

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

December 19, 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 10:07 a.m. at 100 West Washington Street, Room 1113, with the following members present: Commissioners John F. Barr and LeRoy E. Myers, Jr. Commissioners Jeffrey A. Cline and Wayne K. Keefer were absent.

APPROVAL OF MINUTES – DECEMBER 12, 2017

Commissioner Myers, seconded by Barr, moved to approve the minutes of December 12, 2017. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Myers wished the County citizens a Merry Christmas. He congratulated Paul Corderman for being appointed the new Delegate to the General Assembly. He welcomed back County Attorney John Martirano after an extended medical leave.

Commissioner Barr reported attending the annual holiday concert by the Maryland Symphony Orchestra this past weekend that included performances with Hagerstown Choral Arts and the Barbara Ingram School for the Arts.

Commissioner Baker wished all a Merry Christmas and Happy New Year. He reported attending the Fire Police Christmas banquet this past week and thanked members for their volunteerism. He also spoke during the fall Graduation ceremonies of Hagerstown Community College.

REPORTS FROM COUNTY STAFF

County Administrator

County Administrator Rob Slocum welcomed new Chief Operations Officer Jim Hovis. He announced that the next meeting of the County Commissioners would be January 9, 2018.

County Clerk – Appointments to Boards and Commissions

Area Agency on Aging Advisory Council

Commissioner Barr, seconded by Myers, moved to appoint Julie Ferron and Paul Ward to serve unfulfilled terms through January 31, 2019 on the Area Agency on Aging Advisory Council. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

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CITIZENS' PARTICIPATION

Dave Kline, First Energy/Potomac Edison, spoke on behalf of his employer in support of the Maryland Theatre's funding request.

HAGERSTOWN URBAN IMPROVEMENT PROJECT GRANT AGREEMENT AND SUB-RECIPIENT AGREEMENT

Jim Hovis, Chief Operations Officer, and Susan Buchanan, Senior Grant Manager, Community Grant Management, presented a request to approve sub-recipient agreements between the County and its Urban Improvement Project (UIP) partners for consideration and formal approval by each of their respective boards. Mr. Hovis advised that in 2017 the UIP received a \$1.5 million Maryland Capital Bond Bill award. The Bond Bill language designated Washington County as the Grantee and the Maryland Theatre, Washington County Board of Education and University System of Maryland-Hagerstown as the beneficiaries. As the Grantee, the County is responsible to draft and enter into sub-recipient agreements with the beneficiaries. Upon execution of the sub-recipient agreements, the County and beneficiaries must agree to and execute the Capital Projects Grant Agreement to receive the awarded funding. The entire agreement is contingent upon the receipt of funding from the State. The document details the specific reporting procedures and remedies available to the County in the event of a default of the agreement. It also incorporates the Capital Project Grant Agreement into the sub-recipient agreement and holds the beneficiaries responsible to the same conditions and requirements as the County. The agreement serves to limit the County's risk of fiscal recovery by the funder in the event of a default of the agreement.

Mr. Hovis advised of several technical changes shown in the final version of the Board of Education's subrecipient agreement distributed to the Commissioners. County Attorney John Martirano assured the Commissioners that they were acceptable to legal staff and Board of Education counsel Anthony Trotta. Mr. Hovis noted that the Maryland Theatre's subrecipient agreement details that in Fiscal Years 2017, 2018, 2019 and 2020, it would receive zero dollars, and in Fiscal Years 2021 and 2022 it could receive up to \$5 million contingent upon continued funding from the Governor's office. The Commissioners discussed whether to approve the subrecipient agreements today or wait until the full board is present.

Commissioner Myers, seconded by Barr, moved to approve the execution of sub-recipient agreements to the Urban Improvement Project (UIP) partners for consideration and formal approval by their respective boards; allow for non-substantive modifications to the sub-recipient agreements with the concurrence of the County Attorney; and upon execution of all three sub-recipient agreements, approve the execution of the Fiscal Year 2018 Capital Projects Grant Agreement between the State of Maryland (Funder), the County (Grantee), Washington County Board of Education, University System of Maryland, and the Maryland Theatre (Recipients). The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

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PUBLIC HEARING – APPLICATION FOR MAP AMENDMENT RZ-17-006

President Baker convened a public hearing at 10:28 a.m. to obtain public comment regarding the application from 17119 Virginia Ave., LLC for Map Amendment RZ-17-006 to the Washington County Zoning Ordinance (Ordinance). The subject property consists of 0.528 acres located southeast of the intersection of Virginia Avenue and Hickory School Road, known as 17109 Virginia Avenue, Hagerstown. The application requests that the existing zoning classification be changed from RS-Residential, Suburban to BG-Business, General, based on the assertion that there was a mistake in the zoning of the property during the County's 2012 Comprehensive Rezoning. Commissioner Baker reviewed the procedures for the public hearing and County Clerk Vicki Lumm administered the oath to those who planned to give testimony in the matter.

