

Board of County Commissioners of Washington County, Maryland

Open Session Minutes

October 8, 2019

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 Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland (MD), to order at 8:04 a.m. at 100 West Washington Street, Room 1113, Hagerstown, MD, 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 Baker, seconded by Commissioner Keefer, moved to approve the minutes of September 24, 2019. The motion passed unanimously.

CONVENE IN CLOSED SESSION

Commissioner Baker, seconded by Commissioner Wagner, moved to convene in closed session at 8:04 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), (3), (4), (7), (8), and (10) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the potential appointment of specific individuals to boards over which the Commissioners have appointing authority; discussed the assignment, job duties, and salary range of a specific employment assignment over which the Commissioners have jurisdiction; and discussed the potential acquisition of real property. The Commissioners also considered several economic development initiatives, including the potential for a business entity or entities to locate, remain, and/or expand in the State and County. Additionally, the Commissioners received legal advice concerning one or more legal matters, provided direction to Staff, and consulted with counsel and staff regarding potential litigation. The Commissioners also provided guidance to Staff regarding the filling of an existing personnel vacancy and discussed the provision of public security, including the development of fire services and staffing related thereto.

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; Krista L. Hart, County Clerk; Kirk C. Downey, County Attorney, Kendall McPeak, Deputy County Attorney, and at various times Deborah Condo, Deputy Director, Human Resources; Sara Greaves, CFO; Jonathan Horowitz, Business Leader, Department of Business Development; Garrison Plessinger, Director, Hagerstown Regional Airport; Honorable Daniel P. Dwyer, Kristin Grossnickle, Court Administrator; Amie Spigler, Family Services Coordinator; Scott Hobbs, Director, Engineering; and Todd Moser, Real Property Administrator.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 9:53 a.m. The motion passed unanimously.

The Commissioners recessed at 9:53 a.m. and returned to the meeting at 10:04 a.m.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioners provided a brief insight into events attended and support provided throughout Washington County community.

Commissioner Wagner would like an update on finances surrounding employment and where various departments are falling short on staffing.

REPORTS FROM COUNTY STAFF

Human Resource Personnel Requests: Deborah Condo, Deputy Director

Senior Plan Review / Floodplain Manager

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the advertisement of this position at a Grade 15, Step 1, \$59,634. This position is vacant due to the retirement of Mark Stransky. The motion passed unanimously.

Washington County Circuit Court

Kristin Grossnickle, Court Administrator, requested that the Commissioners approve a job reclassification for the Family Services Coordinator position to a Grade 13. Ms. Grossnickle shared that currently, the position is classified at a Grade 11, Step 8 and with this reclassification, the position would be a Grade 13, Step 6. This is a County position funded by State grant.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the reclassification request as presented. The motion passed unanimously.

Division of Environmental Management

John Swauger, Stormwater Management Coordinator and Alex Reed Watershed Specialist shared that over one-million pounds of debris and trash has been swept from the roadways. Mr. Reed recognized Michael Kline and Allen Whetsel as the operators of the Street Sweeper, and for going above and beyond for the good of the Community.

County Attorney

Kirk C. Downey requested adoption of a curative resolution regarding the establishment and statement of rates and charges for the Department of Water Quality. Mr. Downey explained that there were errors in the rates as set forth in the resolution, thus creating the necessity for this curative resolution.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to adopt the curative resolution regarding the establishment and statement of rates and charges for the Department of Water Quality as presented. The motion passed unanimously.

(Resolution No. RS-2019-22 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

County Clerk - Appointment / Reappointment to Boards and Commissions:

Hagerstown Regional Airport Advisory Committee

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to appoint John Barr to serve an unfulfilled term through January 31, 2020; this is NOT a paid board. The motion passed unanimously.

Community Organization Funding Committee

Commissioner Wagner, seconded by Commissioner Keefer, moved to appoint Brenna Ranieli to serve a first term October 1, 2019 through March 31, 2023 as Commissioner Cort Meinelschmidt's representative; Richmond "Lee" Downey to serve a first term from October 1, 2019 through March 31, 2023 as Commissioner Randall Wagner's representative; reappoint Alan Mullendore to continue to serve through March 31, 2023 as Commissioner Wayne Keefer's representative; to reappoint Jadah Swartz to continue to serve through March 31, 2023 as Commissioner Terry Baker's representative; and to reappoint Mary Towe to continue to serve through March 31, 2023 as President Jeffrey Cline's representative; this is NOT a paid board. The motion passed unanimously.

