

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY  
Hagerstown, Maryland**

June 27, 2017

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

**CALL TO ORDER**

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:00 a.m. at 100 West Washington Street, Room 1113, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

**APPROVAL OF MINUTES – JUNE 13, 2017**

Commissioner Keefer, seconded by Commissioner Myers, moved to approve the minutes of June 13, 2017. The motion passed unanimously (5-0).

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Barr reported his attendance at the Tri-County Council annual business meeting in Garrett County, Maryland. He also attended Governor Hogan's picnic in Annapolis on Saturday afternoon; Lt. Governor Rutherford also attended. Commissioner Barr reported that on Sunday evening he attended the opening ceremonies of the Maryland Municipal League in Ocean City, Maryland. Also in attendance at the MML meeting was Mayor Spielman (Sharpsburg), Mayor Crampton (Funkstown), and numerous municipality staff members. Commissioner Barr reported that he attended the Mayor's luncheon for the Miss Maryland pageant. He also attended the two day MACO spring retreat in Towson (Baltimore County), as he is still actively involved with the association.

Commissioner Baker reported that he attended the Mayor's luncheon for the Miss Maryland pageant. Commissioner Baker thanked County staff for quickly responding to citizens on various issues and concerns that were reported to him.

**REPORTS FROM COUNTY STAFF**

Kirk C. Downey, Deputy County Attorney, reminded Commissioners that the County's Floodplain Management Ordinance was recently adopted. Local municipalities are expected to adopt this Ordinance, with administration and enforcement to be provided by the County. To effectuate this, the municipalities will execute joint resolutions with the County acknowledging the County's administration and enforcement of the Ordinance. He asked the Commissioners to approve the resolutions and authorize President Baker to execute them on behalf of the Board of County Commissioners.

Commissioner Barr, seconded by Commissioner Myers, moved to approve the execution of the Resolutions as presented. The motion passed unanimously (5-0).

**Department of Business Development**

Sarah Sprecher, Assistant County Administrator, and Kassie Lewis, Director, Department of Business Development, discussed the joint meeting of the Economic Development Commission (EDC) and the Board of County Commissioners held last month. Priorities, expectations, and ways to measure the success of Economic Development in the County were discussed. A survey was completed and results indicate the top three priorities are business retention and expansion, marketing and attraction, and workforce development. Also discussed was a proposal for joint meetings to be held on a quarterly basis to review updated information. A different agenda format will be used in these future meetings. Work groups will be formed to discuss state business development, incentives and legislation, the urban improvement project, the Mt. Aetna Farms development project, economic development week and celebration of business event planning, Gigabit City marketing, workforce development, employer case studies, and the like.

Ms. Lewis reported that the Maryland Paper Company is proposing an expansion of its facility and will be taking advantage of The New Job Creation and Capital Investment Property Tax Credit Program. The proposed expansion and the creation of new jobs will entitle the company to a six (6) year property tax credit. The company is expected to qualify for a thirty-percent (30%) credit during years one (1) and two (2), a twenty-percent (20%) credit during years three (3) and four (4) and a ten-percent (10%) credit during years five (5) and six (6). Maryland Paper Company will be constructing a thirty-five thousand (35,000) square foot addition and will be adding fifty (50) new employees.

Robert Slocum, County Administrator, reported that Washington County and the City of Hagerstown competed with the City of San Diego for a bicycle race to be held in 2018 and 2019. There would be approximately eight-hundred (800) participants. USA Cycling representatives recently attended a bicycle race held in Hagerstown to observe the event and to choose three (3) routes they would like to use.

Mr. Slocum reported on a recent presentation given for an out-of-town employer and business owner considering relocating to Washington County. Commissioners Baker and Cline attended the presentation. Positive feedback was received from the business owner.

Mr. Slocum also reported that a public open house was held last week regarding the I-70/MD 65 interchange. A letter was circulated to the County Commissioners in support of an alternative option to keep the existing loop ramp to allow for the free flow of traffic into the City of Hagerstown rather than creating a conflicting movement.

#### **CITIZENS' PARTICIPATION**

No citizens attending the meeting wished to present remarks.

#### **SOLE SOURCE PROCUREMENT AWARD (PUR-1357) FOR WESTERN MARYLAND CONSORTIUM DISCONNECTED YOUTH SERVICES IN WASHINGTON COUNTY, MARYLAND**

Stephanie Lapole, Grant Manager, Office of Community Grant Management, presented a request to approve a sole source procurement to the Western Maryland Consortium in the amount of \$52,687 for enhancements to existing programming offered to disconnected youth, contingent upon approval of the funding award from the Maryland Governor's Office

for Children, and as approved by the Washington County Local Management Board at its meeting on Friday, January 20, 2017. No County funds are requested.

