

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

December 12, 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 10:10 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 – NOVEMBER 28, 2017 AND DECEMBER 5, 2017

Commissioner Keefer, seconded by Myers, moved to approve the minutes of November 28, 2017. The motion passed unanimously.

Commissioner Barr, seconded by Myers, moved to approve the minutes of December 5, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Barr wished all a Merry Christmas. He reported attending last week's Maryland Association of Counties (MACo) Winter Conference in Cambridge, Maryland. Governor Hogan was present to swear in new MACo officers and Mr. Barr was sworn in as Immediate Past President.

Commissioner Myers congratulated Commissioner Barr for receiving the Marilyn J. Praisner Public Service Award during the MACo Conference. The award recognizes current or former county elected officials who have demonstrated outstanding service to the county, his or her constituents and MACo.

Commissioner Cline also commended Mr. Barr for receiving the MACo award.

Commissioner Keefer reiterated the comments regarding Mr. Barr and wished all a Merry Christmas. He congratulated Shelly McIntire for being appointed the new Hagerstown Council Member and Paul Corderman for being nominated to fill the Delegation position vacated by now Circuit Court Judge Brett Wilson. Mr. Keefer proposed holding a meeting with members of the Ethics Commission to discuss its duties and obtain their thoughts on the Commission and the Ethics Ordinance. The Commission's members will be updated in the near future due to expired or expiring terms.

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Commissioner Baker also congratulated Commissioner Barr for receiving the MACo award. He reported assisting with the local Toys for Tots giveaway last week. Mr. Baker wished all a Merry Christmas and Happy New Year.

REPORTS FROM COUNTY STAFF

Engineering and Construction Management – Award to Terry Feiser

Rich Eichelberger, Deputy Director, Engineering and Construction Management, informed the Commissioners of an award presented to Terry Feiser, Senior Plans Examiner/Chief Building Inspector, by the Maryland Builders Officials Association (MBOA). Frank Quillen, Chief Plans Examiner, nominated Mr. Feiser. He also serves as a member of the Funkstown Town Council. Mr. Feiser displayed his award and thanked the Commissioners for the recognition.

Public Relations and Community Affairs – New Year’s Eve Donut Drop

Lauren Pogue, Communications Coordinator, welcomed representatives from Krumpe’s Donuts who handed out samples to promote the annual New Year’s Eve Donut Drop on December 31 in Hagerstown City Square.

County Administrator

County Administrator Rob Slocum discussed the latest Urban Improvement Project (UIP) meeting and noted that grant forms are being completed to start the process.

Mr. Slocum indicated that Hagerstown Community College (HCC) would be submitting a grant proposal this week to the Appalachian Regional Commission seeking support for its new Health Information Management and Electronic Health Records technician training programs. This project was previously ranked by the Tri-County Council and based on that ranking; HCC was invited to submit a full proposal. The college is requesting a letter of support for the grant application from community partners such as the County.

Commissioner Barr, seconded by Myers, moved to approve President Baker signing a letter of support regarding Hagerstown Community College’s submittal of a grant proposal to the Appalachian Regional Commission for its new Health Information Management and Electronic Health Records technician training programs as presented. The motion passed unanimously.

Mr. Slocum commented that the County is instituting a new software system for payroll and referenced a memo with further details and year-end closeout agenda items. He congratulated Commissioner Barr for receiving the MACo award that values his service to the community. Mr. Barr was recognized for his philanthropic efforts including the Barr Institute and donation of property, fencing and paint for the “Mural of Unusual Size” that is a prominent part of the downtown Hagerstown Cultural Trail.

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County Clerk – Appointments to Boards and Commissions

Washington County Commission for Women

Commissioner Barr, seconded by Keefer, moved to appoint Tamara Doleman to serve a first, three-year term through November 30, 2020 on the Washington County Commission for Women. The motion passed unanimously.

Appointment of Maryland Association of Counties Legislative Representative

County Clerk Vicki Lumm discussed the need to appoint a Commissioner designee and alternate to serve as legislative representatives of the Commissioners for the Maryland Association of Counties (MACo) during the 2018 General Assembly session. The designee may attend meetings in Annapolis and receive all communication from MACo on behalf of the Commissioners.

Commissioner Keefer, seconded by Cline, moved to appoint Commissioner Barr the MACo designee and Commissioner Myers the alternate. The motion passed unanimously.

CITIZENS' PARTICIPATION

Pamela Faulkner, Westfields Development, commented on the TransCanada pipeline that could potentially endanger the local water supply.

Cathy Vesely, Boonsboro, chair of Boonsboro Environmental Committee, advised that the Boonsboro Mayor and Town Council voted unanimously to send a letter to Governor Hogan requesting denial of the certification of the TransCanada pipeline. She provided a copy of that letter.