Travis Allen, Comprehensive Planner, Planning and Zoning, presented the Staff Report and Analysis by the Department of Planning and Zoning. He indicated that during the Planning Commission's public informational meeting held September 18, 2017 one person spoke against the map amendment citing traffic impacts. Mr. Allen stated that the application is considered a piecemeal rezoning, and as such, consideration was given to whether a change in the character of the neighborhood or a mistake in the original zoning had occurred to permit a rezoning. Staff analysis has concluded that the evidence present at the time of the 2012 rezoning does support the applicant's assertion that there was a mistake made regarding the subject property's zoning during the 2012 Comprehensive Rezoning. The Washington County Planning Commission voted to recommend approval of the map amendment during its meeting held October 2, 2017.

Attorney Andrew Wilkinson, Divilbiss and Wilkinson, 13424 Pennsylvania Avenue, Hagerstown, presented the Applicant's case for ACH, LLC along with Todd Snook, managing owner of 17119 Virginia Ave, LLC, 131 East Potomac Street, Williamsport, Maryland. Mr. Wilkinson entered a group of plats into the record (Exhibit #1). He discussed the Applicant's argument that a mistake occurred during the 2012 Comprehensive Rezoning that should have rezoned the property from RS to BG due to the surrounding commercial properties and the commercial uses found in the immediate vicinity of the property. Mr. Wilkinson reported meeting with Planning and Zoning staff who advised him that the property was occupied at the time of the rezoning, hence the recommendation that the property be classified as residential. The property is now vacant and future residential use is not anticipated. Attorney Wilkinson stated that the property was part of the Virginia Avenue commercial use policy area designated in the 2002 Comprehensive Plan to become commercial. He argued that the residential classification was a historical remnant based on the property's former use and not reflective of the intentions for the Virginia Avenue commercial use policy area.

The hearing was opened for public comment. No individuals present wished to comment.

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President Baker opened the matter for questions from the Commissioners. Commissioner Myers commented that redoing a Comprehensive Plan takes a lot of work and indicated that the property perhaps should have been rezoned BG at that time.

The public hearing was closed at 10:49 a.m.

The Commissioners reached a consensus to approve the map amendment and directed staff to prepare the necessary documentation for consideration and formal approval by the Commissioners during a future meeting.

PRESENTATION OF YOUTH MERITORIOUS AWARDS – DECEMBER 2017

The Commissioners presented certificates of merit to students selected by the Washington County Office of Community Grant Management (OCGM) for their scholastic achievement, leadership qualities, community service performed or other positive contributions to their school or community. The following students received December 2017 Youth Meritorious Awards: Cassie Bedard of South Hagerstown High School, Purity Nyanaro of North Hagerstown High School and Maegan Aleshire of North Hagerstown High School. Awardee Erika Karlin of North Hagerstown High School was absent. Each student received a Washington County lapel pin from the Commissioners and a \$100 Staples or Office Max gift card from the OCGM. The Commissioners commended the students for their achievements and families for their support.

MARYLAND THEATRE REQUEST FOR FORWARD FUNDING

Jessica Green, Executive Director and Benito Vattelana, President, Maryland Theatre, presented a request for financial assistance for the planned renovations to the Maryland Theatre which is part of the overall Urban Improvement Project (UIP). The Theatre must obtain financial commitments before the project begins so that delays do not occur. A letter from the Maryland Theatre to the Commissioners specifically requested 1) \$3 million of City/County grant funds to be provided early in the project, 2) the forward-funding of \$2.5 million in Fiscal Year 2019 and \$2.5 million in Fiscal Year 2020, and 3) work with local banks to each forward-fund of 50% of private pledges (projected as \$2 million) committed by Theatre patrons to be paid over a five-year period. The Maryland Theatre project is scheduled to go out for bid by February 1, 2018. The Theatre must have all the necessary funding commitments in writing before that date.