The purpose of the service to be provided is to fulfill the requirements contained in a Community Partnership Agreement between the Board of County Commissioners and the State of Maryland acting through the Sub-Cabinet for Children, Youth and Families, which in turn is acting through the Washington County Office of Community Grant Management (OCGM). The contract is for a one (1) year period commencing July 1, 2017 and ending on June 30, 2018.

The OCGM wishes to apply Section 1-106.2(a)(1) to the Code of the Public Local Laws of Washington County, Maryland to the procurement requested. This section states that sole source procurements are authorized and permissible when: (1) only one source exists that meets the County's requirements. This request requires the approval of four (4) out of the five (5) Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish a notice of award in a newspaper of general circulation in the County; and 2) an appropriate record of the sole source procurement shall be maintained as required.

Commissioner Barr, seconded by Commissioner Keefer, moved to approve a sole source procurement to the Western Maryland Consortium in the amount of \$52,687 as presented. The motion passed unanimously (5-0).

#### **NEXT GENERATION FARMLAND ACQUISITION PROGRAM**

Eric Seifarth, Rural Preservation Administrator, and Chris Boggs, Land Preservation Planner, Washington County Department of Planning & Zoning, presented a request to approve Washington County's participation in the Next Generation Farmland Acquisition Program (NGFAP).

The NGFAP was authorized by the Maryland General Assembly to enable the Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) to provide financial assistance to qualified young and beginning farmers to acquire their first farm. The NGFAP is designed to help facilitate the transfer of farmland to a new generation of farmers, while also effectively helping to preserve the subject agricultural land from future development and promote a sustainable rural economy.

If any Washington County applicants are selected, MARBIDCO will fund 51% of the Fair Market Value of the Landowner's purchase of the farm (or a maximum of \$500,000). MARBIDCO will also pay for the property appraisal associated with the program; the landowner may be responsible for administrative costs such as title work and closing costs, if a conservation easement is settled.

Mr. Boggs reported that MALPF (Maryland Agricultural Land Preservation Foundation) will be the easement holder. There will be a ranking system for the Program: 1) property must meet requirements that make it eligible to be a MALPP easement; 2) property must be a working farm with cropland; 3) applicant must be a beginning farmer with limited access

to farmland; 4) applicant must provide documentation showing difficulty in obtaining funding for start-up costs; and 5) a farm business plan must be provided.

Commissioner Barr, seconded by Commissioner Keefer, moved to approve Washington County's participation in the Next Generation Farmland Acquisition Program (NGFAP) as presented. The motion passed 4-0. Commissioner Myers left the meeting at 11:00 a.m., and returned at 11:02, and was not present for the vote.

**CONTRACT AWARD (PUR-1346) TREATMENT FOR SUBSTANCE USE DISORDERS AT THE WASHINGTON COUNTY SHERIFF'S OFFICE DAY REPORTING CENTER**

Rick Curry, CPPO, Buyer, Purchasing Department, and Sheriff Doug Mullendore, Washington County Sheriff's Office, presented a request to award the contract for the Treatment for Substance Use Disorders at the Washington County Sheriff's Office Day Reporting Center (DRC) in Washington County, Maryland, to the responsible proposer, Serenity Treatment Center Inc. of Hagerstown, Maryland, in the amount of \$92,230.00. Funds are available from the Governor's Office of Crime Control and Prevention in the amount of \$92,500.

The contract is for an initial term tentatively to commence July 1, 2017 and end June 30, 2018, with an option by the OCGM) to renew the awarded contract for up to one (1) additional year through fiscal year 2019. Renewal of the agreement is at the discretion of the Washington County Sheriff's Office and is contingent upon: 1) the continual award of funds from the Governor's Office of Crime Control and Prevention; 2) the performance of the Contractor; and 3) the goals/outcomes desired by the GOCCP and the Washington County Sheriff's Office.

Commissioner Myers, seconded by Commissioner Barr, moved to award the contract for the Treatment for Substance Use Disorders at the Washington County Sheriff's Office Day Reporting Center to Serenity Treatment Center, Inc. in the amount of \$92,230.00, as presented. The motion passed unanimously (5-0).

