

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

*Open Session Minutes*

**January 15, 2019**

**INVOCATION 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 Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:04 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

**APPROVAL OF MINUTES**

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the minutes of January 8, 2019. The motion passed unanimously

**CONVENE IN CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 8:07 a.m. 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; to consult with staff, consultants, or other individuals about pending or potential litigation; in accordance with Section 3-305(b) (4), (7) and (8) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed a personnel matter involving a complaint arising under County policies, received legal advice thereon, and provided direction to Staff concerning the matter. They also discussed the status of a legal agreement and discussed the potential location of various businesses to located in the State and the County.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner. Also present were Robert J. Slocum, County Administrator; Kimberly Jacobson, Legal Assistant; Kirk C. Downey, County Attorney; Kendall McPeak, Assistant County Attorney; Susan Small, Director, Department of Business Development; Danielle Weaver, Public Relations; Greg Murray, CEO, and Joe Lee, President, Washington Realty Management; Jeffrey Hamberger, Esq., Vice President and Senior Counsel; and Gun Seon Lee and Wook Jung, JG Business Link.

**RECONVENE IN OPEN SESSION**

The Board reconvened in open session at 9:59 a.m.

**COMMISSIONERS' REPORTS AND COMMENTS**

Commissioner Baker reported on a Parks and Recreation meeting he attended where Project Open Space (POS) funding was discussed. He also announced the tentative election of the new Parks

and Recreation Board President, Bradley Tritsch. Commissioner Baker shared information regarding a Diversity Fair to involve many facets of the community.

Commissioner Keefer shared that he, along with others, had the opportunity to speak with the Governors' Special Secretary of Smart Growth, Wendi Peters, to discuss Opportunity Zones in the State of Maryland as part of a larger Federal program that could prove to be beneficial in Washington County.

Commissioner Wagner discussed the upcoming financial requests expected to be received by the Commissioners in the near future and stressed the need for creative funding, fiscal responsibility, and accountability from those making the requests.

Commissioner Meinelschmidt had no comment.

Commissioner Cline attended Company 12 Volunteer Fire Company Awards/Appreciation Banquet where new officers were sworn in. He reported attending the first meeting of the Delegation, along with County Administrator Rob Slocum and County Attorney Kirk Downey, and reminded them of the County's important requests. He wished Governor Hogan a very successful next four years, as he was to be inaugurated tomorrow.

## **REPORTS FROM COUNTY STAFF**

### **Health and Human Services**

Deb Peyton introduced several new County employees to the Commissioners.

The Commissioners welcomed them aboard and wished them the best of luck.

### **Department of Business Development**

Leslie Hart, Agriculture Business Specialist, Department of Business Development, provided an update regarding agriculture initiatives for 2019. She announced that January will be "Pork Month," with January 29<sup>th</sup> being recognized as "Pork Day," to include a bacon tasting for the Commissioners. The second annual Ground Hog Day is scheduled for Friday, February 1<sup>st</sup>, and will be held at Big Cork Winery.

### **County Administrator**

Robert Slocum congratulated Delegate Wivell on his election as Chairman of the Delegation in Annapolis. He expressed condolences to the family of a church member and friend who recently passed.

Mr. Slocum expressed appreciation to the Highways and Public Works Departments for their cleanup of the snow over the weekend.

## **CASCADE TOWN CENTRE UPDATE**

Joe Lee, President, and Greg Murray, CEO, Washington Realty Management, Dr. Jung, Information Technologies, JG Business Link International (JGBLI), and Jeffrey Hamberger, Esq., Vice President and Sr. Counsel, JGBLI, provided the Board of County Commissioners with an

update regarding the progress of the Cascade Town Centre Development. They reviewed its current progress, discussed potential investors and possible visits, and informed the Board of County Commissioners of a request from Jangheung Business Council.

Commissioner Wagner expressed appreciation to JGBLI for their utilization of local business and contractors in the development process.

The Commissioners raised questions regarding the timeline for approval of the \$200 million to be invested by the Korean government for infrastructure. They also requested zoning clarifications and requested that the Plan Review and Permitting Department provide information regarding the "Fast Track" process for permitting development.

In September of 2018, JGBLI signed a Memorandum of Understanding (MOU) with Eutilex, a bio-pharmaceutical research company developing innovative immune-oncology medicines, to establish a pharmaceutical research and development center at the Cascade Town Centre. Dr. Jeonghoon Han, Vice President, Eutilex, was introduced to the Commissioners.

