



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**September 12, 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 10:02 a.m. with the following members present: Vice-President Jeffrey A. Cline, Commissioner Derek Harvey, Commissioner Wayne K. Keefer and Commissioner Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the minutes of August 22, 2023. The motion passed 4-0. Commissioner Keefer abstained.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the minutes of August 29, 2023. The motion passed unanimously.

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

Commissioner Wagner attended the Employee Service Awards breakfast and thanked the employees for their service. He attended Patriot Day at St. Mary's Catholic School and reminded everyone of Remembrance in the Park tonight. Commissioner Wagner attended the Antietam Battlefield dedication of the new visitor's center.

Commissioner Cline attended the Employee Service Awards breakfast and thanked the employees for their service and staff who organized the breakfast presentation. On Saturday he attended Boonsboro Days, and he attended the 911 parade in Boonsboro. Commissioner Cline attended the St. Mary's Catholic School Patriot Day event, he attended the Antietam Battlefield Visitor Center dedication and commented on the displays. Commissioner Cline attended Sheriff Albert's coffee event on Saturday at Brooke's House. He attended the Wings and Wheels event at the Airport, and the North End Lowes promotion for "no child left without a bed" event. He commented on the Antietam Battlefield attempt to eliminate the luminary event in December and commented on I-81 and the funding received for Phase II.

Commissioner Keefer attended the Employee Service Awards breakfast and thanked the employees and Human Resources staff for the event. He commented on the solar field fire in Hancock and the need for a response plan to help mitigate future fires. Commissioner Keefer commented on the County's sexual harassment policy, the annual training, elected officials' participation in training, concerns regarding interns and Title 9 reporting, and requested review of the policy and the training. He commented on the warehouse video and his concerns about the message, public comments and concerns with I-81. He suggested a committee be formed to deal directly with I-81, members to include elected officials, a developer and citizens that are impacted by I-81. He would like the committee to lobby for and promote legislation and work on issues of speed limits, limiting development around

diamond interchanges and limiting use of lanes and ramps. Commissioner Keefer would like to have notes from the citizens comments at Comp Plan Meetings

Commissioner Harvey commented on the video on our webpage, the quality was excellent, this is the first of a number of videos that will explore I-81, truck stops and interchanges. The large number of comments may be very helpful and presented good ideas to help find ways to mitigate the issue. He attended the Antietam Battlefield Visitor Center dedication event and commented on the need to revisit the Fourth of July event for historical and economical purposes and requested our elected state official's assistance. Commissioner Harvey attended the St. Mary's event and commented on how 911 changed life for everyone and to remember our first responders, firefighters, police and military. He reminded the Board of Elections is meeting tonight to discuss a possible third early voting location. He would like the County to think about exploring transportation services to assist people in getting to the voting sites. He reminded the citizens to attend evening meetings and comp plan meetings or comment online.

Commissioner Barr commented Sunday, September 17, 2023, is the 161<sup>st</sup> anniversary of the Battle of Antietam. He attended the local Beaver Creek Community open house event Saturday and Sunday. He recognized math teacher Raymond Weber of Salem Elementary as being recognized for teacher of the year in Washington County and he is one of seven finalist candidates for the Maryland state teacher of the year. Commissioner Barr commented on upcoming events to include the Clear Spring evening meeting on October 17, 2023, and the Comp Plan meetings in Boonsboro on September 21, 2023.

### **STAFF COMMENTS**

Michelle Gordon, County Administrator noted that Jill Baker Director, Planning and Zoning, is documenting comments at the Comp Plan meetings. She attended the Solid Waste appreciation luncheon and is taking tours of County facilities. Ms. Gordon attended the Comp Plan meeting and thanked staff for their dedication and commitment to the community. She attended the Home Builders Association meeting and discussed economic indicators with local builders. On the tours, she met with Judge Wilson to get acquainted with courthouse operations. She attended the Employee Service awards and thanked staff. She commented on the Harpers Ferry Road project and the Route 340 road closure. Ms. Gordon commented on Public Relations videos and commended them on the videos which are sent to the Commissioners prior to release to obtain comments and feedback. She is working with the Greater Hagerstown Committee, the Engineering Department is working with the Transportation Committee, President Barr has personally reached out to Governor Moore and they met with MDOT at MACo regarding concerns for I-81 and I-70.