**APPROVAL OF AN OFFER ON 12408 LEARNING LANE (FORMER CONOCOCHIEGUE ELEMENTARY SCHOOL)**

Susan Small, Real Property Administrator, Engineering Department, presented for approval the terms of sale for the property located at 12408 Learning Lane (the former Conococheague Elementary School) and to execute the necessary documentation for an agreement of sale.

The proposed offer includes the following: \$500,000 purchase price; 100% buyer paid closing costs (to include all fees and commissions); 90-day feasibility period; approval of the Board of Public Works contingency provision; kickout clause if a better offer is presented by a third party; and \$5,000 deposit to be held in seller's agent's escrow account.

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the offer on 12408 Learning Lane (former Conococheague Elementary School) as presented and authorized the execution of an agreement of sale and related steps necessary to consummate the transaction.. The motion passed unanimously (5-0).

**PUBLIC HEARING – PROPOSED ENACTMENT OF AN ORDINANCE ESTABLISHING SCHOOL ZONES AND AUTHORIZING THE USE OF SPEED MONITORING SYSTEMS IN WASHINGTON COUNTY, MARYLAND**

President Baker convened a Public Hearing at 10:45 a.m. to obtain public comment on the Proposed Enactment of an Ordinance entitled “An Ordinance Establishing School Zones and Authorizing the Use of Speed Monitoring Systems in Washington County, Maryland” (the “Ordinance”).

Sheriff Mullendore presented the Ordinance, the purpose of which is to establish school zones within Washington County and to authorize the use of speed monitoring systems in established school zones pursuant to Maryland Code, Transportation Article, §§21-803.1 and 21-809. Implementation will require two new positions with the Sheriff’s Office to run and administer the program; however, these positions will be funded through the revenue generated by the program. The Ordinance would allow civil citations to be issued in the amount of \$40.00 for anyone traveling twelve (12) miles per hour or more over the speed limit within school zones established within 1,000 feet of the perimeter of a defined school. The speed monitoring system would be operated Monday through Friday only, from 6:00 a.m. to 8:00 p.m., per Maryland law. Citations may be contested.

No public comment was received.

The public hearing was closed at 10:50 a.m.

Commissioner Keefer, seconded by Commissioner Barr, moved to approve “An Ordinance Establishing School Zones and Authorizing the Use of Speed Monitoring Systems in Washington County, Maryland” as presented. The motion passed 3-2 with Commissioners Barr, Keefer and Myers voting “AYE” and Commissioners Baker and Cline voting “NO”.

**CONVENE IN CLOSED SESSION**

Commissioner Keefer, seconded by Commissioner Barr, moved to convene in closed session at 10:50 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 consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; to consult with counsel to obtain legal advice on a legal matter; and to consult with staff, consultants, or other individuals about pending or potential litigation, in accordance with Section 3-305(b), (1), (4), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed 4-1 with Commissioner Cline voting against the motion. Commissioner Cline left the meeting at 10:50 a.m.

In closed session, the Commissioners considered filling a number of staff vacancies; discussed the potential appointment of members to a County board; received information concerning pending or potential litigation; received updates concerning personnel matters over which the Board has jurisdiction; considered a proposal for various entities to locate, expand, or remain in the State; and discussed the potential acquisition of real property to effectuate same.

During closed session, the Commissioners directed staff to take certain actions concerning the matters discussed.

Present during closed session were Commissioners Terry L. Baker, John F. Barr, Wayne K. Keefer and LeRoy Myers, Jr. Also present were Robert J. Slocum, County Administrator; Sarah Sprecher, Assistant County Administrator; Debra Eckard, Administrative Assistant; Kirk C. Downey, Deputy County Attorney; Kendall A. McPeak, Assistant County Attorney; Debra Murray, Chief Financial Officer; Stephanie Stone, Director, Health and Human Services; Scott Hobbs, Director, Department of Engineering; Rich Eichelberger, Director, Department of Construction; Tim Lung, Director, Department of Plan Review & Permitting; Dan Divito, Deputy Director, Operations, Division of Environmental Management; and Delegate Brett Wilson.

The closed session adjourned at 12:02 p.m.

**CONSTRUCTION BID AWARD – GARIS SHOP ROAD BRIDGE W-4021, BRIDGE REHABILITATION PROJECT, COUNTY CONTRACT NO. BR-GS-178-14, SHA CONTRACT NO. WA384ZM2, FEDERAL AID PROJECT NO. STBG-E(470)E**

Scott Hobbs, P.E., Director, Department of Engineering, presented a request to conditionally award the Garis Shop Road Bridge W-4021, Bridge Rehabilitation contract to the lowest responsive, responsible bidder, Building Systems, Inc. of Hagerstown, Maryland, in the amount of \$1,066,261. The conditional award is based on receiving concurrence from the Maryland State Highway Administration (SHA). The recommended bid of \$1,066,261 includes the Base Bid and Add Alternative Groups 1, 3 and 4.