Discussion was held regarding the difference between Memorandums of Understanding (MOU) versus Memorandums of Agreement (MOA) in the South Korean business culture.

#### **CITIZENS PARTICIPATION**

No citizens wished to participate.

#### **STATE HOMELAND SECURITY GRANT PROGRAM – APPROVAL TO ACCEPT AWARDED FUNDING**

Stephanie Lapole, Senior Grant Manager, Office of Grant Management; Sheriff Douglas Mullendore, Washington County Sheriff's Office; and Tom Brown, Assistant Director, Emergency Services, recommended approval to accept award from the Maryland Emergency Management Agency in the amount of \$30,000. The Office of Grant Management has reviewed the grant funding guidelines; matching funds or in-kind support is not required and there are no unusual conditions or requirements associated with the grant.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to accept the grant award from the Maryland Emergency Management Agency in the amount of \$30,000. The motion passed unanimously.

#### **FISCAL YEAR 2020 RURAL LEGACY PROGRAM GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDS**

Stephanie Lapole; Eric Seifarth, Rural Preservation Administrator, and Chris Boggs, Land Preservation Planner, Department of Planning and Zoning, recommended approval of the expansion of the Rural Legacy Area and submission of the fiscal year 2020 Rural Legacy Program grant application in the amount of \$3,416,500 and to accept funding as awarded. Ms. Lapole stated that this application would include an expansion of the Rural Legacy Area to incorporate further significant historic and agricultural lands in the County for considered easements. The Office of Grant Management has reviewed the grant application and funding guidelines; there are no unusual

conditions or requirements attached to the acceptance of the grant. There are recurring department operating expenses for the inspections of the easement properties by staff. Time required for inspections are 8 hours per year or \$300.00 per year and the cost is covered by the Department of Planning and Zoning. The grant provides 3% administration for staff time and 1.5% compliance allowance. All title, survey and settlement costs are paid in full by the grant.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the expansion of the Rural Legacy Area and submission of the FY20 Rural Legacy Program grant application in the amount of \$3,416,500, and to accept funding as awarded. The motion passed unanimously.

### **BUDGET TRANSFER FOR FIRE TRUCK REPAIRS AND BUILDING IMPROVEMENTS**

Garrison Plessinger, Director, Hagerstown Regional Airport, advised the Commissioners that Airport priorities have changed resulting in the requested removal of a budgeted project, BLD085 – Airport Traffic Control Tower Replacement. This project removal will provide funding for necessary repairs to an Airport fire truck and rental building.

There is an existing project in the Airport fund for the Air Traffic Control Tower Replacement; however, upon further review, this project is no longer needed since there is currently an adequate FAA tower. In addition, personnel costs related to the tower are funded by the FAA. If the Airport decides to construct its own tower, it will come with additional operating expenses which could cost between \$40k and \$80k annually. This is no longer a priority of the Airport. The savings realized from the removal of this project are being requested to be redirected to some immediate needs of the Airport. One of the Airport's fire trucks was totaled in February 2018 due to a fire. Fortunately, the Airport received a donated fire truck from BWI; however, this truck needs repair at an estimated cost of \$145,000. In addition, electrical building improvements must be made to one of the Airport's rental properties in the amount of \$30,000. These amounts are estimates.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the recommendation as presented. The motion passed unanimously.

### **PAY DISCREPANCY BETWEEN AIRFIELD AND TERMINAL MAINTENANCE STAFF**

Mr. Plessinger advised the Commissioners of an existing pay discrepancy among staff positions at the Airport. The Airfield Maintenance position is currently classified as a grade 7 while its counterpart Terminal Maintenance position is classified as a grade 9. After review of the job descriptions and daily responsibilities of these positions (which are substantially similar), it is evident that a pay disparity exists. Due to the variance in pay between the two positions, the Airfield Maintenance position remains unfilled.

Both part-time maintenance positions are critical to the success of the Airport. The Airfield Maintenance position is a very technical position and involves heavy equipment (plow trucks) and maintenance work on the entire airfield. The Terminal Maintenance position ensures the building is clean, safe and secure. Both part-time maintenance positions stipulate a preference on the job

description of ARFF experience which aids in the efficiency, timeliness and safety of both the commercial aircraft and its passengers. There is currently a lack of interest related to the Airfield Maintenance position due to the lower rate of pay.

There are ten Terminal Maintenance positions and one Airfield Maintenance Position at the Airport. This wage increase will affect one position and therefore has a very low fiscal impact. The Airport has funds available in the existing 2019 budget to make this change immediately due to the position being vacant since July 2018.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the recommendation as presented. The motion passed unanimously.