Senator, Mike McKay, District 1, presented his 90 days report a review of the 2023 Legislative Sessions and commented on the contents of the report. He serves on multiple committees to include the Judicial Proceedings Review Committee. They passed nine bills that affect the counties in District 1. He commented on the funding they were able to obtain and looks forward to working for us during the 2024 Legislative Session.

### **CITIZEN PARTICIPATION**

There was no citizen participation.

### **PUBLIC HEARING – APPLICATION FOR ZONING TEXT AMENDMENT RZ-23-004; AND COMPREHENSIVE PLAN AMENDMENT CP-23-001 .**

President Barr convened a Public Hearing at 10:42 a.m. to obtain public comment on the rezoning and comprehensive Plan amendment applications. The Commissioners may take action to approve or deny the requests or wait until a later date to deliberate.

County Clerk, Dawn L. Marcus, administered the Oath of Testimony.

Jill Baker, Director, Planning and Zoning, presented the proposed text amendment. A rezoning case has been applied for by Troy and Elisabeth Jernigan to amend the current zoning of property located at 23226 Fruit Tree Drive, Smithsburg, MD from Residential, Transition (RT) to Agriculture, Rural (AR). The application states that there was a mistake made in the zoning of the property as part of the 2013 Town Growth Area rezoning. This request includes an amendment to the Comprehensive Plan for the County to remove said parcel from the delineated Smithsburg Town Growth Area. The Planning Commission had a public input meeting on July 10, 2023, at the meeting one member of the public commented in favor of the proposal. The Planning Commission has recommended approval of both the text amendment and the change to the Comprehensive Plan,

Applicant Testimony; Fred Frederick, attorney, and Troy Jernigan, applicant, reviewed the map, use of the property and recommended it be reverted back to agricultural use. Mr. Jernigan will use it in an agricultural manner recycling tree stumps and old wood for multiple uses to include farming,

Commissioner discussion regarding prior zoning issues, capacity for water in the area, facilities and materials needed, support of the concept.

Applicant, Mr. Jernigan discussed Green Waste Recycling.

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

The Public Hearing was closed at 10:54 a.m.

The Commissioner's reached a unanimous consensus to approve the application for Zoning Text Amendment RZ-23-004 and the Comprehensive Plan amendment. Documents will be prepared and brought back before the Commissioners for approval at a later date.

**FY24 HEALTHY FAMILIES HOME VISITING CONTINUATION GRANT-APPROVAL TO ACCEPT AWARDED FUNDING**

Nicole Phillips, Grant Manager, Grant Management presented the request to approve the acceptance of funding awarded under the FY24 Healthy Families Home Visiting Continuation Grant Program from the Maryland State Department of Education in the amount of \$138,996.50.

Commissioner discussion regarding which organization will administer the grant.

Ms. Phillips presented the Health Department will administer the grant.

Commissioner Keefer, seconded by Commissioner Harvey moved to approve the acceptance of funding awarded under the FY24 Healthy Families Home Visiting Continuation Grant Program from the Maryland State Department of Education as presented. The motion passed unanimously.

**FY24 SENIOR CITIZEN ACTIVITIES CENTER OPERATING FUND GRANT – APPROVAL TO ACCEPT AWARDED FUNDING**

Nicole Phillips, Grant Manager, Grant Management; Amy Olack, CEO, Washington County Commission on Aging presented the request to approve the acceptance of funding awarded under the

Senior Citizens Activities Center Operating Fund Grant program from the Maryland Department of Aging in the amount of \$36,426.00.

Commissioner Keefer, seconded by Commissioner Wagner moved to approve the acceptance of funding awarded under the Senior Citizens Activities Center Operating Fund Grant program from the Maryland Department of Aging as presented. The motion passed unanimously.