The Commissioners discussed the request. Commissioner Myers commented that the request requires time to confer with the full board. He also asked whether local banks that have committed to forward-fund 50% of the amount to cover the pledges at a very low interest rate would also agree to forward-fund 50% of the expected State funds. Ms. Green indicated that she would discuss that proposal with the banks; however, it would include additional interest obligations for the Theatre. The Commissioners decided to revisit the proposal during their January 9, 2018 meeting when the entire board is expected to be present.

INFORMATION ON JURISDICTIONS WITH LOCAL PREFERENCE

Rick Curry, Purchasing Director, and Susan Buchanan, Grant Manager, Community Grant Management, presented information on jurisdictions that use local preference in awarding bids or contracts. Mr. Curry referred to the Commissioners agenda packet that contains information on local jurisdictions and whether they use local preference. He stated that during a recent Maryland Public Purchasing Association business luncheon, Lt. Governor Rutherford announced that the State of Maryland is currently re-writing its entire procurement policy. Susan Buchanan discussed the two major sources of grant funding, federal and State. Federal guidelines state that a non-federal entity must conduct procurement in a manner that prohibits the use of statutory or administratively imposed State, local or tribal geographical preferences in the evaluation of bids or proposals except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural or engineering services, geographic location may be a selection criteria provided the application lists the appropriate number of qualified firms given the nature and size of the project.

Ms. Buchanan indicated that State grants have no specific guiding document; however, the State's Division of Procurement Policy Administration advised her office that unless State grant language or guidance prohibits it, there is no specific statute, regulation or policy that would prohibit a county or local jurisdiction from using local preference procurement when receiving state grant funds. The Commissioners thanked Mr. Curry and Ms. Buchanan for the information presented.

INTERGOVERNMENTAL COOPERATIVE PURCHASE OF ONE REGULAR CAB DUMP TRUCK

Rick Curry and John Pennesi, Deputy Director, Public Works, Parks and Facilities, recommended authorization by Resolution the Intergovernmental Cooperative Purchase relating to the purchase of One 4x2 Regular Cab Dump Truck from Johnson Truck Center, LLC of Hanover, Maryland. The County's replacement guideline for vehicles greater than 33,000 pounds recommends a ten-year economic life cycle. The replaced vehicles will be advertised on GovDeals.com for auctioning. By "piggy-backing" on a bid awarded by the State of Maryland Department of General Services Office of Procurement and Logistics statewide contract for various dump trucks, the County will be able to obtain overall better pricing due to the economies of scale offered by the existing contract.

Commissioner Myers, seconded by Barr, moved to authorize by Resolution the Intergovernmental Cooperative Purchase relating to the purchase of One 4x2 Regular Cab Dump Truck from Johnson Truck Center, LLC of Hanover, Maryland. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.) (Resolution No. RS-2017-25 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioners' Office.)

BID AWARD - PURCHASE OR LEASE OF GOLF CARTS

Rick Curry and Darryl Whittington, Golf Director, Black Rock Golf Course, recommended award of the contract for the Purchase or Lease and Supplying of Golf Carts for Washington County's Black Rock Golf Course (PUR-1372) to the lowest, responsive, responsible bidder, Golf Car Specialties, LLC of Pottstown, Pennsylvania, based on Option No. 1 (6-year lease) for a total amount of \$57,977.84 per year for a total six year cost of \$347,867.04 and Alternate No. 1 (6-year lease) at an annual amount of \$1,793.20 for a total 6-year cost of \$10,759.20, for a grand total of \$358,627.24, contingent upon final approval of the lease documents by the County Attorney's Office. The recommended award option is for the leasing and supplying of seventy-two rental golf carts and one heavy-duty range cart with a requirement of the exchange for new carts at the end of three years. This recommendation includes a service agreement of (a) weekly maintenance, (b) winter-time service of the fleet, and (c) 24-hour emergency service. At the end of the six-year lease, the golf carts are returned to the vendor. Should the County decide to own the carts at the end of the lease, it would pay fair-market value to purchase the carts as well as an additional maintenance service agreement. Due to wear and tear, Black Rock replaces its carts every three years. It has been common practice to raise the cart fee by \$1 upon receiving new carts every three years. The Commissioners discussed the wear and tear on golf carts and that renting is a good method to use.