Thomas Ruhf, Main Street, Rohrsersville, discussed his opposition to the TransCanada pipeline.

Julie Flaherty, residing outside Boonsboro, commented against the TransCanada pipeline and commented on a previous pipeline leak into the fields of Nebraska.

Pat Schooley, Old Forge Road, indicated that the local tourism industry would be affected if a spill happened at the location of the proposed TransCanada pipeline.

Neil Becker, Wynnecote Drive, Hagerstown, commented on possible teacher layoffs that may occur according to statements made by Washington County Public Schools (WCPS) Superintendent Boyd Michael if an increase is not received to the WCPS budget from the County Commissioners.

WASHINGTON COUNTY COMMUNITY COALITION FUNDING REQUEST

Paul Frey, President of the Hagerstown-Washington County Convention and Visitors Bureau (CVB), and Jim Kercheval, Executive Director of the Greater Hagerstown Committee (GHC), presented a request for a \$5,000 contribution from the County

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Commissioners toward the Community Lobbying Coalition (Coalition). Coalition partners include the CVB, GHC, City of Hagerstown, Washington County Public Schools, Chamber of Commerce and Hagerstown/Washington County Industrial Foundation, Inc. (CHIEF). Its purpose is to advocate for local and State initiatives during the 2018 General Assembly session by hiring a lobbyist in Annapolis. Mr. Frey mentioned several initiatives for the coming session including funding for the Urban Improvement Project and the widening of Interstate 81. Mr. Kercheval discussed the request for funding to expand the mobile treatment team and 24-hour crisis center to assist mental health services. He stated that the Coalition would again be sponsoring an annual reception with the legislators on January 31 in Annapolis.

Commissioner Cline asked for an explanation of in-kind services provided by GHC. Mr. Kercheval indicated that services include meeting facilitation, putting together packets and working with the City of Hagerstown on booklets. Mr. Cline expressed his support but requested to see the in-kind contributions set forth such as the County-sponsored booth at the reception. Mr. Slocum estimated a \$2,500-\$5,000 value for in-kind expenses. Commissioner Keefer stated that he was in favor of the contribution and requested to be kept advised of the initiatives. He also would like to see participation and involvement by the municipalities.

Commissioner Barr, seconded by Myers, moved to approve a \$5,000 contribution to the Washington County Community Coalition as presented. The motion passed unanimously.

PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT RZ-17-003

President Baker convened a public hearing at 11:00 a.m. to obtain public comment regarding the application from Downsville Pike Land, LLC, for Map Amendment RZ-17-003 to the Washington County Zoning Ordinance (Ordinance). The subject property consists of two parcels containing 1.60 acres located on the northwest side of the Downsville Pike (10662 Downsville Pike and 10656 Downsville Pike), 1/4 mile north of Interstate 70, Election District 26. The application concerns the request to change the zoning classification from RS-Residential Suburban to HI-Highway Interchange. Commissioner Baker reviewed the procedures for the public hearing and County Clerk Vicki C. Lumm administered the oath to those who planned to give testimony in the matter.

Steven Goodrich, Director, Planning and Zoning, distributed comments and emails received the last few days regarding the map amendment that were entered into the record. (Staff's Exhibit #1)

Travis Allen, Comprehensive Planner, Planning and Zoning, presented the Staff Report and Analysis by the Department of Planning and Zoning. He indicated that one person spoke against the map amendment during the Planning Commission's public informational meeting on September 25, 2017. Mr. Allen indicated that the application is considered a piecemeal rezoning, and as such, consideration was given to whether a change in the

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character of the neighborhood or mistake in the original zoning had occurred to permit a rezoning. Staff analysis has concluded that convincing proof has not been offered by the applicant demonstrating either a mistake in the current zoning or a substantial change in the character of the neighborhood since the 2012 Urban Growth Area rezoning. Mr. Allen amended the Staff Report by adding that due to the construction of the new Sheetz building on the Downsville Pike, the developer for that project was paying for new signalization and road improvements. The Washington County Planning Commission voted to recommend approval of the map amendment during its meeting held October 2, 2017. Six public comments against the rezoning were received citing issues relating to traffic patterns, traffic volume, speed and pedestrian safety in the vicinity of the site, particularly on Halfway Boulevard.