Budget and Finance

Sara Greaves, CFO, recognized Brandi Naugle, Buyer, Purchasing Department, for her role serving as Chair for The Institute for Public Procurement (NIGP) Conference.

County Administrator

Rob Slocum provided an update on Stotler Road, adding that there has been an additional sign installed and pavement marking widths have been increased.

CITIZENS' PARTICIPATION

Steve McDonough, 16906 Pickwick Lane, Hagerstown, and Roger Vincent, 16845 Longfellow Court, Hagerstown, discussed their dissatisfaction with the tax on the mobile homes.

CHARACTER COUNTS! - MAY 2020 EVENT

Carolyn Brooks, Director, Character Counts! Hagerstown, presented a funding request of \$3,000 for direct expenses associated with the year-end Character Counts! Student Recognition Luncheon. Ms. Brooks shared details of the event and added that the Commissioners had provided funding in the past.

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to approve \$3,000 in funding for direct expenses associated with the year-end event to be taken from the General Fund Contingency account. The motion passed unanimously.

Additionally, Commissioner Cline presented a proclamation to Carolyn Brooks in recognition of Character Counts Month.

PROPOSED 2018 CODE ADOPTION

Rich Eichelberger, Director/Code Official, Construction; Frank Quillen, Deputy Code Official, Construction; and Rebecca Gander, Chief of Permitting, Division of Plan Review and Permitting, requested approval to proceed with advertising of and a public hearing for the proposed adoption of the 2018 Maryland Building Performance Standards, the 2018 Existing Building Code, trade codes, local amendments thereto, and related ordinance and resolution. Mr. Eichelberger thanked all staff and citizens involved in the process.

Commissioner Wagner, seconded by Commissioner Keefer, moved to proceed with the advertising of a public hearing as requested. The motion passed unanimously.

INSURANCE CLAIM FOR LIGHTNING HIT AT EMERGENCY COMMUNICATIONS ELLIOTT PARKWAY, WILLIAMSPORT, MD

Mark Mades, Deputy Director, Wireless Communications, requested approval to accept insurance claim number 0045811 payment in the amount of \$26,001.77 and to approve a budget amendment in the amount of \$26,000 for reimbursement to Department 11540. Mr. Mades briefed the Commissioners on a storm event which took place on July 6, 2019, damaging the Emergency Communications building on Elliott Parkway.

Commissioner Baker, seconded by Commissioner Wagner, moved to accept the insurance claim payment in the amount of \$26,001.77, and to approve the budget amendment as presented. The motion passed unanimously.

TODD L. HERSHEY RURAL LEGACY PROGRAM EASEMENT

Chris Boggs, Land Preservation Planner, Planning and Zoning, recommended approval of the Todd L. Hershey Rural Legacy Program (RLP) Easement project, in the amount of \$52,028.38 for 21.598 easement acres located at 18947 Keedysville Road, Keedysville, and to adopt an ordinance approving the easement purchase and to authorize the execution of necessary documentation to finalize the purchase.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the Todd L. Hershey RLP Easement project, to adopt an ordinance approving the purchase, and to authorize the execution of all necessary documents required to affect the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2019-22 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

DONATION OF LEFT-OVER FOOD

Machelle Dwyer, Administrative Support Specialist, brought forth information regarding the consideration for donating unused food from Washington County Public Schools to local food charities or the YMCA. She advised the Commissioners that Washington County Public Schools Food and Nutrition Services will review food handling procedures and refine the practices with the administration of various agencies that they partner with to ensure no unnecessary waste.

<u>INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0023) ARMORED</u> TACTICAL VEHICLE

Rick Curry, Director, Purchasing; and Captain Mark Knight, Washington County Sheriff's Office, recommended authorizing by resolution the Intergovernmental Cooperative Purchase (INGT-19-0023) with Howard County, MD, contract (IFB201-17)) awarded to Lenco Industries, Inc., Pittsfield, Massachusetts (MA), for the purchase of one (1) BearCat Armored Tactical Vehicle for the Sheriff's Office, at a cost of \$285,876. Mr. Curry shared that 100% of the vehicle costs are being paid using Grant 905-DAG Account funds, which consists of money seized during drug confiscations.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of an armored tactical vehicle from Lenco Industries, Inc., Pittsfield, MA, in the amount of \$285,876. The motion passed unanimously.