### **TERMINATION OF COVID POLICY**

Michelle Gordon, County Administrator presented the request to approve the termination of the COVID Policy as of September 13, 2023. The County COVID Policy was last updated on November 11, 2022. Frederick County, Maryland terminated its COVID Policy effective October 7, 2022. Staff would like to establish a termination date for the County's COVID Policy and recommend that it be terminated. In the event of employee illness, the affected employee would need to follow County sick leave policy and procedures. This means that the affected employee would need to follow the instruction and recommendations of their primary care physician with regard to: potential absence from work; potential return to work date; and potential / required quarantine, mask or care instructions.

Commissioner discussion regarding using the date of September 13, 2023, and prior communications regarding COVID concerns.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the termination of the COVID Policy as of September 13, 2023, as presented. The motion passed unanimously.

### **CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Cline, moved to convene in closed session at 11:02 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 consider the acquisition of real property for a public purpose and matters directly related thereto; To consult with staff, consultants, or other individuals about pending or potential litigation; 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 appointments, personnel matters, assignments, vacancies, acquisition of real property for a public matter and contractual 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 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; Todd Moser, Real Property Administrator, Engineering; Neil Dorin, Director, Hagerstown Regional Airport; and Kelcee Mace, Deputy Director, Budget and Finance.

### **RECONVENE IN OPEN SESSION**

Commissioner Harvey, seconded by Commissioner Cline, moved to reconvene in open session at 1:05 p.m. The motion passed unanimously.

**SECOND STAFF COMMENTS**

Michelle Gordon, County Administrator, presented the recommendation to hire George Cartrette to the position of Director of Permits and Inspections at a Grade 18, Step 11, salary \$109,491.00 annually with a start date of October 16, 2023.

Commissioner Cline, seconded by Commissioner Wagner, moved to approve the hire of George Cartrette as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to appoint James Sword as a Veteran Representatives on the Veteran's Advisory Committee to serve a first three-year term from September 1, 2023, through August 31, 2026.

Commissioner Wagner, seconded by Commissioner Cline, moved to approve the appointment of James Sword as Veteran Representatives as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to appoint Darrell Nelson as a Veteran Representatives on the Veteran's Advisory Committee to serve a first three-year term from September 1, 2023, through August 31, 2026.

Commissioner Cline, seconded by Commissioner Harvey, moved to approve the appointment of Darrell Nelson as Veteran Representatives as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to appointment Karen Federman Henry to serve a first, three-year term, from July 1, 2023, through June 30, 2026, on the Board of Zoning and Appeals.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve the appointment of Karen Federman Henry as presented. The Motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to appoint Kelli Tencer as the Citizen at Large Representative on the Mental Health Authority to serve a first full, three-year term from September 1, 2023, through August 31, 2026.

Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the appointment of Kelli Tencer as the Citizen at Large Representative as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to re-appoint Rita Bratcher as the Consumer Representative on the Mental Health Authority to serve a third, three-year term from September 1, 2023, through August 31, 2026, and grant an exception to the two-term limit as outlined in the by-laws.

Commissioner Harvey, seconded by Commissioner Cline, moved to approve the re-appointment of Rita Bratcher as the Consumer Representative as presented. The motion passed unanimously.

Dawn Marcus, County Clerk, presented the recommendation to re-appoint Jennifer Lowery as the Child Advocate on the Mental Health Authority to serve a fifth, three-year term from October 1, 2023, through September 30, 2026, and grant an exception to the two-term limit as outlined in the by-laws.



Commissioner Harvey, seconded by Commissioner Keefer, moved to approve the re-appointment of Jennifer Lowery as the Child Advocate as presented. The motion passed unanimously.

Commissioner Keefer noted for clarification we have the exception to the two-term limit because they are background or career specific appointees, and they are the only appointees that meet those criteria.

Dawn Marcus, County Clerk, presented the recommendation to approve the appointments of Delilah Merica, Gloria Burke and Stephanie Nalley on the Area Agency on Aging Advisory Council, to serve a first, three-year term from July 1, 2023, through June 30, 2026.

Commissioner Harvey, seconded by Commissioner Wagner, moved to approve the appointments of Delilah Merica, Gloria Burke and Stephanie Nalley as presented. The Motion passed unanimously.

**ADJOURNMENT**

Commissioner, Harvey, seconded by Commissioner Wagner, moved to adjourn at 1:13 p.m. The motion passed unanimously.

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