Attorney Bruce Dean of Linowes and Blocher, LLP, Frederick, Maryland, introduced Gordon Poffenberger, P.E., Fox & Associates, Inc., 981 Mt. Aetna Road, Hagerstown, and Cristopher Smith, owner of Downsville Pike Land, LLC. Mr. Poffenberger confirmed questions and statements made to him by Attorney Dean regarding the map amendment. Mr. Poffenberger indicated that he believes there was a mistake in the zoning of the property, which should have been included in the HI zone during the last comprehensive rezoning. He also acknowledged that there has been a change in the character of the neighborhood given the dominant influence of the Interstate 70 interchange.

Christopher Smith, 15953 River Bend Court, Williamsport, owner of Downsville Pike Land, LLC, discussed plans for the parcel that include a potential donut shop, coffee shop or urgent care facility. He indicated that the improvements would be an asset to Marty Snook Park.

The public hearing was opened for public comment.

Joe Powell, Brentwood Terrace, commented in opposition to the rezoning due to traffic concerns.

Neil Becker, 10811 Wynncote Drive, commented against the rezoning due to the neighborhood atmosphere. He believed that business development would contribute to an unsafe intersection.

Julie Flaherty, Boonsboro, spoke against creeping sprawl in the area.

Attorney Dean provided a brief rebuttal on behalf of the Applicant regarding the comments received by addressing concerns such as traffic at Halfway Boulevard and Downsville Pike and noted that the housing there is no longer suitable as housing.

Christopher Smith added that the traffic from I-70 has changed the character of that neighborhood and that the zoning was a mistake.

Gordon Poffenberger advised that a traffic study would be part of the site plan process.

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The hearing was opened for questions from the Commissioners.

Commissioner Keefer requested to view a drawing of the site plan. The plat was submitted into the record (Applicant's Exhibit #1). Commissioner Baker asked whether the property had been advertised for sale. Mr. Smith stated that he purchased it directly from family members of the deceased owner.

The public hearing was closed at 11:51 a.m. The Commissioners took no action at this time regarding the map amendment and agreed to discuss the matter at a future meeting.

INSURANCE RENEWAL – WASHINGTON COUNTY FIRE AND RESCUE COMPANIES COMMERCIAL PROPERTY, AUTO AND CASUALTY AND WORKERS COMPENSATION COVERAGE

Tracy McCammon, Risk Management Coordinator, Health and Human Services, and Patrick Hancock of AON Risk Solutions, discussed quoted premiums for Washington County Fire and Rescue Companies Commercial Property, Auto and Casualty, and Workers Compensation insurance coverage. The current contracts with VFIS Insurance Company for commercial property, auto and casualty coverage and Chesapeake Employers Insurance Company for workers compensation insurance entered into on January 1, 2015, have been satisfactory to the Washington County Volunteer Fire and Rescue Association (WCVFRA). The premium paid to VFIS for the 2017 policy year was \$545,497. VFIS is requesting an additional premium of \$5,926, which is a 1.09% increase, due to new structures being added to the property insurance. The workers compensation insurance premium for 2017 was \$666,275. A reduction of \$44,075 is due to the lower number of claims filed in the 2017 policy year. The total premium for both programs is \$1,172,623. The \$38,149 savings in premium is well within the budget.

Commissioner Barr, seconded by Myers, moved to renew the commercial property, auto and casualty package with VFIS Insurance Company at the quoted premium of \$551,423 and workers compensation insurance with Chesapeake Employers Insurance Company at the quoted premium of \$621,200 as presented. The motion passed unanimously.

CONTRACT AWARD FOR VEHICLE AND OFF-ROAD INDUSTRIAL EQUIPMENT

Brandi Naugle, Buyer, Purchasing, and Ed Plank, Director, Highway Department, presented a proposal to award the contracts for Vehicle and Off-Road Industrial Equipment (PUR-1367) to Bayshore Ford, New Castle, Delaware, the lowest responsible, responsive bidder for Item No. 1: One new 2018 or latest production model five-man class 5 cab/chassis crew cab with high roof service body for \$69,466; to award the contract to Smith's Implement's, Inc. of Hagerstown, Maryland, the lowest responsible, responsive bidder for Item No. 2: Two new 2018 or latest production model cab tractors with one 74-inch side mounted flail mower and one 88-inch rear mounted offset flail mower for \$111,203.17 each; and to Alban Tractor Co., Inc. of Baltimore, Maryland, the lowest responsible, responsive bidder for two new 2018 or latest production model 2 ½-3 ton class

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ride-on double-drum asphalt compactors with two drum vibratory function for \$34,299 each. Ms. Naugle indicated that three bids were received for Item No. 1, two for Item No. 2 (one was unresponsive) and two for Item No. 3 (one was a "no bid"). Funds for the purchases are budgeted in the Highway Department's Capital Improvement Project (CIP) account.