(Resolution No. RS-2019-20 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0022) BODY WORN CAMERAS

Mr. Curry; and Major Pete Lazich, Washington County Sheriff's Office, recommended authorizing by resolution the Intergovernmental Cooperative Purchase (INGT-19-0022) with the State of Maryland DoIT (solicitation #060B249002) awarded to Axon Enterprise, Inc., Scottsdale, Arizona, for the Axon Management System subscription that includes fifty-eight (58) body worn cameras, licensing, and evidence storage for the Patrol Division, at a cost of \$38,280 (one-year period). Mr. Curry shared that funding in the amount of \$32,000.00 is budgeted in the department's account 515000-10-11200 and funds in the amount of \$7,000.00 will be transferred from account 599999-10-12800-PRG003 OTHR.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to authorize by resolution the Intergovernmental Cooperative Purchase relating to the purchase of fifty-eight body

worn cameras, licensing, and evidence storage from Axon Enterprise, Inc., Scottsdale, Arizona, at a cost of \$38,280. The motion passed unanimously.

(Resolution No. RS-2019-21 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

Vice-President Baker left the meeting at 11:11 a.m. and returned at 11:13 a.m.

REJECTION OF BIDS (PUR1434) FOR CIRCUIT COURT BULLET RESISTANT GLASS and NEW CIRCUIT COURTROOM BULLET RESISTANT GLASS

Mr. Curry; Scott Hobbs, Director, Engineering; and Kevin Tucker, Clerk of Courts, recommended that bids received for PUR1434 be rejected due to the bids' exceeding the budget of each project. Mr. Curry further recommended that the projects for Clerk of Courts office and new Circuit Courtroom Bullet Resistance Glass be rebid with a modified scope of work. Funds are allocated in the fiscal year 2020 budget GRT506 in the amount of \$59,650 for the glass at the Clerk of Courts Office; no county funds are requested for this project. The new Circuit Courtroom is a budgeted Capital Improvement Plan project.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to reject the bids for contract PUR1434, and to rebid project with a modified scope of work. The motion passed unanimously.

SOUTHERN BOULEVARD - FINAL CLOSEOUT CHANGE ORDER

Mr. Hobbs recommended approval of the final closeout change order to contractor C. William Hetzer, Inc., in the amount of \$92,262.46 for the Southern Boulevard project.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve the final closeout change order in the amount of \$92,262.46, as presented. The motion passed unanimously.

CONSTRUCTION BID AWARD - GARIS SHOP ROAD WATER TRAIL PARK

Mr. Hobbs, and Andrew Eshleman, Director of Public Works, moved to conditionally award the Garis Shop Road Water Trail Park contract to the lowest responsive, responsible bidder, Outdoor Contractors, Inc., Hancock, MD, in the amount of \$93,157, which includes the base bid of \$89,817 and add alternate #2 in the amount of \$3,340. Conditional award is based upon acceptance from the Department of Natural Resources for the reallocation of Program Open Space (POS) funds. Funds are available from the Garis Shop Road Bridge project (\$20,000), pending closeout of the Rural Heritage Village Restroom project (state grant of \$51,157), and POS funding from the Garis Shop Creek Access Project (\$50,000). There is match requirement for the POS as related to the closeout of the Rural Heritage Village Restroom project (10% local match, funds available from the Garis Shop Road Bridge project / budget transfer).

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to conditionally award the Garis Shop Road Water Trail Park to Outdoor Contractors, Inc. in the amount of \$93,157, as presented. The motion passed unanimously.

ACCEPTANCE OF DEDICATED LAND - LABEL LANE

Mr. Hobbs, and Todd Moser, Real Property Administrator, recommended acceptance of dedicated property located on Label Lane, consisting of 0.774 +/- acres from GTR Transport, LLC, at no cost to the County.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to accept the dedicated property on Label Lane from GTR Transport, LLC, at zero cost. The motion passed unanimously.

EASEMENT REQUEST - CITY OF HAGERSTOWN

Mr. Moser requested approval to convey a perpetual waterline easement consisting of 13,859 +/-square feet located at 18404 Showalter Road, to the City of Hagerstown.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve conveyance of a perpetual waterline easement at 18404 Showalter Road as presented. The motion passed unanimously.

