and is concerned with the kids going back to school next week. He commented on the truck fumes and the cancer in the area.

Kyle Smith, Sheetz stores, thanks the county for considering the new language and is in support to clarify the ambiguities. He presented the history of Sheet, locations in Washington County, their support of the community, changing needs of their customers, improving access and responding to customer demands and the shortage of truck parking,

Jonathan Kays, Fairplay Maryland, opposes the update of the definition of convenience stores and no hearings for special exceptions. He suggests making the warehouses around the county a place for public truck parking. He discussed the truck stop being on a secondary road off the interstate.

Barbara Hovermill, Spielman Road opposes changing the definition of convenience stores. She commented on community opposition of the truck stop, the diamond shape intersection's inability to handle more traffic, elected officials benefiting from projects and concerns over the environment and pollution.

Michael Tedrick, Ernstville Road, Big Pool commented the txt amendment goes against the rules already in place, will not protect the environment, our safety, and our welfare. He requested the Commissioners to vote no to this amendment and discussed ravine and well issues on his property.

Rob Ferree, Shaffer Road, Sharpsburg, employee of Bowman Development. Supports the text amendment and commented the zoning ordinance, and the MDOT study, prior meetings, the public hearing process, and private developers who pay to make changes to the intersections.

Bill Erskin, Columbia Gateway Drive, Columbia Maryland, land use and zoning attorney on behalf of Bowman. Supports the text amendment and commented on highway interchange districts, providing services to travelers including truck drivers, permitted use which includes warehouses and truck terminals, safety purview of providing a truck stop, and planning commission use of the site plan.

The Public Hearing was opened for Commissioner comments:
Commissioner Barr exited the meeting at 10:42 am and returned at 10:44 am

Commissioner discussion regarding correctness of the definition of convenience store, highway interchanges, dangers of runoff wastewaters, enforcement of truck parking limits, issues in Cascade, clarifications on the definition and location to highway interchanges.

Jill Baker requested to remand the issue back to the Planning Commission to address the concerns and answer questions, she will provide a map to show where the convenience stores are located. the record will remain open.

The Commissioner's reached a consensus to remand the application for Zoning Text Amendment RZ-23-001 back to the Planning Commission

The Public Hearing was closed at 11:00 a.m.

RECESS

PRESENTATION BY DEMENTIA FRIENDLY AMERICA WASHINGTON COUNTY

Pete McMillan, Amanda Crawford, Rebekah Blum and Carolyn Perrygo of Dementia Friendly America Washington County presented a power point presentation regarding the services of Dementia Friendly America. Carolyn and John Perrygo shared their personal story. Invitation to the Commissioners to attend their October 10, 2023, presentation.

Commissioner discussion regarding employee presentation, the difference between Dementia and Alzheimer's.

The Commissioner's reached a consensus to begin the process for employee training from the Dementia Friendly group.

PRESENTATION OF PROCLAMATION DECLARING WASHINGTON COUNTY DEMENTIA FRIENDLY

Washington County Board of County Commissioners presented a Proclamation to Dementia Friendly America Washington County.

EXPENDITURE OF ACCRUED PAYMENT-IN-LIEU (PIL) OF FUNDS IN ACCORDANCE WITH THE FOREST CONSERVATION ACT

Travis Allen, Senior Planner, Planning and Zoning; Dee Price, District Manager, Washington County Soil Conservation District presented the recommendation to approve a request for the expenditure of

PIL funds for acquisition and implementation of easements related to forest conservation for two parcels the David Foltz property and the Phil Bakershenk property.

Commissioner discussion regarding forest conservation.

Commissioner Wagner, seconded by Commissioner Cline moved to approve the request for the use of PIL funds for the acquisition and implementation of easements to the properties as presented. The motion passed 4-0.

APPLICATION FOR ZONING MAP AMENDMENT RZ-23-005

Travis Allen, Comprehensive Planner, Planning and Zoning made the recommendation to fully terminate an existing Rural Business floating zone-through a rezoning map for the property located at 8524 Fahrney Church Road.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the proposed map amendment as presented. The motion passed 4-0.