Commissioner Barr, seconded by Keefer, moved to award the contracts for Vehicle and Off-Road Industrial Equipment as described above, to the lowest responsive, responsible bidders as presented. The motion passed unanimously.

Due to the age of two current rollers and to take advantage of the current savings, Ms. Naugle requested approval to purchase two additional new 2018 or latest production model of the 2-1/2 to 3 ton class ride-on double-drum asphalt compactors with two drum vibratory function from Alban Tractor Co., Inc. of Baltimore, Maryland, the lowest responsible, responsive bidder at \$34,299.00 each. This is an additional \$68,598.00, which is still within the CIP budgeted amount of \$462,135. The total purchase for all equipment requested today is \$431,068.54.

Commissioner Myers, seconded by Barr, moved to approve the purchase of two additional rollers as requested and described above. The motion passed unanimously.

LETTER TO GOVERNOR HOGAN REGARDING TRANSCANADA NATURAL GAS PIPELINE

Dan DiVito, Deputy Director, Water Quality, described plans by TransCanada to construct a natural gas pipeline crossing Washington County west of Hagerstown near the Hancock crossing at the Potomac River. The company plans to use a method of Hydraulic Directional Drilling called "blowout" and will cross rivers and waterways in Washington County. The Hagerstown R.C. Wilson Wastewater Plant and County Sharpsburg Wastewater Plant use the Potomac River as source water and are directly downstream from the proposed crossing site. Both sites would be directly affected by any accidental spill in the river. In addition, everything east of Washington County to the Chesapeake Bay has the potential to be affected. Mr. DiVito stated that in order for this project to move forward, approval from the Environmental Protection Agency, Army Corps of Engineers and Maryland Department of the Environment (MDE) are required. MDE must within one year approve or deny a Clean Water Act certification under Section 401.

The Commissioners discussed the matter. A public informational hearing is scheduled on December 19 at 6:00 p.m. at Hancock Middle/High School regarding the pipeline.

Commissioner Barr, seconded by Keefer, moved to send a letter to Governor Hogan encouraging all appropriate approving agencies to carefully consider the 401 certification for the Eastern Panhandle Expansion Pipeline proposed by TransCanada with a copy to the Maryland Association of Counties as discussed. The motion passed unanimously.

FIRST QUARTER ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATION'S FISCAL YEAR 2018 GENERAL FUND BUDGET

Jeff Proulx, Chief Operating Officer, Washington County Public Schools (WCPS), and David Brandenburg, Executive Director of Finance, requested adjustments to the First Quarter Fiscal Year 2018 General Fund Budget by increasing the following categories: Instructional Salaries - \$1,024,361; and Special Education - \$215,156; and by decreasing the following categories: Other Instructional Costs - \$200,000; Administration - \$42,000; Student Transportation Services - \$64,000; Operation of Plant - \$83,184; and Fixed Charges - \$850,333, for a net change in fund balance of \$0. Mr. Proulx discussed several reasons for the proposed adjustments.

Commissioner Myers, seconded by Barr, moved to approve the requested adjustments to the Washington County Board of Education's First Quarter Fiscal Year 2018 General Fund Budget as presented. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Keefer, moved to convene in closed session at 12:10 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; in accordance with Section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed certain vacancies on a County board or commission over which the Commissioners have appointing authority and discussed certain vacancies in County personnel positions. They directed staff to undertake certain steps in regards to the filling of the vacancies.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; Kirk C. Downey, Deputy County Attorney, and at various times Stephanie Stone, Director, Health and Human Services; and Amy Olack, Executive Director, Commission on Aging.

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Keefer, moved to reconvene in open session at 12:54 p.m. The motion passed unanimously.

OTHER BUSINESS

Commissioner Keefer, seconded by Barr, moved to promote Jim Hovis as the Chief Operating Officer at Grade 19, Step 2 (\$79,910); to upgrade the County Clerk's salary to Grade 12, Step 8 (\$57,320); to advertise internally to fill the position of Chief Financial Officer, and advertise internally and externally to fill the position of the Director of

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Community Grant Management being vacated by Mr. Hovis. Mr. Slocum indicated that Jim Hovis would support the County Commissioners in his absence. In addition, the County Clerk will take on the added responsibility of assisting the Chief Operating Officer along with the Executive Office Assistant. The motion passed unanimously.

ADJOURNMENT

Commissioner Barr, seconded by Keefer, moved to adjourn at 12:56 p.m. The County Commissioners and various staff attended a luncheon meeting afterwards with the Board of Directors and staff of the Department of Social Services, 122 North Potomac Street, Hagerstown.



Robert J. Slocum, County Administrator



Kirk C. Downey, Deputy County Attorney



Vicki C. Lumm, County Clerk