GENERAL DOLLAR

Mr. Moser and Mr. Hobbs recommended acceptance of dedicated property located at 17213 Virginia Avenue, consisting of 2,343 +/- square feet from PTV 1001, LLC, at no cost to the County.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to accept the dedicated property at 17213 Virginia Avenue from PTV 1001, LLC, at zero cost. The motion passed unanimously.

FISCAL YEAR 2020 POLICE RECRUITMENT AND RETENTION GRANT

Stephanie Lapole, Senior Grant Manager, Office of Grant Management; and Sargent Daryl Sanders, Washington County Sheriff's Office, requested approval to submit a grant application for the Police Recruitment and Retention Grant Program in the amount of \$30,125 and to accept awarded funding. There is no match associated with the grant and the grant will not result in new recurring expenses for the County. The grant's performance period is July 1, 2019 through June 30, 2020. At the end of the grant cycle if funding is available, the Sheriff's Office can apply again, however if funding is unavailable the Sheriff's Office will need to identify another source of funding or eliminate the incentive program.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the submission of a grant application in the amount of \$30,125 for the Police Recruitment and Retention Program and to accept awarded funding. The motion passed unanimously.

EMERGENCY NUMBER SYSTEMS BOARD – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING FOR TELEPHONE SYSTEM SUPPORT

Allison Hartshorn, Grant Manager, Office of Grant Management, and Brian Albert, Division of Emergency Services, requested approval to submit a grant application to the Emergency Numbers Systems Board for the support of the telephone system equipment located at the Primary and Back-up 911 Centers and the remote telephone consoles located at the MD State Police Barracks O in the amount of \$161,925.89 and to accept awarded funding. The Office of Grant Management has reviewed the funding request and has determined the request is consistent with the Emergency Number Systems Boards' purpose. There is no matching funds requirement associated with this funding request.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, moved to approve the submission of a grant application in the amount of \$161,925.89 to the Emergency Numbers Systems Board and to accept awarded funding. The motion passed unanimously.

EMERGENCY NUMBER SYSTEMS BOARD - TELEPHONE UPGRADE

Ms. Hartshorn and Mr. Albert requested approval to submit a grant application to the Emergency Numbers Systems Board for an upgrade of telephone equipment in the amount of \$2,548,807.50 and to accept awarded funding. The Office of Grant Management has reviewed the funding request and has determined the request is consistent with the Emergency Number Systems Boards' purpose. There is no matching funds requirement associated with this funding request.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the submission of a grant application in the amount of \$2,548,807.50 to the Emergency Numbers Systems Board and to accept awarded funding. The motion passed unanimously.

BUDGET ADJUSTMENT FOR THE FORTY-WEST TRUCK LOADING STATION

Dave Mason, Deputy Director, Solid Waste, recommended approval of a budget adjustment for the Forty-West Truck Loading Station in the amount of \$470,000 (project reduction). Mr. Mason explained that, in effort to reduce project cost (BLD072), the scope of the project has eliminated the overhead truck loading rack and pump station.

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the budget amendment in the amount of \$470,000 as presented. The motion passed unanimously.

The Commissioners recessed at 11:35 a.m. and returned to the meeting at 12:00 p.m.

WASHINGTON COUNTY MOBILE HOME PARK REVENUE TAX

Kirk Downey, County Attorney, Todd Hershey, Treasurer, and Sara Greaves, CFO, brought forth information regarding the mobile home park tax, to include how it is calculated, and the services it pays for. Ms. Greaves shared that the mobile home park tax has not increased since 1963. Additionally, she shared the method for which the tax is calculated which is the total of gross rent receipts multiplied by 15%, payable by the park owner. Ms. Greaves and Mr. Hershey shared information regarding the Renters Tax Credit and the MD Senior Property Tax Credit as potential options for mobile home owners.

The Commissioners discussed the matter and directed staff to inquire with surrounding counties as to the percentage it charges and any potential caps; to verify calculations of payment submitted to the County by park owners; to provide residents with information on the available tax credits; and to inquire with Lakeside Park owners as to the validity of a \$4.50-meter reading fee. Staff was instructed to bring the matter forward at a future meeting for additional discussion.