This project involves the rehabilitation of an existing one-lane, three-span, stone arch bridge over Antietam Creek on Garis Shop Road, located approximately three miles south of Hagerstown, Maryland. This is a one-hundred and eighty (180) consecutive calendar day contract. The anticipated Notice to Proceed is late July 2017 with an anticipated completion date in late January 2017.

This project was rebid because the original bid was rejected in open session on February 28, 2017, in order to re-evaluate the original contract design for alternate ways that would allow for cost savings given the limited local funding to cover the work and any cost overruns. The cost for the project was reduced by establishing a Base Bid, as well as providing four (4) Add Alternate Groupings to the contract for various work elements. Add Alternate Group 1: performing structure excavation and lightweight concrete infill with temporary shoring; add Alternate Group 2: performing the same work as Group 1 without the use of the temporary shoring; add Alternate Group 3: masonry work associated with the existing mill race; and add Alternate Group 4 installing utility conduits.

This is a budgeted CIP project (BRG061) and a federal aid bridge project (80% federal, 20% local share). Total expenses are estimated at \$1,166,261, including \$1,066,261 for the proposed bid award; \$50,000 inspection/testing/right-of-way/utilities; and \$50,000 for construction contingency. The construction cost will be reimbursed by SHA at an 80/20 share.

Commissioner Barr, seconded by Commissioner Myers, moved to conditionally award the Garis Shop Road Bridge W-4021, Bridge Rehabilitation contract to Building Systems, Inc. of Hagerstown, Maryland in the amount of \$1,066,261 as presented. The motion passed unanimously (4-0); Commissioner Cline was not present.

#### **CHANGE ORDER – ROBINWOOD DRIVE CORRIDOR**

Scott Hobbs presented for approval a change order for the Robinwood Drive Corridor in the amount of \$507,766.00. The contract value for Milani Construction LLC will be increased accordingly and the final change order will close out the construction project. This is a budgeted CIP project (RDI022) at a construction cost of \$9,291,972.24.

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the change order for the Robinwood Drive Corridor in the amount of \$507,766.00 as. The motion passed 3-0. Commissioner Barr abstained from the vote, and Commissioner Cline was not present.

#### **CONCURRENCE – HANCOCK PUBLIC LIBRARY**

Scott Hobbs presented the bid results for the Hancock Public Library for informational purposes and concurrence on the project. The contract will be executed by the Board of Trustees of the Washington County Free Library. This project includes the construction of a new public library in the Town of Hancock and includes parking and stormwater management facilities. The library will be built with County funding not to exceed \$1,000,000 (BLD077). The Washington County Free Library will forward fund project costs with County reimbursement occurring in 2022.

#### **WASHINGTON COUNTY ORGANIZATIONAL CHART**

Robert Slocum presented a request to change the County's Organizational Chart to reflect that the Chief Financial Officer and Director of the Department of Budget & Finance will report directly to the County Administrator.

Commissioner Keefer, seconded by Commissioner Myers, moved to approve the change to the County's Organizational Chart as proposed.

The motion passed 3-1, with Commissioner Barr opposed to the change. Commissioner Cline was not present.

#### **URBAN IMPROVEMENT PROJECT FUNDING LETTER**

Mr. Slocum presented a request that the Board of County Commissioners provide a letter of support to the University System of Maryland to forward fund the Urban Improvements Project (UIP) in the amount of \$10.5 million at 0% interest for five (5) years, with an option for an additional five (5) years repayment for any remaining balance, at a rate to be determined after expiration of the first five (5) year period. The total project currently totals approximately \$36 million, the majority of which is committed among the stakeholders' budget.

The Commissioners reached a consensus to provide a letter to the University System of Maryland. Commissioner Keefer abstained out of an abundance of caution because he has a contract to teach an evening class with the University System of Maryland; Commissioner Cline was not present.

Commissioner Myers, seconded by Commissioner Keefer, made a motion to adjourn the meeting at 12:25 p.m.



Robert J. Slocum, County Administrator



Kirk C. Downey, Deputy County Attorney



Debra Sue Eckard, Administrative Assistant