### **ECONOMIC DEVELOPMENT COALITION**

Michael Reyka, Executive Chair, Economic Development Coalition (EDC), provided the Commissioners with a brief update regarding the progress of the Coalition.

The Executive Committee of the EDC has met several times since the former Economic Development Commission was abolished. Thus far, the group has developed a draft plan for initial structure of the Coalition (the HUB), a mission and vision statement, a draft of proposed guiding principles, and has identified the roles and responsibilities of each executive committee organization member.

The Commissioners reached a consensus to review the provided information and to revisit the matter at a future meeting of the County Commissioners.

### **HAGERSTOWN ANNEXATION OF FOGGY BOTTOM FARM, ANTIETAM CREEK BED AND OTHER LANDS**

Stephen Goodrich, Director, Planning and Zoning, brought forth the proposal to grant express approval to the City of Hagerstown to allow development on the annexed land of A-2018-01 Foggy Bottom Farm and other lands in conformance with the Hagerstown zoning district Industrial-Mixed Use (I-MU) as described in the annexation Resolution and Annexation Plan, which may be substantially different than the uses that would be allowed under the current County zoning district of Office Research and Industry (ORI).

Mr. Goodrich explained that the City of Hagerstown proposes to annex approximately 101 acres of land adjacent to its eastern border between Antietam Creek and Yale Drive in the Robinwood area (A-2018-01). The land is owned by the City of Hagerstown (parcel 1587, 11.9 acres, 11850 Indian Lane, aka Foggy Bottom farm), Meritus Medical Center (parcel 1718, 78 acres), and Washington County (parcel 1755, 10.8 acres, regional storm water management structure). The Hagerstown Mayor and Council's Resolution to effect the annexation states that the City will assign the Agricultural Transition (AT) zone to the 11.9 acre parcel it owns at 11850 Indian Lane. This parcel is zoned Residential Transition (RT) by the County. The City will assign the I-MU zone to the Meritus Medical Center and County-owned parcels (totaling approximately 89 acres). These two parcels are currently zoned Office Research and Industry (ORI) in the County. There are several uses permitted in the Hagerstown I-MU district that would not be permitted by the

County ORI district which prompts a discussion on the need for express approval of the I-MU zoning proposed by Hagerstown. A-2018-02 involves 1.47 acres of land that lies within the banks of the Antietam Creek, most of it under water. Hagerstown plans to zone the land AT-Agricultural Transition; the current County zoning is RT.

Mr. Goodrich described the express approval process as set forth in the Annotated Code of Maryland that restricts substantially different development (land uses that are substantially different) on the annexed property for five (5) years unless the County grants its express approval to allow such development.

Stephen Bockmiller, AICP, City of Hagerstown Development Review Planner/Zoning Administrator, provided further information regarding the property involved in the Annexation.

The Commissioners reached a consensus to delay their decision until after the January 29<sup>th</sup> Public Hearing before the Mayor and Council, and to revisit the matter at the February 12<sup>th</sup> meeting of the Commissioners.

#### **CITY OF HAGERSTOWN ANNEXATION PLAN A-2018-01 PUBLIC COMMENTS**

Andrew Eshleman, Director, Public Works, advised the Commissioners that the City of Hagerstown has initiated an Annexation Plan for three parcels that includes the annexation of property without the acceptance of the future Professional Boulevard infrastructure and certain associated utilities within those properties.

The City of Hagerstown has initiated Annexation Plan A-2018-01, totaling 101.03 acres of land on three properties. The Plan was adopted by the Mayor and City Council on November 27, 2018. A public comment period is ongoing with a Public Hearing scheduled for January 29, 2019 at City Hall.

The annexation includes the Meritus Medical Center lands where a portion of the future Professional Boulevard extension will be constructed as well as an existing regional stormwater facility property owned by the County. Despite these properties being annexed into the City under the Plan, they are not proposing to accept Professional Boulevard, associated utilities or the maintenance for the regional stormwater facility that will serve the surrounding lands.

While the County supports the annexation and the development of the property for the growth of the tax base that will benefit the City and the County, it is of the belief that infrastructure within a municipality should ultimately be owned and governed by that municipality. A draft comment letter has been prepared that will be submitted during the City's comment period.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to authorize submission of the comment letter. The motion passed unanimously.