<u>CLAGGETTS MILL – ADEQUATE PUBLIC FACILITIES ORDINANCE AGREEMENT</u>

Mr. Downey presented a request on behalf of Elm Street Development requesting dissolution and rescission of the Claggett's Mill Adequate Public Facilities Ordinance Agreement (APFO), which would enable the sale and development of the remaining lots in the subdivision, therefore, increasing the tax base. Steve Cvijanovich, Fox and Associates, and Jason Wiley, Elm Street Development, both spoke to the request for dissolution and provided the Commissioners with a brief overview of the project.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, moved to approve by resolution, the dissolution and rescission of the APFO Agreement with Elm Street Development effective upon the Commissioner's adoption of the resolution updating the variables in the alternate mitigation contribution formula of 14 years. The motion passed 3-2 (Commissioner's Baker and Keefer voted "Nay").

POTENTIAL LEGISLATIVE ITEMS

Mr. Downey discussed potential issues the County may like to see addressed during the next session of the General Assembly. He shared that items identified from County staff are as follows:

- 1. Medicaid reimbursement billing authority;
- 2. Requirement for a zoning certification prior to issuance of a business license;
- 3. Adult Public Guardianship Review Board removal of the requirement for a psychiatrist as member;
- 4. Regulation of accidents on interstate highways; and
- 5. DOC Prisoner Release Policies.

RECESS

The Commissioners recessed at 1:05 p.m.

EVENING MEETING – TOWN OF SMITHSBURG

The evening session of the regular meeting of the Board of County Commissioners of Washington County was held at Smithsburg Town Hall, 21 West Water Street, Smithsburg.

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 Jeffrey A. Cline called the evening session of the regular meeting of the Board of County Commissioners of Washington County, to order at 6:06 p.m. with the following members present: Commissioners Terry L. Baker, Cort F. Meinelschmidt, and Randall E. Wagner. Also present: Kirk C. Downey, County Attorney; Robert J. Slocum, County Administrator; and Krista L. Hart, County Clerk (Commissioner Wayne K. Keefer was absent).

MAYOR AND TOWN COUNCIL COMMENTS

Mayor Jack Kesselring thanked the Commissioners and staff for conducting the evening meeting in the Town of Smithsburg.

COMMISSIONERS' REPORTS AND COMMENTS

The Commissioners thanked the Mayor and Town Council for hosting the evening meeting.

The Commissioners presented Kevin Jeter with a Certificate of Recognition for his services throughout the Smithsburg community.

County Administrator

Rob Slocum referred to County staff in attendance and asked each to introduce themselves: Dan DiVito Director, Division of Environmental Management; Sara Greaves, CFO; Steve Goodrich, Director, Planning and Zoning; Andrew Eshleman, Director, Public Works; Scott Hobbs, Director, Engineering; Rich Eichelberger, Director, Construction; Oley Griffith, Division of Emergency Services; and Danielle Weaver, Director, Public Relations.

Mr. Divito provided an update on the Wastewater Treatment Plant expansion project.

Mr. Eshleman shared that he is working with Debra Smith, Town Manager, on Program Open Space projects.

Mr. Goodrich provided an update on the Water and Sewerage Plan Amendment for the Town of Smithsburg, adding that a Public Hearing is scheduled for October 15, 2019.

CITIZENS' PARTICIPATION

Linda Downs spoke on behalf of her son, Steven Webb, 28 Chips Court, Smithsburg. She discussed flooding issues from Beaver Creek and a drainage storm water swale located behind his house. Mr. Slocum informed the Board that Alex Reed, Environmental Management, inspected the property and noted that the location is in the Town of Smithsburg right-of-way.

Judith Byron, 13910 Greencastle Pike, Hagerstown, shared her opposition to a proposed solar project near her residence. Additionally, she presented 20 signatures of local residents also in opposition. She has requested a letter of opposition from the Commissioners be submitted to the Public Service Commission.

Eddie Brown, 12213 Cloverly Farm Lane, Smithsburg, asked for the Commissioners support of the sewer expansion to include the S5 recommendation.

James Ulrich thanked the Commissioners for addressing the Medicaid change as a potential legislative item. He also discussed adding Fire and EMS tax as a legislative item. Mr. Ulrich shared the state of disarray with regards to the finances of several EMS departments.

ADJOURNMENT

Commissioner Wagner, seconded by Commissioner Baker, moved to adjourn at 6:43 p.m. The motion passed unanimously (4-0, Commissioner Keefer was absent).

Krista L. Hart, County Clerk