Commissioner Myers, seconded by Barr, moved award the contract for the Purchase or Lease and Supplying of Golf Carts for Washington County's Black Rock Golf Course to the lowest, responsive, responsible bidder, Golf Car Specialties, LLC of Pottstown, Pennsylvania, based on Option No. 1 (6-year lease) for a total amount of \$57,977.84 per year for a total six year cost of \$347,867.04 and Alternate No. 1 (6-year lease) at an annual amount of \$1,793.20 for a total 6-year cost of \$10,759.20, for a grand total of \$358,627.24, contingent upon final approval of the lease documents by the County Attorney's Office. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

BID AWARD – SNOW REMOVAL EQUIPMENT FOR HAGRSTOWN REGIONAL AIRPORT

Brandi Naugle, Buyer, Purchasing, and Phil Ridenour, Director, Hagerstown Regional Airport, recommended award of the contract for One New Aircraft Deice Truck with Rapid Heat and Forced Air System (PUR-1370) to the responsible, responsive bidder, Ground Support Specialist, LLC of Horn Lake, Mississippi, at the lowest bid of \$289,690. The equipment is in the Airport's Capital Improvement Project budget. The Federal Aviation Administration will provide 90% funding (\$260,721), the State 5% (\$14,484.50) and the County 5% (\$14,484.50).

Commissioner Barr, seconded by Myers, moved to award the contract for One New Aircraft Deice Truck with Rapid Heat and Forced Air System to the responsible, responsive bidder, Ground Support Specialist, LLC of Horn Lake, Mississippi, at the lowest bid of \$289,690 as presented. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

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CONTRACT AWARD – CITY/COUNTY LANDFILL GAS MITIGATION

Brandi Naugle and Dave Mason, Deputy Director, Solid Waste, recommended award of the contract for City/County Landfill Gas Mitigation (PUR-1360) to Sterns, Conrad and Schmidt Consulting Engineers, Inc. of Reston, Virginia, for the lowest bid of \$1,287,641. Ms. Naugle indicated that three bids were received for the service that includes installation of Soil-Bentonite Barrier Wall, vents, pavement restoration and disturbed area restoration. Funding of \$1,593,424.99 is available in the Department's Capital Improvement Project account.

Commissioner Barr, seconded by Myers, moved to award the contract for City/County Landfill Gas Mitigation to Sterns, Conrad and Schmidt Consulting Engineers, Inc. of Reston, Virginia, for the lowest bid of \$1,287,641. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Barr, moved to convene in closed session at 11:25 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 a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State; and to consult with counsel to obtain legal advice on a legal matter, in accordance with Section 3-305(b)(1) (4) and (7) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

In closed session, the Commissioners discussed various issues relating to proposals by business entities hoping to locate, expand or remain in the County/State; discussed legal issues relating to several ongoing contractual and tax sale matters with counsel and staff; and considered a specific County employee hiring recommendation.

During closed session, the Commissioners requested that staff obtain additional information and documentation relating to several ongoing contractual matters; provided direction to staff regarding proposals concerning the possible location or expansion of several businesses in the County; provided direction to staff concerning the marketing of certain real estate owned by the County; and provided specific direction to staff regarding a hiring/employment recommendation.

Present during closed session were Commissioners Terry L. Baker, John F. Barr and LeRoy E. Myers, Jr. Also present were Robert J. Slocum, County Administrator; Vicki C. Lumm, County Clerk; John M. Martirano, County Attorney; and at various times Stephanie Stone, Director, Health and Human Services; Dave Mason, Deputy Director, Solid Waste; Dan DiVito, Deputy Director, Water Quality; Mark Bradshaw, Deputy

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Director, Engineering Services; Scott Hobbs, Director, Susan Small, Real Property Administrator, and John Van Riper, Civil Engineer, Division of Engineering; Jim Sterling, Director, Public Works; Kirk C. Downey, Deputy County Attorney; Kendall McPeak, Assistant County Attorney; and Jodi Bell, ReMax Realtors.

RECONVENE IN OPEN SESSION

Commissioner Barr, seconded by Myers, moved to reconvene in open session at 12:39 p.m. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

OTHER BUSINESS

Commissioner Myers, seconded by Barr, moved to hire Danielle N. Crabb as the Director of Public Relations and Marketing at Grade 18, Step 2 (\$73,980). The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)

ADJOURNMENT

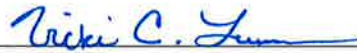
Commissioner Myers, seconded by Barr, moved to adjourn at 12:41 p.m. The motion passed unanimously. (3-0, Commissioners Cline and Keefer were absent.)



Robert J. Slocum, County Administrator



John M. Martirano, County Attorney



Vicki C. Lumm, County Clerk