#### **PROPOSED BUILDING CODE REVIEW COMMITTEE**

Rich Eichelberger, Director, and Frank Quillen, Chief Plans Examiner, Division of Construction; and Ashley Holloway, Director, Plan Review and Permitting, requested authorization to form of a

Building Code Review Committee to assist in the review of the 2018 Building Codes in preparation for local adoption. Mr. Eichelberger explained that the committee will provide a review of the state-adopted codes and provide recommendations to the Commissioners for final approval; the goal is to complete the process for adoption and implementation by the end of 2019. The cost would be approximately \$3,500 for Committee member's code books.

The Commissioners directed staff to move forward with the process of forming the Committee.

### **COUNTY STEP AND COLA DISCUSSION**

Sara Greaves, Chief Financial Officer, presented the Commissioners with information regarding the County's current step process and COLA, and requested to receive feedback or consensus from the Board on direction for the future.

The County has reviewed a twelve-year history of both step and Cost of Living (COLA) increases. This analysis found that the County provided one or the other, but never both, in the same year. Furthermore, in some years, the County did neither. It is desired to find a solution that would provide for both a step and COLA to be issued annually, so long as the budget can provide for the increase.

Discussion was held among the Commissioners and Ms. Greaves regarding possible options and the projected outcome of the options.

The Commissioners requested additional information and will discuss the matter at a later date.

### **RECESS**

The Commissioners recessed until the evening meeting at 12:57 p.m.

### **EVENING MEETING WITH THE TOWN OF FUNKSTOWN INVOCATION 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 Jeffrey A. Cline convened the evening meeting of the Board of County Commissioners of Washington County, Maryland, at 7:00 p.m. at 30 East Baltimore Street, Funkstown, Maryland, with the following members present: Vice President Terry L. Baker and Commissioners Wayne K. Keefer, Cort F. Meinelschmidt, and Randall E. Wagner.

### **TOWN OF FUNKSTOWN LEADERS' REPORTS AND COMMENTS**

Paul Crampton, Jr., Mayor of Funkstown, welcomed the Commissioners and praised the work done regarding Southern Boulevard. He also shared his appreciation for the County's dedication to the project. He asked that the Commissioners continue to support funding for the next phase within the Capital Improvement Plan (CIP). Mayor Crampton provided the Commissioners with updates on current town projects.

Council members shared their appreciation to the Commissioners for Southern Boulevard. Concern was raised regarding lighting near the new roads.

Council member Rich Gaver reported that a female Boy Scout troop is in the process of being formed within the town. It will be one of five female troupes in the council.

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

Commissioner Meinelschmidt thanked the Council for hosting the evening meeting and expressed gratitude for the comments regarding Southern Boulevard.

Commissioner Baker thanked the Council for the work they do and shared his history in working with local government.

Commissioner Keefer thanked the Council for hosting and praised the Council for encouraging the Scouts' activity in the community.

Commissioner Wagner thanked the Council for hosting. He shared his past connections to Funkstown.

Commissioner Cline expressed his appreciation to the Council for hosting the evening meeting and commended the town for their reenactments, which he enjoys attending.

### **CITIZENS PARTICIPATION**

Gary Farrell, President of the Funkstown Community Fire and Rescue, wanted to address a story that was published recently regarding fire staffing in the County. He discussed staffing issues and provided information regarding the calls typically received by his department.

Kevin Spielman, born and raised in Funkstown, shared concern with the deplorable condition that Antietam trailer park is in. Mayor Crampton provided a status update regarding the town's attempts to remedy the situation.

Arnold Platou, resident of Funkstown, agreed with Mr. Farrell's concerns regarding staffing issues with Community Fire and Rescue. He discussed the plans to extend development along the new roads and shared concerns regarding development that is established farther away from the city and out into the rural areas. He advised of an issue regarding reckless driving and the safety issues it has created, and he shared his appreciation for the community deputies assisting the town.

Jeannie (last name inaudible), echoed the concerns expressed by many regarding safety and reckless driving. She raised questions regarding the Funkstown Park and the acquiring of additional park land. Mayor Crampton provided an update as to the Park and plans to put in walking trails if funding is secured in the future.

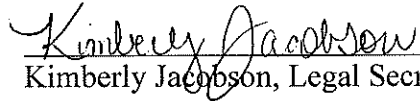
### **REPORTS FROM COUNTY STAFF**

Mr. Slocum requested that County staff present introduce themselves.



**ADJOURNMENT**

Commissioner Keefer, seconded by Commissioner Wagner, moved to adjourn the evening meeting at 7:44 p.m.

  
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Kimberly Jacobson, Legal Secretary