UTILITY FIBER WORK

Scott Hobbs, Director, Engineering provided an update regarding the cable installation. Additional County Staff have been identified who can assist with the inspections. Mr. Hobbs requested a consensus to have county staff assist with the inspection of the projects.

The Commissioner's reached a consensus to have county staff assist as presented.

BUDGET ADJUSTMENT

Kristin Grossnickle, Circuit Court Administrator requested approval to move \$28,274.00 from the Circuit Court computer and software equipment account and to the General Fund CIP account for FY23.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the budget adjustment as presented. The motion passed 4-0.

COMMUNITY ORGANIZATION FUNDING – AVAILABLE FUNDING AND SERVICE PRIORITY AREA ALLOCATIONS

Rachel Souders, Senior Grant Manager, Grant Management presented the request to approve the Community Organization Funding Service Priority Areas and their respective available funding as presented. It is the recommendation of the County's Interim CFO and the Office of Grant Management that the amount of funding made available for each respective service priority be set as indicated below:

| <u>Service Priority Area</u> | <u>Funding Available</u> | <u>Percent of Available Funds</u> |
|------------------------------|--------------------------|-----------------------------------|
| Arts & Culture | \$113,200 | 11.3% |
| Domestic Violence | \$322,245 | 32.2% |
| Families & Children | \$412,305 | 41.2% |
| Recreation | \$28,350 | 2.8% |
| Seniors | \$113,610 | 11.4% |
| Other | \$10,290 | 1.1% |
| Total | \$1,000,000 | 100% |

Commissioner discussion regarding criteria, where the funds are derived from.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the Community Organization Funding Service Priority Areas and their respective available funding as presented. The motion passed 4-0.

CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Cline, moved to convene in closed at 11:45 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 counsel to obtain legal advice on a legal matter and to conduct collective bargaining negotiations or consider matters that relate to the negotiations. The motion passed 4-0.

In closed session, the Commissioners discussed Boards and Commissions appointments, personnel matters, assignments, vacancies, and contractual matters.

Present during closed session were Commissioners John F. Barr, Jeffrey A. Cline, Derek Harvey, and Randall E Wagner. Also present was Dawn Marcus, County Clerk and Kirk C. Downey, County Attorney; Michelle Gordon, County Administrator; Also present at various times, were: Zachary Kieffer, Assistant County Attorney; Andrew Eshleman, Director, Public Works; David Hays, Director Emergency Services; David Chisholm, Assistant Director Emergency Services.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Harvey, moved to reconvene in open session at 12:33 p.m. The motion passed 4-0.

SECOND STAFF COMMENTS

Michelle Gordon, County Administrator presented the recommendation the promotion of George Sweitzer to the position of Golf Course Superintendent, Public Works at a Grade 15, Step 5, salary \$96,054/annually effective August 19, 2023.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve the hire of George Sweitzer as presented. The motion passed 4-0.

Michelle Gordon, County Administrator, presented the recommendation to appoint Rachel Souders to the position of Interim Director of Grant Management at a Grade 16, Step 1, salary \$73,382 effective August 19, 2023.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointment of Rachel Souders as presented. The motion passed 4-0.

Dawn Marcus, County Clerk, presented the recommendation to re-appoint Mayor William Green to serve a third two-year term from May 1, 2022, through April 30, 2024, as Washington County Municipalities Representative on the Hagerstown/Eastern Panhandle Metropolitan Planning Organization.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the re-appointment of Mayor William Green as presented. The motion passed 4-0.

Dawn Marcus, County Clerk, presented the recommendation to appoint Kathryn Boyd-Mansfield to serve an unfulfilled term through August 31, 2025, as Department of Social Services Representative on the Adult Public Guardianship Review Board.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointment of Kathryn Boyd- Mansfield as presented. The motion passed 4-0.

Commissioner Derek Harvey made the motion to appoint Tom Thorsen to serve a full term on the Area Agency on Aging Advisory Council. The motion was seconded by Commissioner Wagner. The motion passed 4-0.

ADJOURNMENT

Commissioner , Cline, seconded by Commissioner Wagner, moved to adjourn at 12:33 p.m. The motion passed 4-0.



Dawn L. Marcus, *County Clerk*

